CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, December 20, 2010

Members Present; President Allaire, Aldermen Dress, Barrett, Notte, Larson, Tilden, Robinson, Sargeant, Coleman, DePoy, and Davis.

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

<u>MINUTES OF PREVIOUS MEETING (Monday, December 6, 2010)</u>
A motion was made and seconded (Robinson, Davis) to approve the minutes from December 6th.
Motion passed.

<u>OUTSIDE THE RAIL</u>
A representative from the Saltwater Cowboy requested a change in the sign ordinance to reflect the same as the downtown ordinance. A motion was made and seconded (Dress, Robinson) to refer the issue to Charter and Ordinance committee. **Motion passed.**

<u>COMMUNICATIONS FROM THE MAYOR</u>
None to Report.

<u>REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS</u>
City Attorney Costello; Proposed Charter Changes
Issue to be taken up during Reports of Standing Committees.

Treasurer Wilton; Letter regarding Regional Ambulance Assessment
Treasurer Wilton asked for a referral of the Regional Ambulance Assessment issue. A motion was made and seconded (Davis, Robinson) to refer to Finance Committee. **Motion passed.**

Treasurer Wilton; Treasurers Report 11-30-2010
Treasurer Wilton gave a brief review of financial standings to date.

Treasurer Wilton wanted a referral to Finance Committee, the issue of Parking Meters, due to/from. It was determined that the issue is already in committee.

Chief Schlachter asked for a referral on officers pay rates. A motion was made and seconded (Robinson, Davis) to refer the issue to Finance Committee. **Motion passed.**

At this point in the meeting the President asked the Board to move to Petitions, Letters, Miscellaneous Communications portion of the meeting.

<u>REPORTS OF STANDING COMMITTEES</u>
Charter & Ordinance Committee; Alderman Dress
Alderman Dress read his report stating his committee met to discuss the final recommendations to the full Board regarding the positions of the Assessor and Treasurer. All committee members gave summaries of their thoughts as well as a recap of the processes their ad hoc committees had been through in researching these issues.

The motion out of committee was to: **Instruct the City Attorney to prepare ballot language and charter language that would be reflective of giving the electorate the opportunity to vote separately on**

whether the positions of Assessor and Treasurer should be appointed by the Mayor and confirmed by the Board of Aldermen. If approved by the voters this change would be implemented with the election cycle of 2013 and he so moved. Alderman Davis seconded. Debate followed with a request for a roll call vote and a motion being made and seconded (Barrett, Sargeant) to divide the question into two separate votes. President Allaire read the requested motion back to the Board to **Instruct the City Attorney to prepare ballot language and charter language that would be reflective of giving the electorate the opportunity to vote separately on whether the position of Assessor should be appointed by the Mayor and confirmed by the Board of Aldermen. If approved by the voters this change would be implemented with the election cycle of 2013 Motion passed. Motion passed.** Next he read the motion for the Treasurer, **to instruct the City Attorney to prepare ballot language and charter language that would be reflective of giving the electorate the opportunity to vote separately on whether the position of Treasurer should be appointed by the Mayor and confirmed by the Board of Aldermen. If approved by the voters this change would be implemented with the election cycle of 2013.** Alderman Notte requested a roll call vote, the President asked the Clerk to call the roll.

Alderman Dress	YES	
Alderman Barrett		NO
Alderman Notte		NO
Alderman Larson		NO
Alderman Tilden	YES	
Alderman Robinson		NO
Alderman Sergeant	YES	
Alderman Coleman	YES	
Alderman DePoy	YES	
Alderman Davis	YES	

Motion passed.

Alderman Dress then reported out on his Charter and Ordinance committee meeting from December 14. The issue in committee dealt with the Police Commission and a potential Charter Change. **The motion coming out of committee was to add the following sentence to section 22.1 of the charter. Effective July 1, 2011, three (3) members of the commission shall be current members of the Board of Aldermen, to be appointed as vacancies on the commission normally occur after that date, and thereafter all members shall be appointed to serve for terms of two (2) years** and he so moved. Alderman Davis seconded. There was a great deal of debate from inside the rail as well as from Chair Larry Jenson of the Police Commission. A roll call vote was called and the President asked the Clerk to call the roll.

Alderman Dress	YES	
Alderman Barrett	YES	
Alderman Notte		NO
Alderman Larson	YES	
Alderman Tilden	YES	
Alderman Robinson	YES	
Alderman Sergeant	YES	
Alderman Coleman	YES	
Alderman DePoy	YES	
Alderman Davis	YES	

Motion passed.

President Allaire asked the Board to move onto Alderman Robinsons report as guests were waiting on this report.

General Committee; Alderman Robinson

Alderman Robinson read his report stating that his committee met to discuss the "Access Agreement" between the City and the Rutland Country Club in regards to logging on the Country Clubs property via Pine Hill Park. The motion coming out of committee was to approve the access agreement with added language extending the performance bond to include Evergreen Ave. and he so moved. Alderman Larson seconded, **motion passed.**

President Allaire asked the Board to move to Alderman Coleman's report.

REPORTS OF SELECT COMMITTEES

Alderman Coleman; Chair, Special Liquor

Alderman Coleman read his report stating the applicant had some issues with his application which needed to be cleared up prior to license approval. At this stage of his report a motion was made and seconded (Coleman, Davis) to move into the Board of Control Commissioners. **Motion passed.**

Alderman Coleman stated that the prior request made by the Special Liquor Committee was fulfilled and he recommended approval of the liquor license for Roots Restaurant on 51 Wales St. Alderman Davis seconded and asked the maker of the motion to approve and circulate the application for signature. Alderman Coleman amended his motion to approve and circulate for signatures. **Motion passed.**

President Allaire stated that there was one other application for Olivia's Market on 199 Stratton Rd. A motion was made and seconded (Davis, Tilden) to circulate the application for signatures. No debate. **Motion passed.**

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

The President asked the Board to move back to Standing Committee Reports and asked Alderman Dress to give his Finance Committee report.

Finance Committee; Alderman Dress

City Auditor Randall Northrup began the meeting with a brief overview of the changes presented by the Statement on Auditing Standards No. 115. He then proceeded to present the findings of the City audit for the year ended 6.30.2010. The Treasurer also provided the committee with a matrix she had prepared that addressed each finding and gave a comment or response to each.

The full audit will be delivered to the board in the near future and Alderman Dress stated that this report was for information only.

Recreation Committee; Alderman DePoy

Alderman DePoy read his report stating the committee met to discuss the proposed Giorgetti renovation project. The discussion included various options on building concepts and associated cost. The committee further discussed the timing of the plan and how and when to move forward. This report was for information only.

REPORTS OF REPRESENTATIVES

None to Report.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

VT Center for Independent Living; John O'Dowd: Request for March 2011 Ballot Item

John O'Dowd from the VT Center for Independent Living asked the Board to consider placing his organizations request on the March ballot. There was brief debate. A motion was made and seconded (Davis, Notte) to receive and place on file his written request. **Motion passed.**

Tom Donahue & Dave Allaire; Presentation from Route 4 Byway Committee

Mr. Donahue and Seth Webb from Killington presented a short presentation asking the Board to sign on to the Crossroad of Vermont Byway Program, connecting communities on US 4 from Hartford to West Rutland. After the presentation a motion was made and seconded (Notte, Robinson) to suspend the rules and take the issue up that evening. **Motion Passed.** A motion was made and seconded (Robinson, Notte) to have Rutland City approve the application to the scenic preservation council for the inclusion into the Cross Roads of Vt. Byway. **Motion passed.**

The next item the President brought to the Board was a request from Lisa Pearson in regards to the vacation use policy. Ms. Pearson inadvertently used a week of vacation prior to her anniversary date. A motion to suspend the rules was made and seconded (Davis, Tilden). **Motion passed.** There was a great deal of debate with a request for a roll call vote. The President asked the Clerk to call the roll.

Alderman Dress		NO
Alderman Barrett		NO
Alderman Notte		NO
Alderman Larson		NO
Alderman Tilden	YES	
Alderman Robinson		NO
Alderman Sergeant		NO
Alderman Coleman		NO
Alderman DePoy	YES	
Alderman Davis	YES	

3 yes and 7 no, **motion fails.**

President Allaire asked the Board to move back in the agenda to Reports of Standing Committees.

BOARD OF CONTROL COMMISSIONERS

First Class Liquor License Request; Roots Restaurant (tabled from 12/6/2010)

Taken up earlier in the meeting under Select Committees.

New Second Class Liquor License Request; Olivia's Market; 199 Stratton Road

Taken up earlier in the meeting under Select Committees.

UNFINISHED BUSINESS

President Allaire asked the Board to set hearings for the proposed Charter Change Hearing. He asked for January 18th and February 22nd 2011. The request was so moved and seconded (Robinson, Davis). **Motion passed.**

President Allaire also asked for an abatement date change from January 17th to the 18th as City Hall will be closed on the 17th. The request was so moved and seconded (Davis, Tilden). **Motion passed.**

Attorney Costello asked the Board to decide on the Charter Change language being full language or a simple yes / no question. He also stated that the Warning will need the same consideration. Alderman Davis also brought forth the length of term for appointed officials from a 2 to 3 year term. There was considerable debate on this 2 or 3 year term.

A motion was made and seconded (Davis, Barrett) to leave the Charter Language as proposed to the voters and to change the length of term for appointed officials from 2 to 3 years. Debate. **Motion passed 6-4.**

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

At 9:18 PM the president asked the Board to enter into executive session per the Mayor's request to discuss contractual questions where premature or general knowledge would place the City at a substantial disadvantage. This request was so moved and seconded (Robinson, Tilden). **Motion passed.**

At 9:30 PM a motion was made and seconded (DePoy, Davis) to come out of executive session. **Motion passed.**

A motion was made and seconded (DePoy, Davis) out of executive session to approve the Police Contract. **Motion passed.**

President Allaire wanted the Board to know that he has been in contact with the Chair of the Police Commission and there is a scheduled meeting of both Boards on January 11, 2011.

At 9:32 PM a motion was made and seconded (Larson, Robinson) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk