

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, March 4, 2019

Members present; President Davis, Aldermen Humphrey, 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.

President Davis asked the Board to hold a moment of silence for David Sagi who passed away last week. President Davis noted the 10 plus years that Mr. Sagi served on the Board of Aldermen and his tireless work for the citizens of the City.

MINUTES OF PREVIOUS MEETINGS (February 19, 2019)

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

OUTSIDE THE RAIL

No one spoke outside the rail.

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire had no items for the Board.

ADDITIONS AND DELETIONS TO THE AGENDA

Clerk Heck asked to add the Special Events Permit for the Loyalty Day Parade. President Davis introduced the request to the Board. Aldermen DePoy and Etori so moved and seconded the request. **Motion passed.**

Attorney Bloomer asked the Board to delete at least two of his executive sessions requests. There was brief debate. The request was so moved and seconded (Gillam, Clifford) **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Spaulding; RRA, Downtown Transportation Fund Resolution

President Davis introduced the request from Barbara Spaulding noting a rules suspension would be in order to take any action on the request. Alderman Clifford so moved and Alderman Gillam seconded. **Motion passed.** Alderman Clifford then moved to approve and circulate the resolution for signatures. Alderwoman Mattis seconded. President Davis noted the motion was to support and circulate the document for signatures. **Motion passed.**

Superintendent Peters; Park & Rec Update

Superintendent Peters was present to introduce the facilities rental agreement and ask for a referral to be discussed further with the Board. Aldermen DePoy moved to refer to the Rec Committee, Alderman Gillam seconded. **Motion passed.** Superintendent Peters then updated the Board on Spring & Summer events. That update was for information only.

Commissioner Wennberg;

Engineering Services Agreements for the Bond projects:

- a. Force Main Design – Weston and Sampson***
- b. Digester Infrastructure Design – Weston and Sampson***
- c. Northwest Neighborhood Sewer Separation Project 1A final design – Otter Creek Engineering***

President Davis introduced each request and sought the Boards desire. President Davis noted a motion authorizing the Mayor to execute the engineering service agreement (ESA) with Weston and

Sampson for final design and related services for the **Force Main Project**, pending voter approval of the Wastewater/CSO Bond Article on March 5, 2019, and subject to minor modification pursuant to final review of the Agency of Natural Resources and approval of the City Engineer, in an amount not to exceed \$73,990.00 would be needed. The request was so moved and seconded. Debate. A motion was made and seconded (Mattis, Gillam) suspending the rules and taking action on the request. **Motion passed.** President Davis then noted the prior motion had been so moved and seconded. (Mattis, Gillam) There was brief review of the project by Commissioner Wennberg. **Motion passed.**

b. Digester Infrastructure Design – Weston and Sampson

Alderwoman Mattis asked if a rules suspension was needed prior to her motion. Noting it was not, Alderwoman Mattis moved to authorize the Mayor to execute the engineering service agreement (ESA) with Weston and Sampson for final design and related services for the Digester Improvements project, pending voter approval of the Wastewater/CSO Bond Article on March 5, 2019, and subject to minor modification pursuant to final review of the Agency of Natural Resources and approval of the City Engineer, in an amount not to exceed \$181,644.00. Alderman Whitcomb seconded, Commissioner Wennberg had nothing for the Board. **Motion passed.**

c. Northwest Neighborhood Sewer Separation Project 1A final design – Otter Creek Engineering

Alderwoman Mattis moved to authorize the Mayor to execute the engineering service agreement (ESA) with Otter Creek Engineering for final design and related services for the Northwest Neighborhood Sewer Separation Phase 1A Project, pending voter approval of the Wastewater/CSO Bond Article on March 5, 2019, and subject to minor modification pursuant to final review of the Agency of Natural Resources and approval of the City Engineer, in an amount not to exceed \$33,175.00. Alderman Whitcomb seconded. There was no debate. **Motion passed.**

Storage Box Rental and scrap of old water meters – Earth Waste Systems Attorney Bloomer;

Commissioner Wennberg introduced his request noting Project Manager Sears had reached out to several vendors including Earth, Waste & Metal about the storage and disposal of the old water meters currently being replaced in the FATHOM Project. Commissioner Wennberg reviewed the details of his request with the Board noting his real reason to come before the Board was the Board is the only entity that can authorize the sale of City own property. A motion was made and seconded (Whitcomb, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Whitcomb, Gillam) authorizing the sale of water meters currently being replaced by the FATHOM project to Earth Waste Systems according to the terms outlined in this proposal. **Motion passed.**

President Davis noted several executive sessions and asked the Board to move them to the end of the meeting. The request was so moved and seconded (Gillam, Mattis). **Motion passed.**

Executive Session regarding the negotiation of a contract / leave donation request

Executive Session regarding real estate contract

Executive Session regarding the negotiation of Air BnB Voluntary Collection Agreement

Executive Session regarding labor relations agreement

Executive Session regarding labor relations agreement

REPORTS OF STANDING COMMITTEES

Alderwoman Mattis; Charter & Ordinance

President Davis introduced the request noting that Alderwoman Mattis was ill that evening, so Alderman Etori chaired the committee and read the report. Alderman Etori noted that the committee met to discuss the proposed new sign ordinance. The meeting was broken down into three (3) sections dealing with grandfather clauses, violations and districts. The meeting concluded with those discussions and the topic is to remain in committee. No action was requested.

Alderman Etori; Finance Committee

Alderman Etori read his committee report from February 26, 2019, noting his committee met to discuss the Treasurer's quarterly end report and Giorgetti Fund Investment Services recommendation. Alderman Etori noted that Treasurer Markowski reviewed her treasurer's report highlighting that parking meter revenues and the Equipment Replacement Fund are down and her office will be navigating the FATHOM change over. No action was requested at this portion of the report and Alderman Etori continued. The next issue discussed was the Giorgetti Fund Investment Management Services RFP. It was noted that three (3) companies had responded and with minimal differences between them, a recommendation was made to award the contract to Community Bank for investment services for the Giorgetti Fund. This request was so moved and seconded (Etori, Gillam). **Motion passed.** There were some questions on why parking meter revenues were down. Alderman DePoy was wondering if it was parking in general or the Kiosk and asked for the Treasurer to report on those revenues.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

There were no representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

SEP, Rutland Great Strides 2019, 5-18-2019, Pine Hill Park, 9 AM –NOON

President Davis introduced the request. A motion was made and seconded (Mattis, DePoy) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded (Mattis, DePoy) approving the permit for Rutland Great Strides 2019 on May 18th from 9 AM to noon, at Pine Hill Park. **Motion passed.**

SEP, Shiver Me Shamrocks 5K, 3-16-2019, Center Street, 6AM-4PM

President Davis introduced the request. A motion was made and seconded (Gillam, Whitcomb) suspending the rules and taking action on the request that evening. **Motion passed.** Alderman Gillam moved to approve the request. Alderman Clifford seconded. President Davis noted the request again. **Motion passed.**

SEP, VFW Post 648, Loyalty Day Parade

President Davis introduced the request. A motion was made and seconded (Mattis, Whitcomb) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded (Mattis, Whitcomb) approving the application for the VFW Post 648, Loyalty Day Parade, to be held May 5, 2019 from 2 -3:30 PM. Alderman Gillam recused himself from the vote as he sits on the parade committee. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

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

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

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

President Davis noted if there was no other business to come before the Board, then a motion would be needed to move into executive session.

Attorney Bloomer noted a request from Commissioner Wennberg to hear his request first. With no objection Attorney Bloomer noted a motion to find that premature general public knowledge regarding the negotiation of a real-estate contract would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the real-estate contract provisions to be negotiated. That motion was so moved and seconded (Mattis, Etori). **Motion passed.**

Attorney Bloomer then noted a motion to enter into executive session, including the Mayor, Commissioner of Public Works and City Attorney, to discuss the negotiations of a real-estate contract as allowed under Title 1, section 313(a)(1)(A). That motion was so moved and seconded (Mattis, Etori). Treasurer Markowski asked to be included. The motion was amended to include Treasurer Markowski. **Motion passed.**

At 7:30 PM the Board moved into executive session.

At 7:37 PM a motion was made and seconded (Mattis, Whitcomb) to move out of executive session. **Motion passed.**

President Davis sought language from Attorney Bloomer.

Attorney Bloomer noted a motion authorizing the Mayor to sign the assignment & assumption of Permanent Easement and Quit-Claim Deed between the City of Rutland and the Town of Rutland would be in order. That motion was so moved and seconded (Mattis, Whitcomb). **Motion passed.**

Attorney Bloomer then noted the next request was about labor relations and sought if the Board wanted to participate in those negotiations that evening. The Board wanted to wait until after the elected board reconvened.

Attorney Bloomer moved on to his next request.

Attorney Bloomer noted a motion was needed, to find that premature general public knowledge regarding the negotiation of a contract would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the contract provisions to be negotiated. That motion was so moved and seconded (Mattis, Whitcomb). **Motion passed.**

Attorney Bloomer then noted a motion to enter into executive session, including the Mayor, Treasurer and City Attorney, to discuss the negotiations of a contract as allowed under Title 1, section 313(a)(1)(A). That motion was so moved and seconded (Mattis, Whitcomb). **Motion passed.**

The Board moved into executive session at 7:41 PM.

At 8:17 PM a motion was made and seconded (Whitcomb, Mattis) to come out of executive session. **Motion passed.**

A motion was made and seconded (Clifford, Gillam) suspending the rules and taking action on the request that evening. **Motion passed.**

Attorney Bloomer noted the motion needed, was approving employee donation of 144 hours of sick time to another employee. That language was so moved and seconded, (DePoy, Gillam). **Motion passed.**

Attorney Bloomer then asked for a motion ratifying the Mayor's signature on the employment separation agreement on behalf of the City. This request was so moved and seconded (Mattis, Clifford). There was brief debate on the notary signing on the document. **Motion passed.**

At 8:20 PM a motion was made and seconded (Mattis, Clifford) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk