CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, August 6, 2012

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 7PM.

MINUTES OF PREVIOUS MEETING (Monday, July 16, 2012)

A motion was made and seconded (Davis, Romeo) to approve the minutes of the previous meeting. **Motion passed.**

OUTSIDE THE RAIL

Donald Billings owner of Roots restaurant updated the Board on a layout change for a pig roast fundraiser that was approved by the Board at a previous meeting. Mr. Billings explained that the DLC had asked for the function to remain on Wales St. and to not spread onto Center St.

Steve Costello from Green Mountain Power expressed an interest in developing a solar farm at the old landfill off of Gleason Rd. Mr. Costello stated that GMP was excited about partnering with the City in creating opportunities for future business and energy opportunities.

Lynn Walsh director of RUN spoke on the National Night-Out outing. Lynn just wanted to announce the event would take place on that Tuesday evening.

At this juncture, the President addressed the priority of the meeting asking the Board to allow agenda items to be moved out of order. The president explained that the Chloramine issue was going to be reported on in three different areas, and with a large gathering outside the rail to speak on the issue, he wanted to address issues that could be quickly resolved. Seeing no objections from the Board he moved on.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Allen; RRA, Rutland Creek Path Resolutions

The President noted the earlier public meeting on this issue. A **motion** was made and seconded (Davis, Romeo) to suspend the rules and take the issue up that evening. **Motion passed.** A **motion** was made and seconded (Davis, Robinson) to circulate for signatures, both resolutions in support of the grant application for the Rutland Creek Path. **Motion passed.**

Downtown Partnership; Wayfinding Project

Michael Coppinger director of the Downtown Partnership addressed the Board in regards to funding for future Wayfinding signs. Mike noted the new signs posted in various locations throughout the City and he was looking to replace the welcome signs leading into the City. A **motion** was made and seconded (Wallstrom, Sargeant) to suspend the rules and take the issue up that evening. **Motion passed.** A **motion** was made and seconded (DePoy, Sargeant) to approve the $3,000 request from the Zamias Fund for the Wayfinding project as presented. **Motion passed.**

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

GMP: Pole and Wire Request, STP 019-3 (57)

A **motion** was made and seconded (Davis, Robinson) to suspend the rules and take the issue up that evening. **Motion passed.** A **motion** was made and seconded (Davis, Notte) to approve with the seven standard conditions. **Motion passed.**

M.T. Associates; Change in Zoning Request, 6 Tremont St
There was brief debate as to the process of the request. With no further debate a **motion** was made and seconded (Notte, DePoy) to refer the issue to the Community and Economic Development Committee. **Motion passed.**

Residents of Meadow Street; Petition for Street Issues
Board President Allaire explained the request from the petitioners and sought the Boards recommendation. A **motion** was made and seconded (Notte, Davis) to refer the issue to the Public Works Committee. **Motion passed.**

Special Events Permit; Winter in August Celebration, August 14, 5 – 8PM
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. **Motion passed.**

At this portion of the meeting the President asked the Board to move into the Board of Control Commissioners. (Romeo, Notte) **Motion passed.**

<u>BOARD OF CONTROL COMMISSIONERS</u>
Liquor License Request; Downtown Tavern (New Owner)
A **motion** was made and seconded (Davis, Notte) to circulate for signatures. There was brief debate as a correction was noted on the application by Alderman Romeo. **Motion passed.**

Outside Consumption Request; Downtown Tavern (New Owner)
A **motion** was made and seconded (Notte, DePoy) to authorize the Clerk to sign. **Motion passed.**

Entertainment Permit Request; Downtown Tavern (New Owner)
A **motion** was made and seconded (Notte, Wallstrom) to authorize the Clerk to Sign. **Motion passed.**

Entertainment Permit Request; Kelvan's Restaurant
A **motion** was made and seconded (Davis, Notte) to authorize the Clerk to Sign. **Motion passed.**

Second Class License Request; Top's Markets
A **motion** was made and seconded (Davis, Notte) to circulate for signatures. **Motion passed.**

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

Covering a fair portion of the agenda, President Allaire moved in to Communications from the Mayor, starting the debate on Chloramines.

<u>COMMUNICATIONS FROM THE MAYOR</u>
Chloramine vs. G.A.C. (Granular Activated Carbon)
Mayor Louras gave a very in-depth review on the options available to the City. He stated that the administration did not want to add any more chemicals to the water, but the alternative investment to have the G. A. C. was very expensive. Mayor Louras spent 25 minutes explaining and educating those two primary options, and stated that he looked forward to the Boards

decision on the issue. Mayor Louras acknowledged the concerns from the citizens at the meeting in regards to the potential effects of adding Chloramine to the City's water supply. Mayor Louras outlined operating cost of each option; he reviewed past State studies and passed legislation. Mayor Louras stated that "he wished that he did not have to be there presenting those options", but the EPA standards mandated such actions.

Evan Pilachowski; DPW Commissioner, Water Treatment Changes & Disinfection Byproducts
After the Mayors presentation, Commissioner Pilachowski commented briefly stating that the Mayor outlined all aspects completely and thoroughly. Commissioner Pilachowski stated that he felt Chloramine was safe and he felt it was the right solution, compared to the cost of the G. A. C. alternative. The commissioner stated that if he had to decide the issue himself he would choose Chloramine. He also stated that if the Board or the voters chose to go with the G. A. C. option he could support that as well. The Commissioner also stated very clearly that if he received no input or direction he would proceed with adding Chloramine to the water supply.

President Allaire moved into taking comments from the audience. He thanked everyone for their patience and proceeded to call on citizens wishing to comment on the issue.
Over the next 48 minutes eleven (11) individuals spoke on the issue.
All but one (1) speaker (Bev Peterson, Florence) was from Rutland City.
One Rutland Resident (Joe Zingale) spoke in favor and support of the Mayor and Commissioner adding Chloramine.
All others, (Alis Headlam, Dan Stone, Larry Walter, Rick Bloomer, Beth Bera, Bianca McKeen?, Richard Brown, Tony Bellomo, Pat Garcia, and Candy Jones) spoke on concerns and the dangers of adding Chloramine to the water system and wanted an alternative solution or a question placed on the ballot in regards to a bond vote for G.A.C..

At 8:50 PM President Allaire called for a 10 minute recess.

At 9:04 PM the Board reconvened. President Allaire asked Public Works Committee Chair, William Notte to give his report on the issue of treating City drinking water.

<u>REPORTS OF STANDING COMMITTEES</u>
William Notte; Chair Public Works Committee
Alderman Notte read his report, stating this was the second meeting on the issue and the committee briefly revisited the first meeting discussion on possible options for treating the water to meet the new EPA standards. A motion was presented in committee, supporting the DPW Commissioner in switching from chlorine to chloramine to comply with federal standards. At the committee meeting Alderman Donahue spoke against the motion. Alderman Notte continued, stating a public meeting on the Chloramine issue was to be held after the BOA meeting at which this report was to be read. Alderman Notte stated that he and the Board President felt the need to hold off on the report, and to attend the public forum at which time this report could be read at the first meeting in August.

Alderman Notte said he was present at a meeting with Bob Bowcock and Blue Earth labs when he learned how special the Rutland Water Treatment Plant was in regards to its slow sand filtration system. He also noted two options presented at that meeting. The first option was to add Chloramine and the second was to build and add Granular Active Carbon. The motion presented in Committee failed on a 2-2 vote. His report was for information only.

President Allaire then moved the debate to inside the rail. Alderman Siliski opened that discussion, thanking the Commissioner and presenting a **motion** to place a bonding question to build a granular active carbon filtering system, on the November ballot and to have the Public

Works Committee draft language including cost estimates for the voters to decide. This motion was seconded by Alderman Robinson. DEBATE………

For the next 34 minutes 9 different Aldermen gave their opinions on the issue. Three Aldermen (Notte, Romeo & DePoy) spoke twice on the issue. Alderman Notte looked to speak a third time when Alderman Robinson challenged the request. Attorney Costello confirmed that a member may not speak a third time on an issue if challenged by a member.

President Allaire asked if anyone else wished to speak. A **motion** to amend the original motion was made and seconded (Romeo, Sargeant) instructing the clerk to draft a letter to Chairs of selectboards where water is distributed with request to place a similar water question on their ballot for November. The amended **motion passed.**

A **motion** was made and seconded (Sergeant, Romeo) to suspend the rules to allow Alderman Notte a third opportunity to speak on the issue. **Motion passed.**

Alderman Notte did speak a third time. At 2:34:54 of the recorded meeting President Allaire asked if there was any further debate, seeing none he called for a vote on the original motion with BOA approved amendment. **Motion failed.**

A **motion** was made and seconded (Notte, Sargeant) to treat the water supply with monochloramines. **Motion failed.**

At this juncture the President asked "What's your Pleasure"? The board had just spent the better part of 2.5 hours debating the issue with no resolution.

Alderman DePoy stated that the Board still had agenda items to hear.

Debate ensued with talk of a motion to reconsider, (Wallstrom, Robinson). There was debate on who could make a motion to reconsider and when in the process that motion needed to happen.

Alderman Siliski questioned how the only two options presented could both fail? He asked for a hand vote for clarification. Debate continued with Alderman Robinson challenging the President on the original motion that failed. Point of order was called by Alderman Notte, questioning Alderman Robinson's Challenge. Attorney Costello confirmed that in order to challenge the President's Ruling on the outcome of a vote, the challenge needs to immediately follow the vote. President Allaire called the challenge out of order.

Debate continued with the Board looking for options. A motion to reconsider the motion to add chloramine to the water supply was discussed. The **motion** to reconsider was moved and seconded (Robinson, Siliski). Debate. President Allaire stated several times that the motion on the floor was to reconsider the question to add chloramine. Upon hearing the results of the voice vote, the President questioned the outcome and asked for a show of hands, 7-3 in favor, **Motion passed.**

Previously Alderman Notte requested a roll call vote. The President asked if everyone understood the motion and repeated it. (To recommend to the DPW Commissioner to add Chloramine to the City water supply in order to meet EPA standards)

President Allaire asked the Clerk to call the roll.

Alderman Kiernan	NO

Alderman Romeo		NO
Alderman Notte	YES	
Alderman Donahue		NO
Alderman Siliski	YES	
Alderman Robinson		NO
Alderman Sargeant	YES	
Alderman Wallstrom		NO
Alderman DePoy	YES	
Alderman Davis	YES	

Clerk Heck confirmed with the Board President Allaire, 5 – 5 tie.
President Allaire voted NO. Stating, **Motion failed.**

A motion was made and seconded (Robinson, Sargeant) to table the issue. **Motion passed.**

President Allaire moved on to the item requested by Attorney Costello for a Quit Claim Deed. After a brief explanation by the City Attorney, a motion was made and seconded (Romeo, Notte) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Romeo, Notte) authorizing the Mayor to sign the Quit Claim Deed. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Charles Romeo; Chair, Charter and Ordinance Committee, Three (3) Reports

Alderman Romeo started with the first of three reports he had to report. He stated that his committee met July 17th to continue the discussion of drafting language for a onetime event permit, allowing 18 year old and up to attend a 21 and up club. Alderman Romeo spoke of Rule 12 of the BOA Rules and negative recommendations. A motion was made and seconded (Romeo, Kiernan) to amend the ordinance as presented in the report. Debate ensued with several Aldermen speaking against the motion. Alderman Romeo spoke one last time on the issue, and then called the question. Alderman Davis seconded. **Motion passed** on calling the question.

President Allaire asked Alderman Romeo to repeat the motion; Alderman Romeo stated "shall the ordinance Club Permit be amended as follows. To add section 1544 under 21 nights, here Alderman Romeo stated it was quite lengthy and summarized, to create a one (1) year period starting September 1, 2012 and sun setting August 31, 2013 to create a permit process, where by over 21 Clubs, may apply for a onetime event permit to have an 18 and up night. The application to be created by the Clerk, reviewed by Special Liquor, Chief of Police and final review by the full Board of Aldermen.

President Allaire called the vote; Alderman Romeo immediately called "division". President Allaire noted the call for division. He asked, all those in favor raise your hand. Those against raise your hand, outcome was a 5 -5 tie. President Allaire voted NO, **Motion failed.**

Alderman Romeo moved on to the next report, Business Licensing and City permitting. This report was a work in progress and was for information only.

His next issue was Ordinance 8010 where the Treasurer's office was looking for some clarity. The committee asked the administration to clarify and the issue is to remain in committee.

The next issue discussed was construction parking bags. The committee debated the process and determined no action was needed and considered the issue closed.

The final issue referred to committee was Rule 12 of the Board of Aldermen Rules. Specifically the committee looked at a shelf life for referrals. A **motion** was made and seconded (Romeo, Sargeant) to amend Rule 12 to read any referral to any committee pertaining to any matter not acted or reported on by the committee will be void 2 years from the date of the referral. **Motion passed.**

President Allaire noted that it was 2 minutes before 10:30 and the Board needed to extend their meeting if they chose to continue.

President Allaire stated he was contacted by the E911 people with a letter addressed to the City stating that the City needed to assign an E911 coordinator. The President briefly explained that Sargeant Sly was the current coordinator but was giving up the position. A motion was made and seconded (Wallstrom, Sargeant) referring the letter to the Mayor for his input. **Motion passed.**

Alderman Davis asked to make two referrals before the Board adjourned. The President asked her to proceed. A **motion** was made (Davis) to refer the issue of the Winters Farmers Market to the Community and Economic Development Committee. **Motion passed.** A **motion** was made and seconded (Davis, Robinson) to refer the issue of Housing Standards and Occupancy to the Charter and Ordinance Committee. **Motion passed.**

President Allaire again stated that the Board would need to make a motion to extend the meeting past the 10:30 time limit. The request was so moved and seconded (Notte, Wallstrom). The President was unsure of the vote and asked for a show of hands. 6 – 4 **Motion passed.**

President Allaire stated that the Board may continue with the meeting and that there were no issues on the floor.

Alderman Romeo moved to suspend the rules in order to further along debate on Chloramines. **Motion passed.**

Alderman Romeo moved to reconsider the recommendation of the DPW Commissioner to use Chloramines. Motion failed for no second.

A motion was made and seconded (Kiernan, Donahue) to ask the Commissioner to go with option B. Debate. Alderman Notte was confused by the motion and asked for clarification. Alderman Kiernan stated that the motion was to build and budget for the G.A.C. Several other Aldermen debated the issue. The question of how long the Board could debate the issue was asked. Commissioner Pilachowski stated that September 10, 2012 was the drop dead date to have a Bond question placed on the ballot.

President Allaire stated the motion of Alderman Kiernan. **Motion failed.**

A motion was made and seconded (DePoy, Sargeant) to adjourn. **Motion failed.**

Alderman Sargeant called for division. President Allaire called for a show of hands. **Motion still failed.**

A motion was made and seconded (Robinson, Siliski) to place on the ballot a question for bonding a G.A.C. filtration system for the November ballot. Debate.

Alderman DePoy challenged the motion. After some debate, Alderman Robinson removed his motion, and asked to reconsider Alderman Siliski original motion. Alderman Notte challenged the motion asking which side the maker prevailed on in regards to the reconsideration. The Board continued debate. A motion was made and seconded (Robinson, Siliski) to reconsider the motion to adjourn. **Motion passed.**

President Allaire stated that the motion to reconsider adjourning passed. But before there was a motion to adjourn there was a request by the City Clerk to have the issue of Fair Fees referred to the Charter and Ordinance Committee. The motion was so moved and seconded (Davis, Romeo). **Motion passed.**

At 10:56 PM a motion was made and seconded (Sargeant, DePoy) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk