CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Tuesday, January 18, 2011

Members present; President Allaire, Aldermen Dress, Barrett, Notte, Larson, Tilden, Robinson, Sargeant, Coleman, 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, January 3, 2011)
A motion was made and seconded (Davis, Tilden) to approve the minutes. Alderman Robinson abstained from voting as he was absent from that meeting. **Motion passed.**

OUTSIDE THE RAIL
Chief Schlachter asked the Board to recognize the life saving response of Colin Fitzsimmons, Michael Barrett and Brad Lafaso of the Rutland Fire Department on a recent call. A motion was made and seconded (Robinson, Davis) to draft a letter recognizing their heroism. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS
Because of weather conditions Alderman Davis asked the Chair if he could move to the Standing Committee portion of the agenda as a large group of people were present to show support for the Recreation Bond question. President Allaire stated that he would do so if no objections, seeing none the Board heard from Alderman DePoy, Chair of recreation.

Barry Keefe, City Assessor, Equalization Study
A motion was made and seconded (Coleman, Davis) to refer the issue to Finance Committee. **Motion passed.**

Andrew Costello; City Attorney, "Request for Executive Session – Pending Civil Litigation"
President Allaire asked the Board to move this issue to the end of the meeting. The request was so moved and Seconded (Davis, Tilden). **Motion passed.**

Alan Shelvey; Commissioner of DPW, Sick Leave Donation Request
A motion was made and seconded (Davis, Notte) to suspend the rules. **Motion passed.**
A motion was made and seconded (Davis, Tilden) to approve the request for donated time per the leave donation policy to George Rogers of the Public Works Dept. with the total time donated of 307 hours. **Motion passed.**

Ed Larson, Request for Referral
The first issue Alderman Larson presented was a request for referral to the Community and Economic Development Committee to have State representatives come before the Board to share information on current issues. The request was seconded by Alderman Davis. **Motion passed.**

The second issue was also a referral request to Charter and Ordinance Committee on the issue of some language changes to wording on Ordinance 4704, 4705, and 5044. The request was seconded by Alderman Notte. **Motion passed.**

Sean Sargeant; Funding for Non-Profits placed on City Ballot
Alderman Sargeant brought the issue of obtaining audited financials from non-profits requesting to be placed on the ballot. A motion was made and seconded (Sargeant, Robinson) to suspend the rules. **Motion failed.**

A motion was made and seconded (Sargeant, Robinson) to refer the issue to General Committee. There was debate as to how non-profits get on the ballot and the requirements the Board may ask them to provide. Alderman Davis stated that this issue was just discussed in the last couple of years and felt it did not need to be addressed again. Treasurer Wilton stated that the request was needed to comply with federal requirements. After continued debate President Allaire called for the result of the motion, Alderman DePoy abstained on the vote as he sat on the Board of a non-profit. **Motion again failed.**

Joe Tilden, Alderman, Petition for "The Bus" For Information Only
Alderman Tilden gave the Board a brief update on "The Bus" and their increased ridership.

REPORTS OF STANDING COMMITTEES
Sharon Davis, Chair Community Development, Downtown Resident Parking
Alderman Davis read her report stating that the committee met to discuss overnight parking and to present a motion that came out of committee. She stated that the motion was to grant temporary parking passes overnight from 5 PM to 8 AM until July 1, 2011. The motion was seconded by Alderman Barrett. Alderman Davis stated that the issue was to remain in committee until a long term resolution can be found. **Motion passed.**

Tom DePoy; Chair, Recreation Committee
Alderman DePoy read his report. He stated that the recreation committee discussed at length the proposed expansion to Giorgetti Park. He stated that there were a dozen supporters at the meeting as well. The motion presented by Alderman Barrett to the full Board was to recommend the Board place on the March Ballot a request of City voters to approve a bond for the expansion to Giorgetti Park not to exceed $4,344,836. Alderman DePoy so moved the motion and with a second from Alderman Robinson debate began. Over the course of the next 70 minutes the Board heard from a dozen supporters and debated the issue. They also heard from Sean Pemrick who questioned how people were going to pay for it when they were having issues with all the other increases facing them, after hearing from all who wanted to speak debate continued inside the rail.

The main debate centered on the timing of the project and increased financial support for the project. An amendment to the original motion was made and seconded (Sargeant, DePoy) to use $400,000 from the Giorgetti Trust Fund to lower the bond amount to $3,944,836. After brief debate a roll call vote was called. President Allaire also informed the Board that there was specific language that needed to be approved and asked Attorney Costello to review that language. Attorney Costello stated that the question would be passed in the form of a resolution, and the content would state ***"Resolved that the public interest or necessity demands improvement and that the cost of the same will be to great to be paid out of the ordinary income and revenue we here by order the submission of the proposition of incurring a bonded debt to pay for public improvements to the voters of the City of Rutland at the annual meeting March,1 2011. Such proposition shall read as follows".*** **"Shall the bonds of the City of Rutland in an amount not to exceed $3,944,836 be issued for the purpose of renovating and expanding the Giorgetti Arena to include a field house providing a large multi-purpose space for year round indoor sporting opportunities and multi-purpose community rooms for group exercise, fitness and athletic training, classes, meetings and events?".**

There was brief clarification on the actual vote. President Allaire stated that the vote would determine the language, as stated by Attorney Costello and the outcome of the issue being placed on the ballot.

At this point President Allaire allowed Sean Pemrick to address the Board one more time.

President Allaire asked the Board if the understood the motion and stated the original motion with the amended portion to include $400,000 from the Giorgetti Trust Fund as a 10% down payment and the bond in the amount of $3,944,836.00.

President Allaire asked the Clerk to call the roll.

Alderman Dress		Yes
Alderman Barrett		Yes
Alderman Notte	No	
Alderman Larson		Yes
Alderman Tilden		Yes
Alderman Robinson		Yes
Alderman Sargeant		Yes
Alderman Coleman		Yes
Alderman DePoy		Yes
Alderman Davis		Yes

9 yes 1 no **Motion passed.**

President Allaire asked for a quick break to allow chambers to clear. He then proceeded to go back to the original order of the agenda. The Board moved to return to reports and letters from department heads.

Dave Dress; Chair, Finance Committee

Alderman Dress read the following report to the Board.
Regional ambulance provided documentation to support their claim the City was behind in their payments. After much discussion it was never determined if the payment was missing or the accounting process in error. All parties agreed the most appropriate course of action was to receive and file their documentation and for Regional Ambulance to instruct their auditor to continue researching the issue. The issue is considered closed by the City.

His next issue involved Chief Schlachter. The chief presented his case for the salary range requests he is making to fill vacant positions within the department. After brief discussion the motion out of committee was: To accept the recommendations of the Chief and Alderman Dress so moved. With a second from Alderman Barrett the **Motion passed.**

The third and final issues dealt with Treasurer Wilton's request. The Treasurer presented her thoughts regarding the treatment of the pooled cash accounts, specifically the parking meter fund. Three motions came out of committee to address this issue all three motions were moved by Alderman Dress and seconded by Alderman Barrett.

A. Write off the amount of $56,692 for the years 2001 – 2004 deemed uncollectable and establish a policy going forward to write off anything greater than 7 years old in this fund. There was debate as to the stance issue as a policy or a defined ordinance change. The Board left the issue as a policy. **Motion passed.**

B. Develop a boot list and notify prior offenders that payment is necessary or booting will occur this covers offenses from 2005 to present. There was questioning as to how a boot list is generated, and the fact that the Board would direct the Police department to follow the policy to the letter. **Motion passed.**

C. Reestablish the amnesty program offering 50% forgiveness for offenses occurring during 2005 - 2008 if paid not later than 4/30/2011 or these vehicles will be booted. Again debate followed with concern for language defining boot list designation. Alderman Davis wanted to amend the motion deleting all wording after 4/30/2011. **Motion passed with amendment made.**

Dave Dress; Chair, Charter and Ordinance Committee

Alderman Dress read his report and stated that after much discussion on the subject of signs it was decided by the committee to request that City Attorney Costello review the current ordinance to determine how the language might best be modified to allow for temporary signs of this nature, keeping intact the requirements of permitting and insurance and making consistent wording suggested by Alderman Larson that seems to separate various areas of the City such as the redevelopment zone so that the ordinance applies equally to all City businesses. This review should include setback language as well as reviewing any applicable Federal or State law requirements. These modifications should be forwarded to the committee at the attorney's earliest convenience upon which they will be reviewed by the committee at a future meeting and he so moved with a second from Alderman Davis the **Motion passed**

In light of the above request to the City Attorney the committee assured those in attendance that their signs would be permitted in their current locations without risk of fines being assessed.

The second item on the agenda concerning the ADA was not discussed as no one was in attendance to present the issue.

REPORTS OF SELECT COMMITTEES
None to Report

REPORTS OF REPRESENTATIVES
None to Report

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION
Clifford Young; VFW, BOA Invitation to walk in Loyalty Day Parade, Sunday, May 1, 2011
A motion was made and seconded (Davis, Barrett) to receive and file. **Motion passed.**

Richard Rivers; Vt. State Fair Fee Request
A motion was made and seconded (Robinson, Davis) to refer the issue to Finance Committee. **Motion passed.**

Special Events Permit Request, 19th Annual V.S.M.C. Road Race for Kids on the Move
A motion was made and seconded (Robinson, Tilden) to suspend the rules. **Motion passed.**
A motion was made and seconded (Robinson, Barrett) to approve the request. **Motion passed.**

Michael Stone; Tax Abatement Request, 100 East Street
President Allaire asked the Board to approve the committee of Aldermen Barrett, Notte, and Larson with Alderman Notte as Chair to report back to the full Board on February22 at 6:50 PM. Alderman Davis so moved and with a second from Alderman Robinson the **Motion passed.**

BOARD OF CONTROL COMMISSIONERS
No items to Review.

UNFINISHED BUSINESS
Treasurer Wilton updated the Board on her Treasurer's Report for the end of Qtr. 2 asking the Board to review her report at their next meeting. She also informed the Board on ther next Pension meeting to be held on January 27, at 6 PM.

Alderman Tilden requested that City Attorney Costello inquire the police department to investigate the parking of a car at City Hall for the last couple weeks in their handicap parking space.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

There were no new motions, resolutions or new business discussed.

At 9:24 PM a motion was made and seconded (Robinson, Tilden) to move into executive session to discuss pending civil litigation. **Motion passed.**

At 9:39 PM a motion was made and seconded (Davis, Robinson) to come out of executive session. **Motion passed.**

At 9:40 PM a motion was made and seconded (Robinson, Tilden) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk