CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, October 4, 2010

Members present; President Allaire, Aldermen Dress, Barrett, Larson, Tilden, Robinson, Sargeant, Coleman, DePoy, and Davis. City Attorney Costello and City Clerk Heck. Absent Alderman Notte.

President Allaire called the meeting to order at 7:00 PM

MINUTES OF PREVIOUS MEETING (Monday, September 20, 2010)
A motion was made and seconded (Davis, Larson) to approve the minutes. Motion passed.

OUTSIDE THE RAIL
Tracy Weatherhogg a representative of Crop Walk for Hunger stated that she was unable to get a special events permit in on time and asked the Board if they could take the issue up this evening. A motion was made and seconded (Davis, Robinson) to suspend the rules and take up the issue. Motion passed.
A motion was made and seconded (Davis, Larson) to approve the request. Motion passed.

There was a large contingent of people that came to speak on the water rate increase passed last week by the Board. Speakers included David Trapeni, Shawn Pemrick, Elaine Mullin, Cheryl Ryan, Tracy Pena, Joe Giancola and Bruce Utley, all of Rutland City. The debate was quite contentious at times. A motion was made and seconded (Robinson, Barrett) to refer the issue of retroactive billing to Charter and Ordinance Committee. Motion passed. There were questions concerning the need of the sand and carbon filter as well as to the faulty roof and its replacement. A motion was made and seconded (Robinson, Larson) to refer the issue of a 20% employee match for health care benefits to the Charter and Ordinance Committee. Motion passed. A motion was made and seconded (Davis, Barrett) to refer the issue of the library roof bond/grant to the Treasurer. Motion passed. At 8:00 PM President Allaire called for a 5 minute recess after debate turned heated with personal attacks on the President.

Upon reconvening the President asked the Board how they would like to continue. Alderman Sargeant wanted information defining the rules of reconsidering of a question. President Allaire explained how reconsideration of a question worked. Upon his definition the Board moved on with the agenda.

COMMUNICATIONS FROM THE MAYOR
Capital Improvement Program The Mayor provided the Board with a packet of information on the proposed Capital Improvement Program. The information was intended to aid the Board with their Committee of the Whole meeting scheduled for the next evening. A motion to refer the information to the Committee of the Whole was made and seconded (Davis, Robinson). Motion passed.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS
Andrew Costello, City Attorney, Request for Executive Session, Civil Action
Attorney Costello's request was moved to the end of the meeting, (Davis, Tilden). Passed.

REPORTS OF STANDING COMMITTEES
Dave Dress; Chair, Charter & Ordinance
Alderman Dress stated that after a brief review of the committee's prior list of actions for the Police Commission he asked the committee to reconsider each of the 16 items listed for improvements. Evaluated against the criteria proposed by the committee's legal council of replacing the composition of

the board with 5 aldermen appointed by the mayor or the board president. This exercise accomplished the task of reducing the list of 16 to what was considered to be the most important required changes:

1. The desperate need to restore the public trust in the department and the commission.
2. Establishment of control over the complaint process.
3. Establishment of an annual departmental operational review.
4. The regulation of the conduct of the commission to achieve better outcomes.
5. The establishment of a direct accountability link to the Board of Aldermen.

The report was for information only.

Alderman Dress gave his second report from Charter and Ordinance which pertained to the referred issue of who should be responsible to hear vicious dog hearings. This issue resulted in a motion coming out of committee to the full Board. **The motion out of committee was to adopt the ordinance language changes as proposed which remove "Board of Alderman" from (a) and (b) of Chapter 13 Section 2557 and replace with "Rutland City Police Commission", and he so moved.** With a second from Alderman Barrett, the motion passed.

Sharon Davis; Chair Community and Economic Development
Alderman Davis stated that her committee met to discuss the potential of the City managing 375 spaces in the transit center. There was a vast array of questions. Ultimately the committee made a motion to have the Mayor continue discussions with the State. After brief debate from Alderman DePoy the motion passed. The issue is to remain in committee as they try to answer other concerns.

<u>REPORTS OF SELECT COMMITTEES</u>
<u>None to Report</u>

<u>REPORTS OF REPRESENTATIVES</u>
<u>None to Report</u>

<u>PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION</u>
William & Joyce Fagan; Request for Tax Abatement, 7 Mansfield Place
Michael & Ann Marie Clifford, Request for Tax Abatement, 76 Engrem Ave.
President Allaire asked for a motion to approve the committee of Aldermen Dress, Barrett as chair, and Notte, to hear the abatement request of William & Joyce Fagan of 7 Mansfield Place and Michael and Ann Marie Clifford of 76 Engrem Ave. The committee is to report to the full Board on November 1, 2010 at 6:45 PM. The motion was moved and seconded (Davis, DePoy). Motion passed.

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

<u>BOARD OF CONTROL COMMISSIONERS</u>
Last Call; 56 Center Street; Request for New First Class Liquor License
A motion was made and seconded (Davis, Coleman) to circulate the request for signatures. Motion passed.

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

<u>UNFINISHED BUSINESS</u>

Alderman Larson wanted some feed back on the computer use policy implanted in August. A motion was made and seconded (Davis, Larson) to get feed back from department heads on this issue in a timely fashion. Motion passed.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Ed Larson; Alderman Request for Executive Session, Regarding Contracts and Personnel Issues
This issue was postponed by Alderman Larson until the next meeting.

Alderman Tilden made a motion that was seconded by Alderman Barrett, to have our negotiating unit ask the unions to hold their salary request this year. He was requesting a salary freeze for union and non-union employees. After brief debate, the maker and seconder of this motion withdrew the motion.

A motion was made and seconded (Robinson, Coleman) to suspend the rule and take up the issue of salary line freeze for the 2011 budget. Motion passed.

A motion was made and seconded (Dress, DePoy) the motion stated "this Board will not, tonight pass any increases in salary for next years budget, sending a message to the Mayor, don't even put increases in the budget". Debate. There was brief debate as to the ramifications this action my have on union contracts. Attorney Costello asked the Board for a brief Executive Session to convey information prior to the vote on the motion. After further debate, at 8:50 PM a motion was made and seconded (Dress, Robinson) to enter into executive session to discuss labor relations with employees. Motion passed. Chambers were cleared.

At 9:07 PM a motion was made and seconded (Robinson, Davis) to come out of executive session.

At this time the maker and seconder of the previous motion replaced their motion with a new motion stating "we as a Board of Aldermen move to establish the Maximum amount for the salary line item will not increase over the prior budget line item". There was a question if that meant the current budget. Alderman Dress stated that meant the up coming budget cycle. Debate followed. Alderman Sargeant called for a roll call vote. President Allaire asked the Clerk to call the roll. Alderman Barrett asked for the roll to start from the other side of the room.
Clerk Heck called the roll;

Alderman Davis		NO
Alderman DePoy	YES	
Alderman Coleman	YES	
Alderman Sargeant	YES	
Alderman Robinson		NO
Alderman Tilden	YES	
Alderman Larson	YES	
Alderman Barrett	YES	
Alderman Dress	YES	

Motion passed.

President Allaire brought up the issue of traffic at the Woodstock Ave and Stratton Rd. intersection. He stated that a former Alderman complained of the conditions at 7:15 AM when kids are going to school. A request was made to place the issue into Traffic Committee. A referral was made and seconded (Robinson, Davis) to refer the issue to Traffic Committee. Motion passed.

At 9:15 PM a motion was made and seconded (Robinson, Larson) to enter into executive session as requested by Attorney Costello to discuss civil action where premature or general knowledge could place the city at a substantial disadvantage. Motion passed.

*Alderman DePoy left chambers

At 9:29 PM a motion was made and seconded (Davis, Tilden) to come out of executive session. Motion passed.

A motion was made and seconded (Davis, Barrett) to authorize the Mayor to settle the suit of Jimmy Hart vs. The City of Rutland. Motion failed 5-2. (Alderman Robinson abstained, and Alderman DePoy was not present during the vote).

Alderman DePoy reentered chambers and a motion was made and seconded (DePoy, Barrett) to reconsider the previous motion. Motion passed.

Alderman Dress called the question, Alderman Tilden seconded. Motion passed.

The original motion to authorize the Mayor to settle the suit of Jimmy Hart vs. The City of Rutland was voted. Motion passed, 6-2. (Alderman Robinson abstained).

At 9:37 PM a motion was made and seconded (Barrett, Tilden) to go back into executive session to discuss the negotiations or securing of real-estate options. Motion passed.

At 9:49 PM a motion was made and seconded (Davis, Tilden) to come out of executive session. Motion passed.

At 9:50 PM a motion was made and seconded (Tilden, Coleman) to adjourn. Motion passed.

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk