CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, October 17, 2011

Members present: President Allaire, Aldermen Larson, Kiernan, Notte, Romeo, Siliski, Robinson, Sargeant, Wallstrom, DePoy and Davis. Attorney Costello and City Clerk Heck

MINUTES OF PREVIOUS MEETINGS (October 3, 2011)

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

OUTSIDE THE RAIL

Barbara Allen from the RRA needed the Board to signoff on a Municipal Planning Grant Resolution for Housing needs assessment. This resolution was signed in March of this year, but the resolution form has changed and a new form with the Boards endorsement needs to be signed. A motion was made and seconded (Davis, DePoy) to suspend the rules and take the issue up. **Motion passed.** A motion was then made and seconded (Davis, Notte) to circulate the new form for signatures. **Motion passed.**

Cindi Wight, Recreation Director asked the Board to signoff on a special events permit for the Halloween Parade. A motion was made and seconded (Davis, Robinson) to suspend the rules and take the issue up. **Motion passed.** A motion was made and seconded (Davis, DePoy) to approve the permit for the Halloween Parade to be held Saturday, October 29th from 5 to 9 PM in downtown Rutland. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

Mayor Louras had several items for the Board. He said his enclosed letter for 82 Grove St. was to be taken up later in the meeting. He then discussed the South Main St water pipe replacement project and the City's continuing negotiation with the Union to sub that work out. There was brief discussion on time lines and if the City was able to secure water if a brake happened. He also discussed the November 1st deadline to present the Board with the FY2013 budget and stated that he would discuss the budget further on the first Monday in November at their next scheduled meeting. There was a motion made and seconded (Robinson, DePoy) to refer the FY 2013 Budget (General & Water and Sewer) to the "Appropriate" Committee. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Alan Shelvey; DPW Commissioner, Funding for Five Year Bridge Plan

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

Wendy Wilton; Treasurer, Related Party Questionnaires

Treasurer Wilton briefly explained a request from the auditor to have employees fill out a questionnaire on third party transactions and stated that the questionnaire had been mailed to everyone. There were no questions from the Board.

She also asked Alderman Larson if he would add the item of Auditor Randall Northrup meeting with the Finance Committee to discuss the upcoming audit. The request was noted and added to his agenda.

Wendy Wilton; Treasurer, Treasurer's Report for 1st Quarter
Treasurer Wilton gave an update on the 1st Qtr finances. She stated that the City was on track with the budget and on target with funds. She pointed out the expenses were up but that was do to Tropical Storm Irene. She also reported on Water and Sewer revenues and expenses, and stated all were looking good. The treasurer also made mention of the Balance Sheet of General Fund Classifications. There were several questions from the Board on fund balances and delinquent tax strategies.

Barbara Allen; RRA, Request for Referral
The issue of this request involved 82 Grove Street. The current use of this facility is to house transitional families. Caprice Hoover of the Rutland County Parent Child Center has requested the Mayor discharge the mortgage so RCPCC may buy the facility. Barbara Allen of the RRA stated in a letter that the City has satisfied all of the conditions of the grant. A letter to the Board from the Mayor however questioned the direction that the RCPCC may take and has requested the issue be referred for further discussion.

There was lengthy debate from Caprice Hoover, Barbara Allen, Mayor Louras and Board members as to the ramifications of signing the discharge and how the use of the facility would continue. A motion was made and seconded (Romeo, Siliski) to suspend the rules and take the issue up of discharging the mortgage. **Motion failed.**

The Board discussed if there were any reasons to not authorize the discharge. Caprice stated that if the discharge was not signed that the Rutland County Parent Child Center would lose their rights to operate and the facility would fall under the direction of another agency that would change its use to subsidized housing. Barbara Allen from the RRA, administrators of the grant for the City; reiterated that all obligations have been met and the City could release their lein.

A motion was made and seconded (Davis, Siliski) to reconsider the failed motion. **Motion passed.** A motion was then made and seconded (Robinson, Romeo) to suspend the rules and take up the issue of discharging the mortgage. **Motion passed.** A motion was made and seconded (Romeo, Siliski) to authorize the Mayor to sign the discharge mortgage. **Motion passed.** A motion was then made and seconded (Davis, Romeo) to send the aforementioned issue of 82 Grove Street to the Community and Economic Development Committee. **Motion passed.**

BOF; Referred Issue of Police Console Sale
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) to authorize the sale. Debate ensued with a motion to refer the issue of the sale of radio consoles to the Finance Committee. Motion was seconded. Debate again ensued with several aldermen stating their disapproval of referring the issue to committee. **Motion fails to refer.** A motion then was made and seconded (Notte, Davis) to approve the request to sell two (2) Motorola Command Plus radio consoles @ $750 each. **Motion passed.**

<u>REPORTS OF STANDING COMMITTEES</u>
Sharon Davis; Chair, Community Development, New RRA Director Meet and Greet.
Alderman Davis stated that her committee met with the new RRA Director Brennan Duffy to discuss priorities associated with the RRA. Sharon list blighted properties, rail yard relocation, parking/garage issues, City corridor and job creation as well as improved communications between the BOA and the RRA.

There was discussion on pedestrian friendly open green space and the long and short term goals Mr. Duffy might have. The discussion also included housing and economic development. Alderman Davis stated that it was a good meeting and the Board looked forward to working with him.

Sean Sargeant; Chair Public Safety, Chief Engineer Contract
Alderman Sargeant read the following report stating his committee went into executive session at 6:00 PM for two reasons; to discuss an appointment and to discuss a contract that if done in open session may put the city at a disadvantage. Chief Schlachter and Mayor Louras were asked to stay.

Chief Schlachter was excused from the executive session at 7:15 PM.

The executive session ended at 8:05 PM at which point a **motion** was made to:

1. **Appoint Robert Schlachter to the position of Chief Engineer of the Fire Department of the City of Rutland / Emergency Management Director from November 1, 2011 to October 31, 2016.**
2. **Authorize the City Attorney to amend a proposed contractual agreement between the City of Rutland and the Appointed Chief Engineer of the Fire Department of the City of Rutland / Emergency Management Director according to the changes debated in executive session and recorded by the City Attorney; approve the amended contract; and authorize the mayor to sign.**

Alderman Sargeant so moved and the motion was seconded by Alderman Davis. Alderman Sargeant stated that he and Attorney Costello reviewed the draft contract and all requested changes had been made and accepted by the Chief. **Motion passed.**

President Allaire also read a note from Chief Schlachter requesting the carry over of 80 hours of annual leave as he has not been able to use that time as a result of Tropical Strom Irene and the current FY 2013 budget process. A motion was made and seconded (Robinson, Notte) to suspend the rules and take the issue up that evening. **Motion passed.** President Allaire then stated a motion to approve the annual leave carryover note presented by Chief Schlachter. This motion was so moved and seconded (Notte, Robinson). **Motion passed.**

<u>REPORTS OF SELECT COMMITTEES</u>
Sharon Davis; Chair, Intermunicipal, Ruggerio Water Request
Alderman Davis stated that her committee met with John Ruggerio to discuss the request for water at 118 Route 4 (Corner of Rt 4 and Gleason Rd.) at a rate of 450 GPD. She stated that there were two buildings and the proposed use was for office or retail space. Her committee stated a business rate would apply.

A motion was made and seconded (Davis, Notte) to approve the request for water at 450 GPD. To be applied at a business rate. And to be contingent on the receipt by the DPW commissioner the project site plan and evidence that the Alpine share has been agreed. Also per the approval of the City Engineer of the technical aspects of the connection and that it is subject to any terms of a future Water/Sewer agreement or contract between the City of Rutland and Rutland Town. There was brief debate. **Motion passed.**

<u>REPORTS OF REPRESENTATIVES</u>
David Wallstrom; School Board Representative, Update on Sale of Watkins School
Alderman Wallstrom stated a brief report from the School Commissioners meeting held on October 11th. The meeting included action plans for both the High School and Middle School outlining educational goals, expectations and achievement strategies for the 2011-2012 school year.

He also noted that the High School Nurse, Ann Bannister received recognition as the State Nurse of the Year.

He then updated the Board on the Watkins School issue, stating that there had been a bid received for the property. The Commission passed a resolution providing the Superintendant authority to negotiate a contract with the bidder.

He also stated that if a contract was finalized that the Commission and then the BOA would need to approve it before it could be executed. His report was for information only.

ED Larson; MVRTD Representative
Alderman Larson updated the Board on the recent meeting of the Marble Valley Regional Transit District Board of Governors. Alderman Larson stated that the MVRTD was close to finalizing a ten (10) year lease agreement with the State of Vermont Buildings and General Services Division. This lease in the amount of $1,854.00 monthly would include all utilities, heat, hot water, janitorial services, supplies and trash removal. The Transit District was seeking a cap on increases in annual charges over the ten (10) year period of the lease.

Alderman Larson also briefed the Board on the recently enacted Unlimited Access Plan bus program, providing free bus service to all staff, faculty and students at CSJ, CSC, CCV and GMC. He stated that the program was so successful that a larger bus was needed to accommodate the increase in ridership. He hopes to have actual ridership figures from their next meeting in December. His report was for information only.

<u>PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION</u>
Caprice Hoover; Rutland County Parent Child Center, 82 Grove St. Mortgage
This issue was resolved earlier in the meeting.

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

<u>BOARD OF CONTROL COMMISSIONERS</u>
1st Class Liquor License Request; Charles "Chip" Greeno, The Local
A motion was made and seconded (Davis, Notte) to circulate the license for signatures. President Allaire asked if there was any debate. A motion was made and seconded (Romeo, Sargeant) to refer the request to Special Liquor as Alderman Romeo had concerns about the prior history of the proposed location stated by the applicant. President Allaire stated that a referral takes presidences over the prior motion.

The Board asked the applicant Chip Greeno to answer some questions. Mr. Greeno was happy to answer all questions and took the podium. After a brief discussion, the **Motion to refer Failed.**

A motion was made and seconded (Davis, Robinson) to circulate the petition for signatures and approve the license. **Motion passed.**

Outside Consumption Request; The Local
A motion was made and seconded (Notte, Larson) to authorize the Clerk to sign the application. **Motion passed.**

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

UNFINISHED BUSINESS
No Unfinished Business to Report

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS
President Allaire stated that Attorney Costello had requested an executive session, but before moving into executive session he wanted to see if anyone else had any other motions, resolutions or new business.

Alderman Larson presented the Board with a packet of information on proposed parking changes throughout downtown. He asked the Clerk to place this information in the Community and Economic Development Committee so it may be reviewed. Alderman Larson then made a motion to refer this issue to the Community and Economic Development Committee for review. The motion was seconded by Alderman Davis. She also stated that her committee (Community and Economic Development) was meeting on the parking garage issue and it could be reviewed at that meeting. **Motion passed.**

President Allaire then stated that he had earlier in the day received a letter from various union representatives in regards to the composition of the Pension Board. The letter detailed the concerns of City employees and their desire to have representation on the Pension Board. The letter asked that the Board be restructured with (2) two of the unionized members of the City of Rutland and or their representatives be placed on this Board.

The President went on to state concerns from City employees with the Pension Board and mentioned he asked Attorney Costello to draft a proposal and noted that Alderman Rome also has a proposal to present on the issue (Pension Board composition). The President then asked for a referral of these proposals and the letter he received from the union representatives to Charter and Ordinance Committee. This request was moved and seconded (Robinson, Davis). **Motion passed.**

Andrew Costello; Request for Executive Session – Civil Litigation – O.R. Parker, et al. v. City of Rutland".

At 8:43 PM a motion was made and seconded (Robinson, Romeo) to move into executive session to discuss Civil Litigation where premature or general knowledge could place the City at a substantial disadvantage. **Motion passed.**

At 8:52 PM a motion was made and seconded (Davis, Robinson) to come out of executive session. **Motion passed.**

A motion was made and seconded (Robinson, Davis) to authorize the City to enter into a third party claim against parties in the O.R. Parker v. City of Rutland matter. **Motion passed.**

At 8:57 PM a motion was made and seconded (Davis, Notte) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk