

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Tuesday, July 5, 2016

Members present; President Notte, Aldermen Allaire, Humphrey, Robertson, Etori, Tommola, Donahue, Larson, Bloomer, DePoy and Davis. Also present

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

MINUTES OF PREVIOUS MEETINGS (June 20, 2016)

A motion was made and seconded (Allaire, Larson) to approve the minutes of the previous meeting. **Motion passed.**

OUTSIDE THE RAIL

Tom Leypoldt, Director of Peg-TV, asked the Board to discuss installing electrical outlets on some of the light poles on Strongs Avenue to utilize during the Halloween parade. A motion was made and seconded (Davis, Etori) to refer the request to the General Committee. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

There were no communications from the Mayor.

ADDITIONS AND DELETIONS TO THE AGENDA

There were no requests for additions or deletions to the agenda.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Spaulding, RRA Request to Set Public Hearing

President Notte introduced the request. A motion was made and seconded (Allaire, Davis) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Allaire, Davis) to set the public hearing for August 1, 2016 at 6:45 PM. **Motion passed.**

President Notte introduced all of Attorney Romeo's requests.

Attorney Romeo;

1. Request for Authorization to Invite Proposals: Construction Attorney Services.

A motion was made and seconded (Allaire, DePoy) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Allaire, DePoy) authorizing the Mayor to invite proposals for construction attorney services pursuant to 17.6(b) of the City Charter. **Motion passed.**

2. Request for Authorization to Invite Proposals: Ordinance Codification Services

A motion was made and seconded (Davis, Robertson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, DePoy) to authorize the Mayor to invite proposals for ordinance codification services pursuant to 17.6 (b) of the City Charter. There was brief debate. **Motion passed.**

3. Request for Referral: Pension Ordinance Revision

A motion was made and seconded (Allaire, Donahue) to refer the request to the Charter & Ordinance Committee. Alderman Larson abstained from voting as he is a pension recipient. **Motion passed.**

President Notte introduced both of Commissioner Wennberg's requests.

Commissioner Wennberg;

1. Annual Leave Carry-Over Request

A motion was made and seconded (Davis, DePoy) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, DePoy) to authorize carrying over five (5) days' annual leave for City Engineer Jim Rotondo. **Motion passed.**

2. End of Fiscal Year Requests

A motion was made and seconded (Davis, Allaire) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Allaire) approving the following transfer of Fund Balance Assignments from FY2016 to FY2017: \$30,000 in Construction-Bridgework, account 100-7-30-20-450.000, to the Bridge Repair Fund, 224-6-98-00. **Motion passed.** A motion was made and seconded (Davis, Allaire) to transfer \$30,000 in Concrete & Precast (Account 100-7-30-20-610.041), to the Sidewalk Fund, (Account, 223-6-98-391.000). **Motion passed.**

REPORTS OF REPRESENTATIVES

There were no representative reports

REPORTS OF STANDING COMMITTEES

Alderman Allaire; Public Safety Committee

Alderman Allaire read his report from June 28, 2016. The committee met to discuss two issues referred to committee. The first issue was the location or placement of Kiosks. There was discussion from several people including Michael Coppinger from the Downtown Partnership and Kevin Blongy of the Rutland City PD. After further debate from Aldermen present, a motion was made and seconded (Allaire, Davis) to approve the current configuration of the kiosk placement as recommended by Cale' (the vendor) and that the kiosk placed by the Paramount be monitored for usage and have the information reported back to the BOA in one (1) year. **Motion passed.** The second issue discussed was payment methods, plate readers vs ticketed machines. The committee preferred the plate reader technology but voiced concerns about privacy concerns. Attorney Romeo noted the State had enacted recent statues dealing with these type of concerns and noted that the readers to be used in the City fall within those guidelines. The committee sought some more information on the issue. Alderman Allaire noted that this part of his report was for information only.

President Notte noted that he would read his Committee of the Whole reports prior to the Re-settlement petition and asked Alderman Allaire to report on his Select Committee Report.

REPORTS OF SELECT COMMITTEES

Alderman Allaire; Pension Deficit Committee

Alderman Allaire read his committee report from June 29, 2016. The committee met to discuss the pension deficit of the municipality and to discuss their recommendations for a resolution. The report noted a brief recap of the Pension Committee meetings over the past nine (9) months and the task given the committee to address this growing concern.

The committee heard from actuary Tracy Braun who shared her opinion on the deficit and her recommendation for solvency. Ms. Braun recommended budgeting \$1.352 million dollars for FY 18, noting a \$500,000 increase from FY 17. The committee discussed various options and the pros and cons to each.

A motion was proposed to have the following recommendations forwarded to the City Attorney for drafting a resolution and bringing it back to the Board for signatures at their next meeting on July 18, 2016.

The recommendations were to budget \$1.352 million dollars in FY 18 and every year thereafter and have a five (5) year look back to review how the pension is performing. Have the total employer contribution shall be comprised of the required employer contribution as specified in the contract and an additional lump sum amount to arrive at the total employer contribution recommendation as specified to adequately fund the plan (\$1.352 Million) and Alderman Allaire so moved that motion. Alderman Donahue seconded. Alderman Larson abstained from voting as he is a recipient of the city pension. There was brief debate. **Motion passed.**

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Special Olympics VT, Rutland Eagles Coin Drop, August 27th, 10 – 2PM

President Notte introduced the request. A motion was made and seconded (Davis, Tommola) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Allaire) approving the Special Events Permit for Special Olympics Vermont Eagles coin drop. **Motion passed.**

President Notte noted the Board did not need to move into the Board of Control Commissioners as the two requests had been withdrawn by the applicant.

BOARD OF CONTROL COMMISSIONERS

Outside Consumption Request, Downtown Bar & Grill, Sunday July 17, 2016 WITHDRAWN

Outside Consumption Request, Downtown Bar & Grill, Sunday July 25, 2016 WITHDRAWN

President Notte then stated the Board only had the two Committee of the Whole reports and the petition presented by Dave Trapini and Kelly Cross. President Notte then read his committee reports.

President Notte; Committee of the Whole, June 21, 2016

President Notte read his committee report from June 21, 2016 noting the committee was meeting to discuss a previous request for referral from Alderman Bloomer. The meeting's goals were 1) To solidify a list of topics and/or questions about refugee resettlement we hope to have answered, 2) Identify the people or organizations that can answer these questions, and 3) Identify the best way and place to share those answers with the public. President Notte reviewed the results and discussions of that meeting. The report was for information only and no action was sought.

President Notte; Committee of the Whole, June 30, 2016

President Notte read the committee report presented by Clerk Heck. The report stated that the meeting was to hear from representatives of Winooski, Vermont who have been resettling refugees for

thirty (30) years. The report stated that this was the third meeting on refugee resettlement in Rutland. The Board, panel and audience exchanged question and answers for two hours. The report noted examples of questions presented and the continued discussion on the issue at the next regularly scheduled meeting of the Board of Aldermen. This report was for information only.

President Notte then stated that the next item the Board would hear was the resettlement petition and asked a representative to address the Board. There was brief debate as to the wording of the request.

Dave Trapini & Kelly Cross; Resettlement Petition

Dr. Timothy Cook spoke to the issue and brought several health issues that he was concerned with. When Dr. Cook was finished, President Notte thanked him, but noted the issue before the Board was a ballot question and sought to discuss that request. President Notte moved the conversation back inside the rail and sought Board action. A motion was made and seconded (Davis, Allaire) to suspend the rules and take the issue up that evening. President Notte noted that he was considering the suspension of the rules for any resettlement question for discussion that evening. **Motion passed.** A motion was made and seconded (Davis, Allaire) to place the question of the refugee resettlement as collected by 5% of the registered voters on the ballot. DEBATE.

A question of specific date was asked of the maker. Alderman Davis stated at this time she was unsure of an exact date and the motion would allow debate to happen on the request. Then the debate turned to specific election questions. Clerk Heck let the Board know basically two options for the vote to happen. President Notte then informed the Board of exact language from the Charter that the Board would have to approve. Quote "motion has to be to petition the Mayor to call a special meeting to consider the following question". Alderman Davis immediately moved to amend her motion to the stated. Alderman Allaire, the seconder to the original motion, agreed to the amendment. Debate continued. The discussion continued with setting an election and how the process would work. Alderman Larson moved to call the question, Alderman Allaire seconded. President Notte explained the process of calling the question and then immediately called for a vote. **Motion passed.**

President Notte then stated that the motion to petition the Mayor to call a special meeting to consider the following question, "shall the City of Rutland **decline** to participate in a refugee resettlement program at this time, and so advise the Director of the Office of Refugee Resettlement, in accordance with federal law or policies associated with the program?" has been called and there will be no further debate. Just prior to calling the question, a roll call vote was requested. President Notte asked the Clerk to call the roll.

Alderman Allaire	YES	
Alderman Humphrey		NO
Alderman Robertson		NO
Alderman Etori		NO
Alderman Tommola	YES	
Alderman Donahue	YES	
Alderman Larson	YES	
Alderman Bloomer		NO
Alderman DePoy	YES	
Alderman Davis	YES	

Six (6) YES and four (4) NO, Motion Failed. President Notte explained why the motion failed and sought action from the Board.

Alderman Bloomer then made a motion to have the Board of Aldermen sign and send the letter he placed on their desk to the Assistant Secretary, Bureau of population, Refugees and Migration. Alderman Davis seconded. President Notte noted the letter and asked Alderman Bloomer to read it aloud. Alderman Bloomer read his letter. Over the next 2 hours and 45 minutes, the Board and approximately 40 of the 100 people present spoke on the issue. Upon the completion of Alderman Humphrey's prepared statement, President Notte prepared to call the question. There was a request for a roll call vote. President Notte asked the Clerk to call the roll.

Alderman Allaire	YES	
Alderman Humphrey		NO
Alderman Robertson		NO
Alderman Etori		NO
Alderman Tommola	YES	
Alderman Donahue	YES	
Alderman Larson	YES	
Alderman Bloomer	YES	
Alderman Davis	YES	

Clerk Heck noted that he had skipped Alderman DePoy, apologized and asked for Alderman DePoy's vote.

Alderman DePoy	YES	
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Clerk Heck confirmed with President Notte **seven (7) YES and three (3) NO. Motion passed.**

President Notte noted the passing of that motion. President Notte then introduced Alderman Allaire who wanted to bring an issue to the Board on resettlement. President Notte again reminded the Board that the rules suspension was still in play.

Alderman Allaire than presented his idea to hire legal counsel for the Board to help them with various resettlement and legal issues. Alderman Allaire spoke of rules and regulations of the Charter and Board rules noting normally they are followed but on this issue that has not happened. President Allaire stated legal representation can help decipher what has happened and what authority the Board has going forward. In ending, ***Alderman Allaire moved to hire said counsel, Alderman Donahue seconded.***

Immediately President Notte called the motion out of order under the Charter and explained the process noting that the Mayor needed to invite proposal for legal professional services. The board debated the motion with some mixed surprise. At approximately 10:25 PM President Notte asked for a motion to extend the meeting past 10:30 per the Board rules. The request was so moved and seconded (Ettori, Davis). **Motion passed.**

Following the extension, Alderman Donahue made an unprecedented opinionated attack against Attorney Romeo stating his reason as to why the Board was seeking outside counsel. Alderman Davis made a motion to refer the hiring of legal services to the Committee of the Whole; it was seconded by Alderman Allaire. Debate.

There was a direct question as to whether Attorney Romeo could discuss this issue with him in executive session. Alderman DePoy then asked a question on overriding the Chair (President) on a germane question. Attorney Romeo answered the question. Several more questions were asked as to how the Mayor could be the only one to request professional services. Again Attorney Romeo sighted statue and charter to answer all questions. After several members questioned the opinion of the President's finding, the motion out of order, the Board moved on to the referral motion. With no further debate, the motion to refer was called. **Motion passed.**

UNFINISHED BUSINESS

Alderman Ettori asked about the passed resolution and if they were going to gather signatures.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

No further business came before the Board.

At 10:45 PM a motion was made and passed to adjourn.

Respectfully submitted,

Henry A. Heck
Rutland City Clerk