CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, November 21, 2011

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

President Allaire called the meeting to order at 7PM.

President Allaire welcomed Troop 120 from the local Cub Scouts to the meeting.

MINUTES OF PREVIOUS MEETINGS (November 7, 2011)
A motion was made and seconded (Davis, Romeo) to approve the minutes of the previous meeting. **Motion passed.**

OUTSIDE THE RAIL
Dan Quinn representing Rutland Mental Health informed the Board about a community forum being held on Tuesday, November 29th from 5-7PM in the Franklin Conference Room at Howe Center. The forum is about the potential placement of an Opiate Treatment Facility located in the City. Local officials and medical personnel will be on hand to answer questions.

COMMUNICATIONS FROM THE MAYOR
There were no communications from the Mayor.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS
Brennan Duffy; RRA, Request for Blighted Property Committee
Mr. Duffy came before the Board notifying them of his desire to form a small steering committee in regards to blighted property. The goal was to establish ordinances in regards to the problem and setting criteria for which procedures could be followed. A motion was made and seconded (Romeo, Notte) to refer the issue to the Community and Economic Development Committee, with research on present ordinances being conducted by the City Attorney prior to that meeting. There was lengthy debate as to the necessity of the referral as Mr. Duffy was presenting a plan to have the RRA take the lead with the help of other various members of a steering committee. The maker of the referral withdrew his motion. A motion was made and seconded (Romeo, Robinson) to suspend the rules and take the issue up. **Motion passed.** A motion was made and seconded (Romeo, Robinson) to approve the request of the RRA as presented by Mr. Duffy. Form a steering committee and to authorize the Board President to appoint two members of the Board of Alderman to sit on this committee. Alderman Siliski noted his desire to be a member of that committee. **Motion passed.**

Michael Coppinger, Downtown Partnership, Downtown Revolving Loan Fund, 40-42 Merchants Row
Mr. Coppinger stated that there were two issues he has brought before the Board involving the Downtown Revolving Loan Fund. The first involved 40-42 Merchants Row for the installation of sprinklers in the basement, and on the 1st and 2nd floors. The request was in the amount of $18,000 and Mike asked the Board to suspend the rules and take the issue up. A motion was made and seconded (Notte, Romeo) to suspend the rules. **Motion passed.** A motion was then made and seconded (Notte, Robinson) to approve the request of Merchants Hall for a loan from the Revolving Loan Fund with stipulations as outlined in the letter presented by Michael Coppinger. After brief debate the **Motion passed.**

Michael Coppinger, Downtown Partnership, Downtown Revolving Loan Fund, 561/2 Merchants Row
Mr. Coppinger stated the next request was again for a loan in the amount of $30,000 for the installation of HVAC unit at 56 1/2 Merchants Row. A motion was made and seconded to suspend the rules and take the issue up. **Motion passed.** A motion was made and seconded to approve the request of a loan in the amount of $30,000 with a payback of 6 years at 2% interest with monthly paybacks. After brief debate, **motion passed.** There was brief discussion as to the board having a representative on the loan committee.

Andrew Costello, City Attorney, "Request for Executive Session – Civil Action"
Attorney Costello's request was moved to the end of the meeting with no objections.

Andrew Costello, City Attorney, Expenditure of Pension Funds
Alderman Davis asked Attorney Costello to present his findings on the expenditure of Pension Funds. Attorney Costello stated that the Pension Board did not follow protocol as illustrated in the City Charter and should have requested an RFP before appointing a law firm from Syracuse to draft IRS-required changes to the pension plan. Attorney Costello further outlined past practices of proper and improper procedures in regards to RFP's. Attorney Costello stated that the proper procedure would involve a request for proposal before entering into contracts. Such proposals should then be reviewed by the Pension Board, which should vote to authorize the agreement before any work is begun. There was a good deal of debate from Board members and Treasurer Wilton. The jist of the issue was 2 parts; the first was a requirement from the IRS that was time sensitive and the other was not time sensitive and should have gone out to bid.

Wendy Wilton; Treasurer, the following items will be presented
1. Treasurer's Report as of Oct 31
Treasurer Wilton presented period four of the Treasurer's Report. She gave a brief overview of the City's current financial situation.

2. Recommendations for Pension Board Restructure
After a brief overview of the referral request, a motion was made and seconded (Davis, Romeo) to receive and place on file her request, as the issue requesting referral was already in committee. **Motion passed.**

3. USDA Letter of Condition updates; repayment at 3.75%
Treasurer Wilton asked the Board to authorize the President to sign updated paper work from the USDA Rural Development Community Facility Loan & Grant. Alderman Romeo asked Attorney Costello if everything looked in order. The Attorney stated the request was just a formality. A motion was made and seconded (Romeo, Robinson) to suspend the rules and take the issue up. **Motion passed.** A motion was then made and seconded (Romeo, Robinson) to authorize the President to sign the updated letter of conditions. **Motion passed.**

4. Internal Control Review—approve Board President to sign
Treasurer Wilton asked the Board to authorize the President to sign the updated internal review outline; signifying deficiencies reported by the auditor have been corrected. Alderman Larson then proceeded to outline the updates as reviewed by his committee. At the end of his review a motion was made and seconded (Romeo, Davis) to suspend the rules and take up the issue. **Motion passed.** A motion was then made and seconded (Romeo, Davis) to authorize the Board President to sign the updated review. **Motion passed.**

5. Electronic Funds Transfer forms—circulate for signatures
This issue was presented to the Board several weeks ago and approved. The forms requiring signatures by the Board were not available at that time. The Treasurer presented the Board with that request. A motion was made and seconded (Davis, Wallstrom) to suspend the rules and take the issue up. There was brief debate as to the proper motion, as there was some confusion with the history of the past events. **Motion passed.** A motion was then made and seconded (Davis, Robinson) to circulate the form for signatures. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Sharon Davis; Chair, Community and Economic Development, Downtown Parking Issue

Alderman Davis stated that her committee met several times in regards to parking issues presented in her committee. She stated that her committee reviewed recommendations from the Mayor and met with various business owners and agencies downtown. Her committee developed a resolution outlining various recommendations regarding the Rutland Multi-Model Transit Center. The following resolutions and recommendations where presented to the Full-Board (See Attached). The resolution and recommendations were moved and seconded (Davis, Notte). There was no debate on the motion. **Motion passed.**

Alderman Davis then made a motion to refer the issues of parking fines, meter rates, the pit, Amtrak lot, and Deter Authority to the Charter and Ordinance Committee. This motion was seconded by Alderman Notte. **Motion passed.**

Sharon Davis; Chair, Intermunicipal, Water Request, Alderman's Kia

Alderman Davis stated that her committee met to discuss the request from Alderman's Kia for water. Alderman Davis stated that Alderman's Kia was moving to a location on Middle Road and was requesting 355 gallons of water per day. A motion was made and seconded (Davis, Romeo) to approve the request based on the business rate and advalorum of 10 years, the approval of the City Engineer and be subject to any future water and sewer agreement between the Town and the City. **Motion passed.**

REPORTS OF SELECT COMMITTEES

None to Report

REPORTS OF REPRESENTATIVES

None to report

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Kristen McLaughlin; Request for tax abatement, 12-14 Clover St

President Allaire asked the Board to approve the committee of Aldermen Allaire, Larson as chair and Kiernan to report back on December 19th 2011 at 6:45PM. The request was so moved and seconded (Robinson, Notte). **Motion passed.** Alderman Larson questioned the President about the issue. It was not only an abatement, but a request for action from the fact that flooding has caused such hardship to home owners, and how the City planned to deal with all the recent flooding events.

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

BOARD OF CONTROL COMMISSIONERS

The Local; Entertainment Permit Request

A motion was made and seconded (Davis, Notte) to authorize the Clerk to sign. There was brief debate as to some concerns from Board members and the actual use of the license prior to Board approval. The Clerk explained his role and the oversight on his part granting the permit prior to Board approval. **Motion passed.**

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

UNFINISHED BUSINESS

Alderman Romeo requested that the City Attorney provide information, if available on Charter and Ordinance guidelines to the steering committee looking at blighted properties.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Larson moved to refer the issue of flooding on 12-14 Clover Street to the Public Works Committee. That motion was seconded by Alderman Davis. **Motion passed.**

President Allaire updated the Board on a recommendation for the search committee into the new Police Chief. President Allaire stated that the Chair of the Public Safety Committee and the Board President sit on the search committee and as Board President he is positioned to name a public member to the search committee as well. President Allaire stated after reviewing and speaking with applicants he has chosen Tom Peters to be on the Police Chief Search Committee.

At 8:41 PM a motion was made and seconded (Robinson, Larson) to move into executive session to discuss civil action where premature or general knowledge could place the City at a substantial disadvantage. **Motion passed.**

At 8:53 PM a motion was made and seconded (Davis, DePoy)to come out of executive session. **Motion passed.**

At 8:54 PM a motion was made and seconded (Sargeant, Larson) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk