

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Tuesday, January 19, 2016

Members present; President Notte, Aldermen Allaire, Humphrey, Ettori, Siliski, Donahue, Larson, Bloomer, DePoy, and Davis. Also present, Attorney Romeo and City Clerk Heck.

President Notte called the meeting to order at 7:00 PM.

MINUTES OF PREVIOUS MEETINGS (January 4, 2016)

A motion was made and seconded (Allaire, Larson) to approve the minutes of the previous meeting.
Motion passed.

OUTSIDE THE RAIL

Jason Gibbs – Vermont State Dental Society spoke on the fluoride issue and presented information for having fluoride in the water system. Mr. Gibbs distributed information as a pro-fluoride supporter.

Mike Messier asked about the City's ownership of Piedmont Pond. It was noted that the transaction of giving the pond to the City had not been completed. Mr. Messier then introduced Joe Giancola who gave a brief history on Combination Pond. Mr. Giancola noted the strong support from the Rutland Kiwanis Club and sought to have the Board of Aldermen place their petition on the March 1, 2016 ballot.

After a fair amount of debate a motion was made and seconded (Allaire, Larson) to suspend the rules and take the request up that night. **Motion passed.** A motion was made and seconded (Allaire, Larson) to place the petition presented on the March ballot. Debate lasted for over 20 minutes with the main emphasis on the language as presented; it did not meet the guidelines of a yes or no type question. A motion was presented to table the issue until later in the meeting as there was a full agenda and a number of people present for other items on the agenda. This motion was made by Alderman Allaire and seconded by Alderman DePoy. **Motion passed.**

President Notte continued with the outside the rail portion of the agenda.

Eric Frankie of Pittsford spoke on the fluoride issue and his support to not have fluoride in the water.

Christina Sweet spoke in favor of fluoride being added to the water.

Dr. Judy Fisch spoke on fluoride. She and her husband are dentist, her father in-law was a dentist. Dr. Fisch spoke on her experiences over the last 27 years with the use of fluoride in the water system.

Joanne Calvey of Bomoseen also spoke in support of fluoride.

Sarah Roy of Rutland spoke in support of fluoride.

Kam Johnston spoke on the public support shown at the meeting and asked that before Combination Pond is drained that there is a vote.

COMMUNICATIONS FROM THE MAYOR

There were no communications from the Mayor.

ADDITIONS AND DELETIONS TO THE AGENDA

President Notte noted Attorney Romeos request for a second executive session for pending civil action and Alderman Bloomers request sought action under unfinished business asking for an extension for the Mayor to sign the agreement with Collaboration 133 in regards to a new city website. President Notte sought a motion adding both requests to the agenda. Alderman Larson so moved and Alderman Davis seconded. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Dave Schneider; City Forester, Temporary Right of Way with Gagnon Lumber

President Notte read the request. A motion was made and seconded (Davis, Larson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Larson) authorizing the mayor to sign the contract. **Motion passed.**

City Attorney; Request for Executive Session, Professional Legal Services

Per past practice, President Notte sought to move this issue and the other executive session request added to the agenda earlier in the evening to the end of the meeting. There was no objection.

Commissioner Wennberg; GMP; Emergency Pole & Wire Request

President Notte read the pole and wire request from Commissioner Wennberg. A motion was made and second (Davis, DePoy) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Larson) to approve the retro-active request with the seven standard conditions. Aldermen Bloomer and Humphrey recused themselves from voting. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Tom DePoy; Chair, Public Works, DPW Bond/Resolutions

Alderman DePoy read his committee report on a request from Commissioner Wennberg for a bond to improve the water distribution system. Alderman DePoy stated various fact and cost associated with the \$1.7 million request. Alderman DePoy noted that the committee supported the request and moved to authorize a bond question for the installation of a water equalization tank in the vicinity of Campbell Road. Alderman Allaire seconded. Debate. Alderman Larson asked if the not to exceed \$1.7 million language should be in the motion. Alderman DePoy stated it should. Debate continued. Upon the completion of debate, President Notte asked if there were any further questions and repeated the motion was to approve and circulate. **Motion passed.**

Alderman DePoy continued with the second request for a bond vote from Commissioner Wennberg. Alderman DePoy noted the second request was for \$1.3 Million to replace 5940 feet of outdated water mains. Alderman DePoy stated various facts and cost and sought to move the approved motion from committee to the full board, approving (circulating) the bond resolution, authorizing a bond question be placed on the March 1, 2016 ballot, for the replacement of 5940 feet of water district mains with the cost not to exceed \$1.3 million. There was brief debate. **Motion passed.**

Gary Donahue; Chair, General, Automatic Overhead Doors @ the Transit Center

Alderman Donahue read his committee report on the request from Mayor Louras to install overhead garage doors at the transit center with funds to come from the Zamias Fund. Alderman Donahue noted support for the request, but the committee had questions with the payment using the Zamias Fund. A motion was made and seconded (Donahue, Davis) to allocate up to \$47,000 from the Zamias Fund to install overhead doors at the transit center. Debate. There was a fair amount of debate on the issue of funding the request. A motion to amend the original motion was made and seconded (Donahue, Siliski) adding the words borrowed from in replace of from. Debate continued with how it would be repaid. A motion was made and seconded (Davis, DePoy) to refer the issue to the Finance Committee. Debate. **Motion passed.**

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

Alderman Allaire asked to untangle the Combination Pond issue from earlier in the meeting. The request was seconded. President Notte had no issue with the request, but asked to hear two requests from the Board of Control Commissioners as individuals had been waiting.

A motion was made and seconded (Davis, Allaire) to move into the Board of Control Commissioners. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

First Class License Request; Union Jack Pub, 52 Strongs Ave

President Notte introduced the request. A motion was made and seconded (Davis, Allaire) to circulate the license for signatures. **Motion passed.**

Outside Consumption Request; Union Jack Pub, 52 Strongs Ave

President Notte introduced the request. A motion was made and seconded (Davis, Allaire) authorizing the Clerk to sign the request. **Motion passed.**

A motion was made and seconded (Allaire, Davis) to come out of the Board of Control Commissioners. **Motion passed.**

Alderman Allaire then moved to untangle the earlier request of placing the Combination Pond question on the ballot. Alderman Davis seconded. **Motion passed.**

Alderman Allaire noted a brief discussion on the issue with the City Attorney and stated that he and Alderman Davis had briefly discussed language for the ballot. Alderman Davis read the proposed language, "Shall the voters of the City of Rutland reclaim, renew and preserve, Combination Pond, Piedmont Pond, Moon Brook and all associated waterways for the purpose of improving water quality and meeting Vermont State water quality standards?" Alderman DePoy immediately seconded, debate followed.

Alderman Larson requested a roll-call vote. President Notte asked the Clerk to call the roll.

Alderman Allaire	YES	
Alderman Humphrey	YES	
Alderman Etti	YES	
Alderman Siliski	YES	
Alderman Donahue		NO
Alderman Larson	YES	
Alderman Bloomer	YES	
Alderman DePoy	YES	
Alderman Davis	YES	

Eight (8) YES, One (1) NO. **Motion passed.**

A motion was then made and seconded (Davis, Larson) to circulate the question (language presented) to the alderman. **Motion passed.**

REPORTS OF REPRESENTATIVES

Alderman Larson; Downtown Partnership Report

Alderman Larson gave a very brief update on the Downtown Partnership and some of their upcoming activities and a general overview on the downtown environment.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Request to Place Approved Fluoride Question on Ballot

President Notte introduced the request. A motion was made and seconded (Davis, Allaire) suspending the rules and taking the request up that evening. **Motion passed.** A motion was made and seconded (Davis, DePoy) to place the question on the ballot with the wording as presented on the petition "shall the Commissioner of Public Works fluoridate the public water supply of Rutland. Debate followed from the use of fluoride in the water supply to the request by Commissioner Wennberg to add "continue to" to the wording presented on the petition, "shall the Commissioner of Public Works **continue to** fluoridate the public water supply of Rutland". Following the debate, President Notte repeat the motion with the included language, Alderman Larson requested a roll call vote. President Notte asked the Clerk to call the roll.

Alderman Allaire	YES
Alderman Humphrey	YES
Alderman Etti	YES
Alderman Siliski	YES
Alderman Donahue	YES
Alderman Larson	YES
Alderman Bloomer	YES
Alderman DePoy	YES
Alderman Davis	YES

Nine (9) YES, Zero (0) NO. **Motion passed.**

S.E.P. Request; MS Rutland Walk, May 14, 2016, 9AM – Noon

President Notte introduced the request. A motion was made and seconded (Allaire, Larson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Allaire, Davis) approving the special events permit request for the MS Rutland Walk on May 14, 2016 from 9AM – Noon. **Motion passed.**

S.E.P. Request; Winter Fest Sledding Party, Friday Feb. 12, 2016, 6PM – 9PM

President Notte introduced the request. A motion was made and seconded (Allaire, Davis) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Allaire, Davis) approving the special events permit request for the Winter Sledding Party on Friday, February 12, 2016 from 6PM – 9PM. **Motion passed.**

UNFINISHED BUSINESS

President Notte noted the earlier request by Alderman Bloomer to add to the agenda the issue of a contract extension with Collaboration 133 on developing the City's website. President Notte noted he would entertain a motion, authorizing the Mayor to sign a contract by January 31, 2016 with Collaboration 133 with up to \$6,750 to re-develop the city website with regular input from one or more Aldermen members as determined by the BOA President. **Motion passed.**

There was brief debate on whether the outside the rail portion of BOA meetings should be used to further discuss fluoride issues, since the ballot question was approved to be placed on the ballot. Most debate evolved around what or who can speak outside the rail.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Ettori made two public address announcements and then asked to refer the issue of the accounting of the Transit Center Fund to the Finance Committee. Alderman Bloomer seconded.

Motion passed.

Alderman Allaire noted an issue with the new Dorr Drive bridge, specifically a missing gap in the guardrails along the river. Alderman Allaire also noted the growth of the snow banks at the plaza and wanted to keep an eye on the issue as last spring there was a tremendous amount of trash left behind when they melted.

President Notte noted no further business in this section of the agenda and sought to move on with the requested executive sessions.

President Notte noted the earlier request by Attorney Romeo to add an executive session for pending civil action and sought a motion that finds that premature or general public knowledge discussing a pending civil action could place the city at a substantial disadvantage. The request was so moved and seconded (Davis, DePoy) **Motion passed.**

President Notte then sought a motion to enter executive session for the purpose of discuss a pending civil action. Commissioner Wennberg was asked to remain for this session. **Motion passed.**

At 9:36 PM the Board moved into executive session.

At 9:52 PM a motion was made and seconded (Davis, Allaire) to move out of executive session. **Motion passed.** A motion was made and seconded (Davis, Allaire) approving the terms of the agreement as presented and to authorize the Mayor to sign all necessary documents. **Motion passed.**

President Notte then stated a second executive session request and sought a motion that finds that premature or general public knowledge of confidential attorney client communication made for the purpose of providing professional legal services to the board could place the city at a substantial disadvantage. The request was so moved and seconded (Davis, Ettori). **Motion passed.**

President Notte then asked for a motion to go into executive session for the purpose of confidential attorney client communications made for the purpose of providing legal services. This request was so moved and seconded (Siliski, Ettori). **Motion passed.**

Alderman Larson and Siliski recused themselves form the executive session as the issue dealt with pension related matters.

At 9:55 PM the board moved back into executive session.

At 10:05 PM a motion was made and seconded to move out of executive session (Allaire, Bloomer). **Motion passed.**

A motion was made and passed to adjourn (Allaire, Davis). **Motion passed.**

Respectfully submitted,

Henry A. Heck
Rutland City Clerk