

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, December 21, 2015

Members present; President Notte, Aldermen Allaire, Humphrey, Skates, Etori, Donahue, Larson, Bloomer, DePoy, and Davis. Also present, Mayor Louras, Attorney Romeo and Clerk Heck. Alderman Siliski was absent.

President Notte called the meeting to order at 7 PM.

MINUTES OF PREVIOUS MEETINGS (December 7, 2015)

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

OUTSIDE THE RAIL

Jack Crowther spoke on fluoride, and the advisory ballot questions voters will vote on in March.

Eric Crankie of Pittsford also spoke on the fluoride issue voicing his support for removing the fluoride in the water.

Ken Cormier of 123 Crescent St. spoke on taxi related issues and his concerns for non-compliant taxi cabs operating without being city licensed.

Kam Johnston spoke on several issues including non-profits trying to organize in the North West neighborhood and his desire to help with their cause and his view on the fluoride issue.

COMMUNICATIONS FROM THE MAYOR

VLCT; Safety Officer Review

Mayor Louras introduce Fred Satink of VLCT who was going to brief the Board, per their request, on the Safety Officer position discussed during the budget process. Over the next 35 minutes Mr. Satink advised and answered all questions presented to him. No action was sought as the request was for information only.

Request for Authorization of Zamias Fund Allocation, Automatic Doors at Transit Center

Mayor Louras introduced the item and sought Boards action, whether a referral or action that night. There was brief debate before a motion was made and seconded (Allaire, Davis) to refer the issue to the General Committee. There was brief debate to the motion. **Motion passed.**

ADDITIONS AND DELETIONS TO THE AGENDA

President Notte noted two issue that he wanted to add to the agenda and sought board approving the addition of a motion adding the untableing of the Mayoral appointment and adding the Pension Deficit Committee report. The request was so moved and seconded (Allaire, Davis). **Motion passed.** Seeing no other additions or deletions, President Notte moved back to Communications from the Mayor and sought action to untable the Mayoral appointment to the RRA.

A motion was made and seconded (Davis, Allaire) to untable the Mayoral appointment. **Motion passed.** A motion was made and seconded (Davis, Etori) to circulate the ballot box. **Motion passed.** Clerk Heck gathered all votes and presented them to Attorney Romeo for confirmation. Alderman Bloomer noted that the appointee was his wife and he was abstaining from voting.

Attorney Romeo presented the President with the results, 5 YES and 4 NO, the appointment was confirmed.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Treasurer Wilton; Treasurer's Report

Treasurer Wilton highlighted several areas within her review and sought any questions from the board. There was a question on the Zamias Funds and what the City could expect to collect. The Treasurer stated that she would get that information for the board.

Charles Romeo; Request for Two Executive Sessions, Both for Pending Civil Actions

Per past practices, President Notte sought to move the request to the end of the meeting. There were no objections.

REPORTS OF STANDING COMMITTEES

Alderman DePoy; Chair, Public Works Committee

Alderman DePoy read his committee report from December 8th and noted that his committee met to discuss the potential donation of "Combination Pond" and surrounding lands to the City, from E & K Management. The meeting was well attended by concerned residents within that neighborhood and Alderman DePoy noted several of those concerns. A motion was made in committee to accept the offer from E & K Management and Aldermen DePoy so moved that motion to the full board. There was lengthy debate on the issue. A motion was made and seconded (Bloomer, DePoy) calling the question. **Motion failed.** Debated continued for another 25 minutes before President Notte sought to call the question. Alderman Larson requested a roll call vote. President Notte asked the Clerk to call the roll.

Alderman Allaire	YES	
Alderman Humphrey	YES	
Alderman Skates	YES	
Alderman Etori	YES	
Alderman Siliski	ABSENT	
Alderman Donahue		NO
Alderman Larson		NO
Alderman Bloomer	YES	
Alderman DePoy	YES	
Alderman Davis	YES	

Clerk Heck confirmed with the President, 7 YES and 2 NO, **Motion passed.** President Notte thanked everyone and moved on with the agenda.

REPORTS OF SELECT COMMITTEES

Alderman Allaire noted his committee met on November 23rd to continue with the discussion on the city pension. Alderman Allaire noted that the pension actuary was there to brief his committee and noted several financial figures related to the pension and what actions were needed to get the fund whole. Alderman Allaire noted his report was for information only.

REPORTS OF REPRESENTATIVES

There were no representative reports

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Kam Johnston; Camera Request

President Notte introduced the request by Mr. Johnston and listed several options of dealing with the request if the board desired. There was no action requested by the board so the president moved on in the agenda.

BOARD OF CONTROL COMMISSIONERS

There were no items to come before the Board of Control Commissioners.

UNFINISHED BUSINESS

There was no unfinished business presented by the board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

WATER & SEWER BUDGET

Set FY 17 Water & Sewer Budget

Water Treatment Budget –

Public Works Chair DePoy read his committee report for the water & sewer budget. Their first item was the water treatment budget. This budget had two items that were debated within committee. The first issue was fluoride where a motion was made in committee to remove the funding for adding fluoride to the drinking water. That motion failed in committee. The next item vented in committee was an increase to state fees. No action was taken in committee on this issue. After further debate, a motion was made and seconded (DePoy, Larson) approving the water treatment budget at \$760,624. There was no debate. **Motion passed.**

Water Distribution Budget –

Alderman DePoy reviewed the water distribution budget and moved to approve at \$571,816.00. There was no debate. **Motion passed.**

Water Meter Budget

Alderman DePoy reviewed this item and moved to approve the budget at \$389,551.00. There was brief debate from Alderman Larson. **Motion passed.**

SEWER FUND-

Wastewater Treatment-

Alderman DePoy reviewed the wastewater treatment budget. A typo was noted on the professional services line. With that correction a motion was made and seconded (DePoy, Skates) approving the wastewater treatment budget at \$2,674,205.00. There was no debate. **Motion passed.**

Wastewater Collection Budget-

Alderman DePoy reviewed the wastewater collection budget and after a couple budget adjustments a motion was made and seconded (DePoy, Larson) approving the budget at \$634,533.00. There was a brief question from Alderman Humphrey. **Motion passed.**

Pump Stations-

Alderman DePoy had a list of pump station budgets and noted there was a typo within all of the budgets. It was noted that the electricity lines were not listed, all budgets presented have the corrected electricity lines. Alderman DePoy asked for the budget at the River Street station, \$23,370.00, Country Club station \$1,360.00, Clement Road station \$3,710.00 and the Laverne Drive station \$1,510.00 be approved. Alderman Larson seconded all of those requests. There was no debate. **Motions passed.** Alderman DePoy also asked for the Dorr Drive station \$5,460.00, Belden Road station \$2,060.00, Northeast station \$2,000.00 and Marolin Street station, \$1,210.00 be approved. These requests were seconded by Alderman Allaire. There was no debate. **Motions passed.**

President Notte stated that this concluded the Water & Sewer FY 17 Budgets and stated that the board still needed to set water & sewer rates. Commissioner Wennberg noted that the board still needed to approve transfers out for both the water fund and sewer fund.

Transfers Out-

Alderman DePoy noted specific amounts for transfers out of the Water Fund, in the Capitol, Treasurer, Administration DPW, Attorney, and Vehicle Maintenance lines totaling \$1,026,275.00. This request was seconded by Alderman Davis. There was no debate. **Motion passed.** Alderman DePoy then noted

the same lines, Capitol, Treasurer, Administration DPW, Attorney, and Vehicle Maintenance, for the sewer fund totaling \$977,551 in transfers. This request was seconded by Alderman Larson. There was no debate. **Motion passed.**

Commissioner Wennberg then proceeded with reviewing water & sewer rates. There were two basic options presented to the board. There was a fair amount of discussion on this issue. One option, the "DePoy Option" where only actual water usage would be increased was mostly discussed. Prior to the board setting the rates the Commissioner asked the board to set all rates even if there were no changes in a specific line. Alderman DePoy then moved to set rates and fees as followed.

City Water Rate	3.397
Sewer Treatment Rate	4.363
Sewer Maintenance Rate	1.250
Water Service Fee	<u>29.05</u>
Sewer Service Fee	17.55

Alderman Davis seconded. There was no debate. **Motion passed.**

President Notte noted that this concluded the setting of the water & sewer rates and moved on with miscellaneous motions, resolutions and new business.

President Notte sought a motion to refer the issue of new developments at REDIC and their effects on the City to the Community and Economic Development Committee. The request was so moved and seconded (Davis, DePoy). There was brief debate. **Motion passed.**

Alderman DePoy brought the issue of the winter parking ban up as there had been a lot of complaints from people being ticketed. Alderman DePoy noted the very unseasonal temperatures and stated, people are just unaware of the ban. A motion was made and seconded (DePoy, Allaire) setting a moratorium on forgiving tickets from December 1, 2015 through January 1, 2016. There was brief debate before a motion was made and seconded (Davis, DePoy) to refer the issue to the Public Works Committee. There was brief debate. **Motion passed.**

Alderman Larson noted that the Paramount Theatre was showing National Lampoons Christmas Vacation. With no further issues, President Notte asked for a motion to move into executive session. Attorney Romeo stated a motion, the board finds that premature or general knowledge of pending civil litigation could place the city at a substantial disadvantage. This motion was so moved and seconded (Allaire, Davis). **Motion passed.** The next motion would state, that the board moves into executive session to discuss pending civil litigation. This motion was so moved and seconded (Allaire, DePoy). **Motion passed.** President Notte then asked that the room be cleared, except for all requested parties and at 9:50 PM the board moved into executive session.

At 10:31 PM the board had a motion made and seconded (Allaire, DePoy) to come out of executive session. **Motion passed.**

At 10:32 PM a motion was made and seconded (DePoy, Allaire) to extend the Board of Aldermen's meeting. **Motion passed.**

At 10:33 PM a motion was made and seconded (DePoy, Etori) to re-enter back into executive session, to continue the discussion on the pending civil action. **Motion passed.**

At 10:42 PM a motion was made and seconded (Allaire, Larson) to come out of executive session. **Motion passed.**

President Notte stated the he would entertain a motion, where the Board authorizes its carrier, Vermont Leagues of Cities and Towns, Property & Casualty Intermunicipal Fund Inc. to enter into a

settlement, of the Andrew Todd vs. City of Rutland law suit, provided that the City's portion of the settlement check shall not exceed its deductible. The motion request was so moved and seconded (Ettori, Davis). **Motion passed.**

This concluded the first executive session request of Attorney Romeo.

President Notte noted the seconded request and sought the language from the attorney to enter into his second requested executive session.

Attorney Romeo stated that premature or general knowledge of pending civil litigation will place the city at a substantial disadvantage. This language was so moved and seconded (Allaire, Ettori). **Motion passed.** Attorney Romeo then stated language to enter into executive session to discuss a pending civil litigation to which the city is a party. This language was so moved and seconded (Allaire, Ettori). **Motion passed.**

At 10:44 PM the Board moved back into executive session.

At 10:59 PM a motion was made and seconded (Allaire, Ettori) to come out of executive session. **Motion passed.**

Alderman Allaire moved to authorize the City Attorney to settle the suit of the Rutland County Child Parent Center vs. the City of Rutland, within the parameters discussed in executive session. The motion was seconded by Alderman Ettori. **Motion passed.**

At this point, Mayor Louras asked the board for a two minute executive session so he could bring them up to date on another pending issue.

At 11:02 PM a motion was made and seconded (Allaire, Ettori) to move into executive session to discuss a civil action where premature or general knowledge could place the City at a substantial disadvantage. **Motion passed.**

At 11:12 PM a motion was made and seconded (Allaire, Ettori) to come out of executive session. **Motion passed.**

A motion to adjourn was so moved and seconded (Allaire, Skates). **Motion passed.**

Respectfully submitted,



Henry A. Heck
Rutland City Clerk