

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, September 17, 2018

Members present; President Davis, Aldermen Notte, Humphrey, Ryan, Etori, Gillam, Clifford, DePoy and Whitcomb. Also present, Mayor Allaire, Attorney Bloomer and Deputy Clerk Kapusta. Alderman Mattis was absent.

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (September 4, 2018)

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

OUTSIDE THE RAIL

There wasn't anything from Outside the Rail

COMMUNICATIONS FROM THE MAYOR

Insurance request for proposal procedures

Mayor Allaire and his Administration are looking for any and all ways to enhance revenues and/or cut costs for the upcoming budget season. One avenue is to re-evaluate the City's insurance costs for property, liability and Workers Compensation, to see if there is a way to save taxpayers money and at the same time improve the service to the City and its residents. Mayor Allaire is requesting to go out for an RFP to solicit requests for insurance services.

A motion was made (Notte, Whitcomb) to suspend the rules and take the issue up tonight. **Motion passed** 7-1, with Alderman Etori voting No.

A motion was made (Notte, Gillam) to authorize the Mayor to go out for RFP to solicit requests for insurance services.

There was further discussion by Alderman Etori, who brought to the Board's attention that this same matter was brought up in November of 2016. It was referred to committee, but there was never a meeting on this idea. Alderman Etori is concerned with jumping to the stage of RFP, when at least five current Board members weren't part of those discussions back in 2016 and that there were some questions about the consequences of leaving VLCT. Mayor Allaire was asked if he had addressed the questions of Sovereign immunity and other things that were addressed back in November 2016.

Mayor Allaire responded that to some degree he has. He has had other discussions with other possible vendors who might be interested in providing services to the City and the issue of Sovereign immunity has apparently been addressed. The Mayor stated that as of right now it is more of a fact finding exercise to see what else is out there, what are the services that can be provided to the City and if there's any opportunity to save some money, in particular save the taxpayers money which ultimately is where the RFP comes from.

Alderman Etori is in full agreement to look for ways to cut the budget. However, when you're asking for a one day turn around for those who are interested and a twelve day turn around for vendors to give you RFP's, seems a little rushed. He would have appreciated being part of the process earlier. Alderman Etori reminded Mayor Allaire, that when he ran for Mayor, it was about collaboration and this seems to be a rushed approach. Alderman Etori said that he will support it, that it is important, but he might not support what comes back from it because he doesn't feel that it has been done justice in terms of the conversations that should have happened when Mayor Allaire sat on the floor. Alderman Etori is supportive of the idea just not how it came about.

Motion Passed 7-1, with Alderman Etori voting No.

Mayor Allaire informed the Board that the Development Review Board decision has been sent out with regard to Starbuck's, pending an appeal it can be announce that the project's site plan and conditional use permit has been approved.

Mayor Allaire spoke with Building and Zoning's Bob Tanner and they have been keeping track of a list of vacant properties throughout the city. At one point there was 130 vacant houses and currently there are 65. City Owned Properties was around 30 a year and a half ago and is now down to 2.

Mayor Allaire also wanted to mention the removal of the bench's in Depot Park. The decision was not made in the spur of the moment or due to one event. It was the result of a summer full of inappropriate illegal activity in the park. He views this as a short term solution as a result of escalating bad behavior over there and is open to any ideas and suggestions that anyone may have to address the situation. The little library at the park has been vandalized many times and has been repaired by the Recreation and Park's Department. The benches are in the possession of the Recreation and Park's Department and will be repaired and refurbished. The city along with the family will discuss the best place to put the benches in the city.

ADDITIONS AND DELETIONS TO THE AGENDA

A Special Events Permit, World Polio Day coin drop has been added to the agenda (Etori, DePoy) **Motion Passed**.

Executive Session for Fire Protection Contract has been added to the agenda (Etori, Ryan). **Motion Passed**. Attorney Bloomer indicated that it might not have to be in Executive Session.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Superintendent Peters; Spring/Summer Update

Superintendent Peters spoke about the many successful camps, the aquatics programs, memberships, rentals and plans for 2019 camps.

Russell Construction submitted the last bill against their contract on September 10, 2018.

Upcoming Projects include Rotary Gazebo, Rotary Sign, rental procedures and policies and the revival of sponsorship banners.

Treasurer Markowski; Treasurer's Report for August 31, 2018

Treasurer Markowski read the financial updates for the Treasurer's Office dated August 31, 2018. Tax delinquencies continue to drop with \$50k of delinquent balances paid in August. Currently there are eight properties in the redemption period and the City is the bidder for only

two of those properties. Potential tax sales are being assessed and will be starting to schedule tax sales in October and November.

Brennan Duffy; RRA Director, Requesting Tax Stabilization

Applicants, Kate Thomas and David Darton, have recently purchased a property at 18 East Center Street which they intend to rehabilitate extensively and upon completion inhabit as their primary dwelling. In accordance with 32 V.S.A. §3850, the Building Inspector and the City's Independent Review committee have certified the structure as blighted. The applicant is current on all City taxes and fees. The City Assessor has determined that the property's current Fair Market Value is \$88,700.

A motion was made (Notte, Clifford) to suspend the rules and take the issue up tonight. **Motion Passed.**

A motion was made (Notte, Ryan) for the approval of residential tax stabilization, which will exempt from municipal taxes the value of improvements made at 18 East Center Street, for a period of five years, at a value of \$88,700. **Motion Passed.**

Tara Kelly; Planning Director & ZA, City Owned Properties Committee, Recommendations

The committee received and reviewed applications for two properties. The committee weighed many factors in its deliberation of the application aiming to find a balance between various objectives: finding a responsible new owner for each property; the proposed end use of the property and its relationship to the neighborhood; the level of investments anticipated; and the goal of ensuring the City's tax base is strong into the future.

105 South Street – The recommended offer is from James Mailhiot, Sr. in the amount of \$3,000. Mr. Mailhiot owns two properties in the city: 42 Chestnut St. and 98 Strongs Ave. He plans to rehabilitate 105 South St. as a single-family home and then transfer ownership to his grandson. He intends to invest \$45K in the renovation which will encompass a complete rehabilitation.

A motion was made (Notte, Ryan) to suspend the rules and take the issue up tonight. **Motion Passed.**

A motion was made (Notte, Ryan) to authorize the sale of 105 South St. to James Mailhiot, Sr. for \$3,000, pursuant to 6-2 of the Rutland City Charter and to further authorize the Mayor to sign all sale related documents. **Motion Passed.**

129 Robbins St. – The recommended offer is from Rudy Jacobson in the amount of \$10,000. Mr. Jacobson recently purchased 114 Gibson Ave from the City and has been completely rehabbing the property inside and out. He already did the same rehabilitation to 112 Maple St. He is proposing to renovate 129 Robbins St. and retain the existing 3 units. He intends to invest \$40K in this project.

A motion was made (Notte, DePoy) to suspend the rules and take the issue up tonight.

A motion was made (Notte, Ryan) to authorize the sale of 129 Robbins St. to Rudy Jacobson for \$10,000, pursuant to 6-2 of the Rutland City Charter and to further authorize the Mayor to sign all sale related documents. **Motion Passed.**

A motion was made (Gilliam, Clifford) to move the three executive sessions to the end of the meeting. **Motion Passed.**

Attorney Bloomer stated that the Fire Protection Contract for Isovolta does not need to be in executive session. The contract is the same that was presented to the Board a few weeks ago for Tuttle Printing with the only change being to the cost.

A motion was made (Ettori, Ryan) to suspend the rules and take the issue up tonight. **Motion Passed.**

A motion was made (Ettori, Notte) to authorize the Mayor to sign the Fire Protection Contract for Isovolta. **Motion Passed.**

REPORTS OF STANDING COMMITTEES

There were no reports of standing committees to come before the Board.

REPORTS OF SELECT COMMITTEES

Alderman Ettori; HR Committee

This was moved to the end of the meeting

REPORTS OF REPRESENTATIVES

There were no reports of representatives to come before the Board.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

SEP Request; World Polio Day, Coin Drop, October 13, 2018 10AM-2PM

A motion was made (DePoy, Notte) to suspend the rules and take the issue up tonight. **Motion Passed.**

A motion was made (DePoy, Notte) to approve the Special Events permit for World Polio Day on October 13, 2018 for a coin drop from 10AM to 2PM. **Motion Passed.**

BOARD OF CONTROL COMMISSIONERS

There was nothing 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

President Davis noted the executive session request by Attorney Bloomer and sought the language to move into executive session.

Attorney Bloomer stated a motion 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 language was so moved and seconded (Ettori, Ryan). **Motion Passed.**

Attorney Bloomer stated a motion to enter into executive session (with the inclusion of the Mayor, Recreation Department Superintendent 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 (Ryan, Etori). **Motion Passed.**

At 7:43 PM the Board moved into executive session.

At 7:51 PM a motion was made (Ryan, Etori) to come out of executive session.

A motion was made (DePoy, Gillam) to suspend the rules and take the issue up tonight. **Motion Passed.**

A motion was made (DePoy, Whitcomb) to authorize the Recreation Department Superintendent to sign the Pine Hill Partnership. **Motion Passed.**

Attorney Bloomer stated a motion to find that premature general public knowledge regarding the negotiation of a labor relations agreement would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the agreement provisions to be negotiated. That language was so moved and seconded (Etori, Ryan). **Motion Passed.**

Attorney Bloomer stated a motion to enter into executive session (with the inclusion of the Mayor, Commissioner of Public Works and City Attorney) to discuss the labor relations agreement as allowed under Title 1, Section 313(a)(1)(B). That language was so moved and seconded (DePoy, Etori). **Motion Passed.**

At 7:53 PM the Board moved into executive session.

At 8:38 PM a motion was made (DePoy, Notte) to come out of executive session.

A motion was made (DePoy, Notte) to suspend the rules and take the issue up tonight. **Motion Passed.**

A motion was made (DePoy, Tommola) to authorize the Mayor and Commissioner of Public Works to sign the Memorandum of Understanding between the City of Rutland and the American Federation of State, County and Municipal Employees, A.F.L.-C.I.O. D.P.W. Professional, Clerical and Engineering Chapter Local 1201, Council 93. **Motion Passed.**

Attorney Bloomer stated a motion to find that premature general public knowledge regarding (1) contracts, (2) labor relations agreements and (3) the City Attorney's analysis of a legal matter, would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the contracts and labor relations agreements, and the discussion will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. That language was so moved and seconded (Etori, Ryan). **Motion Passed.**

Attorney Bloomer stated a motion to enter into executive session (with the inclusion of the Mayor, Fire Chief and City Attorney) to discuss (1) contracts, (2) labor relations agreements,

and (3) to receive the City Attorney's analysis of a legal matter as allowed under Title 1, Section 313(a)(1)(A), (B) and (F). That language was so moved and seconded (Ryan, Etori). **Motion Passed.**

At 8:40 PM the Board moved into executive session.

At 8:51 PM a motion was made (Gillam, Notte) to come out of executive session.

Alderman Etori read his HR Committee Report from September 13, 2018 which was to review the proposed personnel policies for Fire Department Officers. The policy was drafted to provide clarity around what benefits officers receive since they are not members of the Union and the CBA does not apply to them specifically. As the discussion began, the committee wanted to understand potential legal implications from the policy and so the committee moved and passed to go into executive session. After a short discussion, the committee moved out of executive session to discuss the components of the policy. The City Attorney then presented the policies making note of how the benefits compared between union and non-union members. Officers promoted prior to July 1, 2018 would be grandfathered in with regard to some sections of the policy. After discussion on each of the sections in the proposed document, President Davis moved for the approval of the Personnel Policies for the Officers of the City of Rutland Fire Department as presented. The motion passed 3-0, and I so move. (Etori, Gillam). **Motion Passed.**

A motion was made (Etori, Gillam) to amend the motion to include the reduction in accrued sick time of an officer and clarity about the insurance buyout and retirement. This policy would be effective September 18, 2018. **Motion Passed.**

At 8:56 PM a motion was made and seconded (DePoy, Etori) to adjourn. **Motion Passed.**

Respectfully submitted,

Tracy L. Kapusta
Rutland City Deputy Clerk