

**CITY OF RUTLAND, VERMONT**  
**Board of Aldermen Minutes**  
**Monday, June 16, 2014**

Members Present: President Allaire, Aldermen Kiernan, Humphrey, Notte, Donahue, Siliski, Larson, Brodowski, \*DePoy and Davis. Also present Deputy Clerk Clark and Attorney Romeo via Skype

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

**MINUTES OF PREVIOUS MEETING (June 9, 2014)**

Alderman Davis moved to approve the minutes from the previous meeting. Alderman Larson seconded and the motion passed.

**OUTSIDE THE RAIL**

Dr. Ted Shattuck of Rutland Town and Kam Johnston of Rutland City both spoke about the issue of the change to the lane structure and safety on Woodstock Avenue expressing their views on the matter.

**COMMUNICATIONS FROM THE MAYOR**

There were no communications from the Mayor.

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

***Barbara Spaulding: RRA, VTrans Bicycle & Pedestrian Grant Application***

President Allaire stated there was a public meeting prior to this meeting regarding Segment 5 of the Creek Path and introduced Susan Schreibman, Assistant Director of the Regional Planning Commission. Ms. Schreibman spoke outside the rail stating the scoping study funded through VTRANS has been completed, which is the first step in the process of the construction. She then introduced Jim Donovan of Broadreach Planning & Design, Charlotte VT. Mr. Donovan spoke outside the rail saying the recommendation for this project consists of a boardwalk, shared use path and sidewalk on the north side of Dorr Drive and provided details of the project to the board. Alderman Kiernan expressed his concerns regarding pedestrian safety and maintenance issues for DPW. Paul Gallo, McKinley Avenue Rutland Town, spoke outside the rail regarding the budget for the application. Alderman Brodowski and Rich Lloyd of the College of St. Joseph, who briefly spoke outside the rail, expressed their appreciation of the work that is going into this project.

***Barbara Spaulding: RRA, VT Downtown Transportation Grant Agreement***

President Allaire stated the RRA is looking for the board to authorize the Mayor to sign the VT Downtown Transportation Fund (DTF) Agreement for a pedestrian and streetscape improvement project in Rutland and said a motion to suspend the rules and take the issue up is in order, in which alderman Davis so moved with Alderman Notte seconding and the motion passed. Alderman Davis moved to authorize the Mayor to sign the agreement. Alderman Notte seconded. Alderman Larson stated as a housekeeping measure the phone number exchange for city hall on the VTrans application should be changed from 775 to 773. Susan Schreibman interjected whether the board is authorizing the mayor to sign the application. As there was some confusion on the motion, Barbara Spaulding spoke outside the rail clarifying there are two separate requests for the Mayor to sign, one being the VTrans application for Segment 5 and the other being the DTF agreement for streetscape improvements. Alderman Davis moved to suspend the rules. Alderman Larson seconded and the motion passed. Alderman Davis moved to authorize the Mayor to sign the VTrans Bicycle & Pedestrian Grant application. Alderman Notte seconded and both motions passed.

***Charles Romeo: City Attorney, Request for Executive Session, Civil Action***

President Allaire moved this to the end of the meeting.

## **REPORTS OF STANDING COMMITTEES**

### ***Community & Economic Dev.; Alderman Davis: GMP Easement Request***

Alderman Davis read her committee report stating there were two motions in committee. The first motion is to approve and authorize the Mayor to sign an easement deed granting to Green Mountain Power a perpetual easement for vehicular and pedestrian access and parking over lands commonly known as Parcels 13 & 21 and the Himolene lot as set forth in the document, in which she so moved with Alderman Notte seconding and the motion passed. Alderman Davis stated the easement deed and map were included in the Aldermen's packet. Alderman Humphrey abstained. Alderman Donahue asked if the board authorizes the Mayor to sign the easement would \$900,000 be removed from the Grand List. Alderman Davis called a point of order stating the discussion was in executive session due to contractual issues and asked the City Attorney if this discussion should be in open session. City Attorney Romeo stated the as far as merits of the other issues executive session would be in order. Alderman Donahue stated he will be voting no. Alderman Davis clarified the discussion was no matter what action the board takes this would occur. Alderman Larson stated this motion is only granting an easement and nothing would be taken off the tax rolls and is in favor of this motion and another motion is coming. Alderman Donahue again spoke in opposition. Alderman Siliski stated in addition to the easement if a sale goes through it is a private sector sale and the city has no power over that. Kam Johnston spoke outside the rail expressed his displeasure with the easement with Alderman Davis interjecting by stating there is a motion in the floor and debate was inside the committee. Alderman Davis deferred to the city attorney. Attorney Romeo said the reason for the easement is for housekeeping and explained the details of the easement. The motion then passed with Alderman Donahue opposing. Alderman Davis stated the second motion is to approve and authorize the Mayor to sign an Assignment of Lease for the so called Himolene Lot from Green Mountain Power to the Bennington Rutland Opportunity Council and release Green Mountain Power from its obligations under the lease. Alderman Larson seconded. Alderman Donahue asked how much the lease is for. Alderman Davis deferred to the City Attorney. Attorney Romeo said a dollar amount would be offset by improvements over the years and deferred to Attorney Gary Kupferer. Mr. Kupferer, who was outside the rail, stated there are currently no lease payments being made because and doesn't have any expectation of any. President Allaire stated the motion on the floor is to authorize the mayor to sign the lease. Kam Johnston asked outside the rail if the document will be made public. City Attorney Romeo and Attorney Kupferer stated this has been recorded in the city land records and are a matter of public record. Alderman Larson moved the question. Alderman Notte seconded, Alderman Donahue opposed. The motion then passed. President Allaire said the motion on the floor is to authorize the Mayor to sign the Assignment of Lease. The motion passed with Alderman Donahue opposing.

### ***Community & Economic Dev.; Alderman Davis: RRA 5 Year Contract (renewal)***

Alderman Davis read her committee report and said the motion in committee was to approve the RRA agreement for services and quarterly report to the Board of Alderman on activities under this agreement, in which she so moved with Alderman Larson seconding. Kam Johnston spoke outside the rail of his suggestions regarding the issue. Alderman Davis said the RRA is the planning piece for the city and commended the RRA for what they do. Alderman Larson and Notte also spoke in favor of the RRA. The motion then passed.

### ***Charter & Ordinance; Alderman Notte: June 4<sup>th</sup>, Members of Boards Residents Statues***

Alderman Notte read his committee report and said the motion in committee was to approve an ordinance stating the appointed members of the following boards shall be required to be a Rutland City resident: Planning commission, Cemetery commission, Development Review Board, Board of Health and Housing Board of Review, in which he so moved with Alderman Davis seconding. Dave Dress of Carmel Place Rutland Town spoke outside the rail defending the appointment of Jerry Hanson, a non-Rutland City resident. Kam Johnston spoke outside the rail speaking against the issue. Alderman Notte said while he agrees with Mr. Dress, Mr. Hanson is not a city resident and supports the motion. Alderman Davis stated this not particular to any individual and said when the residency requirement was abolished this issue went with it in error and there is no intention to rid an appointed individual until their term expires. Alderman Brodowski asked how many individuals are affected. Alderman Notte believes one or two. President Allaire restated the motion and the motion passed.

***Charter & Ordinance; Alderman Notte: June 9<sup>th</sup>, Dana School Re-Zone Request***

Alderman Notte read his committee report for information only. \*Alderman DePoy arrived. The issue remains in committee.

***Charter & Ordinance; Alderman Notte: June 12<sup>th</sup>, Rutland City Master Plan***

Alderman Notte read his committee report and said the motion in committee is to approve the proposed Rutland City Master Plan, in which he so moved with Alderman Davis seconding. Kam Johnston spoke outside the rail stating his views on the matter. Alderman Davis and Larson expressed their displeasure with Mr. Johnston's comments. Barbara Spaulding spoke outside the rail regarding the year-long the process took providing a timeline to the board. Alderman Notte and Siliski spoke briefly on the issue with Alderman Davis calling the question with Alderman Notte seconding and the motion passed. President Allaire said the motion on the floor is to approve the Rutland City Master Plan. The motion then passed. Barbara Spaulding introduced Gary Spaulding, photographer, showing the new cover photo for the Master Plan.

***Finance Committee; June 3<sup>rd</sup>; FY '13 Audit Report; Alderman Siliski***

Alderman Siliski read his committee report and said the motion in committee was to accept the City's FY '13 audit report as presented by the auditor, in which he so moved with Alderman Notte seconding. Kam Johnston asked outside the rail if water rates will be level funded. Alderman Siliski there was no discussion of rates at that point. The motion then passed.

***Finance Committee; June 3<sup>rd</sup>; Recreation Equipment Replacement Fund; Alderman Siliski***

Alderman Siliski read his committee report and said the motion in committee was to establish a recreation program equipment fund funded by participant fees and capped at \$25,000.00, in which he so moved with Alderman Davis seconding and the motion passed.

***Public Works; June 3<sup>rd</sup>; City CDL Drug & Alcohol Policy; Alderman DePoy***

Alderman DePoy read his committee report and said the motion in committee was to approve a new city CDL drug and alcohol policy as presented by the City Attorney, in which he so moved with Alderman Davis seconding. Alderman DePoy stated there needs to be an amendment, which was provided by Attorney Romeo, which states "An alcohol concentration of less than 0.02% will be considered a negative test. Even though an employee who has a confirmed alcohol concentration of 0.02% to .039% two or more times within a six month period, the employee will again meet with a municipal representative to review the need to avoid alcohol use. The employee will be provided with contact and related information for the EAP program (currently Invest EAP). There is no requirement that the employee access those services", in which he so moved the amendment with Alderman Notte seconding. Alderman Kiernan asked for clarification. Attorney Romeo said the city cannot mandate the employee go to the EAP, only suggest it, and asked Commissioner Wennberg to explain outside the rail on the city's drug testing, which Commissioner Wennberg did. The motion to approve the amendment passed. President Allaire said the motion on the floor, with the amendment, is to approve the new CDL drug and alcohol policy. The motion then passed.

**REPORTS OF SELECT COMMITTEES**

***Human Resource; June 5<sup>th</sup>; Personnel Manuel***

President Allaire read his committee report. This was for information only. Next meeting will be June 25<sup>th</sup> at 6:00 PM (changed from 5:30 PM)

**REPORTS OF REPRESENTATIVES**

There was none.

**PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION**

There was none.

**BOARD OF CONTROL COMMISSIONERS**

There was none.

**UNFINISHED BUSINESS**

There was none.

**MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS**

Alderman Siliski said he scheduled a Finance Committee meeting June 17<sup>th</sup> at 6:00 PM

Alderman Larson said DRP members will get a reduced rate for the parking deck.

President Allaire said a motion to go into executive session is in order to discuss a civil matter.

Alderman Larson moved to go into executive session with Alderman Notte seconding and the motion passed. The meeting went into executive session at 8:40 PM. Alderman Davis moved to go out of executive session at 9:15 PM. Alderman Notte seconded and the motion passed. Alderman Davis moved to take no position on the Charter Hill Solar Farm. Alderman Humphrey abstained. Alderman Larson seconded and the motion passed with Alderman DePoy opposing. Alderman Davis moved to adjourn with Alderman Notte seconding and the motion passed. The meeting adjourned at 9:15 PM.

Respectfully Submitted,

Susan A. Clark  
Deputy City Clerk