

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Tuesday, February 16, 2010

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

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

MINUTES OF PREVIOUS MEETING (Monday, February 1, 2010)

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

OUTSIDE THE RAIL

President Allaire opened this portion of the meeting with a statement concerning the recent articles in the Rutland Herald regarding a Rutland City Police officer being investigated for possessing child-pornography on the individuals City owned computer located at 108 Wales Street in Rutland. The President stated that there were lots of allegations and public outcry on the issue, but he asked anyone going to speak to reserve judgment. He stated that there have been no criminal charges made, he stated that there were short and long term issues that needed to be addressed, but mostly everyone associated with the issue were shocked and saddened.

City Attorney Costello spoke directly to members of the Board of Aldermen asking them to refrain from drawing a conclusion seeing the Board may need to deal with this very issue as a member of the Board of Civil authority. He also reminded them that the warrant is still sealed and the name redacted, and only the Rutland Herald has released a name that has yet to be verified. He asked them to not mention any person by name.

Larry Courcelle a Library Board trustee spoke on the up coming election. He specifically asked for the voters support on Budget Article 3, in support of renovations at the Rutland Free library.

Tracy Pena spoke about the issue of the investigation on the Rutland City Police Officer. She stated as a resident, tax payer, business owner and mother she was concerned about the allegations as were her customers and friends. She wanted to know who was looking out for her best interest. She said that she was compelled to speak on the issue and was surprised that no one else was speaking on it.

At this time, President Allaire stated that the Board had guest that were here to answer questions on this issue, so he was going to ask Board members to start that process. Over the next 45 minutes members of the Board asked police Chief Bossi numerous questions about the issue. Alderman Davis stated that she had a number of questions and would appreciate the time to ask them all. Alderman Robinson, Dress, Coleman and Notte had questions as well. Alderman Davis stated that the City has a great work force, but unfortunately at this time City employees especially Police are being grouped as a whole and not as individuals, which she felt were very unfair. She also felt that Chief Bossi mishandled the whole situation creating an even bigger issue. Most members of the Board questioned the computer policy that all City employees had to sign. There was concern about repeat offenses on viewing pornography on a work computer. Chief Bossi apologized to the citizens of Rutland about the handling of the issue twice, but stated that with what information and evidence he had, he made the best decision for the City and his department.

There was talk of the City purchasing blocking software to be placed on all City owned computers. A motion to have President Allaire call a Committee of the Whole meeting to discuss further the issue of this computer policy violation with the Police Commission was made and seconded (Robinson, Davis). Motion passed. Another motion was made to refer to General Committee the issue to review the current City computer use policy (Davis, Robinson). Motion passed.

COMMUNICATIONS FROM THE MAYOR

None to Report

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Allen, RRA; Request to set Public Hearing, Berwick Site Feasibility Grant

A motion to set a time of 6:45 PM on March 15, 2010 for a public hearing was made and seconded (Robinson, Notte). Motion passed.

President Allaire stated that the finale item under Department Heads was an update from Treasurer Wilton on the FY2009 audit. As of June 30, 2009 the Treasurer stated the following:

1.

- The City adhered to, or exceeded, its budgetary goals
- The General Fund fund balance increased by \$100,406
- Cash Flows for proprietary funds show positive cash
- Liabilities due to OPEB (Other Post Employment Benefits) had the effect of reducing net assets of the City in both General Fund and Proprietary Funds

2. OPEB and Pension Liability, Treasurer provided copies of the actuarial reports detailing these liabilities.

The pension liability for the City is \$9.6 million and OPEB liability for City employees is \$15.9 million.

Treasurer Wilton asked the Board to refer the audit to the proper committee for further discussion. A motion to refer to Finance Committee was moved and seconded (Davis, DePoy). Motion passed.

Randall Northrup the City's auditor conquered with Treasurer Wilton's comments stating that the City has come a long way with its audits. He is very pleased with the City's financial records.

REPORTS OF STANDING COMMITTEES

Sharon Davis; Chair-Intermunicipal Committee, Alpine and Rutland Town delinquencies

Alderman Davis stated that the committee met February 9, 2010. The issues at hand were deficiencies with Alpine Pipeline and Rutland Town water and sewer users. The discussion centered on who is responsible for adding and removing customers, length of term for advelorum, and the collection of these funds. There was discussion on a "list" of users. The committee has requested that Attorney Costello draft a letter to the Towns Attorney, Kevin Brown in regards to the Town contract, specifically payments and the collection of late payments to the City.

This issue is to remain in committee and no action was taken.

Sharon Davis; Co-Chair Form of Government Committee

Alderman Davis stated that her committee met on February 4, 2010. The committee finished their discussion/information gathering on the City Assessor issues. At their next meeting, the committee will be taking a straw poll on their future direction. The committee will start discussing the Mayor's role vs. a City Manager. This report was for information only.

Dave Dress; Co-Chair Form of Government Committee

Alderman Dress stated that his committee met on February 2, 2010. The committee discussed the continuation of the selection process. They also finished evaluating the composite City Manager position description submitted by Ben Lynch. This report was for information only.

REPORTS OF SELECT COMMITTEES

None to report

REPORTS OF REPRESENTATIVES

None to Report

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Special Events Permit; 18th Annual VT Sports Medicine Center Rd. Race for Kids on the Move, 5K Walk/Run on April 24, 2010 from 7AM to Noon

A motion to suspend the rules was made and seconded (Davis, Dress). Motion passed. A motion to approve the Special Events Permit was made and seconded (Davis, Barrett). Motion passed.

Special Events Permit; Walk for Children, Walk to End Child Abuse, Walk-a-Thon, August 28th, 2010 from 7AM to 1 PM

A motion to suspend the rules was made and seconded (Notte, Davis). Motion passed. A motion to approve the Special Events Permit was made and seconded (Davis, Barrett). Motion passed.

Special Events Permit; Loyalty Day Parade, May 2nd, 2010 1:30 PM to 4PM

A motion to suspend the rules was made and seconded (Barrett, Dress). Motion passed. A motion to approve the Special Events Permit was made and seconded (Davis, Barrett). Alderman Notte requested that President Allaire contact Hull Maynard to invite him to walk among other Aldermen at the parade. Motion to approve the Special Events Permit passed.

At this time Alderman Coleman questioned a previous Special Events Permit that had been passed. He stated that several department heads had not signed off on the request, and questioned if it was necessary as the others had. Attorney Costello stated that it is necessary to have those signatures. He advised the Board to amend the previous motion approving the Permit, Walk to end Child Abuse contingent upon those signatures.

Abatement Request: US Bancorp, Personal Property

President Allaire comprised the committee of Aldermen Allaire, Dress, and Barrett to report back to the full Board on April 5, 2010 @ 6:45 PM. Motion was moved and seconded (Notte, Robinson). Motion passed.

Request for Pole and Wire Location, Replace poles on Lincoln (24) and Kendall (P2) Ave

A motion to suspend the rules was made and seconded (Davis, Slattery). Motion passed. A motion to approve the request with the seven standard conditions was made and seconded (Davis, Robinson). Motion passed.

A motion to go into the BOCC was made and seconded (Davis, Robinson). Motion passed.

BOARD OF CONTROL COMMISSIONERS

2010-2011 Liquor License Renewals

Alderman Dress questioned the fact that a Stewarts Store had two recent infractions within several days and wanted to know if it should go to Special Liquor. A motion to approve and authorize the Clerk to sign was made and seconded (Davis, Slattery). Motion passed. The following list contains all licenses approved.

xx liquor renewals for aldermen		
BUSINESS NAME D/B/A	BUSINESS LOCATION	Liquor License Class
Applebee's	225 Woodstock Avenue	First Class Restaurant
Bedard's Cash Market	137 Library Avenue	Second Class
Church St. Discount Beverage (Beer King)	57 Crescent Street	Second Class
Circle K Vermont, Inc,	86 Woodstock Avenue	Second Class
CVS Pharmacy #673	31-33 North Main Street	Second Class
Ginger China Restaurant	124 Woodstock Avenue	First Class Restaurant
Granger Street Market & Deli	172 Granger Street	Second Class
GU Markets of VT LLC	14 North Main Street	Second Class
Little Harry's	121 West Street	First Class Restaurant
New Kong Chow Fusion	48 Center Street	First Class Restaurant
Party Store	129 Strongs Avenue	Second Class
PetroStores, Inc.	258 S. Main St.	Second Class
Price Chopper #131	38 Rutland Shopping Plaza	Second Class

xx liquor renewals for aldermen		
BUSINESS NAME D/B/A	BUSINESS LOCATION	Liquor License Class
Saints of Pub 42	12 Wales Street	First Class Liquor
Sal's Italian Restaurant	148 West St.	First Class Restaurant
Stewart's Shop #192	Strong's Ave/South Main St.	Second Class
Stewart's Shop #194	81 State St.	Second Class
Stewart's Shop #196	194 Woodstock Ave.	Second Class
Stoplite Lounge	150 West St.	First Class Cabaret
Table 24	24 Wales Street	First Class Restaurant
Washbucklers	147 State St.	First Class Liquor

2010-2011 Tobacco License Renewals

A motion to approve and authorize the Clerk to sign was made and seconded (Davis, Notte). Motion passed. The following list contains all licenses approved.

xx tobacco renewals for aldermen		
BUSINESS NAME D/B/A	BUSINESS LOCATION	Tobacco
Bedard's Cash Market	137 Library Avenue	Tobacco w/Liquor License
Church St. Discount Beverage (Beer King)	57 Crescent Street	Tobacco w/Liquor License
Circle K Vermont, Inc,	86 Woodstock Avenue	Tobacco w/Liquor License
CVS Pharmacy #673	31-33 North Main Street	Tobacco
Granger Street Market & Deli	172 Granger Street	Tobacco w/Liquor License
GU Markets of VT LLC	14 North Main Street	Tobacco w/Liquor License
PetroStores, Inc.	258 S. Main St.	Tobacco w/Liquor License
Stewart's Shop #192	Strong's Ave/South Main St.	Tobacco w/Liquor License
Stewart's Shop #194	81 State St.	Tobacco w/Liquor License
Stewart's Shop #196	194 Woodstock Ave.	Tobacco w/Liquor License

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

UNFINISHED BUSINESS

None to Report

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

None to Report

At 8:35 PM a motion to adjourn was made and seconded (Davis, Robinson). Motion passed.

Respectfully Submitted,

Henry Heck

Henry A. Heck
Rutland City Clerk