

**CITY OF RUTLAND, VERMONT**  
**Board of Aldermen Minutes**  
**Monday, May 5, 2014**

Members present; President Allaire, Aldermen Kiernan, Humphrey, Notte, Donahue, Siliski, Brodowski, Larson, Wallstrom, DePoy and Davis. Also present, Attorney Romeo and City Clerk Heck.

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

**MINUTES OF PREVIOUS MEETING (April 21, 2014)**

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

**OUTSIDE THE RAIL**

Kam Johnston spoke on the school budget vote and a need to send a message to the State on the increase to property taxes. The President interrupted Mr. Johnston asking for specifics on issues that the Board may be able to take action and thanked him for his input. Mr. Johnston wants the Board to take a more active role on school issues.

Brennan Duffy, Director of the RRA, asked the BOA to send to committee a request for commercial/industrial tax stabilization agreement and water/waste water rate incentive agreement. This request was so moved and seconded (Davis, Notte). The President repeated the request and believed the committee to be Community and Economic Development. **Motion passed.**

Joe Giancola wants to modify or change the zoning where the Dana School property, purchased by Mr. Giancola is located. Mr. Giancola presented the Board with information on his request. The President sought the proper process from the City Attorney. A motion was made and seconded (Siliski, Larson) to refer the issue to the Charter & Ordinance Committee. Members requested that the Planning Commission be included in the discussion as well as James Simmonds, the Building Administrator. **Motion passed.**

**COMMUNICATIONS FROM THE MAYOR**

There were no communications from the Mayor.

***S.E.P. Request; Memorial Day Service, 5-26, West St. Cemetery***

President Allaire asked the Board to take the request up from Tony Romeo on the Memorial Day Service. A motion was requested and so moved to suspend the rules, (Davis, Wallstrom). **Motion passed.** Alderman Davis moved for the approval of the Memorial Day Services on May 26<sup>th</sup> at the West Street Cemetery from 10 AM to 12:30 PM. A question was asked if the Superintendent of Parks needed to sign the request as now cemeteries fell under their purview. The President noted that could be looked into and signed if needed. **Motion passed.**

**REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS**

***Superintendent Wight; Rotary Park, Giorgetti Arena and Program Equipment Replacement Fund***

Superintendent Wight noted she had several issues and started with the issue of amending a contract with Otter Creek Engineering to include services for mapping, final design/construction specifications, permitting assistance and bid phase services at an additional cost of \$7,000 for Rotary Park. 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 amend the contract with Otter Creek Engineering for the Rotary Park Project. Alderman Wallstrom made sure everyone new that the funds were coming from the Field Maintenance Fund. **Motion passed.**

Superintendent Wight next brought the issue of utilizing the Giorgetti Trust Fund to cover anticipated expenses for architectural work at Giorgetti Park. Ms. Wight noted that she would like to utilize up to \$30,000 from the fund to pay for architectural work. President Allaire asked for the Boards' pleasure, for a

motion, to suspend or refer. Alderman Davis so moved with Alderman Wallstrom seconding. President Allaire stated the request was to suspend the rules and take the issue up that evening. There was a point of order from Alderman Siliski just prior to the vote. Alderman Humphrey then asked about the \$50,000 request. The President noted that a motion to suspend was none debatable and sought to move the question. **Motion passed to suspend.** A motion was made and seconded (Wallstrom, Larson) to approve the request by the recreation department to use the Giorgetti Trust Fund for no more than \$30,000 to draft conceptual plans formulating cost estimates for code, insulation, plumbing and air handling improvement at the facility. Debate ensued on details of the priorities and the associated cost of each. **Motion passed.**

The next issue brought by Ms. Wight was to add a Program Equipment Replacement Fund line to her budget. Cindi shared the reason for the request, and noted the auditor was looking to keep funds as clean as possible. A motion was made and seconded (Davis, Wallstrom) to refer the issue to the Finance Committee. There was brief debate. **Motion passed.**

***Alan Shelvey; Acting City Engineer, RFP Award Extension for Tree Service***

President Allaire read the request from the Acting City Engineer on extending the contracted tree removal and maintenance services for the duration of the FY 2014-2015. A motion was made and seconded (Notte, Donahue) to suspend the rules and take the issue up that evening. **Motion passed.** Debate followed with questions about Alan Shelvey being the acting engineer, Commissioner Wennberg explained the reason for Mr. Shelvey acting as City Engineer. A motion was made and seconded (Notte, Wallstrom) authorizing the Department of Public Works in extending the agreement for contracted tree removal and maintenance services for the duration of FY 2014-2015. **Motion passed.**

***Commissioner Wennberg; Appointment of Alternative Authorized Representative***

President Allaire read the request from the Commissioner on his appointment as alternative authorized representative for the Northwest Sewer Separation Project. 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, Davis) approving the appointment of Commissioner Wennberg as Alternate Authorized Representative for the Northwest Neighborhood Sewer Separation Project and circulate the request for signatures. There was some debate. **Motion passed.**

***Commissioner Wennberg; NNSSP State Revolving Loan Fund Application***

President Allaire read the request from Commissioner Wennberg on the NNSSP State Revolving Loan Fund Application and noted a motion to suspend would be in order to take the request up that evening. President Allaire's request was so moved and seconded (Notte, Davis). **Motion passed.** A motion was made and seconded (Notte, Donahue) to approve and circulate for signatures the completed application for the Revolving Loan Fund, Construction Step 3, for the Northwest Neighborhood Sewer Separation Project. There was some debate. **Motion passed.**

**REPORTS OF STANDING COMMITTEES**

***Sharon Davis; Chair Community and Economic Development, Tax stabilization Request Southside Steakhouse.*** Alderman Davis read her committee report from April 24<sup>th</sup>. The report detailed the request from Wally Sabotka for tax stabilization on his new restaurant. Alderman Davis noted the details of the agreement and presented a motion to approve the tax stabilization agreement with Southside LLC. There was no debate. **Motion passed.**

***Sharon Davis; Chair Community and Economic Development, Charter Hill Solar Project***

Alderman Davis read her committee report from April 28<sup>th</sup> on the Charter Hill Solar Project. Her report contained information related to the proposed installation of a solar array in a city neighborhood. This meeting generated a great deal of interest from people against, as well as, in support of the project. Alderman Davis noted all concerns related to the project and utilized the City Attorney on ruling on the zoned use of the property. No motion was presented from committee. There was a good deal of debate from inside the rail. Alderman DePoy wanted to keep the issue in committee for future discussion. Alderman Kiernan wanted the City Attorney to keep the Board fully aware of any actions dealing with this project or any other city property and asked for his request be presented as a motion. Alderman Davis seconded. There was debate as to the specifics of Alderman Kiernan's "motion" dealing with expert witnesses. Alderman Davis wanted to add an extra step to the motion. Her concern was since the "Norican" property owners have raised the concern of additional run off from weather related events. A

amendment was made and seconded (Davis, DePoy) to include at least stormwater runoff, wetlands of Moon Brook and Combination Pond to the motion to intervene. Debate followed with clarification on the motion. **Amended Motion passed.** The Board went back to debating the motion presented by Alderman Kiernan. Attorney Romeo spoke briefly on the site visit and the developers' desires to work with all parties to ensure all concerns are met. President Allaire was asked to restate the motion with the amendment. (Included with minutes.) **Motion passed.** A motion was made and seconded (Wallstrom, Davis) to send his prior diatribe to the Community and Economic Development Committee for policy creation. President Allaire tried to repeat the request with Alderman Wallstrom's help. (Intent of motion was to create guidelines for future solar then changed to power infrastructure developments). **Motion passed.**

### ***Ed Larson; Chair, Public Safety, Overtime Compensation Fire Officers***

Alderman Larson read his committee report on the issue of overtime compensation for officer level firefighters. Alderman Larson's in-depth report included historical information from 1997 and the committee spent a great deal of time reviewing the current policy of how compensation was paid. Aldermen at the meeting viewed their concerns and opinions on the issue. Two motions were presented to the full Board. The first was to rewrite the current policy, keeping in place the four hour call back for fire alarms and the two hour minimum for training, while the administration time allocation is NOT to exceed two hours. This motion was seconded by Alderman Davis. Debate. As debate followed, a motion to amend was made and seconded (Davis, Larson). The amendment was read by the City Attorney. He moved that the current policy regarding fire officers benefits as approved by the BOA on January 21, 1997 be amended as follows. Fire Officers who are called back to perform regular emergency duties will receive a minimum of four (4) hours overtime pay. Officers who are called in for all other purposes will receive a minimum of two (2) hours overtime pay. Debate again followed the motion. **Motion passed.** President Allaire noted the original motion was on the floor, he also noted that it was a repetition of the amended motion and called the vote, the **original motion passed.**

The second motion was to have the City Treasurer report to the BOA on a quarterly basis the overtime paid to each of the fire officers in the Rutland City Fire Department, so that an oversight of fair and equitable distribution of overtime takes place. Alderman Larson so moved and it was seconded by Alderman Davis. Debate. **Motion passed.**

### ***David Wallstrom; Chair Recreation Committee***

Alderman Wallstrom noted that his committee met that evening on the issue of proposed changes to the Recreation & Parks staffing plan. Alderman Wallstrom read his report dealing with the removal of the Superintendents prior position grade 11 Recreation Director to a grade 8 Program Director position. Alderman Wallstrom noted the details of the new proposal and the outline from Superintendent Wight on the proposal of maintenance specialist I & II positions. A motion was made and seconded (Wallstrom, Siliski) to approve the new Recreation Staffing Plan, including the removal of the Directors position (Grade 11) to be replaced with a Program Directors (Grade 8) position and the creation of Maintenance Specialist I & II positions from the old undifferentiated Maintenance Specialist positions. Debate. Alderman Wallstrom reviewed the provided flow chart on the proposed position changes. All were existing employees with no new hires. Alderman Wallstrom wants the flow chart to be included with his report. **Motion passed.**

### **REPORTS OF SELECT COMMITTEES**

There were no Select Committees reports.

### **REPORTS OF REPRESENTATIVES**

There were no Representative Reports.

### **PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION**

#### ***S.E.P. Request, Mother's Day 5K & Stroller Run, 5-11, 9AM to NOON***

President Allaire read the request. A motion was made and seconded (Davis, Notte) to suspend the rules and take the issue up that evening. **Motion passed.** President Allaire noted a motion to approve would be in order. It was so moved and seconded (Wallstrom, Davis). **Motion passed.**

***S.E.P. Request, 38<sup>th</sup> Annual Crowley Bros Race, Sunday, 6-8, 8AM – 11ish***

President Allaire read 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 38<sup>th</sup> Annual Crowley Brothers Road Race. **Motion passed.**

***GMP; Pole & Wire Request***

President Allaire read 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 with the seven standard conditions. **Motion passed.**

***Abatement Request; Marge Johnston, 60 Pine St, Grandlist 2006-2007***

President Allaire read the request, and asked for a motion to reflect the committee of Alderman Humphrey, Notte and Donahue as Chair, reporting back to the full Board on June 2, 2014 at 6:45 PM. This request was so moved and seconded (Wallstrom, Larson). **Motion Failed.**

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 Noel Catering***

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

A motion was made and seconded (Davis, DePoy) 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 made a motion to refer the issue of requirements that only Rutland City residents sit on local boards appointed by the BOA to the Charter and Ordinance Committee. **Motion passed.**

President Allaire asked for a motion to refer the issue on a new selection of parking rates for the garage to the Community and Economic Development Committee. This request was so moved and seconded (Davis, Larson). **Motion passed.**

President Allaire noted a request from City Attorney Romeo asking the Board to authorize the Mayor to sign the settlement agreement with the Herald.

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 (Davis, Larson) authorizing the Mayor to sign the settlement and release agreement as stated by the City Attorney. **Motion passed.**

At 8:51 PM a motion was made and seconded (Davis, Notte) to adjourn. **Motion passed.**

Respectfully Submitted,

Henry A. Heck  
Rutland City Clerk