

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

Members present; President Allaire, Aldermen Kiernan, Romeo, Notte, Donahue, Siliski, Robinson, Sargeant, Wallstrom, DePoy, and Davis, City Attorney Costello and City Clerk Heck.

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

MINUTES OF PREVIOUS MEETING (Monday December 17, 2012)

A motion was made and seconded, (Davis, Romeo) to approve the minutes of the previous meeting. There was brief discussion from Kam Johnston about reading the minutes into the record and his concern for not being recognized in those minutes. **Motion passed.**

OUTSIDE THE RAIL

Michel Messier (AKA Mike) asked the Board for verification on an article written by the Rutland Herald. Mr. Messier asked about fish death as a result of stream temperature caused by Combination and Piedmont ponds and the verification of autopsies or any evidence to their demises. His request was forwarded to the City Clerk.

Kam Johnston spoke on a previous issue of 110 Maple Street, insisting that the roof is asphalt and not slate. He presented the Board with several resolutions. No action was taken. Mr. Johnston then moved on to the issue of blighted property and his concerns with "secrets of the processes of the City of Rutland". Mr. Johnston stated illegally proposed meetings and secretive sessions not allowing the public access. Mr. Johnston argued over the next seven minutes, on how inept and dysfunctional the Board of Aldermen was. Mr. Johnston was very taken back about the vacant property ordinance and was insistent that a grandfather clause needs to be in place prior to a vacant property ordinance being passed. President Allaire thanked Mr. Johnston.

COMMUNICATIONS FROM THE MAYOR

Mayor Louras presented the Board with a resolution resolving the City of Rutland's support For Vermont Gas' Addison Natural Gas Project. A motion was made and seconded (Sargeant, Notte) to suspend the rules and take the issue up that evening. **Motion failed.** A motion was made and seconded (Notte, Robinson) to refer the issue to the Public Works Committee. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Evan Pilachowski; DPW Commissioner, Water Allocation Request

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 increase of 126 gallons of water per day with a total allocation of 293 gallons of water per day to Pratico's Landscape & Fence Co. **Motion passed.**

Evan Pilachowski; DPW Commissioner, Recommended Award for City Hall

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 award Marble Valley Engineering a contract to complete services as described for City Hall. Commissioner Pilachowski briefly described those services. **Motion passed.**

President Allaire asked the Board to move an item up in the agenda as guest had come from Brattleboro.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Tom Heydinger; Special Events Permit, Girls on the Run, June 1, 2013

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 request for Girls on the Run 5K event to be held June 1, 2013 from 8AM – Noon, pending proof of insurance. There was brief debate. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Brennan Duffy; Director RRA, VFFC tax stabilization agreement

Mr. Duffy briefly outlined the request. A motion was made to untable the issue as it had been discussed previously and tabled (Davis, Notte) **Motion passed.** A motion was then made to authorize the Mayor to sign the VFFC tax stabilization agreement. **Motion passed.** Mr. Duffy asked the Board to refer the issue of future solar issues. A motion was made and seconded (Davis, Robinson) to refer the issue to Community and Economic Development Committee. **Motion passed.**

Andrew Costello; City Attorney, Request for Executive Session- Civil Action

A motion was made and seconded (DePoy, Sargeant) to move into executive session to discuss a Civil Action where premature or general knowledge could place the city at a substantial disadvantage. Mr. Johnston argued the Boards right to move into executive session. Attorney Costello read from State Statue, approving the request. Mr. Johnston again argued his case; Attorney Costello stated that he was incorrect about his interpretation of the law. At 8:03 PM the Board moved into executive session. At 8:42 PM a motion was made and seconded (Davis, Notte) to come out of executive session. **Motion passed.** A motion was made authorizing the Mayor to request an RFP for professional services related to the MS4 designation appeal. **Motion passed.**

Robert Schlachter; Chief Engineer, Request for referral, Proposed Change to Municipal Fire Alarm Ordinance

Chief Schlachter asked the Board to refer the issue presented to the appropriate committee. A motion was made and seconded (Romeo, Davis) to refer the issue of proposed change to municipal fire alarm ordinance to the Charter and Ordinance Committee. **Motion passed.**

Henry Heck; City Clerk, BOA Meeting Date Changes

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 change the holiday Monday meeting to the next day, Tuesday. There was no debate from inside the rail. Mr. Johnston did not understand why there were changes and presented a solution. He continued to voice his concern until the question was called and seconded (Davis, Sargeant) **Motion passed.** President Allaire called the question on proposed date changes for the Boards Monday meetings. **Motion passed.**

Barbara Allen; Resolution for VTrans Transportation Alternatives

A motion was made and seconded (Davis, Sargeant) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Sargeant) to circulate for signatures. Mr. Johnston asked why Peg-TV was not recording; he was very concerned about the meeting continuing without TV coverage. President Allaire explained that the Board did not control what Peg-TV recorded, he did state that the Clerk was recording the audio portion of the meeting for the record. **Motion passed.**

REPORTS OF STANDING COMMITTEES

None to Report

REPORTS OF SELECT COMMITTEES

None to Report

REPORTS OF REPRESENTATIVES

None to Report

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Kevin Bedard; Abatement Request, 7 Earl Street

President Allaire asked the Board to approve the committee of Aldermen Kiernan, Davis, and Allaire, Allaire as chair and to report to the full Board on February 4, 2013 at 6:45PM. The request was so moved and seconded (Robinson, Notte). Mr. Johnston asked what the abatement was for, upon the Chairs reading of the request the **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

There were no items for the Board of Control Commissioners.

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Wallstrom moved to reconsider the IAFF Fire Union Contract approved at the last meeting, Alderman Kiernan seconded. There was a great deal of debate for and against the motion with nearly 30 minutes of discussion. **Motion to reconsider Failed.**

A motion was made and seconded (Davis, Sargeant) to adjourn. Motion passed and was withdrawn as Alderman Kiernan had a referral request.

Alderman Kiernan moved to refer three separate issues to the Finance Committee. The first was to develop a policy of established funds, the 2nd was to develop long term budget strategies, and 3rd , what to do with unsigned fund balance over the 15%. **Motion passed.**

Attorney Costello asked the Board to reaffirm its previously passed motion on the sale of the Stebbins Exchange Lot. Attorney Costello stated that the motion was made in executive session; which for the purchase of land is OK. He was not sure on the sale of land and wanted the record to state the approval of the sale, stating The Board of Aldermen authorizes the sale of the "Stebbins Exchange Lot" in Mendon, Vermont, to Chimayo, LLC in exchange for \$15,000 and subject to the following caveats:

- 1) that no more than two seasonal camps be built on the property;
- 2) that the city retains the right to divert the Eddy Brook across the property to provide for the city's water supply if necessary;
- 3) that the city reserves the right to continue its use of the existing log landing on the property;
- 4) that the city retains a right of way and easement over the Brewer Road (also known as the Steam Mill Road or Killington Road) from Wheelerville Road to the northwesterly corner of the property in question.

This request was so moved and seconded (Robinson, Davis). **Motion passed.**

At 9:17 PM a motion was made and seconded (Davis, Romeo) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk