

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Tuesday, September 3, 2019

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

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (August 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 from outside the rail.

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire had no items for the Board.

ADDITIONS AND DELETIONS TO THE AGENDA

Commissioner Wennberg; Buried Conduit application.

Attorney Bloomer; Executive Session, Pending Litigation

President Davis noted both requests and sought a motion to add them to the agenda. The request was so moved and seconded (Ryan, Mattis). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Brennan Duffy; Director RRA, Recommended BIAP Funding, Downtown Gentlemen's Salon

Brennan Duffy was present to introduce the RRA's request approving the BIAP application of Lori LaPenna of the Downtown Gentlemen's Salon. Mr. Duffy briefed the Board on Ms. LaPenna's project and sought BOA approval. Alderman Tommola noted a conflict with the request and abstained from voting on any motion. A motion was made and seconded (Mattis, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Mattis, Ryan) approving the \$5,000 BIAP to the Downtown Gentlemen's Salon. **Motion passed.**

Barbara Spaulding; RRA, Resolution VCDP Grant Application, Rutland Permanent Supportive Housing

President Davis introduced the request. A motion was made and seconded (Gillam, Clifford) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Gillam, Mattis) to circulate the resolution for signatures. **Motion passed.**

Barbara Spaulding; RRA, Municipal Policies & Codes Updates

President Davis introduced the request. A motion was made and seconded (Gillam, Clifford) suspending the rules and taking action on the request. **Motion passed.** Barbara Spaulding was present to brief the Board on her request noting the policy and codes needed to be updated to meet grant requirements. A motion was made and seconded (Gillam, Ryan) to circulate the updates for signatures. **Motion passed.**

Commissioner Wennberg; Request for Referral, Meter Upgrade Project Issues

Commissioner Wennberg was present to brief the Board on his request, noting billing issues with the new FATHOM metering project and specifically how recent bill batches have been generating bad

information and sent to water users. A motion was made and seconded (Clifford, Gillam) referring the issue to the Public Works Committee. **Motion passed.**

President Davis noted the addition of the buried conduit request and sought to take up the request.

Commissioner Wennberg; Buried Conduit Application

Commissioner Wennberg was present to brief the Board on a request from Habitat for Humanity to bury conduit under the sidewalk at 120 Crescent Street. A motion was made and seconded (Mattis, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Mattis, Ryan) approving the buried conduit request at 120 Crescent Street. Alderman Whitcomb abstained from voting as he sits on the Board for Habitat for Humanity. **Motion passed.**

Recreation Superintendent Peters;

1). Request Approval, Giorgetti Trust Fund

Superintendent Peters was present to introduce the request. Superintendent Peters noted prior meeting on the issue of code upgrades at Giorgetti and sought \$13,850 from the Giorgetti Fund to pay for them. A motion was made and seconded (Humphrey, Ryan) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Humphrey, Ryan) approving the request for \$13,850 from the Giorgetti Fund to cover code update for a separation wall. **Motion passed.**

2). Request Approval, Sale of Items, Flip Side Skate Park

Superintendent Peters noted her next request was for selling assets at Flip Side Skate Park. Superintendent Peters briefed the Board on the request. A motion was made and seconded (Gillam, Mattis) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Gillam, Mattis) approving the request to sell assets at the skate park with all revenues generated to go into the Flip Side Activities Account. There was brief discussion as to what assets were to be sold. **Motion passed.**

3). Request Issue Referral, Rental, Gymnasium at CSJ

Superintendent Peters noted her next request was for leasing the CSJ Gym and sought a referral to committee to discuss this request. A motion was made and seconded (Humphrey, Clifford) referring the request to the recreation committee. There was brief debate. **Motion passed.**

Engineer Rotondo was present to brief the Board on his requests. Engineer Rotondo noted these were voter approved bond requests and this was the final requests of this project. Each part of the bond was broken down into the various projects. Each request had a summary explaining the request and action sought with not to exceed dollar amounts.

James Rotondo; City Engineer;

1.) Request for Approval of Step III Engineering Services Agreements (ESA's)

a.) East Creek Sewage Force Main Replacement Project

City Engineer Rotondo noted his request was to ask the Board to approve the Step III Engineering Services Agreement with Weston and Sampson for Bid Phase and Construction Administration Services for the East Creek Sewage Force Main Replacement Project in an amount not to exceed \$143,030.00, with the final form of the ESA to be approved by the City Attorney. A motion was made and seconded (Whitcomb, Mattis) suspending the rules and taking action on the request. Alderman Clifford abstains on all Rotondo requests because of work related conflicts. **Motion passed.** A motion was made and seconded, (Whitcomb, Mattis) approving the Step III Engineering Services Agreement with Weston and Sampson for Bid Phase and Construction Administration Services for the East Creek Sewage Force Main Replacement Project in an amount not to exceed \$143,030.00, with the final form of the ESA to be approved by the City Attorney. **Motion passed.**

City Engineer Rotondo moved on to the next request.

b.) Anaerobic Digester Complex Improvements Project

City Engineer Rotondo noted his request was to ask the Board to approve the Step III Engineering Services Agreement with Weston and Sampson for Bid Phase and Construction Administration Services for the Anaerobic Digester Complex Improvements Project in an amount not to exceed \$345,480.00, with the final form of the ESA to be approved by the City Attorney. A motion was made and seconded (Mattis, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded, (Mattis, Whitcomb) approving the Step III Engineering Services Agreement with Weston and Sampson for Bid Phase and Construction Administration Services for the Anaerobic Digester Complex Improvements Project in an amount not to exceed \$345,480.00, with the final form of the ESA to be approved by the City Attorney. **Motion passed.**

c.) Northwest Neighborhood Sewer Separation Phase 1A

City Engineer Rotondo introduced this item noting his request was to ask the Board to approve the Step III Engineering Services Agreement with Otter Creek Engineering for Bid Phase and Construction Administration Services for the Northwest Neighborhood Sewer Separation Phase 1A Project in an amount not to exceed \$194,805.00, with the final form of the ESA to be approved by the City Attorney. A motion was made and seconded (Mattis, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded, (Mattis, Whitcomb) approving the Step III Engineering Services Agreement with Otter Creek Engineering for Bid Phase and Construction Administration Services for the Northwest Neighborhood Sewer Separation Phase 1A Project in an amount not to exceed \$194,805.00, with the final form of the ESA to be approved by the City Attorney. **Motion passed.**

2.) Request for Approval of Step I Loan Application

a.) Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP)

City Engineer Rotondo introduced the request noting this was a tremendous opportunity for the City to get financing at next to no cost. Engineer Rotondo also noted that time was an issue as the funds were very limited and asked the Board to take action on the request that evening. 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, Mattis) approving and circulating for signatures the Clean Water State Revolving Fund (CWSRF) Step I (Feasibility & Planning) Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) funding application in an amount not to exceed \$300,000.00. **Motion passed.**

**3.) Request for Approval of ESA – Otter Creek Engineers Contract Continuation
(Park St & Church St Culvert Design Update & Construction Phase Services)**

Engineer Rotondo noted that this was his final request and noted that he was asking the Board to approve the Design Update, Bid Phase and Construction Administration Services for the Park Street and Church Street Culvert Replacement Project in an amount not to exceed \$86,870.00, with the final form of the ESA to be approved by the City Attorney. Engineer Rotondo provided a brief history of the project and also noted the need to act on the request that evening. A motion was made and seconded (Ryan, Mattis) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Ryan, Mattis) approving the Engineering Services Agreement with Otter Creek Engineering for Design Update, Bid Phase and Construction Administration Services for the Park Street and Church Street Culvert Replacement Project in an amount not to exceed \$86,870.00, with the final form of the ESA to be approved by the City Attorney. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Alderwoman Mattis; Charter & Ordinance, Sign Ordinance

Alderwoman Mattis read her committee report from Monday, August 26th noting the committee met to discuss internally illuminated signs under the proposed new sign ordinance. The committee discussed illuminated signs in both business and residential districts. The committee discussed ways to regulate brightness and the impact of internally illuminated and message boards. The issue is to remain in committee and was for information only.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

Alderman Clifford noted that long time director, Jim O’Gorman was retiring from the Rutland County Solid Waste District and the Board will be seeking a new director.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

SEP Request; Rutland Rec., Halloween Parade, Oct., 26, 2019, 6:30 – 8:30 PM

President Davis introduced the request. A motion was made and seconded (Mattis, Gillam) suspending the rules and taking action on the request. **Motion passed.** With gleeful excitement, Alderwoman Mattis moved to approve the Special Events Permit request for the Annual Halloween Parade on Saturday, October 26, 2019 from 6:30 to 8:30 PM. **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

Alderman Etori noted at the last RRA meeting the committee discussed several issue and shared those with the Board. Alderman Etori was asking the Board to bring anything to the representative and to work with the RRA on economic development.

Mayor Allaire was asked to update the Board on the HR position. Mayor Allaire noted that Jody Breault, who temporarily was filling the position was asked to remain on in a fulltime compacity and has accepted that offer/position.

With no other business to come before the Board, President Davis asked Attorney Bloomer for Language to move into executive session.

Attorney Bloomer noted a motion finding that premature general public knowledge regarding both probable and pending litigation, to which the City would be a party and is a party, would clearly place the City at a substantial disadvantage because the discussion will divulge the City’s strategy in such probable and 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. That request was so moved and seconded (Ryan, Mattis). **Motion passed.**

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

At 7:40 PM the Board moved into executive session. **Motion passed.**

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

Upon coming out of executive session the Board discussed at length potential action from their executive session. At one point, a motion was made and seconded (Humphrey, Gillam) to adjourn. **Motion failed.** Alderwoman Mattis moved to adjourn to a time certain of Monday, September 9, 2019. **Motion failed.**

A motion was made and seconded (Ettori, Tommola) to deny the request discussed in executive session. The Board needed several minutes to determine what a yes and no vote meant. Alderman Tommola requested a roll call vote. Clerk Heck was asked to call the roll.

Alderman Reveal	ABSENT	
Alderwoman Humphrey		YES
Alderwoman Ryan		YES
Alderman Ettori		YES
Alderman Tommola		YES
Alderwoman Mattis	ABSTAINED	
Alderman Gillam		NO
Alderman Clifford		NO
Alderman DePoy	ABSENT	
Alderman Whitcomb		YES

The vote was five (5) YES, two (2) NO, one (1) abstention, and two (2) alderman were absent
Motion failed.

Alderman Whitcomb immediately moved to adjourn. Alderwoman Ryan seconded. The vote was taken. Unsure of the results, President Davis asked for a show of hands. Seven (7) YES, One (1) NO.
Motion passed.

At 9:02 PM the BOA adjourned.

Respectfully submitted,

Henry A. Heck

Henry A Heck
Rutland City Clerk