# CITY OF RUTLAND, VERMONT
# Board of Aldermen Minutes
# Monday, March 15, 2010

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

City Clerk Heck called the meeting to order at 7:00 PM

After the pledge to the flag Mayor Louras swore in the newly elected Aldermen, Ward Clerks, 1st, 2nd, & 3rd Inspectors.

City Clerk Heck opened the floor for nominations for Board President. Alderman Davis nominated Alderman Allaire the nomination was seconded by Alderman DePoy. Nominations were closed for Board President. The nomination was approved. Alderman Allaire took the chair as Board President.

President Allaire thanked the Board for their support, and stated that he looked forward to working with them.

**MINUTES OF PREVIOUS MEETING (Monday, March 1, 2010)**
A motion to approve the minutes was made and seconded (Davis, Coleman). Motion passed.

**OUTSIDE THE RAIL**
Hurley Cavacas Jr. spoke about a joint venture of Boards to promote and work for the benefit of the City.

The Board was updated on upcoming event for the Creative Economy Forum; Paul Costello from the Vermont Council on Rural Development will moderate a public forum on March 31st, 6PM at the Paramount.

**COMMUNICATIONS FROM THE MAYOR**
***Mayor Louras; Americans with Disabilities Act Compliance***
Mayor Louras stated that the City had fallen out of compliance on this issue and he was looking to appoint several members to the panel as well as looking for representation from the Board of Alderman. President Allaire stated that if any Board member was interested to let him know. A motion to table was made and seconded (Tilden, Notte). Motion passed.

Mayor Louras updated the Board on the Moon Brook impairment status. Mayor Louras stated that the State has increased the criteria associated with Storm water runoff. He spoke on MS4 designation, (Municipal Separate Storm Sewer System) he commented on how this new standard if implemented by the State could cost the City $25 million. He stated that the impact would be devastating to commercial and residential residents along Moon Brook. The Mayor wanted to inform the Board that in order to protect the City it may need to take legal action; he also told the Board that the State would impose a fine of $25,000 and incarcerate the official responsible for not following the new guidelines for 6 months according to the draft document he has seen. The Mayor stated that he has met with representation from Rutland Town as this will affect them as well. He has also spoken with key developers in the City to get them on board. After brief debate there were two motions presented. The first was made and seconded (Notte, Davis) to send the issue to Public Works Committee. The second motion was made and seconded (Notte, Tilden) to refer the same issue to Intermunicipal Committee. Motions passed.

Mayor Louras presented the Board with two appointments for the police Commission. Robert Ebbighausen as Chair for the next year and Mary Nemeth to a new 3 year term and as vice-chair for the next year. A motion to table was made and seconded (Tilden, Notte). Motion passed.

**REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS**
***Lewis Hotaling; DPW, Digester Cover Replacement Proposals***
Commissioner Shelvey spoke on the need for an additional $35,000 to cover the cost to replace the digester cover at the sewage plant. The Commissioner was asking for approval to go ahead with the project and allow the rest of

the money to come out of a CSO sinking fund or it would be budgeted in the next cycle. There were numerous questions from the members. Alderman Dress asked about a Bond to protect against failure, he wants to assure that the cover won't fail before its expected life. Alderman DePoy questioned the spread in bids. He questioned the validity of the low bid. Commissioner Shelvey stated there were numerous reasons why bids could be so varied. Alderman Coleman also questioned the spreads. He stated that the roof at the water filtration plant was built by the lowest bidder and "we saw what happened there".

Several Aldermen questioned the warranty. Alderman Barrett stated that he was concerned about "draining" all the money from that account; he stated that the money was to be used for sewage pipe on Woodstock Ave. Commissioner Shelvey stated that it was a different account and that the Sewage plant was an expensive building to maintain. This cover was one of five that will eventually need to be replaced. Alderman DePoy questioned why the City could not shop for the best price. Attorney Costello stated that according to Charter there were set criteria on the bidding process.

A motion to suspend the rules was made and seconded (Davis, Notte). Motion passed. Alderman DePoy voted no. A motion to approve the RFP from Penta Corp. for $431,900 was made and seconded (Davis, Notte). Debate. Alderman DePoy stated that he will not support the motion. He feels that the spread was too high and he would like to see if the company will lower their price to get more work on future covers. Alderman Notte stated he will support the motion and stated that time was of the essence. Alderman Dress stated that he also was concerned on the $200,000 spread and requested that the Board reject the proposals and ask for new ones. The motion to approve the request for $431,900 failed.

A motion to refer the issue to Public Works Committee was made and seconded (Notte, DePoy). Alderman Dress stated that the issue did not need to go to committee, but rather have the Board of Finance request new bids. Alderman Davis agreed with Alderman Dress. Alderman DePoy also agreed and removed his second on Alderman Nottes motion. After brief clarification from City Attorney Costello, Alderman Notte removed his motion to refer to Public Works committee. President Allaire asked if the Board wants to request the Mayor and Purchasing Agent to get a new RFP. Alderman Dress so moved and it was seconded by Alderman Barrett. Debate. Commissioner Shelvey stated that a normal RFP could take 30 days (the issue is time sensitive) he also asked for guidance from the Board. Again Alderman DePoy stated that he wanted to see if a company would work with the City on the pricing of covers. Commissioner Shelvey agreed that the City may get better pricing on more covers and asked if that is the direction the Board wanted him to move. (i.e. solicit proposals on multiple covers).

There was further discussion from several members in regards to their opinions on how to handle the issue. Alderman Davis stated that the Charter contained specific language and guidelines to bids. She also pointed out that if the RFP is requested again that there is a distinct possibility that the bids could come back higher. Alderman Barrett stated based on economic conditions the City may get more bidders, Commissioner Shelvey stated that this was specialized work and the three bidders were competent, experienced and known for their work, he commented that more bidders did not guarantee better work. After several more minutes of discussion Alderman Dress called the question, Alderman DePoy seconded the motion. President Allaire asked if everyone understood the motion, to request the Mayor and purchasing agent to obtain a new RFP for a digester cover at the waste water treatment plant. Motion passed 6-2 with Aldermen Notte and Davis voting no.

***Alan Shelvey; DPW Commissioner, Request to sell Street Sweeper***
A motion to suspend the rules was made and seconded (Davis, Coleman). Motion passed.
A motion was made and seconded (Davis, Dress) to sell the old street sweeper and any parts associated. Motion passed.

***Andrew Costello; City Attorney, "City of Rutland – Town of Clarendon Airport Tax Agreement"***
Attorney Costello was requesting a referral in regards to a contract between the City and the Twn of Clarendon that had expired and needed to be renewed. A motion to refer the issue to Intermunicipal Committee was made and seconded (Davis, Notte). Motion passed.

**<u>REPORTS OF STANDING COMMITTEES</u>**
***Alderman Dress; Finance Committee***

Alderman Dress stated that his committee met to discuss two issues. The first was to convert a VCDP/ PACE loan into a grant, Alderman Dress stated that there was a provision to do so. A motion to convert this loan into a grant was made and seconded (Dress, Notte). Motion passed

The second issue the committee heard came from Treasurer Wilton. She was asking the Board to set policy for interest charged on Interfund Loans. A motion was made and seconded (Dress, Notte) to set policy to not charge interest on Interfund Loans. Motion passed.

## REPORTS OF SELECT COMMITTEES

None to Report.

## REPORTS OF REPRESENTATIVES

None to Report.

## PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

***Special Events Permit; Vermont All State Parade, May 5, 2010, 6-7:30 PM***

A motion to suspend the rules was made and seconded (Davis, Notte). Motion passed.

A motion to approve the request was made and seconded (Notte, Davis). Motion passed.

***Special Events Permit; Coin Drop, City Cat Allies, 9-11-2010, 10-2 PM***

A motion to suspend the rules was made and seconded (Davis, Notte). Motion passed.

A motion to approve contingent on the updated insurance policy was made and seconded (Davis, DePoy). Motion passed.

***VFW Post 648; Invitation to Participate in the 47th Annual Loyalty Day Parade***

President Allaire stated that the VFW was inviting Board members to participate in the Loyalty Day Parade.

A motion to receive and file was made and seconded (Davis, Tilden). Motion passed.

A motion to move into the Board of control commissioners was made and seconded (Davis Notte). Motion passed.

## BOARD OF CONTROL COMMISSIONERS

***2010-2011 Liquor License Renewals***

A motion to authorize the Clerk to sign was made and seconded (Notte, Davis). Motion passed.

| xx liquor renewals for aldermen | | |
|---|---|---|
| **BUSINESS NAME D/B/A** | **BUSINESS LOCATION** | **Liquor License Class** |
| Jilly's | 24 Merchants Row | First Class Cabaret |
| Mac's Convenience Store #102 (21) | 145 North Main Street | Second Class |
| Mac's Convenience Store #104 (26) | 239 South Main Street | Second Class |
| Midway Mobil | 118 South Main Street | Second Class |
| Park Mobil | 5 North Main Street | Second Class |
| Rutland Country Club | 275 Grove Street | First Class Restaurant |
| Tenney Brook Market | 217 North Main Street | Second Class |
| Walgreens 01756 | 10 Woodstock Ave | Second Class |
| West Street Mobil | 446 West St. | Second Class |

***2010-2011 Tobacco License Renewals***

A motion to authorize the Clerk to sign was made and seconded (Notte, Davis). Motion passed.

| xx tobacco renewals for aldermen | | |
|---|---|---|
| BUSINESS NAME D/B/A | BUSINESS LOCATION | Tobacco |
| Mac's Convenience Store #102 (21) | 145 North Main Street | Tobacco w/Liquor License |
| Mac's Convenience Store #104 (26) | 239 South Main Street | Tobacco w/Liquor License |
| Midway Mobil | 118 South Main Street | Tobacco w/Liquor License |
| Park Mobil | 5 North Main Street | Tobacco w/Liquor License |
| Wal-Mart Store #2530 | 0 Merchants Row | Tobacco |
| West Street Mobil | 446 West St. | Tobacco w/Liquor License |

***2010-2011 Outside Consumption Renewal***
A motion to authorize the Clerk to sign was made and seconded (Notte, Davis). Motion passed.

| xx outside consumption renewals for aldermen | | |
|---|---|---|
| BUSINESS NAME D/B/A | BUSINESS LOCATION | |
| Rutland Country Club | 275 Grove Street | |
| VFW Post #648 | 15 Wales St. | |
| Italian American Club | 73 Grove Street | |
| Italian Aid Society | 415 West Street | |
| Jilly's | 24 Merchants Row | |
| Submuloc, Inc. (Knights of Columbus) | 21 Merchants Row | |

***2010-2011 Entertainment Renewals***
A motion to authorize the Clerk to sign all but Pub 42 until the RME was paid was made and seconded (Notte, Barrett). Motion passed. ***Pub 42 paid all RME to date on 3-17-2010***

| xx entertainment renewals for aldermen | | |
|---|---|---|
| BUSINESS NAME D/B/A | BUSINESS LOCATION | |
| Jilly's | 24 Merchants Row | |
| Rutland Country Club | 275 Grove Street | |
| Saints of Pub 42 | 12 Wales Street | |

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

**UNFINISHED BUSINESS**
Alderman Davis questioned what was to be done with the computer list generated by the request of Alderman Barrett. A motion to refer the list to General Committee was made and seconded (Barrett, Davis). Motion passed.

**MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS**

Treasurer Wilton wanted approval from the Board on a tax sale of a mobile home. She stated that there were two bidders, one for a thousand dollars and the other for five hundred dollars. She commented that the bids did not cover the outstanding tax bill and she wanted the Board to know that the City would have to abate the remaining portion. A motion was made to authorize the Treasurer to except the bid of $1,000, in lieu of the $1,000 bid to except the $500 bid. Motion was seconded (Davis, Notte). Motion passed.

Alderman DePoy stated that it looks like the Multi-use Path will be moving forward based on a sizable donation, and he wanted to congratulate Michael Smith and others for their hard work.

President Allaire spoke about the recent developments at the Police Department. He stated that the BOA and Commission had spoke about concerns and had hoped that the Police Commission would take action. He stated that he was severally disappointed and is still very disappointed with the commission and their decisions.

Alderman Dress said he would like to present two motions on the same issue. The first motion was to have the President craft language in the form of a resolution to be signed by the Board. The language is to express no confidence in the Police Commission or Police Chief. Debate. Alderman Tilden stated that the investigation should be finished prior to any action.

Alderman Coleman stated that he was troubled by the article in the paper on Saturday morning. He spoke of behavior that is troubling. He stated that the decision made by the Commission was a business decision not a right or wrong decision. He also commented on the officer that commented on a “witch hunting” he compared it to Watergate. He questioned if the Police Department is functioning at its best.

Alderman Notte will support the motion as well, he commented about his absolute dismay with the commission not taking action or .holding accountable Chief Bossi. Alderman Notte commented that if the Commission was not going to act that it was in the best interest of the City that the Board of Aldermen did.

Alderman DePoy commented that he had not spoken a great deal on this issue, but felt that the communication process was non-existent. He commented how the BOA extended an olive branch; the BOA requested a member to sit with the Commission they were told that they would not be allowed to sit in executive session. Alderman DePoy stated that it was very disrespectful and his prior opinion has changed as he feels the commission will not change.

Alderman Coleman stated that it was too bad the Board had to concentrate on this issue when so many others are presented to the City. He said it is troubling when you learn about City issues from the newspaper.

President Allaire restated the motion, there was no more debate. Motion passed.

Alderman Dress stated his second motion which was to refer to Charter and Ordinance the language from the Police Commission section to be reviewed and updated. This motion was seconded by Alderman Barrett.

Alderman DePoy commented that he felt when this issue was being discussed the Board should look at keeping the Commission intact, although advisory to the BOA, with the BOA as ultimate authority.

Motion passed.

Alderman DePoy questioned Attorney Costello on BCA involvement for Police personal. Andrew stated that only the Chief could remove personnel.

Alderman Coleman requested an issue to be placed on the next agenda. He asked for an executive session to have Andrew Costello update the Board on any investigation or personnel issues at the police department.

Respectfully Submitted,

Henry A. Heck

Rutland City Clerk