

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, September 19, 2016

Members present; President Notte, Aldermen Allaire, Humphrey, Robertson, Etori, Tommola, *Donahue,*Larson, DePoy and Davis. Also present Attorney Romeo and City Clerk Heck. Alderman Donahue left at 10:15 PM and Alderman Larson left at 10:30 PM.

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

MINUTES OF PREVIOUS MEETINGS (September 6, 2016)

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

Motion passed.

OUTSIDE THE RAIL

Patrick Griffin of Enman Engineering asked the Board to approve his request to connect Shearer Honda to the water main in front of their building. Mr. Griffin noted the approval of Rutland Town and the State as well as support from Commissioner Wennberg on the request. A motion was made and seconded (Allaire, Robertson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and second (Allaire, Etori) approving the request for a water connection to the water main for Shearer Honda for the mentioned reasons. There was brief debate with the request from Alderman Davis to add the 1249 per gallon increase to the water demand. Alderman Allaire & Etori had no objection to adding that language. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

Untable Mayoral Appointment; George Gides, Aldermen Nomination

President Notte read the request. A motion was made and seconded (Davis, Allaire) to remove from the table the request of the Mayoral appointment of George Gides. **Motion passed.** A motion was made and seconded (Davis, Allaire) to circulate the ballot box. **Motion passed.** Clerk Heck collected all ballots and presented them to Attorney Romeo for verification. President Notte allowed Attorney Romeo to present him with the results. Attorney Romeo noted that he had one more ballot than Aldermen. President Notte noted the results and asked the Clerk to re-gather the Aldermen's vote. Clerk Heck presented them to Attorney Romeo and he verified the votes and presented them to President Notte. President Notte verified the results, six (6) YES and four (4) NO. George Gides has been approved for the Board of Aldermen. Clerk Heck then swore in Mr. Gides and he took his seat.

ADDITIONS AND DELETIONS TO THE AGENDA

President Notte noted two requests. The first was to add under Department Heads and Officials, requests from Randall Northrup, and under Unfinished Business to add the scheduling of two (2) public hearings in regards to the calling of the special meeting for the charter request. These request were so moved and seconded (Davis, DePoy). **Motion passed.**

At this point, President Notte asked to move around the agenda and sought to take up Attorney Romeo's resettlement process report. President Notte noted there could be Attorney Client privilege and sought to move into executive session to have this discussion. There was brief debate about moving into executive session. The chair then stated he would entertain a motion;

"To find that premature general public knowledge of discussions pertaining confidential attorney-client communications for the purpose of providing professional legal services would clearly place the City at a substantial disadvantage." This request was so moved and seconded (Allaire, Davis). **Motion passed.**

President Notte then asked " To enter executive session for the purpose of confidential attorney-client communications for the purpose of providing professional legal services, pursuant to 1 V.S.A. §313(a)(1)(F)." This request was so moved and seconded (Allaire, Davis). **Motion passed.**

There was a large contingent of reporters and members of the public present that were removed from chambers. At approximately 7:20 PM the Board moved into executive session.

At 9:02 PM a motion was made and seconded (Allaire, Ettori) to come out of executive session. **Motion passed.** President Notte asked for a five (5) minute recess to allow the Board a break and the large crowd to enter the room.

Upon reconvening, President Notte asked the Boards' pleasure. A motion was made and seconded (Allaire, Robertson) to move to waive the attorney-client privilege regarding the City Attorney's review of the Mayor's actions relative to refugee resettlement and release the document dated September 11, 2016 entitled "Review of Mayoral Action Pertaining to Refugee Resettlement" to the public. There was no debate. **Motion passed.** President Notte announced that Attorney Romeo's report on Mayoral Action Pertaining to Refugee Resettlement was now a public document.

President Notte then continued on with the agenda.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Clerk Heck; Request to Carry Over 28.5 Hours of Unused Vacation Time

President Notte introduced the request. A motion was made and seconded (Allaire, Robertson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Allaire, Ettori) approving the request of Clerk Heck to carry over up to 28.5 hours of unused vacation time as requested. **Motion passed.**

Brennan Duffy; RRA Director, Maples Revolving Loan Fund Policy & Application

Brennan Duffy introduced the request. A motion was made and seconded (Larson, DePoy) to refer the issue to the Community & Economic Development Committee. **Motion passed.**

Treasurer Wilton; Preliminary FY 16 Year end draft financials

Treasurer Wilton gave a very detailed review of the FY 16 year end draft. There was brief Q & A with the Board. A motion was made and seconded (Ettori, Davis) to refer the report to the Finance Committee to review in more detail. **Motion passed.**

Treasurer Wilton; Financial Reports through August 31, Period 2, FY 17

Treasurer Wilton noted we were very early in the new FY year and just wanted the Board to know things are progressing as expected. Treasurer Wilton did note to the Board documents left on their desk from Randall Northrup the City's Auditor and asked that they review and get that requested information back to the Auditor.

Attorney Romeo; Request for Executive Session, Pending Civil Action

This request was moved to the end of the meeting, per the Boards' past practice.

Attorney Romeo; Resettlement Process Report-Possible Executive Session

Taken up earlier in the meeting.

Attorney Romeo; C Street Holding, Revolving Loan Fund Subordination Request

Attorney Romeo introduced the request and asked the Board to approve the attached Subordination Agreement for C Street Holding Corp. and authorize the Mayor to sign. A motion was made and seconded (Davis, Ettori) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, Ettori) approving the attached Subordination Agreement for C Street Holding Corp. and authorize the Mayor to sign. **Motion passed.**

Commissioner Wennberg; Additional Services for WWTP Blower Specification

Commissioner Wennberg explained his request, noting the engineering department lacked the experience associated with the new motor and control technology needed for the blower replacement. Commissioner Wennberg sought an additional \$2995 be added to the Weston and Sampson approved contract to help the engineering department in the replacement of the blower at the waste water treatment plant. 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) authorizing a modification to one of the two contracts for consulting services with Weston and Sampson Consulting Engineers to provide the Department assistance in the specification of a replacement blower at the wastewater treatment plant. There was brief debate. A request to add the \$2,995 figure to the motion was agreed. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Sharon Davis, Chair, Community & Economic Development; Refugee Letter

Alderman Davis read her committee report from September 13th. The committee met to discuss a letter presented by Alderman Tommola at their last meeting about refugee resettlement in Rutland. Alderman Davis made a motion to send a letter to the US Department of State and the Vermont Refugee Resettlement Program in regards to how the data is driven to support the capacity of 100 refugees annually in the City of Rutland. Debate lasted for almost 55 minutes. Alderman Davis did amend her motion to have the City Attorney draft the letter addressing the application, statement of rationale and methodology used to determine refugees in a community. Attorney Romeo restated the three (3) specific topics of the request. It was also noted that the Attorney will only draft the letter, it is to go back to the Board for their preview prior to being sent out. Towards the end of the debate, a motion was made and seconded to call the question (Larson, Davis). **Motion passed.** President Notte then called the motion as amended by Alderman Davis to have the City Attorney draft a letter as requested. **Motion passed.**

Prior to Alderman Humphrey's report, President Notte asked for a motion to extend the time of the meeting past the allotted time of 10:30 PM, as it was 10:25 PM. This request was so moved and seconded (Allaire, Etori). **Motion passed.**

Melinda Humphrey; Chair, Charter & Ordinance Committee, Pension Ordinance Revision

Alderman Humphrey read her committee report from September 7th and noted the committee discussed the second round of the pension ordinance draft revision presented by Attorney Romeo. The committee made several recommendations to Attorney Romeo at the prior meeting and there were still request from the committee to clean up the draft. The draft was presented to the Pension Board. There was no request for action and the issue will remain in committee. This report was for information only.

Tom DePoy; Chair, Recreation Committee, White's Pool

Alderman DePoy read his committee report from September 12th. The committee met to discuss the bids received for the replacement of White's Pool. The low bidder, Russell Corporation, was still \$750,000 over bid on a \$2.5 million dollar project. The committee discussed why the bids were so high. Discussion evolved around how the cost could be reduced to accommodate the \$2.5 million dollar bond approved by the voters. The committee then focused on the building which is projected to cost \$800,000. The committee did not want to change the actual pool and decided to find cost savings in other areas. The issue is to remain in committee and the report was for information only.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

There were no representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

S.E.P. Request; Kenya Run 5K Run/Walk to Benefit HEAL, October 16, 2016 from 1-3PM

President Notte introduced the request. A motion was made and seconded (Allaire, Robertson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (DePoy, Allaire) approving the Kenya Run 5K run/walk to benefit HEAL on October 16 from 1-3PM. **Motion passed.**

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

BOARD OF CONTROL COMMISSIONERS

Brix Wine Bar; Request for Second Class License

A motion was made and seconded (Davis, DePoy) to circulate the request for signatures. **Motion passed.**

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

UNFINISHED BUSINESS

Calling of Special Meeting for Charter Question & Set Public Hearings

Attorney Romeo addressed this issue and noted for clarification he asked the Board to approve the calling of the special meeting addressed at the last Board of Aldermen meeting. A motion was made and seconded (Allaire, Davis) approving the calling from the Mayor for a special meeting on November 8, 2016. **Motion passed.** A motion was made and seconded (Allaire, Davis) to set two (2) public hearings for the requested charter change to be voted on November 8, 2016. Those meetings would be held at 6:45 PM Monday, October 3rd & 17th in Chambers. **Motion passed.**

Naming of New City Bridges-Board of Highway Commissioners

President Notte explained to the Board of Aldermen how this issue had come before the Board of Highway Commissioners. It was noted that the BOHC was uneasy about naming bridges without vetting the issue and seeing if there may be others who wish to name the bridge. So the BOHC will promote this issue and look at what may be presented for names over the next several weeks.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

There were no miscellaneous motions resolutions or new business to come before the Board.

President Notte noted the earlier request by Attorney Romeo for an executive session and sought a motion finding that premature general public knowledge of discussions pertaining to a pending civil action would clearly place the City at a substantial disadvantage. This request was so moved and seconded (Allaire, Davis). **Motion passed.**

President Notte then sought a motion to enter into executive session for the purpose of discussing pending civil litigation to which the City is a party, pursuant to 1 V.S.A. §313(a)(1)(E) with Commissioner Wennberg and Attorney Dave Cooper be included. This request was so moved and seconded (Davis, Robertson). **Motion passed.**

At 10:45 PM the Board moved into executive session.

At 10:54 PM a motion was made and seconded (Allaire, Etori) to come out of executive session. **Motion passed.**

A motion was made and seconded to adjourn to Monday September 26, 2016 at 5PM in chambers. Motion passed.

Respectfully submitted,

Henry A. Heck
Rutland City Clerk