CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, October 7, 2013

BOA members present, President Allaire, Alderman Kiernan, Humphrey, Notte, Donahue, Siliski, Cassarino, Larson, Wallstrom, DePoy, and Davis. Also present were Attorney Romeo and Clerk Heck.

President Allaire called the meeting to order at 7 PM.

<u>MINUTES OF PREVIOUS MEETING (September 16 & 30, 2013)</u>
A motion was made and seconded (Davis, Larson) to approve the minutes of the previous meetings. **Motion passed.**

<u>OUTSIDE THE RAIL</u>
Treasurer Wilton introduced Randall Northrup, the City's auditor who came before the Board to announce the beginning of the audit process which will start on October 14th.

<u>COMMUNICATIONS FROM THE MAYOR</u>
There were no communications from the Mayor.

<u>REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS</u>
Chief Schlachter; Request to hold over vacation time
Chief Schlachter came before the Board with a request to carryover up to 88 hours of vacation time as he was unable to use his time because of his related events from a heart attack earlier this summer. A motion was made and seconded (Notte, Davis) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, Davis) to approve the Chiefs request. There was brief debate from Kam Johnston who voiced his disproval on the action being taken without further discussion of the request. **Motion passed.**

Charles Romeo; City Attorney, "Compelling Mayoral Action"
Attorney Romeo explained that based on the question from Alderman DePoy on compelling Mayoral action the Board would need to get the Superior Court involved based on Rule 75, review of governmental action. The Board then proceeded to discuss the RFP request and what the next step was. Kam Johnston stated that the Board was not specific on their request to the Mayor and stated a need to be specific if it was going to take any action against the Mayor. The President moved on to the next agenda item.

Nate Stansberry, Associate City Engineer, 2014 VTrans Alternative Grant
Nate Stansberry and Susan Schribeman came before the Board requesting support for a VTrans alternative grant application for the installation of RRFB's (Rectangular Rapid Flashing Beacons). Locations and designs were explained. Mr. Stansberry also noted that this project would help the City become more ADA compliant in regards to their sidewalk network. A motion was made and seconded (DePoy, Larson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (DePoy, Notte) to apply for the Grant and to authorize the Mayor to sign the application. **Motion passed.**

Charles Romeo; City Attorney, Recall Side Letter
Attorney Romeo explained that the enclosed agreement was a sub-agreement with the DPW regarding the recall processes. Attorney Romeo explained the contents of the agreement and noted that the Board would need to suspend their rules to take action on the agreement that evening. A motion was made and seconded (Notte, DePoy) to suspend the rules and take the issue up that evening. **Motion**

passed. There was a brief question and answer period from the Board and the DPW Commissioner, Jeff Wennberg. A motion was made and seconded (Notte, Cassarino) to authorize the Mayor to sign the Recall Sub-Agreement. **Motion passed.**

Charles Romeo; City Attorney, Request for Executive Session
President Allaire noted the request for an executive session and asked for the issue to be moved to the end of the agenda. The request was so moved and seconded (Davis, Siliski), **Motion passed.**

REPORTS OF STANDING COMMITTEES

Sharon Davis, Chair, C & ED Committee, Gro Solar, Poor Farm Lease
Alderman Davis read her report noting the meeting was to discuss the lease option with Gro-Solar and the City of Rutland. Her report was very descript in regards to the contract, building phase, tax issue, potential revenues to the City, and neighborhood impact and Gro-Solars dedications to work with them. A motion was made and seconded (Davis, Larson) recommending Mayor Louras sign the lease agreement with Gro Solar. Debate. Alderman Humphrey recused herself from voting on the issue (Work Relationship w/ GMP). There was over 12 minutes of debate before the question was called by Alderman Larson and seconded by Alderman Davis. **Motion passed.** The President restated the motion authorizing the Mayor to sign the lease, **Motion passed.**

Dave Wallstrom; Chair, Recreation Committee
Alderman Wallstrom read his report noting that Cindi Wight presented a brief history on the Rotary Field House. This report outlined upgrades to and along the property. Ms. Wight's report also noted specific drainage issues with the fields at Rotary. The Recreation Department has been working with the City engineer and outside engineers to determine the cost associated with an RFP for removing the old field house and improving the drainage situation. Ms. Wight noted an estimate of $3,000 to $6,000 for the RFP request and noted that funds were available from the Field Maintenance Fund.

Two representatives from the Rutland City Rotary Club were present to present their vision for a Rotary revitalization project. The Rotary Club wants to be part of a rebirth of the park, but only if the City is committed to drying out the fields. All parties associated with the project agreed that the first step was to see if the fields could be drained for better utilization. A motion was made and seconded (Wallstrom, Davis) to authorize the City and Recreation Department to issue an RFP for the feasibility on improving field drainage, taking into account proposed park improvements for Rotary Park. **Motion passed.**

Christopher Siliski; Chair, Finance Committee #1
Alderman Siliski read his report from Finance Committee. The Finance Committee met to discuss the issue of appropriation-designation of funds related to the sale of police vehicles. There were two (2) motions that came from committee. The **first motion** was to **"Move to approve a policy to allow Equipment Replacement Fund monies to be used for either the purchase of vehicles or the annual lease payments for pre-approved capital leases for vehicles for the Police, Recreation and DPW departments. Any proceeds from the sales of equipment purchased with these funds will be returned to the fund and designated to the corresponding department's committed fund balance. The appropriation and designation of funds outlined in this policy is dependent upon the Police Department (and other departments once fleet leasing plans are approved by the BoA) continuing to use its leased vehicle fleet management plan as approved by the BoA."**

Before that motion was presented to the full Board Alderman Siliski also noted a concern from Chief Baker as to the designation and use of proceeds generated by sales of vehicles completed prior to the implementation of the new lease program. The committee approved a **second motion** that stated **"Any proceeds from sales of current Police vehicles will be designated to the Equipment Replacement Fund and committed to the Police Department fund balance, i.e. line item 236-3-00-00-255.020, for use to purchase vehicles or other related equipment."** Finishing his report Alderman Siliski moved the first motion to the full Board, with a second from Alderman Notte the **Motion passed.** Alderman Siliski then moved his second motion to the full board, with a second from Alderman Notte. **Motion passed.**

Christopher Siliski; Chair, Finance Committee #2
Alderman Siliski read his report dealing with a previous ruling by the Board of Sewer Commissioners approving rates for FY 2013 that included a capitol plan of $10,000 for vehicle and equipment replacement in the Sewer Fund. The Committee found that the Sewer Fund in fact owed the General Fund $295,897 and had budgeted another $10,000 to the vehicle / equipment fund for FY 2014.

DPW since has initiated new rates to cover the shortfall and allow the continuation of the $10,000 for that fund. The committee discussed further issues, but felt by FY 2015 the funds should balance. In doing so the committee recommends to the full Board the establishing of a vehicle equipment fund-account for Water and Sewer, and authorizes the transfer of $10,000 of Sewer Funds into that account. That motion was so moved and seconded (Siliski, Davis). **Motion passed.**

REPORTS OF SELECT COMMITTEES
There were no reports of Select Committees.

REPORTS OF REPRESENTATIVES
There were no Representative Reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION
Kam Johnston; 110 Maple Street, Tax Abatement Request
President Allaire noted that the abatement issue presented had been rectified. Alderman Wallstrom noted the Presidents' observation and agreed that the Assessor had made the necessary corrections and that the Treasurer's Office would be distributing letters to the necessary parties. There was brief debate from Kam Johnston before the President moved on with the agenda.

Herbert & Daryl Wisch; Tax Abatement Request
Susan Leach Mathewson; 91 Meadow Street, Tax Abatement request
James & Nan Hart; 29 Catherine Drive, Tax Abatement Request
President Allaire asked the Board to approve the committee of Aldermen Humphrey, Donahue, and Notte, as Chair to hear the three requests and to report back to the full Board on Monday, November 4th at 6:30 PM. This request was so moved and seconded (Davis, Wallstrom). **Motion passed.**

Robert S. Spencer; 254 Chase Ave., Tax Abatement Request
The request from Robert Spencer was not a typical abatement request. It dealt with HS-122, Homestead filing. The Board recognized that previously it had a similar request from Steven Audsley. A motion was made and seconded (Notte, Cassarino) to suspend the rules and take the issue up that evening. **Motion failed.** After brief debate a motion was made and seconded (Davis, DePoy) to refer the issue to the Finance Committee. **Motion passed.**

S.E.P. Request; Crop Walk for Hunger 2013, Oct. 20, from 1:30 PM – 4 PM
A motion was made and seconded (Davis, Notte) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Notte) to approve the Special Events Permit for October 20th, from 1:30 – 4 PM. **Motion passed.**

President Allaire noted one other Special Events Permit request from Recreation for the Halloween Parade that had not made the agenda and asked the Board for their approval.

A motion was made and seconded (Davis, DePoy) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, DePoy) to approve the request for the Halloween Parade on October 26th. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS
No issues came before the Board of Control Commissioners

UNFINISHED BUSINESS
There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS
Alderman Wallstrom asked for the issue of homestead filing be sent to the Finance Committee so the Board can set criteria on how the issue will be handled. This motion was seconded by Alderman Davis. After brief debate the **motion passed.**

Alderman Kiernan wanted to present an option on how to pay for the Courcelle Roof and was looking to suspend the rules and take the issue up. There was no second. Alderman Kiernan then asked for a referral of the issue to the Recreation Committee. This motion was seconded by Alderman DePoy. **Motion passed.**

Alderman Donahue noted that he and Alderman Larson had visited the West St. Cemetery and noted that the back fence was in very bad condition. A motion was made and seconded (Donahue, Davis) to refer the issue there and similar issues at the poor farm cemetery to the General Committee. There was further explanation from Alderman Larson prior to the vote. **Motion passed.**

At 8:38 PM the President noted the Board needed to move into executive session to discuss a civil matter. This request was so moved and seconded (Davis, Larson). **Motion passed.**

At 9:23 PM a motion was made and seconded (Davis, DePoy) to come out of executive session.

A motion was made and seconded (Davis, DePoy) to move forward and suspend the rules and take the issue up that evening. **Motion passed.**

A motion was made and seconded (Davis, DePoy) to "authorize the Mayor to sign". **Motion passed. (This motion authorized the Mayor to sign the Rutland MS4 Designation Appeal Settlement discussed in executive session.)**

At 9:30 PM a motion was made and seconded (Davis, Cassarino) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk