CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Tuesday, January 21, 2014

Members Present: President Allaire, Aldermen Kiernan*, Humphrey, Notte, Donahue, Siliski, Cassarino, Larson, Wallstrom, DePoy, and Davis. Also present: Attorney Romeo and Deputy Clerk Clark.

President Allaire called the meeting to order at 7:05 PM

<u>MINUTES OF PREVIOUS MEETING (December 30, 2013 & January 6, 2014)</u>
Alderman Davis moved for the approval with Alderman Larson seconding. Alderman Donahue asked for a correction to the January 6, 2014 minutes to reflect he questioned why the city isn't paying the $3,000 interest payment and did asked for a motion to reconsider (referring to the LAZ equipment request for the city loaning itself $22,000 and make the $3,000 interest payment). Alderman Wallstrom also requested the minutes from the January 6, 2014 to reflect he was absent. The motion then passed. ***Clerk Heck reviewed the January 6th tape. The minutes as reflected where accurate and can be verified if the Board so desires. The double notation on Alderman Wallstrom was noted and corrected before the January 21st meeting.***

<u>OUTSIDE THE RAIL</u>
There was none.

<u>COMMUNICATIONS FROM THE MAYOR</u>
Water Utility Incentive Program; request for referral to committee
Mayor Louras read his memo requesting the Board to refer the issue of establishing financial incentives to attract large volume commercial water users to the city's system to the appropriate committee and briefed the Board on the memo. Alderman Davis moved to refer the issue to the Community & Economic Development Committee. Alderman DePoy seconded. Alderman Donahue and Alderman Larson spoke in favor of the issue. The motion passed.

<u>REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS</u>
Vermont Gas Pipeline Presentation
President Allaire said other select Boards in Rutland County have also had this presentation and introduced Jason Gibbs, who then introduced Eileen Simollardes of Milton VT and who works for Vermont Gas. Ms. Simollardes thanked the Board for allowing her to give a presentation and provided an information packet to the Board. Ms. Simollardes gave a presentation on the background of Vermont Gas and the possibility of Vermont Gas expanding to Rutland County. After her presentation, there was both positive and cautious discussion from the Board with MS. Simollardes. President Allaire thanked Ms. Simollardes for coming.

City Attorney Romeo; Request for Executive Session: Civil Action & Negations of Contract
President Allaire stated this segment would be moved to the end of the meeting.

City Attorney Romeo; Request to Authorize the Mayor to Sign Courcelle Building Deed
City Attorney Romeo explained the memo saying this is the last step for the City to own the Courcelle Building and the request is to suspend the rules and take up the issue, in which Alderman Notte so moved with Alderman Wallstrom seconding and the motion passed. Alderman Notte moved to authorize the Mayor to sign the deed with Alderman Davis seconding. Alderman Larson asked if there is any right of way or easements the city isn't aware of. City Attorney Romeo said there is none that he

is aware of and stated property is deeded to the city and its use is for recreation and parks purposes only. The motion then passed.

Planning Commission; (2) Zoning Amendments

President Allaire stated the planning commission had a public hearing and is requesting the Board take action. Alderman Davis asked Jack Facey, member of the planning commission who was present outside the rail, if there are any changes to the map that was presented. Mr. Facey said these requests for Spruce Street and North Main Street were not acted on in 2013. Alderman Davis moved to suspend the rules and take up the issue. Alderman Notte seconded and the motion passed. Alderman Wallstrom opposed. Alderman Davis moved to propose the amendment to Rutland City Zoning Ordinance & Zoning map ROR Tile 31 to extend the existing Industrial District on the west side of Spruce Street a distance of 165 feet south thereby converting existing area currently zoned "Multi-family residential" to "Industrial". Alderman Notte seconded and after brief discussion the motion passed with Alderman Donahue opposing. Alderman Davis moved to propose the amendment to Rutland City Zoning By-Laws 31-308(c) to include "school and school uses" as a permitted use in Gateway Business North Main Street District (GNMS). Alderman Notte seconded and after brief discussion the motion passed with Alderman Donahue opposing.

Barbara Spaulding; Update 2009 Master Plan Review

President Allaire said a motion to refer to committee is in order. Alderman Cassarino moved to refer to the Charter & Ordinance Committee. Alderman Larson seconded and the motion passed.

Brennan Duffy; Director RRA, Residential Property Tax Stabilization Ballot Item

Mr. Duffy spoke outside the rail explaining this would be a ballot item for the March 4, 2014 election to allow for residential tax stabilization for improvements made to single family homes deemed blighted by the city and this would be for a 5 year stabilization. Alderman Notte moved to suspend the rules. Alderman Davis seconded and the motion passed. Alderman Notte moved to propose to place the residential property tax stabilization on the March ballot. Alderman Wallstrom seconded. Discussion ensued with Kam Johnston speaking in opposition outside the rail with Aldermen Siliski, Larson, Davis and Wallstrom speaking in favor of the motion. The motion passed.

Superintendent Wight; Uniform Deposits & Godnick Center Kitchen

Ms. Wight spoke outside the rail and read from her memo stating Randall Northrup, auditor for the city, recommended a policy exemption to allow holding checks for uniform deposits and explained how the current system is working at the Recreation Department. Discussion ensued with Alderman DePoy moving to refer the issue to the Finance Committee. Alderman Davis seconded. Alderman Wallstrom added to allow the Recreation Department to continue operating as it is, Alderman DePoy agreed. The motion then passed.

Ms. Wight said there is $12,200 being reclassified as unassigned fund balance from the Godnick Center trip money and would like to use this money to finish improvements to the Godnick Center Kitchen Alderman Wallstrom asked if we could move this issue to Reports of Standing Committees so Alderman Siliski can report out. President Allaire agreed.

Addendum to Management Agreement; LAZ Parking Deck (agenda add on by President Allaire)

City Attorney Romeo explained the addendum to the Board stating this addendum allows LAZ to enter into a 5 year agreement for a sweeper lease instead of a 3 year lease. Alderman Notte moved to suspend the rules. Alderman Cassarino seconded and the motion passed. Alderman Notte moved to authorize the Mayor to sign the addendum. Alderman Cassarino seconded. After discussion regarding the lease and costs, President Allaire called for a 5 minute recess at 8:30 PM so City Attorney Romeo could get a copy of the lease.*Alderman Kiernan arrived. President Allaire called the meeting back to order at 8:35 PM with Alderman Davis moving to refer the issue to the General Committee. Alderman DePoy seconded and the motion passed.

Dorr Drive & Ripley Bridges; INFORMATION ONLY (agenda add on by President Allaire)
President Allaire updated the Board regarding the ongoing bridge project is now being pushed back to 2016. Discussion ensued with Commissioner Wennberg speaking outside the rail on this issue saying this issue dates back to 1994. Alderman Donahue made a motion for the City Attorney draft a letter to the Montpelier authorities. Alderman Wallstrom seconded. Alderman Larson asked if this is a resolution. Alderman Donahue said yes and amended his motion for the City Attorney to draft a resolution and to have the Board sign the resolution. The motion then passed.

REPORTS OF STANDING COMMITTEES
Tom DePoy; Chair, Public Works; March 4, 2014 Sewer Bond Ballot Item
Alderman DePoy said the committee is requesting to place the following question on the March Ballot: "Shall the bonds of the City of Rutland in an amount not to exceed $5,200,000 with the anticipation of and subject to reduction from available State and Federal grants-in-aid and other financial assistance be issued for the purpose of public improvements to the drainage and wastewater collection systems in the neighborhood of Crescent Street, Grove Street, Library Avenue and East Creek? This project is estimated to cost $5,200,000. This project is required by order of the State of Vermont and is necessary to expand the capacity of the drainage system to reduce the occurrence of overloaded sewers and street flooding, reduce the occurrence of discharges of untreated sanitary sewage into East Creek and to better protect human health and water quality". Alderman DePoy read his committee report explaining the project. The bond is for 20 years at 2% with 100% of the work being contracted out and also said 4% would be added to the sewer rate, based on 3.9 million and not the full 5.2 million. Alderman DePoy said the motion in committee to place the question on the March ballot passed 3-0, in which he so moved with including the resolution. Alderman Notte seconded. Commissioner Wennberg and Treasurer Wilton spoke outside the rail regarding the issue. **The motion then passed.**

Christopher Siliski; Chair, Finance Committee; (2 reports)
Establishing a proprietary Fund to help manage the parking garage
Alderman Siliski read his committee report stating a motion was made and unanimously approved in committee to create a Transit Center Management Proprietary Fund 625 and segregate financial activities of the parking garage from General Fund and Parking Meter Fund operations, in which he so moved with Alderman Larson seconding and the motion passed.

Review recommendations by the City Treasurer & Auditor for improved management-oversight of Recreation Activities (RA) Fund *(there were several motions)*
Alderman Siliski read his committee report saying a motion was made and unanimously approved in committee to accept the auditor's recommendation to reclassify the RAF as a Fiduciary Fund, in which he so moved with Alderman Notte seconding and the motion passed. Alderman Siliski said a motion was made and unanimously approved in committee to approve interfund transfer moving $8,239.74 from the General Fund to the RA Fund, in which he so moved with Alderman Larson seconding. Alderman Kiernan spoke in opposition of the motion. The motion then passed. Alderman Siliski said a motion was made and unanimously approved in committee to take $1,474.45 difference of revenue and expense in regard to the Godnick Center and reassign it to the RA Fund, in which he so moved with Alderman Davis seconding and the motion passed. Alderman Siliski said a motion was made and approved 3-1 in committee to transfer $3,190.29 to the RA fund and re-assign the remaining $12,206.29 and "unassigned General Fund", in which he so moved with Alderman Davis seconding and the motion passed. Alderman Siliski said the committee discussed an allocation for Godnick Center kitchen repairs and the committee verbally recommended to send this to the

Recreation Committee, no motion was made in committee. Alderman Wallstrom moved to suspend the rules and take the issue up. Alderman Davis seconded and the motion passed.

<u>Review recommendations by the City Treasurer & Auditor for improved management-oversight of Recreation Activities (RA) Fund *(there were several motions—cont'd)*</u>
Alderman Wallstrom moved to approve up to $12,206.29 for the improvements to the Godnick Center kitchen using the portion of the Godnick Trip account that is being reclassified as unassigned General Fund, fund balance. Alderman Notte seconded. Alderman Kiernan said he would like to see this issue be referred to the Recreation Committee. Recreation Superintendent Wight spoke outside the rail on the issue explaining what improvements are to be made to the Godnick Center kitchen and said Home Depot funds would not be used. The motion passed with Alderman Kiernan opposing. Alderman Siliski said a motion was made and unanimously approved in committee to refer recommendation #10 (sponsorship and general donation policy, reporting and various legal limitations) as outlined in Treasurer Wilton's memo to the Recreation Committee for further discussion, in which he so moved with Alderman Notte seconding and the motion passed.

<u>City Audit (review and RFP prior to issue for city's FY 2014 – 2016 Audits)</u>
Alderman Siliski read his committee report stating a motion was made and unanimously approved in committee to authorize the Mayor to solicit and RFP as reviewed in committee for proposals of services in relation to the annual City FY 2014 – 2016 audits, in which he so moved with Alderman Larson seconding and the motion passed.

<u>Legal Services (review and RFP prior to issue for legal services on behalf of the pension Board)</u>
Alderman Siliski read his committee report stating a motion was made and unanimously approved in Committee, Alderman Larson abstained, to authorize the Mayor to solicit legal services on behalf of the pension Board per the wording of the RFP presented in committee and with relevant changes as proposed b the City Attorney, in which he so moved with alderman Cassarino seconding. Alderman Donahue spoke in opposition. Alderman Larson abstained from the motion and Alderman Cassarino withdrew his second and abstained from the motion. Alderman Davis seconded the motion. Alderman Siliski also abstained from the motion. Treasurer Wilton said the school Board has approved the RFP. Alderman Wallstrom asked if the chair could vote on the motion and moved to suspend the rules and allow the chair to vote. Alderman Davis seconded. The chair was in doubt and the motion failed. Alderman Siliski moved to reconsider with Alderman Davis seconding and the motion passed. There was debate regarding allowing the president to vote and abstentions. President Allaire said the motion on the floor is to suspend the rules to allow the Board President to vote, the motion failed. President Allaire was unsure of where they were at that point and Alderman Davis said the motion on the floor to authorize the Mayor to sign the RFP, which has been seconded. There was discussion on abstentions and President Allaire called the question. All were in favor of the motion and the motion passed with Alderman Donahue opposing.

<u>REPORTS OF SELECT COMMITTEES</u>

<u>DRP Board</u>
Alderman Wallstrom read his committee report for information only.

<u>REPORTS OF REPRESENTATIVES</u>
There was none.

<u>PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION</u>
There was none.

President Allaire asked for a motion to go into the Board of Control Commissioners in which Alderman Davis so moved with Alderman Wallstrom seconding and the motion passed.

BOARD OF CONTROL COMMISSIONERS

Request for First Class Liquor License Hop'n Moose Brewing Company

Alderman Davis moved to circulate for signature. Alderman Larson seconded and the motion passed.

Request for Outside Consumption License Hop'n Moose Brewing Company

Alderman Davis moved to authorize the Clerk to sign. Alderman Larson seconded and the motion passed.

President Allaire stated the City Clerk sent the Board an email regarding any issues businesses might have. Alderman Davis stated she spoke with the City Clerk and he is asking for authorization to sign with the understanding if there are violations or issues with the Treasurer's office those licenses would be held and be sent back to the Board for approval.

Request Authorizing the City Clerk to Sign ALL Tobacco Renewals for 2014-2015

Alderman Davis moved to authorize the Clerk to sign. Alderman Notte seconded and the motion passed.

Request Authorizing the City Clerk to Sign ALL Outside Consumption Renewals for 2014-15

Alderman Davis moved to authorize the Clerk to sign. Alderman Notte seconded and the motion passed.

Request Authorizing the City Clerk to Sign ALL 1st Class Cabaret Renewals for 2014-2015

Alderman Davis moved to authorize the Clerk to sign. Alderman Notte seconded and the motion passed.

Request Authorizing the City Clerk to Sign ALL 1st Class Club Renewals for 2014-2015

Alderman Davis moved to authorize the Clerk to sign. Alderman Wallstrom seconded and the motion passed.

Request Authorizing the City Clerk to Sign ALL 1st Class Restaurant Renewals for 2014-15

Alderman Davis moved to authorize the Clerk to sign. Alderman Notte seconded and the motion passed.

Request Authorizing the City Clerk to Sign ALL 2nd Class Liquor Renewals for 2014-15

Alderman Wallstrom moved to authorize the Clerk to sign. Alderman Davis seconded and the motion passed.

Alderman Davis moved to go out of the Board of Control Commissioners. Alderman Wallstrom seconded and the motion passed.

UNFINISHED BUSINESS

LED Street Lighting in the N.W. Neighborhood

Alderman Davis said she spoke with Steve Costello saying they will be going door-to-door with information beginning January 23rd.

Courcelle Roof Funding from Home Depot Account

Alderman Wallstrom said he spoke with the Mayor and Superintendent and will know by the end of February as to what funds may be available.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Human Resource Function

Alderman Davis stated she would like to send this issue to the General Committee to find out how that position is functioning, in which she so moved with Alderman Wallstrom seconding and the motion passed.

Traffic Committee Minutes 11/22/2013

Alderman Larson said there was a request to change 12 parking meters from 2 hours to 30 minutes on West Street between Church Street and Merchants Row. The last sentence states changing all meters to 30 minutes and would like clarification from the Traffic Committee.

Alderman Davis thanked the Board and the public for their support for her loss of her mother.

Executive Session

Civil Action

Alderman Davis moved to go into executive session. Alderman DePoy seconded and the motion passed. The meeting went into executive session at 9:55 PM. Alderman Cassarino left. Alderman Davis moved to go out of executive session at 10:05 PM. Alderman Wallstrom seconded and the motion passed.

Negotiation of Contract

Alderman Siliski moved to go into executive session at 10:05 PM. Alderman Wallstrom seconded and the motion passed. Alderman Davis moved to go out of executive session at 10:15 PM. Alderman Wallstrom seconded and the motion passed. City Attorney Romeo read the motion into the record: Move to consent to the representation of Alpine Pipeline Company by Jack Facey of Kenlan, Schwiebert, Facey and Goss and to authorize the City Attorney to confirm the same in writing, in which Alderman Wallstrom so moved with Alderman Kiernan seconding and the motion passed.

Alderman DePoy moved to adjourn. Alderman Wallstrom seconded and the motion passed.
The meeting adjourned at 10:15

Respectfully Submitted,

Susan A. Clark
Deputy City Clerk