

**CITY OF RUTLAND, VERMONT**  
**Board of Aldermen Minutes**  
**Monday, July 2, 2018**

Members present; President Davis, Aldermen Notte, 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 (June 18, 2018)**

A motion was made and seconded (Mattis, DePoy) approving the minutes of the previous meeting.  
**Motion passed.**

**OUTSIDE THE RAIL**

No one spoke from outside the rail.

**COMMUNICATIONS FROM THE MAYOR**

Mayor Allaire gave two very brief updates. The first on the Schaffer family from Rutland and their tragic accident in the Bahamas. The second was on the recent heat wave and what the City has been doing to help with cooling stations.

**ADDITIONS AND DELETIONS TO THE AGENDA**

There was one request to add a second class liquor license request to the Board of Control Commissioners for Olivia's Market. The request was so moved and seconded. (Etori, Gillam). **Motion passed.**

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

***FD Chief Larsen; Authorization for Education Expense Reimbursement for Firefighter Nate Elwert***

Chief Larsen was present to ask the Board to approve the tuition reimbursement request for Nate Elwert and gave a brief history on the union contract and City agreement for such requests. A motion was made and seconded (DePoy, Etori) to suspend the rules and take the request up that evening. **Motion passed.** A motion was made and seconded (DePoy, Etori). There was brief debate on the issue and then Attorney Bloomer suggested different language for the motion, noting the authorization for the Chief to venture into education reimbursement agreement with fire fighter Elwert. That language was so moved and seconded again by (DePoy, Etori). **Motion passed.**

***Zoning Administrator Kelly; Recommendation from the City Owned Properties Committee***

Zoning Administrator Kelly was present to speak on the recommendation from the City Owned Properties Committee for 62 Cleveland Avenue. A motion was made and seconded (Mattis, Whitcomb) suspending the rules and taking the issue up that evening. **Motion passed.** A motion was made and seconded (Mattis, Whitcomb) authorizing the sale of 62 Cleveland Avenue to Michal and Catherine Heatley in the amount of \$6,500 pursuant to 6-2 of the Rutland City Charter and to further authorize the mayor to sign all sale related documents. **Motion passed.**

***Attorney Bloomer; Executive Session Related to Pending Litigation***

Per past practice this request was moved to the end of the meeting.

**REPORTS OF STANDING COMMITTEES**

There were no standing committee reports.

## **REPORTS OF SELECT COMMITTEES**

There were no select committee reports.

## **REPORTS OF REPRESENTATIVES**

There were no reports of representatives.

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

### ***SEP Request; Walk for Children, Walk-A-Thon, 9-22-2018, 7AM -1PM, Howe Center***

President Davis introduced the request. A motion was made and seconded (Notte, DePoy) suspending the rules and taking the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, DePoy) approving the Special Events Permit requests for Walk for Children on September 22, 2018 from 7AM – 1PM. **Motion passed.**

### ***SEP Request; Youth Opportunities 5K, 9-22-2018, Northeast School***

President Davis introduced the request. A motion was made and seconded (Mattis, Whitcomb) suspending the rules and taking the issue up that evening. **Motion passed.** A motion was made and seconded (Mattis, Whitcomb) approving the Special Events Permit request for Youth Opportunities 5K, on September 22, 2018. **Motion passed.**

### ***Deb Roy; Goat Issue Request***

President Davis introduced the request. Alderman Notte spoke on the request and noted a worthwhile referral to the Charter & Ordinance Committee. Alderman Clifford seconded the referral. There was some debate from within the Board. **Motion passed.** Tony Pagano the owner of the goats spoke and left information on his pets and look forward to meeting on the issue.

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

## **BOARD OF CONTROL COMMISSIONERS**

### ***Outside Consumption Requests for Friday Night Live Events July 13, 20, 27 and August 3 Hop N Moose and The Saloon***

President Davis introduced the requests and noted it was for outside consumption for the Friday Night Live events in July and August. A motion was made and seconded (DePoy, Mattis) approving the requests. **Motion passed.**

President Davis then noted the added request from Olivia's Market and sought approval on a corporate structure change to Family Market LLC. The request was so moved and seconded (DePoy, Notte) to circulate the application for signatures. There was brief debate. **Motion passed.**

A motion was made and seconded (Clifford, Gillam) to move 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**

There were no Motions, Resolutions or New Business to come before the Board.

President Davis did note an earlier request for an executive session from Attorney Bloomer and sought language from him.

Attorney Bloomer noted it was a two part motion and stated a motion that finds premature general public knowledge regarding pending litigation would clearly place the City at a substantial disadvantage because the discussion will include confidential attorney-client communications made for the purpose

of providing professional legal services to the City and will also divulge the City's strategy with respect to such legal matter.

This language was so moved and seconded (Mattis, Notte). **Motion passed.**

Attorney Bloomer then sought language to enter into executive session including the Mayor and City Attorney, to discuss pending litigation as allowed under Title 1, Section 313 (a) (1) (E) and Section 313 (a) (1) (F). This language was so moved and seconded (Mattis, Etori). **Motion passed.**

At 7:25 PM the Board moved into executive session.

At 7:28 PM a motion was made and seconded (Clifford, Gillam) to move out of executive session. **Motion passed.**

Attorney Bloomer then noted a motion to authorize the City Attorney to sign the stipulation for entry of judgement on behalf of the City in SHAPM, Inc. vs. Darlene Bailey et al. would be in order. This language was so move and seconded (Mattis, Clifford). Alderman Gillam abstained from voting. **Motion passed.**

At 7:30 PM a motion was made and seconded (Mattis, Notte) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck  
Rutland City Clerk