CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, March 19, 2012

Member present; Dave Allaire, Gary Donahue, William Notte, Charles Romeo, Christopher Siliski, Christopher Robinson, Sean Sargeant, Dave Wallstrom, Tom DePoy, and Sharon Davis. City Attorney Andrew Costello and City Clerk Henry Heck.

At 7:00 PM Clerk Heck opened the meeting reciting the pledge of Allegiance.

The first order of business was the swearing in of the new Aldermen. Mayor Louras swore in all newly elected members (Allaire, Donahue, Davis, Robinson, Notte, and Siliski).

City Clerk Heck then opened nominations for Board President. A motion was made and seconded (Sargeant, Davis) to nominate David Allaire. A motion was made and seconded (Romeo, Kiernan) to nominate William Notte. Alderman Davis made a motion to close the nominations. The motion was seconded (Sargeant). Alderman Romeo asked for the candidates to address the Board. After brief debate, a motion was made and seconded (Romeo, Kiernan) to allow Allaire, and Notte to address the Board. **Motion failed.** Clerk Heck asked if there was any further debate. Seeing none he then stated that he would ask for a show of hands for Dave Allaire, seven (7). Then a show of hands for William Notte, four (4). Clerk Heck stated that Prior-Board President Dave Allaire has been re-confirmed as Board of Alderman President.

Newly elected President David Allaire took his seat and thanked everyone for their support. He outlined his plans for the next year and stated that he would have committee assignments ready within a week.

<u>MINUTES OF PREVIOUS MEETING (Tuesday March 5, 2012)</u>
A motion was made and seconded (Davis, Romeo) to approve the minutes of the previous meeting. **Motion passed.**

<u>OUTSIDE THE RAIL</u>
Chief Schlachter presented the Board with a request for referral regarding the issue of fire truck #2. A motion was made and seconded (Sargeant, Robinson) to refer the issue to the Public Safety Committee. **Motion passed.**

<u>COMMUNICATIONS FROM THE MAYOR</u>
Proclamation for The heARTs of Rutland!
Mayor Louras presented Sherri Berkheimer-Rooker with a Proclamation for "The heARTs of Rutland" an arts project featuring local artist and giant hearts. These hearts are to be painted, displayed and then auctioned-off in the fall.

Mayor Louras then presented the MSJ's Varsity Basketball team with a proclamation declaring March 19th 2012, as MSJ Division II State Basketball Champions Day. Team member Matt Sanborn thanked Mayor Louras and everyone who supported them throughout their season.

Request to invite proposals (RFP) for City Website Redesign
Mayor Louras asked the Board to authorize him to gather proposals for a new City website.
A motion was made and seconded (Sargeant, Robinson) to suspend the rules and take the issue up. **Motion passed.** A motion was made and seconded (Sargeant, Robinson) to authorize the Mayor to

invite proposals on the redesign of the City website and required him to seek BOA input before a vendor is chosen. **Motion passed.**

Mayor Louras then advised the Board on a special meeting of the BOA he was calling on Monday March 26th at 6:30 PM. The purpose of the meeting was an update on the status of the opiate treatment facility. Mayor Louras stated that there have been several informal meetings, but it was time for a much more public discussion. There was brief debate as several Aldermen stated there was a Pension Board meeting being held that evening. Mayor Louras apologized for the error and asked for the meeting to be held on Tuesday the 27th of March instead.

<u>REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS</u>

Barry Keefe; City Assessor, Vacation Carry over Request

President Allaire read the request form Assessor Keefe to hold over five (5) vacation days. A motion was made and seconded (Romeo, Notte) to suspend the rules and take the issue up. **Motion passed.** A motion was made and seconded (Romeo, Notte) to approve the request. **Motion passed.**

Wendy Wilton; Treasurer, February Treasurer's Report

President Allaire noted Treasurer Wilton's Report had been sent by email. He also stated that Treasurer Wilton was not available that evening and stated a motion to receive and file was in order if there were no questions. Request was so moved and seconded (Davis, Romeo). **Motion passed.**

<u>REPORTS OF STANDING COMMITTEES</u>

William Notte; Chair, Public Works Committee

Alderman Notte questioned the President as to whether his report should be held to the end of the meeting as some of the issue may result in moving into an executive session. President Allaire thanked Alderman Notte for the update and moved his report to the end of the meeting.

Christopher Robinson; Chair, General Committee

Alderman Robinson stated that his committee just met previous to this meeting on the issue of the sale of the Watkins Street School. Alderman Robinson noted concern from Alderman Romeo as to the definition of "senior housing" not being defined in the paperwork. His committee passed a resolution authorizing the sale of the Watkins School property to the Housing Trust of Rutland County Inc. and asked for the resolution to be signed by City Clerk Henry Heck and Alderman Robinson so moved. This motion was seconded by Alderman Sargeant. Alderman Robinson gave a brief overview of the history of the building and sale for the audience at home. There was a good deal of debate from Alderman Romeo on the need for senior housing, the impact to the grand list, and his final concern was defining "Senior Housing" in the Purchase and Sales Agreement.

Alderman Romeo proceeded for the next several minutes to amend the motion presented by Alderman Robinson. Alderman Romeo's motion to amend was so lengthy that a motion followed to divide the question (motion), (Sargeant, Romeo). **Motion passed to divide the question (motion).**

Alderman Sargeant then proceeded to explain the first request of defining senior housing. There was further debate on who would make that definition and how it would be enforced. Alderman Romeo's first question (motion) to amend Alderman Robinson's motion failed. **MOTION FAILED.**

The second part of the amendment (question) as described by Alderman Sargeant was to remove any language that could provide any possible change in use. When President Allaire called the question the outcome was in question, the Board President asked for a show of hands in support, (5) were raised, those against, (5) were raised. Board President Allaire broke the tie with a NO vote, motion failed. **MOTION FAILED.**

President Allaire stated that the original motion from Alderman Robinson stood and asked if there was any further debate. Seeing none the President called the question of approving the sale of the Watkins School property. **Motion passed.**

Alderman Robinson then continued with the rest of his report, stating a motion from his committee approving a resolution to be signed by the Clerk authorizing the proceeds of the sale ($100,000) and resolving the Treasurer to forward $100,000 to the Rutland City School Department following the receipt of the purchase price from the Housing Authority of Rutland Inc. Alderman Robinson so moved and Alderman Romeo seconded. There was no debate. **Motion passed.**

REPORTS OF SELECT COMMITTEES

Alderman Sargeant gave a brief report from the Tropical Storm Irene Relief Committee. He noted that the committee was moving forward with the application process and looked forward to releasing the $16,000 that is in that fund.

REPORTS OF REPRESENTATIVES

Alderman Wallstrom gave a brief report from the RCSWD committee. He noted that the Gleason Rd transfer station was increasing their types of recycling and that the Mooretown landfill had approximately 18 months left of operation.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Abatement Request; Robert McGinnis/Wendy Mattison, 20 Giorgetti Blvd

President Allaire asked for the committee of Aldermen Donahue, Kiernan as Chair and Notte to hear the abatement and to report back to the full Board on April 16th at 6:45 PM. The request was so moved and seconded (Robinson, Davis). **Motion passed. On Tuesday March 20th Mr. McGinnis called the Clerk's Office withdrawing his request as he had sold his home.**

License Request "Downtown Farmers Market"

A motion was made and seconded (Davis, Sargeant) to suspend the rules and take the issue of the Farmers Market up. **Motion passed.** A motion was made and seconded (Davis, Sargeant) to approve. Debate followed. The specific debate revolved around RME Tax and the way vendor information was transferred to the Treasurer's Office. It was noted that the issue of RME Tax stood in Charter and Ordinance Committee. After a good deal of debate, **Motion passed.**

Waiver of Fee Request, BROC, 4th Annual Craft Fair/Flea Market

A motion was made and seconded (Notte, Romeo) to suspend the rules and take the issue up. A motion was made and seconded (Notte, Davis) to approve the fee waiver request for BROC's 4th annual fair/flee market for the dates requested. There was brief debate on the fee amount and prior fee waiver for BROC or any other entity. **Motion passed.**

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

BOARD OF CONTROL COMMISSIONERS

2012-2013 Liquor License Renewals

A motion was made and seconded (Davis, Notte) to approve the list as provided and authorized the Clerk to sign the applications. **Motion passed.**

xx liquor renewals for aldermen	
BUSINESS NAME D/B/A	**BUSINESS LOCATION**
Midway Mobil	118 South Main Street
Midway Oil Corp	217 North Main Street
Park Mobil	5 North Main Street
Pizza Hut of Rutland	157 Woodstock Avenue
Rutland Bowlerama/Ten Pin Lounge	158 South Main Street

xx liquor renewals for aldermen	
BUSINESS NAME D/B/A	**BUSINESS LOCATION**
The Local	24 Merchants Row
VFW Post #648	15 Wales Street
West Street Mobil	446 West Street

2012-2013 Tobacco License Renewal
A motion was made and seconded (Davis, Notte) to approve the list as provided and authorized the Clerk to sign. **Motion passed.**

xx tobacco renewals for aldermen	
BUSINESS NAME D/B/A	**BUSINESS LOCATION**
Midway Mobil	118 South Main Street
Midway Oil Corp	217 North Main Street
Park Mobil	5 North Main Street
West Street Mobil	446 West Street

2012-2013 Outside Consumption Renewal
A motion was made and seconded (Davis, Notte) to approve the application and authorized the Clerk to sign. **Motion passed.**

xx outside consumption renewals for aldermen	
BUSINESS NAME D/B/A	**BUSINESS LOCATION**
The Local	24 Merchants Row

2012-2013 Entertainment License Renewals
None to report.

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

<u>UNFINISHED BUSINESS</u>
None to Report.

<u>MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS</u>
Alderman Siliski presented the Board with a handout he presented to Mayor Louras on his view of the recent voter approved bond for the City's portion of funding for Bridge Design. The handout emphasized the need for discussion and aesthetically pleasing designs. A motion was made and seconded (Siliski, Robinson) to refer the issue of bridge design in regard to the approved $2 million bond to the Public Works Committee. **Motion passed.**
A motion was made and seconded (Romeo, Sargeant) as pursuant to Rule 15 of the Rules of the BOA, Committee Progress Reports, The Presiding Officer may Request the chair or vice-chair of a committee to provide a progress report on that committee. The chair or vice-chair will provide a list of all items pending in the committee and a status of each item with in a time agreeable to the presiding officer and chair or vice-chair. Alderman Romeo was hoping the list would be available by the next meeting. There was some debate as to which chair (Current or incoming). There was a question as to the time requirement. Motion to amend until two meetings out was set. **Motion passed.**

Alderman Robinson referenced the voter approved petitioned question, and asked if the Board needed to take any action. After brief discussion, a motion was made and seconded (Robinson, Romeo) to suspend the rules and take the issue up. **Motion passed.**

A motion was made and seconded (Romeo, Sargeant) to authorize the Clerk to send a certified copy of the ballot item, with vote to the requested bodies. Debate followed with a motion to refer the issue to the General Committee (Robinson, Siliski). After brief debate specific to time requirements, **MOTION FAILED.**

A motion was made (Notte) to table the issue. There was no second. Motion failed.

President Allaire stated that we were back to the original motion. Alderman Romeo re-read his motion. Alderman Robinson asked to hear the other proposals as prepared by Attorney Costello. Attorney Costello read his resolution. Debate followed to the intent of Alderman Romeo's motion and Attorney Costello Resolution.

A motion was made and seconded (Robinson, Romeo) to amend Alderman Romeo's motion. The motion was to present Attorney Costello's Resolution as read, along with a certified copy of the Ballot question results, to the aforementioned bodies. **Motion passed.** There was brief debate as to what was just passed. It was determined that the Board just approved the amendment and now needed to vote on the original motion with the approved amendment. Original Motion was approved with the approved amendment. **Motion passed.**

Alderman Notte read his committee report, stating the committee met to discuss the CSO compliance contract with the State. There was a motion (Notte, Davis) to authorize the DPW to sign and send the proposed four (4) year schedule that City Engineer Evan Pilachowski had circulated during that meeting. There was brief debate about going into executive session. Alderman Robinson asked for 5 minutes to review paper work. President Allaire called for a 5 minute recess at 8:40 PM. At 8:45 PM the Board reconvened. There was further debate before the vote was taken. **Motion passed.**

At 8:50 PM a motion was made and seconded (Robinson, Notte) to move into executive session to consider a Civil Action where premature or general knowledge would place the City at a substantial disadvantage. **Motion passed.**

At 9:03 PM a motion was made and seconded (Romeo, Notte) to come out of executive session. **Motion passed.**

A motion was made and seconded (Romeo, Davis) to authorize the City Attorney to settle with Caterpillar in the amount of $38,366.52 with the revenue funds to be determined by the Mayor. **Motion passed.**

At this point President Allaire asked the Board for a moment to welcome newly elected Alderman Donahue to the Board. The President explained how in the past it was always a custom to have new Board members adjourn the meeting. Alderman Donahue thanked the Board for the warm response and looked forward to working within the democratic process.

At 9:05 PM a motion was made and seconded (Donahue, Davis) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk