

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, November 21, 2016

Members present; President Notte, Aldermen Allaire, Humphrey, Robertson, Etori, Tommola, Donahue, Larson, Gides and Davis. Also present, Attorney Romeo and City Clerk Heck. Alderman DePoy was absent.

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

MINUTES OF PREVIOUS MEETINGS (November 7, 2016)

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

Motion passed.

OUTSIDE THE RAIL

Gail Johnson, spoke about an upcoming holiday concert Messiah.

COMMUNICATIONS FROM THE MAYOR

There were no communications from the Mayor.

ADDITIONS AND DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Treasurer Wilton; October's Treasurer's Report

A motion was made and seconded (Davis, Larson) to receive and place on file. **Motion passed.**

Attorney Romeo; Legal Services RFP Recommendation

Attorney Romeo gave a brief explanation of the request and asked for the Board's approval. 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) affirming the request of the selection of Facey, Goss & McPhee for the Kingsbury matter and to authorize the City Attorney to sign the appropriate documents. There was brief question. **Motion passed.**

Attorney Romeo; Request for Executive Session, Professional Legal Services

Attorney Romeo; Request for Executive Session, Pending Civil Litigation

President Notte noted both requests and as per past practice sought to move the requests to the end on the meeting.

Engineer Rotondo; Sewer Allocation Request

President Notte introduced the request, noting there was no one available to speak on the issue and sought the Board's pleasure. 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) authorizing the mayor to sign the documents. There was brief debate about the request. **Motion passed.**

Superintendent Wight; Courcelle Gymnasium

Superintendent Wight was present to speak about the request and noted that the request was to approve NBF to provide cost estimates for the potential future gym at the Courcelle Building. A motion was made and seconded (Davis, Allaire) suspending the rules and taking the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Allaire) approving the recommendation of NBF to provide the design and cost estimate for a potential future gymnasium at the Courcelle Building with funding coming from youth & adult basketball and adult volleyball. There was brief discussion. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Alderman Humphrey; Charter & Ordinance

Alderman Humphrey read her committee report from November 16th. The committee met to discuss municipal fire alarm service and maintenance fee. Alderman Humphrey briefed the Board on the history of municipal fire alarm service here within the city. The committee asked Chief Jones to update the list with all exemptions included or eligible. Alderman Humphrey noted her report was for information only and the issue is to remain in committee.

REPORTS OF SELECT COMMITTEES

There were no Select Committee reports.

REPORTS OF REPRESENTATIVES

Alderman Allaire; Regional Planning Commission

Alderman Allaire brief the Board on his recent Regional Planning Commission meeting and more specifically his chairmanship of the energy committee. Alderman Allaire noted act 174 just recently passed during the legislative session and how it will affect the State, towns' specific moving forward. Alderman Allaire noted that if towns' want more say on energy issues they need to be compliant with act 174. This report was for information only.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Eric Mallette; Paramount Theatre, Permission to Change Sidewalk

President Notte introduced the request. Eric Mallette spoke about the fund raising event and asked the Board for its approval replacing sidewalk in front of the theater with commemorative bricks. A motion was made and seconded (Allaire, Etori) suspending the rules and taking the request up that evening. **Motion passed.** Before Alderman Allaire made his motion, he asked to confer with the City Attorney on the technical aspects of the request. Attorney Romeo noted several issues and stated a three phase motion would probably be in order. The first motion would be to approve the request of the brick sidewalk, the second would be to authorize the City Attorney to engage in discussion with the union about the work to be done and the third would be a certificate of insurance naming the city as an additional insurer on the Paramount's policy. There was a fair amount of debate. Alderman Larson noted several sections of the ordinance as concerns, specifically Title 9, Chapter 4, sections 1051 & 1052, specifically landscaping where the ARC and DRB would need prior approval of the request. The Board discussed this concern. Attorney Romeo noted a fourth motion to move the request along, stating a motion pending compliance with all other ordinances and approvals. After brief debate, **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

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

UNFINISHED BUSINESS

Alderman Donahue spoke about his concern with the Courcelle Building Gymnasium request and explained his no vote on the earlier issue.

Attorney Romeo gave Alderman Davis the answer to her earlier question about fire exemption fees and who may be eligible.

President Notte noted his absence from the Public Safety Committee meeting for the FY 18 Fire Budget meeting. President Notte noted the discussion about the restructuring of shifts and noted that this was an individual issue that was not in committee and probably should be sent to the Public Safety Committee for future discussion. The request was so moved for debate, (Davis). Alderman Etori seconded. Several Aldermen wanted to have this discussion during the budget meeting and had no problem with the topic, but stated that the budget and the "restructuring" issue were one in the same.

Motion passed, referring the issue of restructuring to the Public Safety Committee.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

President Notte: Request for referral "Potential Monetary Fines for Violation of Rutland City's Certificate of Occupancy Requirements".

President Notte noted a request for a referral of the above issue. The President noted that the letter associated with this request was left out of the packet and explained his reasoning for the request. The president also noted that Attorney Romeo researched the request and found that there were repercussions for violating CO requirements. With all of the confusion, the President felt a stronger need for the referral to Public Safety. Alderman Humphrey wondered why not Charter and Ordinance Committee. A motion was made and seconded (Allaire, Davis) to refer the issue to the Charter and Ordinance Committee. **Motion passed.**

President Notte then noted the earlier request for executive sessions and sought help from Attorney Romeo with motion language. Attorney Romeo noted two separate motions were needed for the first request and asked the Board to take the Civil Litigation up first as Zoning Administrator Tara Kelly was present and needed for that executive session.

Attorney Romeo stated the first motion would find that premature or general public knowledge would clearly place the City at a substantial disadvantage. This motion was so moved and seconded (Davis, Allaire). **Motion passed.** The second motion needed was to enter into executive session for the discussion of pending civil litigation to which the City is a party, with administrator Kelly to remain. This motion was so moved and seconded (Allaire, Etori). **Motion passed.**

At 7:40 PM the Board moved into executive session.

At 7:49 PM a motion was made and seconded (Allaire, Davis) to move out of executive session. **Motion passed.**

A motion was made and seconded (Allaire, Robertson) to suspend the rules and take the civil litigation request up. **Motion passed.** A motion was made and seconded (Allaire, Robertson) to approve the proposed settlement terms in the Dana School, Hand variance appeal and to authorize the City Attorney to sign the appropriate documents. **Motion passed.**

President Notte noted that concluded the first executive session. Attorney Romeo provided language for the second executive session, again noting two motions. Attorney Romeo stated the first motion would find that premature or general public knowledge of client attorney discussion would clearly place the City at a substantial disadvantage. This motion was so moved and seconded (Allaire, Davis). **Motion passed.** The second motion needed was to move into executive session for confidential attorney, client communications made for the purpose of providing professional legal services. This motion was so moved and seconded (Allaire, Etori). **Motion passed.**

At 7:54 PM the Board moved back into executive session.

At 7:58 PM a motion was made and seconded (Davis, Allaire) to move out of executive session. **Motion passed.**

A motion was made and seconded (Allaire, Robertson) to suspend the rules and take the Professional Legal Services request up. **Motion passed.** A motion was made and seconded (Allaire, Robertson) to waive the conflict of interest in the Facey, Goss and McPhee representation of Mark Logan and Green Mountain Family Medicine and to authorize the City Attorney to confirm the same. **Motion passed.**

At 8:01 PM a motion was made and seconded (Davis, Robertson) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A. Heck
Rutland City Clerk