

**CITY OF RUTLAND, VERMONT**  
**Board of Aldermen Agenda**  
**Monday, August 5, 2019**

Members present; President Davis, Alderman Reveal. Humphrey, Ryan, Etori, Tommola, Mattis, Gillam, Clifford, DePoy, and Whitcomb. Also present; Mayor Allaire, Attorney Bloomer and City Clerk Heck

**7:00 PM BOARD OF ALDERMEN MEETING**

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

**MINUTES OF PREVIOUS MEETINGS (July 15 & June 27, 2019)**

A motion was made and seconded (Mattis, Gillam) approving the minutes of the previous meeting.

**Motion passed.**

**OUTSIDE THE RAIL**

Mayor Allaire noted several items including the resignation of Michelle Fairbrother from the Police Commission. Mayor Allaire thanked her for her dedication. Mayor Allaire also brought the name of Tony Romeo to serve on the Police Commission. Mayor Allaire asked the Board to table the nomination. Mr. Romeo spoke very briefly on his nomination. A motion was made and seconded (DePoy, Mattis) to table the appointment of Mr. Romeo to the Police Commission. **Motion passed.**

Mayor Allaire asked the Board to approve his RFP request for insurance items. A motion was made and seconded (Humphrey, Ryan) suspending the rules and taking action on the request. **Motion passed.**

A motion was so moved and seconded, authorizing the Mayor to seek an RFP for Workers Compensation, Property and Casualty, and Liability Insurance. **Motion passed.**

Mayor Allaire then spoke on the group Better Angels and introduced Carol Wright who spoke on the upcoming workshop and provided details on the group and their workshop in September.

Elise Hedlam spoke on the recent mass shooting in Texas and Ohio fueled by racial and ethnic hatred. Heather Stevenson spoke on issues in Rutland, specifically diversity. Ms. Stevenson noted bias training for City officials. Alderman Tommola moved to refer the issue of bias training to the General Committee. Alderwoman Ryan seconded. **Motion passed.**

Isaura Izquierdo of 44 Allen St. spoke on what she stated was a local hate group. Ms. Izquierdo noted the group and spoke on their beliefs and teachings.

David Searles spoke on his experiences with racial inequalities and the comment made by Alderman Clifford on his social media page (FB).

Charles Juliussen of 210 Lincoln Avenue spoke on white fragility & systemic white privilege.

**COMMUNICATIONS FROM THE MAYOR**

Mayor Allaire spoke earlier in the meeting.

**ADDITIONS AND DELETIONS TO THE AGENDA**

President Davis sought a motion adding a request from GMP for a Pole & Wire request. That request was so moved and seconded (Mattis, DePoy). **Motion passed.**

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

***Brennan Duffy; RRA Director, City of Rutland Pursue Funding Request***

President Davis introduced the request and sought a motion to receive and file as Alderwoman Humphrey was reporting out on the funding request later in the meeting. **Motion passed.**

***Barbara Spaulding; RRA, Request for Signatures***

Mrs. Spaulding was present and sought authorization from the Board authorizing the Mayor to designate the RRA as project manager and grant administrator for project #0711-PG-2018-Rutland C-18. Mrs. Spaulding also asked that the Board circulate the form for signatures. Alderman DePoy so moved and Alderman Gillam seconded. President Davis noted a rules suspension was needed first. Alderman DePoy and Gillam so moved and seconded. **Motion passed.** A motion was made and seconded (DePoy, Gillam) authorizing the Mayor to designate the RRA and to circulate the designation of the public agency for signatures. **Motion passed.**

***Susan Schreibman; Authorize Mayor to Sign Grant Agreement, Creek Path, Segment 3***

President Davis asked the Board to take the request from Susan Schreibman up now while Barbara Spaulding was present to answer any questions. Susan Schreibman then spoke on the request noting that she had presented earlier to the Board on the segment 3 request and sought the Board to authorize the Mayor to sign the agreement and start the design agreement. A motion was made and seconded (Gillam, DePoy) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Gillam, DePoy) authorizing the Mayor to sign the Grant Agreement for segment three of the Rutland Creek Path. **Motion passed.**

***Attorney Bloomer; Request for Referral***

President Davis introduced the request and sought to have the issue of the Parking Garage Budget referred to the Finance Committee. That request was so moved and seconded (Ettori, DePoy). **Motion passed.**

***Attorney Bloomer; Four (4) Executive Session Requests***

President Davis noted the four (4) executive session requests from Attorney Bloomer and sought as in past practice to move those requests to the end of the meeting.

***Chief Engineer Larsen; Request for Referral***

Chief Larsen was present noting a letter in the packet with his request to refer the issue of selling engine #2 to the Public Safety Committee. This request was made and seconded (Whitcomb, Mattis) to refer the sale of engine #2 to the Public Safety Committee. There was brief debate on taking action that evening. **Motion passed to refer.**

***Commissioner Wennberg; Buried Conduit Application***

Commissioner Wennberg was present to introduce the request for buried conduit. After the introduction a motion was made and seconded (DePoy, Gillam) suspending the rules and taking action on the request. **Motion passed.** There was brief debate as to who was to sign the request. Commissioner Wennberg noted that he would sign the application. Alderman Gillam so moved the approval and Alderwoman Mattis seconded. **Motion passed.**

***GMP Pole and Wire Request***

President Davis noted that this item was added earlier in the meeting. Commissioner Wennberg presented this item and explained the request was for a new pole needed by RRMC for their expansion project. There were several issues brought regarding the document itself. Alderman Gillam noted several issues listing the town not the city as principal location and who would be authorizing the request. A motion was made and seconded (Gillam, DePoy) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Gillam, Mattis) approving the request with seven standard conditions and the application will be reapplied using the City's and not the Town's application. **Motion passed.**

***Commissioner Wennberg; Resolutions in support of additional borrowing under the Water Distribution System Improvements and South End Distribution Improvements Bonds***

Commissioner Wennberg introduced his request asking the Board to approve additional funds available from voter approved bonds. Commissioner Wennberg explained that with projects like these estimates

sometime run low and there are mechanisms available to request more funds. After Commissioner Wennberg finished listing the various uses for the additional funds requested and some Q & A from the Board, a motion was made and seconded (Humphrey, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Humphrey, Whitcomb) approving the request, acting pursuant to 24 VSA 4755(a)(4), hereby increasing the amount of such authorized indebtedness (\$1,700,000) by \$75,000 and noting this resolution shall take effect immediately. **Motion passed.** President Davis sought the next motion from Alderwoman Humphrey. A motion was made and seconded (Humphrey, Ryan) approving the request, acting pursuant to 24 VSA 4755(a)(4), hereby increasing the amount of such authorized indebtedness(\$1,300,000) by \$75,000 and noting this resolution shall take effect immediately. **Motion passed.**

### **REPORTS OF STANDING COMMITTEES**

#### ***Alderwoman Humphrey; Community & Economic Development two (2) reports.***

Alderwoman Humphrey read her committee report from July 31, 2019, noting her committee met to discuss two (2) items. Alderwoman Humphrey reported the first request was from the Housing Trust of Rutland County (HTRC) and explained their request for the City to apply to the Vermont Community Development Program for \$750,000. Alderwoman Humphrey noted the two (2) projects that the funds would be used, stating renovation at the IHM School into 19 units used for permanent supportive housing and renovations at Tuttle Block would add three (3) one bedroom apartments and the HTRC would move to a new location. The motion out of committee was to have the City apply to the Vermont Community Development Program for up to \$750,000 for the proposed HTRC projects as well as scheduling the required public hearing and authorizing the Mayor to sign and Alderwoman Humphrey so moved. Alderman Whitcomb seconded. There was no debate. **Motion passed.**

Alderwoman Humphrey then moved on to the second request from the College of St. Joseph (CSJ). Alderwoman Humphrey read her report, noting that CSJ, in partnership with Vermont Works, Inc. & Vermont Innovation Commons had requested \$50,000 from the Zamias Fund. The funds were to be used for a feasibility study looking at CSJ as an education, economic development & innovation center. There was much debate on the amount requested and associated debt with the college. The committee discussed a lesser amount and their continued commitment over a period of time. The motion out of committee was to approve \$10,000 of the Zamias Funds, with the earmarked funds not to be spent on project team salaries and Alderwoman Humphrey so moved. Alderwoman Ryan seconded. There was a good deal of debate. Alderman Ettori moved to table the request based on the opportunity for Aldermen to attend a public meeting at CSJ in the next two days. Alderman Whitcomb seconded the motion to table. President Davis noted the motion to table was not debatable and called for a vote. **Motion passed.** President Davis then noted that Jennifer Scott, President of CSJ was present and explained what the tabled motion meant and noted the Board would readdress the issue soon.

#### ***Alderwoman Mattis; Charter & Ordinance Committee***

Alderwoman Mattis read her committee report from August 1, 2019 noting her committee was meeting to discuss the grandfather clause of the proposed sign ordinance. The committee discussed cause and effects of the new proposed ordinance on current and future businesses. It seemed that the committee settled to place a limit on a grandfather clause to 10 years thus eliminating various inequities discussed during the meeting. Alderwoman Mattis noted that her report was for information only as the sign ordinance remained in committee.

### **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, Walk for Children, 9-28-2019, 7AM – 1PM, Main St Park***

President Davis introduced the request and noted a motion to suspend would be in order. Alderwoman Mattis so moved and Alderman DePoy seconded. **Motion passed.** A motion was made and seconded (Mattis, DePoy) approving the request, Walk for Children, September 28, from 7 to 1PM for a walk-a-thon in Main Street Park. **Motion passed.**

***S.E.P. Request, Pints for Paws, October 5, 2019 1-4PM, Main St. Park***

President Davis introduced the request. A motion was made and seconded (Whitcomb, Mattis) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Whitcomb, DePoy) approving Pints for Paws, October 5, from 1 to 4PM in Main Street Park. There was brief debate. **Motion passed.**

***Susan Schreibman; Authorize Mayor to Sign Grant Agreement, Creek Path, Segment 3***

This request was taken up earlier in the meeting.

**BOARD OF CONTROL COMMISSIONERS**

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

**UNFINISHED BUSINESS**

Alderwoman Mattis noted a request from a citizen on parking spaces for motorcycles and moved to refer the issue to the Traffic Safety Committee. Alderman Whitcomb seconded. **Motion passed.**

Alderwoman Humphrey noted she forgot to set a public hearing on the Housing Trust issue reported out earlier in the meeting and asked to set a Public Hearing for September 3, 2019 at 6:45 PM. This request was seconded by Alderwoman Ryan. **Motion passed.**

**MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS**

Alderman Etori discussed the event, National Night Out on Tuesday.

A motion was made and seconded (Gillam, DePoy) to refer the issue of the Champlain Flood Plane report to Commissioner Wennberg. **Motion passed.**

President Davis noted the requests from Attorney Bloomer for executive sessions and sought language to enter.

**Cijka Pending Litigation**

Attorney Bloomer noted a motion finding that premature general public knowledge regarding pending litigation, to which the City is a party, would clearly place the City at a substantial disadvantage because the discussion will divulge the City's strategy in such pending litigation and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City would be in order. This language was so moved and seconded ((Ryan, Mattis). **Motion passed.**

Attorney Bloomer then noted a second motion to enter into executive session (with the inclusion of the City Attorney, Police Chief, Treasurer and Mayor) to discuss pending litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). This language was so moved and seconded (Ryan, Mattis). **Motion passed.**

The Board moved into executive session at 8:40 PM

A motion was made and seconded (Etori, Whitcomb) to come out of executive session. **Motion passed.**

A motion was made and seconded (Gillam, Mattis) to authorize the City Attorney to negotiate a settlement for \$750 in the discussed matter. **Motion passed.**

President Davis then asked Attorney Bloomer for language for the next executive session request.

### **Police Department CBA**

Attorney Bloomer noted a motion finding that premature general public knowledge regarding the negotiation of a labor relations agreement would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the agreement provisions to be negotiated would be in order. This language was so moved and seconded (Mattis, Ryan). **Motion passed.**

Attorney Bloomer then noted a seconded motion to enter into executive session (with the inclusion of the Mayor, Police Chief, Treasurer and City Attorney) to discuss the labor relations agreement as allowed under Title 1, Section 313(a)(1)(B). This language was so moved and seconded (Mattis, Whitcomb). **Motion passed.**

The Board moved back into executive session.

A motion was made and seconded (Mattis, Ryan) to come out of executive session. **Motion passed.**

A motion was made and seconded (Reveal, Mattis) to authorize the Mayor to sign the MOU. **Motion passed.**

### **Giancola Probable Litigation**

Attorney Bloomer then sought language Motion finding that premature general public knowledge regarding probable litigation, to which the City would be a party, would clearly place the City at a substantial disadvantage because the discussion will divulge the City's strategy in such probable litigation and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. This language was so moved and seconded (Reveal, Whitcomb). **Motion passed.**

Attorney Bloomer then noted a second motion to enter into executive session (with the inclusion of the City Attorney, Treasurer and Mayor) to discuss probable litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). This language was so moved and seconded (Mattis, Ryan). **Motion passed.**

The Board moved back into executive session.

A motion was made and seconded (Reveal, Ryan) to come out of executive session. **Motion passed.**

Attorney Bloomer read the proposed language. A motion to authorize the City Attorney to negotiate a settlement on the following terms: Mr. Giancola is to be heard at the August 8th BCA meeting for 50 Baxter Street and 81 Park Street, as well as receive a subsequent inspection and final decision, in exchange for release of all claims against the City and city-related parties relating to the appeals of such properties. That language was so moved and seconded (Reveal, Mattis). **Motion passed.**

President Davis noted the final request.

### **Dydo Pending Litigation**

Attorney Bloomer sought language finding that premature general public knowledge regarding pending litigation, to which the City is a party, would clearly place the City at a substantial disadvantage because the discussion will divulge the City's strategy in such pending litigation and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. This language was so moved and seconded (Mattis, Ryan). **Motion passed.**

Attorney Bloomer then noted a second motion to enter into executive session (with the inclusion of the City Attorney, Treasurer and Mayor) to discuss pending litigation, as allowed under Title 1, Section

313(a)(1)(E) and Title 1, Section 313(a)(1)(F). This language was so moved and seconded (Mattis, Whitcomb). **Motion passed.**

The Board moved back into executive session.

A motion was made and seconded (Reveal, Ryan) to come out of executive session. **Motion passed.**

Attorney Bloomer noted language authorizing the City Attorney to negotiate a settlement on the terms outlined in the draft settlement document presented. This language was so moved and seconded (Mattis, Ryan). **Motion passed.**

With no further items to come before the Board a motion was made and seconded (Mattis, Ryan) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck  
Rutland City Clerk