CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, December 6, 2010

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

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

* Alderman Coleman Arrived at 7:07 PM.

<u>MINUTES OF PREVIOUS MEETING (Monday, November 15, 2010)</u>
A motion was made and seconded (Davis, Barrett) to approve the minutes. Motion passed.

<u>OUTSIDE THE RAIL</u>
None to report.

<u>COMMUNICATIONS FROM THE MAYOR</u>
Mayor Louras had several items for the Board. He referred to a Capital Replacement Plan for water mains. Mayor Louras presented a chart outlining the outcome of investing or not. He asked that the issue be placed in committee. A motion was made and seconded (Robinson, Notte) to refer the issue to General Committee. **Motion passed.**

The seconded issue concerned ballot items for the March election dealing with Charter Changes on the personnel policy. A motion was made and seconded (Davis, Robinson) to refer the issue to the Charter and Ordinance committee. **Motion passed**.

The third issue dealt with E.P. Management and the Bardwell House contract extension with the City. A motion was made and seconded (Davis, DePoy) to suspend the rules. **Motion passed**. Alderman Davis moved to approve the extension and authorize the Mayor to sign. Motion was seconded by Alderman DePoy. Debate. There was a fair amount of debate concerning the actual contract. A motion was made and seconded (Sargeant, Robinson) to refer the issue to Recreation Committee. **Motion Failed.** A motion was made and seconded (Davis, DePoy) to approve the contract as stated in the original motion. **Motion Passed.**

The fourth issue the Mayor presented dealt with an RFP from DPW on the SWIRF bids for Combination Pond. He stated that the BOF had received several bids and asked for the Boards approve of their award to Dubois and King Engineering in the amount of $38,200. A motion was made and seconded (Davis, Notte) to award the Bid to Dubois and King with funds to come from SWIRF Funds from the State. **Motion Passed.**

<u>REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS</u>
Mayor Louras; Personnel Manual, Health Insurance Buy-out, Non-Union Employee
This issue will be taken up at the General Committee Report.

Andrew Costello; City Attorney, Country Club Access Agreement
A motion was made and seconded (Robinson, Barrett) to refer the issue to General Committee. Debate. There were several members of the public who spoke about the need and effects of the project. **Motion passed.**

Wendy Wilton; Treasurer, Treasurer's Report 10/31/10
Treasurer Wilton gave an overview of the last four months of financial information. She stated that the Treasurer's office will be updating the information to end the second quarter and all information will be posted on the web.

Treasurer Wilton also asked for the issue of cash allocation between pool cashed accounts be referred to the Finance Committee. The request was moved and seconded (Robinson, Barrett). **Motion passed.**

Treasurer Wilton also discussed delinquencies both in water and sewer. She updated the Board on Town delinquencies in both water and sewer and asked for a referral to Intermunicipal Committee to get permission to shutoff sewer accounts past due. It was discovered that she already has that ability and was unaware of it.

Wendy Wilton; Treasurer, Request to approve Transfer to Bridge Fund
Treasurer Wilton stated that the Board had created per Commissioners Shelvey's request a Bridge Fund. This fund was to help build necessary revenues for matching funds. The request intent was to transfer funds from the General Fund to this new fund but the actual wording did not exist in the original request. Treasurer Wiltons request to approve the transfer would solve that issue.

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

Treasurer Wilton asked the Board to approve a transfer of $52,569.28 from the General Fund to the Bridge Fund. Alderman Larson so moved and seconded by Alderman Barrett. Alderman Robinson asked for a "friendly" amendment to just note that it was the Boards original intent to transfer the money this motion is to clarify the language. Amendment was accepted by the maker and seconder. **Motion passed.**

At this time, the Board President asked to move the agenda to Petitions Letters and Miscellaneous Communications as people were in attendance.

Request for Water; Pete's Tire Barn
The President stated that the Board had received a request from Pete's Tire Barn for water. A motion was made and seconded (Davis, Barrett) to suspend the rules. **Motion Passed.**

A motion was made and seconded (Davis, Sargeant) to approve the request. There was brief discussion on the issue. **Motion passed.**

Next President Allaire asked the Board to move into the Board of Control Commissioners to hear the request for Root's Restaurant in regards to a first class liquor license. The request was moved and seconded (Davis, Robinson). **Motion Passed.**

A motion was made and seconded (Davis, Robinson) to circulate the application for signatures.

Alderman Larson moved to refer the request to the Special Liquor Committee as he was concerned about information contained within the application. That referral was seconded by Alderman Barrett. There was a fair amount of discussion from inside and outside the rail. When President Allaire called for the vote it was determined that there was a 5-5 tie, President Allaire voted to send the issue to Special Liquor. **Motion Passed 6-5.**

A motion was made and seconded (Notte, Tilden) to move out of the Board of Control Commissioners. **Motion Passed.**

REPORTS OF STANDING COMMITTEES

Dave Dress; Chair, Charter & Ordinance Committee, Form of Government

Alderman Dress stated that his committee met to discuss the joint meeting of the two adhoc committees and the direction they where looking to take. It was determined that there was still a need for discussion of the form of government committees and they plan to meet again soon. Report was for information only.

Dave Dress; Chair, Charter & Ordinance Committee, Retroactive billing

Alderman Dress read his report on the retroactive billing issue. He stated that the issue had been addressed by municipalities across the country. City Attorney Costello was able to research this and proposed two solutions that seemed to differ only in timing. The recommendation from the committee was to adopt a replacement for ordinance 5324 which would in effect mandate that water and sewer budgets be passed by December 31 of each year. The rates would be effective in the first billing cycle for which all consumption occurs after the effective date, which in this case would be the usage between March and May. The bill for this usage would go out on July 1st. which would sync the water and sewer rate changes up with the tax changes and he so moved. Alderman Barrett seconded. Alderman Larson concurred with the motion but asked for two grammar changes, stating that the Treasurer was referred to as a "his" and he wanted the language to be gender neutral. **Motion Passed.**

Christopher Robinson; Chair, General Committee, Personnel Manual

Alderman Robinson stated that his committee met to discuss the proposed language change presented by Mayor Louras to the Personnel Manual – Health Insurance Buy-Out for Non-union Employees. Alderman Robinson stated that the committee discussed the wording and added a few amendments. He proceeded to read the entire proposed changes with amendments. At the end of his outline he moved to approve the new wording with amendments. Alderman Davis seconded, there was brief debate. A request from Alderman Dress to divide the motion into two parts one for Section X, Insurance and Retirement Benefits and the second, Section III, Retirement. There again was brief debate, the amendment was granted.

Prior to the vote, the Board discussed how the actual buyout saved the City money. Debate was lengthy.

President Allaire called the first change, Section X, Insurance and Retirement Benefits. Para.1 (A)(1) Health Insurance Buy Out. **Motion Passed.**

He then called Section III, Recruitment Para. 3(A)(1)(a) Hourly Time Off Without Pay. Again after brief debate the **Motion Passed.**

REPORTS OF SELECT COMMITTEES

None to Report.

REPORTS OF REPRESENTATIVES

Alderman Robinson updated the Board on the turnout of the Santa welcoming event and the Paramount movies. He commented on the terrific turnout and thanked the Partnership for the event.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Request for Water; Pete's Tire Barn

The Issue was taken up earlier in the meeting.

Abatement Request; Kristen McLaughlin 12-14 Clover Street

President Allaire asked the Board to approve the committee of Alderman Davis, Dress, and himself as chair and to report back to the full Board on January 17, 2011 at 6:45 PM. The motion was moved and seconded (Robinson, Notte). **Motion Passed.**

Hope Rogers; CVPS, Pole and Wire Request

A motion was made and seconded (Robinson, Notte) to suspend the rules.

A motion was made and seconded (Robinson, Tilden) to approve the request with the seven standard conditions. **Motion Passed.**

BOARD OF CONTROL COMMISSIONERS
First Class Liquor License Request; Roots Restaurant
This issue was taken up earlier in the meeting.

UNFINISHED BUSINESS
None to Report.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS
Attorney Costello asked for a referral of the issue of the winter parking ban in downtown. He stated that there was a tenant living downtown and this ban greatly effected their parking options. A motion was made and seconded (Davis, Barrett) to refer the issue to Community and Economic Development. **Motion Passed.**

At 8:46 PM Mayor Louras and Attorney Costello asked the Board to move into executive session for the consideration of labor agreements with employees. **Motion Passed.**

At 9:10 PM a motion was made and seconded to come out of executive session. **Motion Passed.**

A motion was made and seconded (Davis, Tilden) to approve the issue discussed in executive session. **Motion Passed.**

At 9:12 PM a motion was made and seconded (Davis, Tilden) to adjourn. **Motion Passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk