CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday August 1, 2011

Members present; Aldermen Larson, Notte, Kiernan, Romeo, Robinson, Sargeant, Wallstrom, Davis, City Attorney Costello and City Clerk Heck. Alderman DePoy was absent.

At 7:03 PM Clerk Heck opened the meeting with the Pledge of Allegiance and stated that President Allaire was acting Mayor and the Board needed to appoint a pro-tem president for that evening.

A motion was made and seconded (Sargeant, Robinson) to nominate Alderman Notte as President. The nomination was then closed and seconded (Sargeant, Larson). **Motion passed.**

President Notte took the chair.

<u>MINUTES OF PREVIOUS MEETINGS (July 18 & 20, 2011)</u>
A motion was made and seconded (Davis, Larson) to approve the minutes of the previous meetings. Alderman Larson presented a spelling correction on two names and a date correction on the July 20th meeting presented by Alderman Wallstrom. City Clerk Heck noted the corrections. **Motion passed.**

<u>OUTSIDE THE RAIL</u>
Lynn Walsh from RUN spoke about the Police Commission meeting being held at the Godnick Center on Monday August 8th. She spoke of a fox issue related to the northeast neighborhood and wanted everyone to know that there will be a representative from Fish & Game to answer questions on the issue.

Elaine Mullan spoke about the conditions of green space and planters around downtown and their poor condition and the negative impact it presents. A motion was made and seconded (Robinson, Davis) to refer the issue of Citywide Beautification to the Community and Economic Development Committee. **Motion passed.**

Mark Foley Jr. came before the Board to ask if the Board would consider amending his recently signed lease of the parking lot on the corner of Cottage & West. He was looking at placing a food wagon in a space to offer food. Alderman Davis stated that the issue was in her committee and would be heard on the 10th. Mr. Foley stated that time was of the essence based on the short remainder of the summer. There was brief debate but no action taken.

<u>COMMUNICATIONS FROM THE MAYOR</u>
Acting Mayor David Allaire asked the Board to untable the nomination of Christopher Siliski to be voted on as a member of the Board of Aldermen. A motion was made and seconded (Robinson, Romeo) to untable the nomination. **Motion passed.** A motion was made and seconded (Davis, Robinson) to have the Clerk circulate the ballot box. **Motion passed.** President Notte asked the Clerk to circulate the ballot box. Clerk Heck distributed the collected ballots to the City Attorney for verification. Attorney Costello presented the results to President Notte. President Notte verified the results with a confirmed nomination. Christopher Siliski was then sworn in by Mayor Allaire and took his seat on the Board.

Mayor Allaire asked the Board for a referral of the Electric Utility issue previously presented by Mayor Louras. A motion was made and seconded (Sargeant, Robinson) to refer the issue of Electric Utilities to the Public Works Committee. There was brief debate as to the committee chosen, with several members stating that Community and Economic Development would be a better fit. A motion was made and seconded (Romeo, Davis) to refer the issue to Community and Economic Development. President Notte stated that a motion to amend the referral to Public Works instead referring to Community and Economic development was made. He asked if there was any further debate. There was no debate, **Motion passed.** President Notte then stated that the motion on the floor was to refer the issue to Community and Economic Development Committee. With no debate, the **motion passed.**

Mayor Allaire briefed the Board on a train trip from the Rutland Depot to Castleton highlighting the improvements made to the rail bed and corridor.

He also asked the Board to consider a request from the Board of Finance to replace a damaged light post and replacement of another light post at the library to coincide with the other accent lighting that had been replaced downtown. Mayor Allaire presented some cost figures and stated the Board of Finance was looking for the Board of Aldermen's blessing. A motion was made and seconded (Davis, Larson) to suspend the rule and take the issue up that evening. **Motion passed.**
A motion was then made and seconded (Davis, Larson) to approve the request with the dollar amount to be determined after the insurance claim had been settled. Again, there was debate with the main issue being an exact dollar amount. Treasurer Wilton asked the Board to approve with an amount not to exceed $15,000. Again debate ensued. Alderman Romeo then made a motion to table the issue (supersedes the previous motion) until a true cost can be determined. The tabled motion was seconded by Alderman Robinson. It was determined that a motion to table is not debatable. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Allen; RRA, Request for BOA to set Public Meeting 0n August 15th, 2011

Barbara asked the Board to set a meeting for August 15 to meet the requirements for the next application for the Creek Path. A motion was made and seconded (Davis, Sargeant) to set a public meeting for August 15, 2011 at 6:30 PM. **Motion passed.** Susan Schribeman from the Planning Commission gave an update on the Creek Path project.

Andrew Costello; City Attorney, Request for Authorization to Discharge Mortgage

Attorney Costello gave a brief history of his request for authorization to discharge a mortgage. He stated that the original revolving loan to S&E Enterprises needed to be discharged as S&E had been renamed to C Street Holding and as such the Downtown Revolving Loan would need to discharge from S&E. A motion was made and seconded (Romeo, Robinson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Robinson, Romeo) to authorize the Mayor to discharge the mortgage granted to the City by S&E Enterprises on July 29th, 2009. **Motion passed.**

Wendy Wilton; City Treasurer, Rutland Public Schools Seeking Short-term Funding

Treasurer Wilton asked the Board for their approval to authorize the Mayor and Treasurer to sign the TAN request. 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 authorize the short-term borrowing/spending on behalf of the Rutland Public Schools in the amount of $2.2 million and request the acting Mayor and Treasurer to sign. **Motion passed.**

Robert Schlachter; Fire Chief, Request for Referral, Updating General Electric Plants 2 & 4 Fire Protection Agreement

A motion was made and seconded (Davis, Romeo) to refer the issue to the Public Safety Committee. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Sharon Davis; Chair, Charter and Ordinance Committee

Alderman Davis stated that her committee met to discuss audit finding 10-9 inventory of assets. There was discussion as to whether the report should be filed yearly or quarterly. The committee felt they needed more input from the Mayor and Department Heads and decided to leave the issue in committee. Alderman Davis stated that her report was for information only.

Christopher Robinson; Chair, General Committee
Alderman Robinson stated that his committee met to discuss a request by Francis McGinnis to access his property through the use of an access rd (Fisk Rd) located in the City watershed area. He stated a lengthy conversation followed with concern to water quality. His committee requested that City Attorney Costello draft a revocable license and present it back to committee for discussion. The issue is to remain in committee and his report was for information only.

REPORTS OF SELECT COMMITTEES
None to Report

REPORTS OF REPRESENTATIVES
None to Report

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION
Letter from ARC – Rutland Area, Ballot language change request
A letter was presented to the Board stating approval of the words "Association for Retarded Citizens Rutland Area, d/b/a" being replaced with ARC-Rutland Area. The Board stated no issue with the request. A motion was made and seconded (Davis, Larson) to receive and place the notice on file. **Motion passed.**

Special Events Permit; M.S.J. Athletic Ass. Yearly Raffle, Aug. 20, 4-12PM, American Legion
A motion was made and seconded (Davis, Larson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was then made and seconded (Davis, Sargeant) to approve the request for the M.S.J. Athletic Association Yearly Raffle to be held on August 20th from 4PM-12AM at the American legion post 31 parking lot. **Motion passed.**

Special Events Permit; C.K.School 125 Anniversary Picnic, Sept. 11, 12:30 – 4:30PM
A motion was made and seconded (Davis, Larson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was then made to approve the request for the Christ the King School 125th Anniversary Picnic on September 11th from 12:30 to 4:30 pm. **Motion passed.**

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

BOARD OF CONTROL COMMISSIONERS
Lagasse's Hearthside Grille; 37 N. Main St. 1st Class Liquor Request
A motion was made and seconded (Davis, Robinson) to circulate the application for signatures. **Motion passed.**

Alderman Romeo brought the outside consumption request for the M.S.J. raffle to the board's attention. He then made a motion to approve the request for outside consumption for their event. The motion was seconded by Alderman Davis. **Motion passed.**

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

President Notte then stated that he neglected to get the Board's approval for an outside table request from Café Terra. A motion was made and seconded (Robinson, Davis) to suspend the rules. **Motion passed.** A motion was then made to approve the outside table request (Robinson, Davis). **Motion passed.**

UNFINISHED BUSINESS
Alderman Sargeant questioned the need for a Special Events Permit, like the one just approved by the Board for the American Legion, when they had no need of any City service. Attorney Costello stated that that particular issue was in committee to be discussed and stated that the Legion did it as a courtesy.

Alderman Robinson spoke about a letter from Sharon Rabideau and stated that he was unsure if the Board was legally capable of resolving her issue with a bar named Mandingos. There was brief discussion and a motion was made and seconded (Robinson, Larson) to receive and file the letter. **Motion passed.**

Alderman Kiernan asked to refer the issue of the RME tax specific to vendors at the Farmers Market to the Charter and Ordinance Committee. That motion was seconded by Alderman Wallstrom. There was a fair amount of debate as to whether the issue was in committee already. The board decided it was better to refer then not. **Motion passed.**

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

None were discussed.

At 8:18 PM a motion was made and seconded (Robinson, Davis) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk