

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, November 20, 2017

Members present; President Davis, Aldermen Notte, Humphrey, Ryan, Etori, Tommola, Mattis, Cook, Larson and Donahue. Also present, Mayor Allaire, Attorney Bloomer and Clerk Heck. Alderman DePoy was absent

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (Nov 6, 2017)

A motion was made and seconded (Larson, Ryan) approving the minutes of the previous meetings.

Motion passed.

OUTSIDE THE RAIL

Sean Barrett; President of R.A.V.E. Mr. Barrett was present to ask the Board/City to be more involved with the annual RAVE Car Show. There was brief debate as Alderman Larson noted that this was a very similar request as the Shriners and moved to refer the request to the Community and Economic Development Committee. Alderman Etori seconded. **Motion passed.**

Mary Cohen & Lyle Jepson; REAL Rutland

Ms. Cohen and Mr. Jepson proceeded to update the Board on the progress of REAL Rutland and provided a PowerPoint presentation on new videos and marketing strategies. The panel noted their website realrutland.com and various marketing strategies, looking to get the Rutland County brand out to as many people as possible. They were also requesting funds (\$1 per person) to continue the process of developing and marketing of Rutland County. A motion was made and seconded (Etori, Notte) referring the funding request to the Community and Economic Development Committee.

Motion Passed.

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire spoke of Congressman Welch visiting Rutland and an event on Saturday of a local downtown crawl and shopping locally.

ADDITIONS AND DELETIONS TO THE AGENDA

Attorney Bloomer asked the President to add two other executive sessions, one dealing with a recreation contract and the other dealing with a HR contract. Those requests were so moved and seconded (Notte, Etori). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Brennan Duffy; Director RRA; Rutland Beer Works LLC; Rutland City Business Incentives
President Davis noted the request from Brennan Duffy and asked Mr. Duffy to introduce the request. Mr. Duffy noted that Dale Patterson, owner of Hop N Moose was present and sought several tax and loan incentives for his new business venture. Upon his introduction, Mr. Duffy noted a recommendation from the RRA, to the Board of Aldermen approving City Business incentives including: WWRI standard offer, upon confirmation by DPW that applicant's usage meets the minimum gallons per day requirement. Tax stabilization of business personal property through the Industrial and Commercial Tax Stabilization program for a period of five years, starting at 50% of tax liability and increasing 10% annually for five years. A \$10,000 BIAP loan with a three year term, at 0% interest, with all payments deferred for three years. Loan to be forgiven at the end of the term provided all requirements have been met and subject to a personal guarantee for security. Also, to refer to HFCU for a BIAP loan of up to \$50,000 subject to their underwriting and approval. A motion was made and seconded (Notte, Etori) to suspend the rules and take the request up that evening. **Motion passed.** Mr. Duffy then read the RRA's recommendation for incentives and loans. Alderman Humphrey so moved his requests. Alderman Donahue seconded. There was brief debate. President Davis asked Mr. Paterson if he would like to address the Board. Mr. Paterson replied that He was good, but would be happy to answer any questions from the Board. Seeing no questions or further debate, President Davis called the vote. **Motion passed.**

Treasurer Wilton; October's Treasurer's Report

Treasurer Wilton gave her final Treasurer's Report and reviewed the FY18 budget to date totals and budget standings. Treasurer Wilton then moved on to addressing her last ten (10) years and thanked the voters for their support. Treasurer Wilton then acknowledges her and her teams' successes over the last ten years and made suggestions for the BOA to continue to be aware of some challenges that will be coming. President Davis thanked Wendy for her support and wished her well on her new endeavor

Attorney Bloomer, Commissioner Wennberg; Request for Executive Session to Discuss Litigation

President Davis noted this request and the other two (2) added requests for executive sessions. With no objections those requests were moved to the end of the meeting.

REPORTS OF STANDING COMMITTEES

Alderman Donahue; Charter & Ordinance, Taxi Ordinance

Alderman Donahue read his committee report from November 7, 2017 and noted that the committee met to discuss the Vehicle for Hire ordinance and possibly making a change to some of the wording. It was noted that language at present did not meet with a favorable decision when challenged in court. The board mainly discussed the drop-off and pick-up language. Alderman Donahue noted a motion out of committee to authorize Attorney Bloomer to re-write the ordinance with pick-up and drop-off better defined, there was no motion presented to the full Board. After some discussion, a motion was presented by President Davis to amend Chapter 20 of the Vehicle for Ordinance as explained by Attorney Bloomer. That request was so moved and seconded (Ettori, Ryan). There was brief debate as to the need of a rules suspension first. Attorney Bloomer confirmed it was needed. A motion was made and seconded (Ettori, Ryan) to suspend the rules and take the request up that evening. **Motion passed.** President Davis then noted there was a motion on the floor, Alderman Notte noted he voted no on the rules suspension so a new motion would be in order. President Davis noted a motion to amend Chapter 20, Vehicles for Hire as described by Attorney Bloomer. Alderman Humphrey so moved and Alderman Ettori seconded. Debate. Much of the debate was centered on the unanimous vote needed to pass the ordinance that evening. A motion was made and seconded (Larson, Ettori) to table the request. There was debate on that motion. After calling for a vote and unsure of the result, President Davis called for a show of hands. **Motion passed to table the request.**

Alderman Humphrey; Finance Committee

Alderman Humphrey read her committee report from November 14, 2017. The committee met to discuss several requests. The first was to discuss a local option tax presented by Treasurer Wilton. The committee heard from Treasurer Wilton and the benefits of a local option tax for tax payers. No action was taken by the committee and the issue is to remain in committee. The committee then discussed the LAZ FY18 budget and the current status of the Transit Center Fund. A motion out of committee was to approve the FY18 LAZ Budget and Alderman Humphrey so moved. Alderman Notte seconded. There was debate from Attorney Bloomer who recommends tabling the vote until after the State has presented a new lease for the center. There was debate on the recommendation from Attorney Bloomer. President Davis noted a motion to table would be in order. That request was so moved and seconded (Humphrey, Ryan). There was debate to table for the standard two week period or until the new lease was presented by the State. Attorney Bloomer stated he would table until the new Lease was available and reviewed. **Motion passed.**

Alderman DePoy; Recreation Committee

President Davis noted that Alderman DePoy was out of State and Alderman Mattis would be reading the Recreation Committee report. Alderman Mattis stated that the committee met on November 9, 2017 to discuss two (2) requests. The first was the women's World Cup at Killington and all that the city was doing to promote coming down to the city for special events. The other request discussed was an update from Susan Schribeman and others on the Creek Path. There was no action requested from either items discussed and the report was for information only.

REPORTS OF SELECT COMMITTEES

Fire Chief Search Committee Update

President Davis read a very short update from the Fire Chief Search Committee meeting held on November 13, 2017. The report noted that the committee was down to four (4) applicants and would soon be reviewing those candidates.

REPORTS OF REPRESENTATIVES

There were no representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

There were no petitions, letters or miscellaneous communications.

BOARD OF CONTROL COMMISSIONERS

There were no items for the Board of Control Commissioners.

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Treasurer Wilton asked the Board and the President specific to review the Internal Control Documents presented by the auditors and after the Board has reviewed those documents, to have the Board President sign off as the Treasurer has done.

Alderman Larson; Refer R.A.V.E. to the Marketing Committee

This request was taken up at the beginning of the meeting under the outside the rail portion of the agenda.

President Davis noted that with no other business to come before the Board a motion would be in order to move into executive session. Attorney Bloomer presented the language to move into the Board's first requested executive session, pending litigation

Attorney Bloomer noted a motion would be in order 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 motion was so moved and seconded (Ettori, Notte). **Motion passed.**

The second motion needed was to enter into executive session (with the inclusion of the City Attorney, the Mayor, the Commissioner of Public Works and Heather Cooper) to discuss pending litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). The language was so moved and seconded (Ettori, Ryan). **Motion passed.**

At 8:10 PM the Board moved into Executive Session.

At 8:30 PM a motion was made and seconded (Ettori, Ryan) to come out of Executive Session. **Motion passed.**

Attorney Bloomer noted the motion would be to ratify the Settlement Agreement with Kingsbury Companies, Inc., as signed by the Commissioner of Public Works on November 16, 2017. This language was so moved and seconded (Larson, Ettori). **Motion passed.**

Executive Session #2

Attorney Bloomer noted a motion to find that premature general public knowledge regarding the negotiation of an HR contract would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the items to be negotiated and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. Alderman Ettori agreed with the reason for the motion and so moved the language. Alderwoman Ryan seconded. **Motion passed.**

Attorney Bloomer then noted a motion to enter into executive session (with the inclusion of the City Attorney, Mayor and HR Director) to discuss the negotiation of an HR contract as allowed under Title 1, Section 313(a)(1)(A) and Title 1, Section 313(a)(1)(F). This language was so moved and seconded (Ettori, Notte). **Motion passed.**

At 8:33 PM the Board moved into Executive Session.

At 9:20 PM a motion was made and seconded (Donahue, Tommola) to come out of Executive Session. **Motion passed.**

Alderman Notte presented language for a motion. Attorney Bloomer asked to amend that language to be "To ratify the invitation for proposals for broker services and confirm the selection of Richard's Group for the calendar year 2018". Alderman Notte had no issue with the amendment. Debate. Alderman Larson noted his abstention from voting and a roll call vote was requested. Debate continued.

Alderman Notte	YES	
Alderwoman Humphrey	YES	
Alderwoman Ryan		NO
Alderman Ettori		NO
Alderman Tommola	YES	
Alderwoman Mattis	YES	
Alderman Cook	YES	
Alderman Larson abstains do to conflict of interest.		
Alderman DePoy was absent		
Alderman Donahue	YES	

Based on members present and voting 6 YES and 2 NO. **Motion passed.**

Executive Session #3

Attorney Bloomer noted a motion finding that premature general public knowledge regarding the negotiation of a recreation contract would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the items to be negotiated 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 (Mattis, Notte). **Motion passed.**

Attorney Bloomer then sought language to enter into executive session (with the inclusion of the City Attorney, the Mayor and the Recreation & Parks Superintendent) to discuss the negotiation of a recreation contract as allowed under Title 1, Section 313(a)(1)(A) and Title 1, Section 313(a)(1)(F). This language was so moved and seconded (Mattis, Notte). **Motion passed.**

AT 9:45 PM a motion was made and seconded (Ettori, Tommola) to come out of Executive Session. **Motion passed.** There was no action requested and no motion was presented.

President Davis then noted the earlier request by Treasurer Wilton on the Internal Control Documents. President Davis noted that she had no problem signing off on the documents. A motion was made and seconded (Ettori, Notte) suspending the rules and taking the request up that evening. **Motion passed.** President Davis noted a motion authorizing the President to sign the document. Alderman Ettori so moved, Alderwoman Ryan seconded. **Motion passed.**

A motion was made and seconded (Ettori, Ryan) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk