

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, April 7, 2014

Members present; President Allaire, Aldermen Kiernan, *Humphrey, Notte, Donahue, Siliski, Larson, Wallstrom, *DePoy and Davis. Also present, Mayor Louras, Attorney Romeo and City Clerk Heck. *Alderman Humphrey arrived at 7:02 PM and *Alderman DePoy arrived at 7:14 PM.

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

MINUTES OF PREVIOUS MEETING (Monday, March 17, 2014)

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

OUTSIDE THE RAIL

Rutland Ishidoriya Student Exchange: Erica Wallstrom of R.I.S.E. along with her students updated the Board on their fundraising efforts and gave a brief history of the student exchange with Ishidoriya.

A large contingent was present to speak or show support against the Charter Hills Solar Project. Eric Lapp and Debbie Kelly spoke on the issue asking the City to intervene with this development. There was a good deal of debate among the Aldermen. A motion was made and seconded (DePoy, Larson) to suspend the rules and take the issue up that evening. Alderman Humphrey noted her abstention. **Motion passed.** Debate continued on how the Board wanted to act. A motion was made and seconded (Siliski, DePoy) to instruct the City Attorney to file a petition of intervention with the Public Service Board and to file as an intervener allowing the City to have a seat at any testimony hearings. Debate continued for several minutes. **Motion passed.** A motion was then made and seconded (Wallstrom, DePoy) to refer the issue for further discussion to the Community and Economic development Committee. **Motion passed.**

Engineer Pilachowski brought an issue needing a referral before the Board. Evan asked for a referral for Third Party Moon Brook Analysis. A motion was made and seconded (Davis, Larson) to refer the issue to the Public Works Committee. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

Mayor Louras presented the letter of resignation from John Cassarino to the Board. Mayor Louras then presented the name of Abby Brodowski as Mr. Cassarino's replacement. The Mayor stated his reasons for the nomination and presented Ms. Brodowski to the Board. Ms. Brodowski thanked the Mayor for the opportunity and looked forward to speaking with all members of the Board. A motion was made and seconded (DePoy, Larson) to table the appointment until the next meeting. **Motion passed.**

Mayor Louras then presented the issue of ***Fire Officer Overtime*** and was looking for a referral to discuss the current outline on pay structure for fire officer overtime. A motion was made and seconded (Davis, Notte) to refer the issue to the Charter and Ordinance Committee. There was some debate over the committee the issue was referred. Alderman Davis withdrew her motion and moved to refer the issue to the Public Safety Committee. This motion was seconded by Alderman Notte. **Motion passed.**

At this point President Allaire moved to Committee Reports to hear from Alderman Larson's Public Safety Committee report on the Woodstock Avenue Road Diet issue as a number of people were present to speak on the issue.

Ed Larson; Chair; Public Safety – Woodstock Avenue Lane Change

Alderman Larson noted the length of his report and moved to report out on his committee's findings. The report detailed question and answer type debate. The report was very detailed and thorough. All gathered materials were presented to the Clerk. A motion was made and seconded (Larson, Davis) to refer the full

report plus any materials gathered that evening be distributed to both the Traffic Committee and The Board of Highway Commissioners. **Motion passed.** The President noted that there would be a good deal of debate on the issue and started within the rail with Board members. Several members from outside the rail (Public) spoke on the issue.

Jim Watson presented the Board with a petition signed by 580 people not in support of the road diet. Mr. Watson also presented photos of a recent road diet experience on Woodstock Avenue showing the long lines of vehicle created by one single East/West lane.

Charlie Coughlin concurred with Mr. Watson assessment as he has a business on Woodstock Avenue and noticed the same backup as well.

Jim Eckhart, a business owner on Woodstock Avenue, presented several concerns as well to the Board. Mainly bus traffic as it stops on Woodstock Avenue and the impact it will cause on skier traffic.

Beth Berra spoke and stated that she was unsure of the impact at this point.

Larry Cupoli, the City's 5-2 representative, shared his concerns on the pass thru streets and how it could impact their neighborhoods.

Kam Johnston requested the schematics of the change be looked at mainly the bike paths.

Ron Hemenway who has concerns with pedestrian crossings still feels now pedestrians would need to be aware of bicyclist, thus not improving the safety of pedestrians.

Christian Wideawake supported the change and asked the City to at least endure the trial period.

The President then moved the discussion back inside the rail. The President noted a request that came out of committee asking the City Attorney to draft a letter or resolution to be presented to the Board of Highway Commissioner and the Traffic Committee. There was some debate as to the course the Board wanted to take. A motion was made and seconded (Larson, DePoy) to suspend the rules and take the issue up that evening. Discussion still continued on the direction the Board wanted to take, Alderman Larson noted some language corrections within the document. Not wanting to delay the meeting, President Allaire noted a break during the evening that some concerns or question could be answered and moved on with the agenda.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Spaulding; RRA, Set Public Hearings for Master Plan

The President read the request from Barbara Spaulding noting a request to set two public hearings on 5/19 at 6:30 PM and 6/2 at 6:30 PM to take input from the public on the Master Plan. The request was so moved and seconded (Davis, Notte). **Motion passed.**

Chief James Baker; Request to Sell Car

Chief Baker gave the Board an update on the new lease option for police vehicles. The Chief noted a bid for the first vehicle to come off lease and reported the expected sale was greater than expected. The president asked the Chief what he needed from the Board. The Chief noted he wanted to make sure he was following the Boards direction. Alderman Wallstrom asked the Chief to come before the Board on any sale. A motion was made and seconded (Davis, Wallstrom) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Wallstrom, Davis) to authorize the Police Chief to sell EQ111 (Cruiser) to Rutland Town for \$15,700. **Motion passed.**

Attorney Romeo; Request for Executive Session to Discuss a Contractual Issue

Per past practice, the President moved this issue to the end of the meeting.

Attorney Romeo; Request to authorize the Mayor to sign extension of Permitting/Due diligence Period for GMP Stafford Hill/Landfill lease

Attorney Romeo explained the request from Green Mountain Power to extend their contract for the Due Diligence Period until April 1, 2015. A motion was made and seconded (Larson, Davis) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Larson) authorizing the Mayor to sign the amended contract. **Motion passed.**

Treasurer's Report for February 2014 Period 8

Treasurer noted a heavy agenda and moved to defer her report until the next meeting. A motion was made and seconded (Davis, DePoy) to receive and place on file the Treasurer's Report. **Motion passed.**

Engineer Pilachowski; Cooperative Agreement for Transportation Alternatives

Engineer Pilachowski noted a grant opportunity from VTRANS to allow the City to obtain some visual ques at the crossing of the new bike path on State Street. Mr. Pilachowski also noted some funds would be available to improve some crossing ramps. There was brief debate from the Board. A motion was made and seconded (Notte, Davis) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, Davis) authorizing the Mayor to sign the cooperative agreement. **Motion passed.**

Treasurer Wilton; Treasurer's Office Job Descriptions – Request for Approval on 4/7/1014

The President moved this request to the end of Department Heads and Officials section of the agenda.

Brennan Duffy; RRA Director; Request for referral

Brennan Duffy explained his request for a referral to committee. A motion was made and seconded (Davis, Notte) to send the request to the Community and Economic Development Committee. **Motion passed.**

Brennan Duffy; RRA Director; Amendment Request to Property Tax Stabilization Policy

Brennan Duffy asked the Board to approve a language request to the current Industrial/Commercial Property Tax Stabilization Policy as it would better serve its applicants. The request noted "All TSA applicants shall be presented to the RRA prior to the commencement of construction/renovation and /or the purchase of new equipment and machinery, or as soon as practically possible, in order to be eligible. There was brief debate. A motion was made and seconded (Davis, Wallstrom) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Notte) to approve the language as amended. Debate. There was enough debate that a motion was made and seconded to call the question (Larson, Siliski). **Motion passed.** The motion was then called. **Motion passed.**

Michael Coppinger; Administrator, Revolving Loan Fund Update

Michael Coppinger explained the two requests he has brought before the Board. A motion was made and seconded (DePoy, Notte) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (DePoy, Notte) to approve the Rutland County Diversion and Restorative Justice Center Loan as outlined in Mr. Coppingers request. There was brief debate on the motion. The motion per City Attorney was to authorize the Mayor to sign the subordination agreement. The motion was changed per the advice of the City Attorney. Debate. The Treasurer questioned the Board on the financial risk, to which Mr. Coppinger replied with appraisal information disputing the risk. **Motion passed.** The President noted the next request for C Street Holdings and asked for a rules suspension to take the issue up. That request was so moved and seconded (DePoy, Notte). **Motion passed.** A motion was made and seconded (DePoy, Davis) to authorize the Mayor to sign the subordination loan for C Street Holding as outlined in the request. Mr. Coppinger gave details of the request and the financial standings of C Street Holdings. Debate again from the Treasurer and a question on the parking situation were answered by Mr. Coppinger. **Motion passed.**

Treasurer Wilton; Treasurer's Office Job Descriptions – Request for Approval on 4/7/1014

Treasurer Wilton and Cathy Taggart presented a request to hire two (2) part time employees. One employee would be a 30 hour payroll administrator, the other would be a 20 hour counter clerk. These positions would replace the full time payroll person who took a job in the Clerk's Office. A motion was

made and seconded (Notte, Donahue) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, Donahue) to approve the job descriptions attached in the Treasurer's letter of April 1, 2014 for a pay roll administrator/account clerk, grade 8, and a counter clerk. There was a fair amount of debate. Attorney Romeo noted that at this time the BOA could only approve the pay roll administrator and counter clerk, as the bargaining unit had not signed off on the job descriptions. There was some debate to this information. Alderman Notte moved to amend his motion to remove the account clerk, grade 8. The President noted the new motion with Alderman Notte restating it for the Board. "To approve the job descriptions attached in the Treasurer's letter of April 1, 2014 for a pay roll administrator, and a counter clerk pending final approval and signoff of the City Attorney and Union." Debate. Alderman Davis asked if the position could be filled now, or would the approval and signoff be needed first. Attorney Romeo stated the approval and signoff first. There was debate as to why the hurry on the BOA approving the request. Attorney Romeo noted that the Board only met twice a month and the hope was that if the Union approved and the Board approved tonight then the hiring process could take place immediately. Debate continued with the issue of benefits being discussed and noted that they would be included in the 30 hour position as required by law. Finally, with debate winding down, the motion was called. **Motion passed.**

At this juncture the President asked to take a 10 minute break (9:20PM).

Upon reconvening the President asked to address the motion from the Public Safety Committee. Alderman Larson asked to rescind his previous motion and to eliminate the draft letter by Attorney Romeo. Alderman Larson then read his new motion, "I move that the City Clerk inform the BOHC and Traffic Committee to re-evaluate the road diet proposed for Woodstock Avenue. That they do so in a timely manner to determine if the proposed project should proceed on a trial period or if the trial period should be eliminated and the road linage continue as is." This motion was seconded by Alderman Davis. There was no debate. A roll call vote was requested by Alderman Wallstrom.

The President asked the Clerk to call the roll.

Alderman Humphrey questioned what the actual vote was relating to. There was further debate from Alderman Siliski on the new motion. Debate continued with other Aldermen on the wording of the motions and what the intent they were trying to achieve. Debate ended with the President re-stating the motion for the Board. He then asked the Clerk to call the roll.

Alderman Kiernan	YES	
Alderman Humphrey		NO
Alderman Notte		NO
Alderman Donahue answered before the Clerk asked		NO
Alderman Siliski		NO
Alderman Larson	YES	
Alderman Wallstrom		NO
Alderman DePoy	YES	
Alderman Davis	YES	

The Clerk reported 4 YES and 5 NO. There was some discussion as the President and Attorney had 5 YES and 4 NO. The Clerk thought Alderman Donahue had voted no, but actually he voted YES. The motion failed either way for lack of majority. **MOTION FAILED.**

The President moved on to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Sharon Davis; Chair, Community & Economic Development – VCDP Grant

Alderman Davis opened her report with Mayor Louras reading the Resolution, resolving the City of Rutland's support for Vermont Community Development Program (VCDP) Grant Funding relevant to the Rutland City

Neighborhood 7 Housing Revitalization Project. Alderman Davis continued with her report outlining the project and associated cost as well as what the City wanted to accomplish from this project. Alderman Davis noted a motion from committee to not to exceed \$225,000 from the Zamias account as the City's share for street scape improvements for the Northwest targeted area, and she so moved. This motion was seconded by Alderman Wallstrom. Debate followed with Commissioner Wennberg answering all questions presented by the Board. **Motion passed.** Alderman Davis then followed with a seconded motion to circulate the resolution for signatures. This motion was seconded by Alderman Wallstrom. **Motion passed.**

Sharon Davis; Intermunicipal Committee – Alpine Contract

Alderman Davis read her Intermunicipal report on the updated Alpine agreement. Alderman Davis noted that the committee cleaned up some of the language in the agreement. Alderman Davis noted duties of each partner and associated fees and financial duties. A motion was made and seconded (Davis, DePoy) to authorize the Mayor to sign the Alpine Agreement. **Motion passed.**

Dave Wallstrom; Chair, Recreation Committee – Courcelle Roof Funding & Recreation Donation Policy

Alderman Wallstrom read his report dealing with two issues. The first issue was updating the Board on the Courcelle Brothers Roof and the additional \$40,000 it cost for repairs. The Committee along with Ms. Wight reviewed several ways to account for the overage. The committee also heard a plan to replace the band stand at Main Street Park. No action was taken as the committee wanted to see how the fiscal year ended for the recreation department.

The second issue dealt with the development of a donation policy per the Treasurer's and auditor's request. Upon looking at developing a policy the committee also discussed fees and the process associated with setting fees. The auditor noted that there was no set policy as such and felt it was best to fix/address the issue potentially preventing problems in the future. The Committee and Superintendent Wight indicated that further work was needed before recommending a policy to the Board. Alderman Wallstrom noted that his report was for information only and the issues are to remain in committee.

Chris Siliski; Chair, Finance Committee, Auditor Selection & Fund Name Change

Alderman Siliski read his report from March 26th on two issues. The first was on the audit selection for FY 14, 15, & 16. Alderman Siliski noted that there were five (5) responses, the alderman listed all the criteria set in evaluating the proposals. Alderman Siliski noted that his committee reviewed all applicants and through a process of elimination recommended to the full Board the awarding of the City Audit for FY 14, 15 & 16 to Corrette and Associates, PC and to authorize the Mayor and/or Board President to sign the associated contract. **Motion passed.**

The second issue dealt with a Fund Rename. Alderman Siliski explained the request to the Board on the "Maple Fund" being renamed to the "VCDP Notes Receivable Fund" Alderman Siliski so moved the motion. There was no debate. **Motion passed.**

Jon Kiernan; Chair, General Committee

Alderman Kiernan noted his committee met to untangle a discussion from a prior meeting dealing with the cemetery commissioner's request for assistance. Alderman Kiernan explained that the Cemetery Commissioner wanted to be under the purview of one of the City Departments so he had someone to work with in regards to filing claims or purchasing necessary materials. The maintenance mowing will still be handled by the Cemetery Commissioner and financial budgets are to remain separate. A motion was made and seconded (Kiernan, Davis) to have the maintenance of the City cemeteries be a separate line item under the City Parks and Recreation Department and the City Cemetery Commissioner will report his maintenance needs to the City Parks and Recreation Department. **Motion passed.**

REPORTS OF SELECT COMMITTEES

There were no Select Committee reports

REPORTS OF REPRESENTATIVES

There were no Representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

VFW; Request Aldermen Participation at the 51st Loyalty Day Parade

President noted the request by the VFW to have the Aldermen march in the parade. A motion was made and seconded (Davis, Notte) to receive and place on file. **Motion passed.**

S.E.P. Request; VFW Loyalty Day Parade May 4th 1:00 – 4:00 PM Downtown

President Allaire introduced the request. A motion was made and seconded (Davis, Notte) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, DePoy) to approve the request of the Loyalty Day Parade, May 4th in downtown Rutland with accompanying map and insurance. **Motion passed.**

Robert Kelley, Jr. Request for Referral

President Allaire introduced the request for a referral on an ordinance issue. A motion was made and seconded (Notte, Wallstrom) to refer the request to the Charter and Ordinance Committee. **Motion passed.**

S.E.P. Request; Girls on the Run May 31st 10:00 – 11:00 AM

President introduced the issue. A motion was made and seconded (Davis, Notte) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Notte) approving the Girls on the Run 5K Run/Walk at the Rutland Fairgrounds from 10 – 11 AM. **Motion passed.**

S.E.P. Request; City Cat Allies Coin Drop August 30th 10:00AM – 2:00PM

President Allaire introduced the request. Alderman Notte moved to extend the meeting past the scheduled 10:30 PM time. This motion was seconded by Alderman DePoy. **Motion passed.** A motion was made and seconded (Notte, Wallstrom) to suspend the rules and take the issue up that evening. **Motion passed.** President Allaire read the request for a Special Events Permit for the Rutland City Cat Allies Coin Drop on August 30th from 10- 2 PM. Alderman Notte so moved the request, it was seconded by Alderman Wallstrom. **Motion passed.**

Center Lodge #34 Free Masons Request for Fee Waiver

President Allaire introduced the request. A motion was made and seconded (Notte, Wallstrom) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, Davis) to approve the request for a fee waiver. **Motion passed.**

Kam Johnston; Tax Abatement Request, 110 Maple Street (tax year 2011-2012)

President Allaire read the request and asked for a motion to set the committee of Alderman Allaire as Chair, Alderman Davis and Kiernan and to have them report back to the full Board on May 5, 2014 at 6:30 PM. This request was so moved and seconded (Wallstrom, DePoy). **MOTION FAILED.** There was brief debate on the consequences for not hearing the request. Attorney Romeo noted his opinion on the issue.

A motion was made and seconded (Davis, Wallstrom) to move into the Board of Control Commissioners.

President Allaire stopped the vote as he had one other issue to present to the Board under the Petitions portion of the agenda. The President noted a request from Kathleen Krevetski in regards to the release of funds from the Long Trail Festival. A motion was made and seconded (Wallstrom, Davis) to suspend the rules and take the issue up that evening. **MOTION FAILED.** Alderman Wallstrom tried to explain the request on closing out this account. A motion was made and seconded (Notte, Donahue) to refer the issue to the Finance Committee. Debate followed. **MOTION FAILED.** A question was asked on reconsidering the original motion. A motion was made and seconded (Davis, Notte) to reconsider the rules suspension. **Motion passed.** A motion was made and seconded (Davis, Donahue) to suspend the rules and take the issue up. **Motion passed.** A motion was made and seconded (Wallstrom, Davis) authorizing the Treasurer and Recreation Department to return the \$4,022.63 in the Parks and Recreations Long Trail

Festival Fund to the Krevetski's. Alderman Larson was very adamant at this and others issues being placed on the Aldermen's Desk the night of the meeting looking for action, noting a policy and discussion not wanting this to happen. A motion was made and seconded (Siliski, Donahue) to table the letter. Debate followed on debating a motion to table. Attorney Romeo noted a motion to table was not debatable. **MOTION FAILED to TABLE.** Alderman Wallstrom's motion was back up to vote. **Motion passed.**

A motion was made and seconded (Davis, Wallstrom) to move into the Board of Control Commissioners. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

First Class Liquor Request; Hop"N Moose Brewing Company (authorize Clerk to sign)

President Allaire read the request. A motion was made and seconded (Davis, Donahue) authorizing the Clerk to sign the application. **Motion passed.**

First Class Liquor Request; Southside Steakhouse (circulate for signature)

President Allaire read the request. A motion was made and seconded (Davis, Notte) to circulate the application for signatures. **Motion passed.**

Entertainment Permit Request; Southside Steakhouse (authorize the Clerk to sign)

President Allaire read the request. A motion was made and seconded (Davis, Notte) authorizing the Clerk to sign the application. **Motion passed.**

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

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Davis noted a report from the Treasurer on the solar project next to McDonald's on Woodstock Ave. The original issue was in Alderman Davis's committee and she wanted to refer the issue back to Community and Economic Development on revenue owed to Green Lantern. This motion was seconded by Alderman Wallstrom. **Motion passed.**

The President noted a request from the City Attorney to enter into executive session to discuss a contractual issue where premature or general knowledge could place the City at a substantial disadvantage.

At 10:47 PM this request was so moved and seconded (Davis, Wallstrom). **Motion passed.**

At 10:53 PM a motion was made and seconded (Davis, Notte) to come out of executive session. **Motion passed.**

A motion was made and seconded (Davis, Notte) authorizing the Mayor to sign the purchase and sales agreement. **Motion passed.**

At 10:54 PM a motion was made and seconded (Davis, Notte) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck
Rutland City Clerk