

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, October 7, 2019

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

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (September 17, 2019)

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

OUTSIDE THE RAIL

Heather Juliussen Stevenson revisited an earlier request for Bias training for the Board. There was brief discussion.

Glen Reed who works for the Center of Independent Living echoed the same conversation as Juliussen-Stevenson.

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire was present to acknowledge April Cioffi of the Rec Center for her recognition in the Vermont Business Magazine as a 2019 Rising Star.

Mayor Allaire provided the Board with a list of appointments to the Board of Health. Mayor Allaire noted the need for a Board of Health and asked the Board to table his nominations until the next meeting. That request was so moved and seconded (DePoy, Gillam). **Motion passed.**

ADDITIONS AND DELETIONS TO THE AGENDA

President Davis noted three requests to be added to the agenda and stated a request from Zoning Administrator Kelly, Stonegate Sub-division, Commissioner Wennberg, Digester Project and Alderman Ettori, Finance Committee report. All requests were so moved and seconded (Ettori, Mattis). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Treasurer Markowski; Financial reports for Fiscal year end June 30, 2019

Treasurer Markowski introduced her request, noting updated FY ending June 30, 2019 information. A motion was made and seconded (Ettori, Gillam) to receive and file the report. **Motion passed.**

Treasurer Markowski; Request transfer, Sewer fund to Water Fund for Fy19 Fathom Expenses

Treasurer Markowski asked the Board to approve a transfer from the Sewer Fund to the Water Fund and provided details for the request. A motion was made and seconded (DePoy, Gillam) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded to transfer from the Sewer Fund to the Water Fund, funds to cover the FY19 FATHOM expenses in the amount of \$108,867.26. **Motion passed.**

Attorney Bloomer; Executive Session, Relating to Negotiation of a Recreation-Related Contract

President Davis asked for Attorney Bloomer's request for executive session to be moved to the end of the meeting. There was no objection.

Zoning Administrator Kelly; Stone Gate Sub-Division

Zoning Administrator (ZA) Kelly was present to introduce her request. ZA Kelly briefed the Board on a request from Brandon Sample who is looking to develop property in the Stonegate development. ZA Kelly noted the request from Mr. Sample to have the City vote on two issues (Agenda items) coming before property owners at Stonegate at the HOA meeting on October 10, 2019. ZA Kelly noted that the City has taken possession of property through tax sale, thus giving them voting rights at the October 10th meeting. The Board and ZA Kelly discussed Mr. Sample's plans for development and options for voting at the October 10th meeting. A motion was made and seconded (Gillam, Mattis) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded (Humphrey, Ettori) authorizing ZA Kelly to represent the City of Rutland at the HOA meeting, October 10th. **Motion passed.** A motion was made and seconded (Ettori, Mattis) to authorize ZA Kelly to vote yes on agenda item #1 as presented. There was debate as to why a yes vote. **Motion passed.** The Board and ZA Kelly discussed options for the second agenda item. A

motion was made and seconded (Mattis, Etori) to authorize ZA Kelly to vote at her discretion, to best benefit the City on agenda item #2. **Motion passed.**

Commissioner Wennberg; Digester Project.

Commissioner Wennberg was present to introduce the request of asking the City to approve similar language in the prior approved force main project at the last meeting. Basically the Commissioner was asking the Board to approve the bid and guarantee payment as the voter approved bond was still in litigation. The Board discussed risk factors and how much the short term financing would cost the City. There was a fair amount of Q & A with Commissioner Wennberg and the Board. A motion was made and seconded (Mattis, Gillam) suspending the rules and taking action on the request that evening.

Motion passed. A motion was made and seconded (Mattis, Whitcomb) approving the use of Water & Sewer Funds to fund the \$3.5 million for the Digester Project. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Alderman Etori Finance Committee

Alderman Etori read his committee report from September 17, 2019. Alderman Etori noted his committee met to discuss the proposed LAZ FY 20 budget. The report detailed projected revenues and expenses and how the FY 20 budget had a small surplus. Alderman Etori noted a motion out of committee to approve the Laz FY20 budget and he so moved. Alderwoman Mattis seconded. **Motion passed.**

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; RCHS Coin Drop, October 12, 2019, 10-2PM Merchants Row

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 request from the Humane Society for a coin drop on October 12, 2019, from 10 - 2PM, on Merchants Row. **Motion passed.**

GMP Pole & Wire Request, Green Hills Lane

President Davis introduced the request and also noted Alderwoman Humphrey's abstention. 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) to authorize the DPW Commissioner to sign. There was brief debate. **Motion passed.**

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

BOARD OF CONTROL COMMISSIONERS

Third Class Liquor Request; The Venue

President Davis introduced the request. Clerk Heck informed the Board that the third class license was a new request from the State allowing the City to weigh in on the approval process like they do with the 1st and 2nd class licenses. There was brief debate about the new DLC request. Alderman Reveal abstained from all voting within the Board of Control Commissioners. A motion was made and seconded (DePoy, Mattis) to circulate the application for signatures. **Motion passed.**

Third Class Liquor Request; Union Jacks Pub

A motion was made and seconded (DePoy, Mattis) to circulate for signatures. **Motion passed.**

First Class Liquor Request; Downtown Gentlemen's Salon

President Davis introduced the request and noted owner Lori LaPenna was present. Alderman Tommola abstained from voting on this request. A motion was made and seconded (DePoy, Mattis) to circulate for signatures. **Motion passed.**

Outside Consumption Request; Downtown Gentlemen's Salon

President Davis introduced the request. Alderman Tommola again abstained from voting. A motion was made and seconded (DePoy, Mattis) to authorize the Clerk to sign. **Motion passed.**

Entertainment Permit Request; TASO Restaurant, Center Street

President Davis introduced the request. A motion was made and seconded (Etori, Gillam) to approve the permit contingent on the required signatures prior to the Clerk administering the permit. **Motion passed.**

A motion was made and seconded (Mattis, Whitcomb) to come out of the Board of Control Commissioners. **Motion passed.**

UNFINISHED BUSINESS

Rutland Regional Planning Commission Representatives

President Davis noted this request as a house keeping item and stated every year the Board approves representatives to the Planning Commission and Rutland Region Transportation Council. A motion was made and seconded (DePoy, Whitcomb) authorizing the Chair to sign. **Motion passed.**

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Etori spoke of a meeting at the library about a Working Community Grant and wanted all to be aware and to keep their eyes and ears open.

President Davis spoke of an Alderman who, against advice of the City Attorney and BOA President spoke with Bill Dydo with whom the City is involved in a lawsuit. President Davis also noted that items taken up in executive session are not to be spoken about outside of executive session. President Davis noted that an Alderman has broken the rule and could place the City at substantial risk. Alderman Etori responded to statements made by President Davis.

President Davis asked if there was any further business to come before the Board before they go into executive session. Seeing none, President Davis asked Attorney Bloomer for language.

Attorney Bloomer noted language finding 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 language was so moved and seconded (Mattis, DePoy). **Motion passed.**

Attorney Bloomer then noted language to enter into executive session (with the inclusion of the Mayor, Recreation Superintendent, Director of Maintenance, Treasurer and City Attorney) to discuss the negotiation of a contract as allowed under Title 1, Section 313(a)(1)(A). That language was so moved and seconded (Mattis, DePoy). **Motion passed.**

At 8:06 PM the Board moved into executive session.

At 8:55 PM a motion was made and seconded (Mattis, DePoy) to come out of executive session. **Motion passed.**

A motion was made and seconded (DePoy, Mattis) to authorize the Mayor to sign the lease agreement with the College of St. Joseph as amended. **Motion passed.**

At 8:57 PM a motion was made and seconded (Whitcomb, Mattis) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk