# CITY OF RUTLAND, VERMONT
# Board of Aldermen Minutes
# Monday, August 5, 2013

Members present; President Allaire, Aldermen Kiernan, Humphrey, Notte, Donahue, Siliski, Cassarino, Larson, Wallstrom, and DePoy. Mayor Louras, City Attorney Romeo, and City Clerk Heck.

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

<u>MINUTES OF PREVIOUS MEETING (July 15, 2013)</u>
A motion was made and seconded (Larson, DePoy) to approve the minutes of the previous meeting. Kam Johnston questioned the Board to his request from the meeting on the 15th. The minutes from the 15th did reflect his request to be recognized. **Motion passed.**

<u>OUTSIDE THE RAIL</u>
Lynn Walsh from RUN updated the Board on the event taking place at White's Pool, Tuesday evening. Lynn stated that it was National Night Out and she looked forward to seeing everyone for the annually held event. Lynn described the event and outlined the planned activities.

<u>COMMUNICATIONS FROM THE MAYOR</u>
Mayor Louras gave a brief update on the Moon Brook Litigation and sought a specific Request for Professional Services for Aquatic Biota. A motion was made and seconded (DePoy, Larson) to suspend the rules and take the request up that evening. **Motion passed.** A motion was made and seconded (DePoy, Notte) authorizing the Mayor to send out an RFP. **Motion passed.**

<u>REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS</u>
***Evan Pilachowski; City Engineer, SIWRF Grant-Southern Blvd Stormwater Treatment***
A motion was made and seconded (DePoy, Notte) to suspend the rules and take the request up that evening. **Motion passed.** A motion was made and seconded (Notte, DePoy) to circulate the application for signatures and to authorize the Department of Public Works to apply to the Stormwater Impaired Waters Restoration Fund (SIWRF) to complete the installation of a Stormwater treatment system on Southern Blvd. There was brief debate. **Motion passed.**

***President Allaire; Rutland Recreation Department***
Board President Allaire proposed a three step agenda regarding the unauthorized spending by the (resigned) Recreation Superintendent. The President explained to the Board his view for an audit of the Recreation Department, calling for total transparency and accountability. There was brief debate as to the request. A motion was made and seconded (DePoy, Wallstrom) to refer step#2 to the recreation committee. Debate. Several Aldermen questioned the referral committee. Alderman DePoy withdrew his referral to recreation. A motion was made and seconded (Notte, DePoy) to refer step #2 to the Committee of the Whole. **Motion passed.**

Alderman DePoy then asked for Step #3 to be sent to the Board of Finance for their review. The President was looking to discuss whether a change of policy should take place regarding review of any payments going out of the Treasurer's Office. This motion was seconded by Alderman Notte. There was brief debate. **Motion passed.**

The final request related to step #1, a forensic audit. There were several questions to cost and what the President was requesting. The Board also discussed how the motion would be worded. This debate continued for a good length of time. A motion was made and seconded (Notte, Donahue) to refer the issue of some type of audit to the Committee of the Whole. Questions continued including how far back the audit would look. The question was called and seconded (Larson, Notte). **Motion passed on calling the question.** The President then stated that the question had been called, and reread the motion to refer the issue of an audit to the Committee of the Whole. **Motion passed.**

*Attorney Romeo; Request for Executive Session, Parking Garage*
President Allaire asked for the executive session to be moved to the end of the meeting. There was no objection.

REPORTS OF STANDING COMMITTEES
*Chris Siliski; Chair, Finance Committee, Fund Review*
Alderman Siliski read his report stating that this meeting in particular focused on Recreation Department funds. Given the depth of discussion and allotted time, questions specifically dealt with the recreation activities and field maintenance funds.
No motion was made, as questions remained in regard to a variety of financial considerations. Examples of considerations, in relation to the Rec. Activities Fund, included: what distinguishes the use of the fund from any line item in the FY budget; for what purpose is the fund growing at a rate greater than revenue; and should some of those funds be used in a different fund, including the general fund? It was requested that the Superintendent of Parks and Rec. further explore such financial questions and return to the committee with an updated draft of the descriptions above for committee consideration. This report was for information only.

*Chris Siliski; Chair Finance Committee, Fund Review II*
Alderman Siliski read his second report on fund review. During this meeting the focus was on the Department of Public Works' funds. Prior to the review of the funds, a motion was made to: "refer the review of funds to the Mayor and Treasurer with a request that any recommended changes be brought back to the BoA and the finance committee for review." This motion out of committee was so moved and seconded (Siliski, Larson). There was a good deal of debate until the question was called and seconded (Cassarino, Larson). **Motion passed on calling the question.** President Allaire read the motion and called for a vote. **Motion passed.**

*Dave Wallstrom; Chair, Recreation Committee, Courcelle Building Report #1*
Alderman Wallstrom read his report stating the meeting was called to discuss the Courcelle Brothers Recreation Facility roof leaks and the request of Superintendent Bishop to fund it's repair. Both the members of the public present as well as committee and alderman board members all voiced support for the maintenance of the building as well as expressing their opinion that the facility was a great deal for the City. Concerns from many present were that we only had basic numbers with a wide value range and that the committee and others present did not feel comfortable just authorizing a fixed amount of spending without more formal proposals. It was requested that the committee chair hold a second committee meeting with the understanding that the department would attempt to bring more finalized numbers to the meeting as well as draft a request for proposals letter for repairs to the

buildings roofs. The meeting convened without any recommendations from committee. This report was for information only.

*Report #2*

Alderman Wallstrom stated that his committee was looking for an RFP from the Recreation Department or Administration regarding the repair of the Courcelle Brothers Facility as well as further estimates on repair costs. Mayor Louras provided the Committee with a letter outlining proposals and options for the committee. Mayor Louras expressed his preference for option #2. This option **recommends the full board authorize the Mayor to invite proposals (Charter 17-6 Professional Services) from qualified roofing contractors to provide a variety of repair/replacement options for the City to consider, including the cost of each option**. Mayor Louras stated the City should be able to have proposals in hand by the next board meeting if the motion were to pass on August 5th. He also agreed to warn board members when the contractors were performing walk-through inspections to give interested members the opportunity to examine the roof themselves.Alderman Wallstrom then moved to **recommend the full board authorize the Mayor to invite proposals (Charter 17-6 Professional Services) from qualified roofing contractors to provide a variety of repair/replacement options for the City to consider, including the cost of each option for repair/replacement of the roof at the Courcelle Brothers Facility.** This motion was seconded by Alderman DePoy. There was no debate. **Motion passed.**

*Ed Larson; Chair, Public Safety, Parking Meter Update*

Alderman Larson gave an update of numbering of parking meters in two hour limit zones downtown. Officer Tobin indicated he is ready to enforce the two hour rule and that stickers had been placed on meters by the Downtown Partnership indicating the days and times for parking as well as restrictions. The City needed to order numbered stickers and place them on the appropriate meters to finalize the process. City Engineer Pilachowski advised that the stickers were ready at the printers and the City D.P.W. would pick them up and begin placing them on the appropriate meters. Alderman Larson's report was for information only.

*William Notte; Chair, Charter and Ordinance*

*#1 Garage Sale Ordinance*

Alderman Notte read his report dealing on an issue within the Garage Sale Ordinance. The ordinance now states up to four sales per year, unless you live in a commercially zoned district where there is no limit on the number of sales you may have in a year. Bob Barrett of Building and Zoning was called to a residence on Pine St. that was having daily sales. Local merchants, neighbors and the building owner complained of those sales. The present way the ordinance was written left Mr. Barrett without any recourse. The Committee discussed several options with the City Attorney suggesting they strike 8502(b) from the ordinance. This section stated "Garage sales shall not include sales in commercially zoned areas or industrially zoned areas of the City". The committee felt removing this language would treat all homes in the City equally when it came to enforcing garage sale regulations and Alderman Notte so moved. This motion was seconded by Alderman Donahue. After brief debate the **Motion passed.**

*#2 Board of Health*

Alderman Notte read his next report from committee stating that his committee met to discuss the Board of Health issue. This was continued discussion on this issue, with no resolution or motions coming from committee. Alderman Notte stated that this report was for information only. Alderman Donahue sought to propose a motion removing the Board of Health from the Charter. The President stated a suspension of the Board rules would be in order to take the motion up. A motion was made to suspend the rules and take the issue up that evening. **Motion failed.** (lack of majority)

*#3 Vacant Building Ordinance*

Alderman Notte read his report on the proposed Vacant Building Ordinance. He stated that his committee met to discuss the proposed ordinance. The general debate dealt with preventing unnecessary inconveniences for property owners. RRA Director Brennan Duffy spoke on the highlights of the ordinance in great detail. A motion was made and seconded (Notte, Larson) recommending the full Board of Aldermen adopt "Ordinance Establishing A Vacant Building Registry and Preventing Vacant Buildings from Becoming Blighted or Public Nuisances" as written in the 5/21/2013 draft. There was a good deal of debate from in and outside the rail (Johnston). The President was in doubt when he asked for the vote, and asked for a show of hands, 6-3, **Motion passed.**

*Tom DePoy; Vice-Chair, Community and Economic Development*
Alderman DePoy read his report from his committee on the City sponsoring a VCDP/CDBG Grant Application. Alderman DePoy noted that Elizabeth Kulas was present from the Housing Trust. The report noted concerns from RRA Director Brennan Duffy and several others on the grant application. At the end of his report, a motion was made and seconded (DePoy, Siliski) to pursue the VCDP/CDBG application for the Watkins School Project on behalf of the Housing Trust of Rutland County. Debate was extensive; RRA Director Brennan Duffy shared his concerns with the Board based on housing needs assessment. Mr. Duffy spoke at length on the issue. Mayor Louras seconded Mr. Duffy's concerns, noting that he had previously supported the plan, but the changes proposed moved the project into an unfavorable position for future City projects. Elizabeth Kulas spoke on the issue of senior living only. Ms. Kulas also noted the grant process and asked the City for their support. Debate continued inside the rail. After an hour of discussion the motion was called. President Allaire called for a vote, in doubt of the result he asked for a show of hands. In favor 5, those opposed, 4. **Motion failed.**

At this juncture of the meeting the President asked for a ten minute recess.

Alderman Siliski gave a brief review of the new Housing Board and what has been happening within that Board.

<u>REPORTS OF SELECT COMMITTEES</u>
No reports from Select Committee

<u>REPORTS OF REPRESENTATIVES</u>
***Alderman Larson; R.U.N. Report***
Alderman Larson quickly mentioned the National Night Out outing taking place on Tuesday. Alderman Larson also noted the day and time RUN held their meetings.

<u>PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION</u>
***Michael Coppinger; Downtown Revolving Loan Fund Request***
President Allaire read the letter prepared by Mike Coppinger on the request from the RLF Committee for Chuck Wagenheim asking for a $30,000 loan. The President Stated a rules suspension was in order to take the issue up that evening. A motion was made and seconded (Notte, DePoy) to suspend the rules and take the issue up that evening. **Motion passed**. A motion was made and seconded (Notte, DePoy) to approve the request with all attached conditions. There was brief debate as to what happens if the project was not completed within the one year time frame. Mr. Coppinger stated that he would need to consult with Building & Zoning. **Motion passed.**

*SEP Request; Feast of the Assumption, Parish Picnic, August 11, Noon to 3PM*
A motion was made and seconded (Notte, Larson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, Cassarino) to approve the request for the Feast of the Assumption, Parish Picnic on August $11^{th}$, from Noon to 3PM. **Motion passed.**

*G.M.P. Request for Easement, Authorize the Mayor to Sign*
A motion was made and seconded (Wallstrom, DePoy) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Wallstrom, DePoy) to approve the request from GMP. **Motion passed.**

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

<u>BOARD OF CONTROL COMMISSIONERS</u>
*ALDI; Second Class Liquor Request, Circulate for Signatures*
The President stated a motion to circulate for signature would be in order. The President also noted Alderman Cassarino abstention from the Board of Control Commissioners. A motion was made and seconded (DePoy, Notte) to circulate the application for signatures. **Motion passed.**

A motion was made and seconded (Kiernan, Notte) to move out of the Board of Control Commissioners. **Motion passed.**

<u>UNFINISHED BUSINESS</u>
Alderman Notte stated a meeting advertised in the Herald was actually postponed.

<u>MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS</u>
*Alderman Larson; Request for Referral to Charter and Ordinance Committee*
*Alderman Larson; Request for Referral to Finance Committee*
Alderman Larson noted the time constraint and asked the Board president if he could hold his two new business request until the next meeting. President so noted the request.

Alderman Wallstrom wanted to express his gratitude to EJay Bishop and his team for his hard work.

At 10:10 PM the President asked the Board its pleasure as there was still an executive session still on the agenda. After brief debate, a motion was made and seconded (Wallstrom, Notte) to adjourn to a time certain of Tuesday evening August 6th at 5:15 PM. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk