

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, October 1, 2012

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

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

MINUTES OF PREVIOUS MEETING (Monday, September 17, 2012)

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

OUTSIDE THE RAIL

Beth Berra and Nick Santoro spoke on the Chloramine issue.

Jason Crowley came before the Board requesting a referral to committee to discuss his request for a salvage permit within the City limits. A motion was made and seconded (Robinson, Wallstrom) to refer the issue to the Community and Economic Development Committee. **Motion passed.**

Dawn and Jon Melen came before the Board to request a hearing before the Animal Control Board on a vicious dog complaint. A motion was made and seconded (Davis, Robinson) to refer the issue to the Animal Control Board and to have the Board President assign two representatives from the BOA. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

Mayor Louras read a resolution supporting the City of Rutland's resolve in becoming the Solar Capital of Vermont. (This Resolution was later asked to be circulated for signatures in support of the Resolution)

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Tom Giffin; Cemetery Commission

A letter was presented to the Board from the Cemetery Commissioner, Tom Giffin stating several concerns about the West Street Cemetery, specifically, a 40 foot hole in the fence from the removal of a building. A motion was made and seconded (Robinson, Notte) to refer the issue to the General Committee. **Motion passed.**

Henry Heck; City Clerk, Request BoA Sign-Off, Contract amendment

Clerk Heck Stated an amendment was forwarded to him from the State requesting a sign off of the BOA for a reduction in matching contributions for the Forest St. Bridge replacement project. 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, Romeo) to circulate the document for signatures. **Motion passed.**

Barbara Allan; Planning Commission, Zoning Change

A motion was made and seconded (Robinson, Romeo) to set a public hearing on the zoning ordinance change at 6 Tremont Street, for November 5, 2012 at 6:45PM. **Motion passed.**

Barbara Allan; RRA, Safe Routes to School Agreement, Sign-off Requested

President Allaire stated a request from Barbara Allan for the Board to sign off on the Safe Routes to School Agreement. A motion was made and seconded (Davis, Romeo) to suspend the rules and to take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Romeo) to circulate the agreement for signatures. **Motion passed.**

Brennan Duffy; RRA Director, Solar Developer Contract

Brennan Duffy asked the Board to refer the issue of a potential contract between the City and a solar array developer to the Community and Economic Development Committee. The motion was so moved, and seconded (Romeo, Davis). There was brief debate. **Motion passed.**

Chief Schlachter; Request to Carry-Over Vacation Hours

A letter was presented to the Board from Chief Schlachter in regards to the carryover of 72 hours of unused vacation time. 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, Romeo) to allow Chief Schlachter to carry up to 72 hours of the current contract to the next. **Motion passed.**

Andrew Costello; City Attorney, Marijuana Dispensary Ordinance

Issue was being held until the Standing Committee report from Alderman Sargeant was given.

REPORTS OF STANDING COMMITTEES

Sharon Davis; Chair, Community & Economic Development, Solar City & Tax Stabilization, Winter Market

Solar City: Alderman Davis read her report stating the involvement of the Board and the RRA as the City moves towards becoming a "Solar City". The report included criteria or Performa that both the BOA and the RRA wanted to establish as they move forward. A motion was made and seconded (Davis, Wallstrom) to circulate the City of Rutland's Resolve in becoming the Solar Capital of Vermont resolution for signatures.

Alderman Romeo made a motion to amend the resolution as presented. (No language or materials were presented to the Clerk) Information was e-mailed and left on Board members desk. There was no second **Motion failed.**

The original motion was on the floor, to circulate. With no further debate, **Motion passed.**

A motion was made and seconded (Davis, Romeo) to refer the issue of solar rays, a design control district, to the DRB for response on issuance of allowance. **Motion passed.**

Tax Stabilization, Winter Market: Alderman Davis read her report stating that the winter farmers market was looking at moving into the old Mintzer Building on West St. The current assessed value is \$366,300; stabilization would take place on any improvements for 5 years. A motion was made and seconded (Davis, Wallstrom) requesting the City Attorney draft a tax agreement to reflect the numbers proposed. Debate ensued with the RRA director asking the Board to hold off on the request, needing further research on the issue. A motion was made and seconded (Romeo, Notte) to table the issue until the RRA director and City Attorney came back to the Board. **Motion passed.**

Alderman Davis then asked for a motion reflecting the need for discussion on sidewalk improvements and additional lighting being placed at the newly developed winter markets location to the Mayor. **Motion passed.**

Sean Sargeant; Chair Public Safety, Marijuana Dispensary

Alderman Sargeant read his report on the issue of a marijuana dispensary or growing marijuana in the City limits. A motion was made and seconded (Sargeant, Davis) to authorize the City Attorney to draft an ordinance banning both marijuana dispensaries and the cultivation of marijuana for dispensaries from the City limits. **Motion passed.**

Alderman Sargeant then read the proposed language presented by Attorney Costello on the new proposed ordinance banning dispensaries and/or cultivation of marijuana. A motion was made and seconded (Sargeant, Davis) to approve the new ordinance as presented. **Motion passed.**

REPORTS OF SELECT COMMITTEES

Blighted Properties committees will meet every other week, to continue their work on developing ordinances to help in the process of improving neighborhoods.

REPORTS OF REPRESENTATIVES

Gary Donahue; Accessibility Committee-CAIR

Alderman Donahue reported out on the CAIR committee report, asking the Board to roll over any unspent funds not used for cement work. A motion to refer the issue to the Public Works Committee was made and seconded (Donahue, Davis) **Motion passed.**

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Special Events Permit; River St. Bridge Dedication

A request was received to dedicate the River Street Bridge. 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, Robinson) to approve the request of the River Street Bridge Dedication on November 10, 2012 from 10 – noon. **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

There were no miscellaneous motions, resolutions or new business before the Board.

President Allaire did state that the City Attorney earlier asked for a very brief executive session to discuss a civil matter where premature or general knowledge could place the City at a substantial disadvantage. This request was so moved and seconded (Robinson, Romeo). **Motion passed.**

At 7:52 PM the room was cleared. Clerk Heck asked if any motions would be forthcoming. The President stated a brief executive session, with no motions. The recording was stopped and equipment turned off.

At 8:02 PM a motion was made and seconded (Robinson, Romeo) to come out of executive session. **Motion passed.**

After exiting executive session, President Allaire stated that he had a couple issues he would like to bring to the Board's attention. The Clerk proceeded to continue taking minutes without the benefit of a recording.

President Allaire stated that he had concerns about the Depot Park bench situation and questioned the need for the Board's involvement. He questioned the administration's approach on the issue, and sought the Board's input. A motion was made and seconded (Wallstrom, Sargeant) to refer the issue to the Recreation Committee. There was a good deal of debate as to the content of the language in the motion and the individual views of the issue from other members. Alderman Robinson stated that he has not heard or been approached by constituents and sought to keep the issue non-political. The length of discussion lasted 6 minutes. **Motion failed to refer.**

President Allaire then stated his concerns on the recent situation on Cleveland Avenue (Death of Carly Ferro). He stated his support of the administration's revitalization of law enforcement, but feels like the BOA has been left out of the process and the results are not moving quick enough.

President Allaire then moved to place the issue of drugs in the streets/neighborhoods and associated issues to the Public Safety Committee. This request was so moved and seconded (Davis, DePoy). Debate ensued for approximately 30 minutes. Over the span of the 30 minutes, Board members debated the initial language of

the motion. Several members felt that the language was not proactive. A motion was made and seconded (Wallstrom, DePoy) to a more holistic approach.

The discussion detailed the need for the Board to be more involved and proactive, while other members spoke on the need to allow the PD and Commission to do their jobs and to be there to support them when needed.

At times the debate was contentious.

After several more minutes of debate, the question (amendment) was called and seconded (Davis, Romeo) that **motion passed to call the question.**

President Allaire then stated that the amendment to the original motion was on the floor. He called for a vote, upon his initial determination; the President stated that the **motion passed.**

Alderman Notte called for division; the President stated a division had been called and asked for those in favor to please raise your hands. Aldermen Davis, DePoy, Wallstrom, Sargeant and Robinson raised their hands. Those against, Aldermen Donahue, Notte and Romeo raised their hands. 5 yes – 3 no, **motion failed.** (For lack of majority.)

Immediately a motion was made and seconded to adjourn, (Davis, Sargeant)

Debate continued.

There was an amendment to the previously failed amendment. The Board wanted to gather information from various agencies to keep track of their needs and actions. This **motion passed.**

The original motion as presented was on the floor and voted on. That **motion passed.**

The Board adjourned at 8:35 PM.

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk