

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, August 20, 2018

Members present; President Davis, Aldermen Notte, Humphrey, Ryan, Etori, Mattis, Gillam, DePoy and Whitcomb. Also present, Mayor Allaire, Attorney Bloomer and Deputy Clerk Kapusta. Aldermen Tommola and Clifford 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 6, 2018)

A motion was made and seconded (Mattis, Notte) to approve the minutes of the previous meeting. **Motion passed.**

OUTSIDE THE RAIL

There wasn't anything to come forward from outside the rail to the Board.

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire gave an update and provided a letter from the United States Postal Service. A final decision was made to proceed with the Postal Service's proposal to relocate retail services to the adjacent postal-owned property. It is expected that the new space will be open and operating within one year.

ADDITIONS AND DELETIONS TO THE AGENDA

President Davis stated there is a brief executive session that needs to be added to the agenda for an issue regarding arbitration. So moved (Etori, Gillam). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Brennan Duffy; RRA Director, Requesting Economic Development Incentives

True Yoga VT: Applicant, Liz Patnode, is planning to renovate her property at 22 Wales Street. The renovated space will house a yoga studio which will re-locate from its current location in Mendon. Additional investment will be made in the property to include retail and housing units. Applicant is requesting a \$10,000 forgivable loan from the BIAP program to help offset some of the significant renovation cost of the project. Applicant is also requesting referral to Heritage Family Credit Union for a loan up to \$50,000 through the Rutland City BIAP RLF.

A motion was made to suspend the rules and take the issue up tonight (Gillam, DePoy). **Motion passed.** A motion was made and seconded (Gillam, DePoy) for the Board to approve a \$10,000 BIAP loan with a three year term at 0% interest, with all the payments deferred for three years. Loan to be forgiven at the end of the term provided all requirements have been met. RRA recommends referral to HFCU for potential loan financing through the Rutland City BIAP Revolving Loan Fund administered by HFCU and subject to their underwriting and approval. **Motion passed.**

86 Strongs Avenue: Applicant, CJ Abatiell, Jr., has recently purchased this property at auction and is planning significant renovation to support a retail space on the lower level and two housing units on the second floor. The applicant is requesting real property tax stabilization through the City's Vacant/Blighted Industrial and Commercial Property program. The building was inspected by the City Building Inspector on July 18, 2018 and determined to meet the definition of a blighted structure.

A motion was made to suspend the rules and take the issue up tonight (Mattis, Ryan). **Motion passed.** A motion was made and seconded (Mattis, Etori) to recommend to the Board approval of real property tax stabilization, in accordance with the Tax Stabilization Policy for Vacant/Blighted Industrial Commercial Property at the current value of \$81,700 (as determined by the City Assessor) for period of three years beginning on April 1, 2019, with the incentive being contingent upon the property at 86 Strongs Avenue being up to date on all City property taxes and fees prior to the stabilization period taking effect. **Motion passed.**

Attorney Bloomer; Fire Protection Contract, City of Rutland & Tuttle Law Print

Attorney Bloomer presented a Fire Protection Contract for Tuttle Law Print. A motion was made (DePoy, Whitcomb) to suspend the rules and take the issue up tonight. **Motion passed.** A motion was made (DePoy, Whitcomb) to authorize the Mayor to sign the Fire Protection Contract for Tuttle Law Print. After a discussion, the motion was amended to request the addition of the address for the record. **Motion passed.**

Attorney Bloomer; Executive Session; Probable Litigation and Negotiation Contract for 117 State Street

President Davis noted the request and sought to move it to the end of the agenda. There was no debate.

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

14 Chaplin Avenue: The recommended offer is from Christopher Voda in the amount of \$5,000. Mr. Voda owns a property on Terrill Street that is a multifamily rental. He plans to convert 14 Chaplin Avenue back to a single-family home by eliminating the small unit at the back. He intends to invest \$70K in the renovation which will encompass a full rehabilitation. Proof of available financing was provided. The unpaid taxes and fees on 14 Chaplin Avenue are \$37,030.69. The City has owned the property since 12/11/2014.

A motion was made (Mattis, Ryan) to suspend the rules and take the issue up tonight. **Motion passed.** A motion was made (Mattis, Gillam) to authorize the sale of 14 Chaplin Avenue to Mr. Voda, pursuant to 6-2 of the Rutland City Charter and to further authorize the Mayor to sign all sale related documents. **Motion passed.**

114 South Street: The recommended offer is from Donna and George Chamberland, Jr. in the amount of \$5,000. The Chamberland's have experience with renovations. They own and live at 106 Forest Street which has a backyard that abuts the backyard of this property. They are proposing to renovate 114 South Street into a single-family home. They intend to invest \$20-25K (plus their own labor) in this project. They intend to rent the property, possibly to family, once complete. The unpaid taxes and fees on 114 South Street are \$41,533.65. The City has owned the property since 9/7/2017.

A motion was made (Mattis, Ryan) to suspend the rules and take the issue up tonight. **Motion passed.** A motion was made (Mattis, Whitcomb) to authorize the sale of 114 South Street to the Chamberland's, pursuant to 6-2 of the Rutland City Charter and to further authorize the Mayor to sign all sale related documents. **Motion passed.**

Treasurer Markowski; Treasurer's Report June 2018 (preliminary)

June is still preliminary because adjustments are still being posted to year end. The information sent to the Board by Treasurer Markowski was for informational purposes only.

Treasurer Markowski; Treasurer's Report July 2018

Treasurer Markowski stated that July had been incredibly busy, along with setting the tax rate, the IRS conducted a payroll audit that went very well for the City.

The re-purchase account matured in July and Treasurer Markowski worked with the bank to come up with another arrangement to put those funds in another sweep account that is similar to the General Fund account. This was for information purposes only.

REPORTS OF STANDING COMMITTEES

Alderman Clifford; Public Works Committee

Alderman Nottle read the committee report in Alderman Clifford's absence.

The committee met on August 15, 2018. Commissioner Wennberg distributed a draft strategy for dealing with the Emerald Ash Borer ("EAB") which has been found in several locations in Vermont and is expected to decimate the Ash tree population in Rutland. He walked through the Strategy paper which summarized the history of the infestation, the options that were considered for Rutland's response, and the recommendation to remove nearly all of the 355 City-owned Ash trees before they die. He also described the process the Department expects to follow of notifying adjacent residents prior to removal and requesting them to state a preference for a type of replacement tree from the list of appropriate species prepared by the City Forester.

City Forester Schneider stated that there was some early evidence of EAB activity in the urban forest but that a positive confirmation that it is here has not been made. He estimated that the insect had been present in Vermont for 2-3 years before it was confirmed in Orange, Caledonia, Washington and most recently Bennington counties.

He explained the reasoning behind the recommendation to remove the trees while still alive and explained the function of chemical treatments that have been proven effective in other locations. Dead trees become a safety hazard on the City streets and in neighborhoods and removal while they are still alive is much less expensive than after they die. There are two types of chemical treatments available, and while they appear to be effective for the near term, long term effectiveness and impacts on groundwater and other plants and animals, such as pollinators, are not well known. For nearly all of our trees chemical treatment would be more expensive over time than removal and replacement.

Commissioner Wennberg noted that the draft budget calls for the rental of a stump grinder this year and purchase in next year's budget. The budget also calls for \$10,000 a year in fundraising donations for replacement trees starting next year. He also noted that the plan calls for limited

use of chemical treatment for a small number of trees, especially those that would be expensive to remove by contractors.

A motion was made (Notte, Etori) to recommend that the full Board support the EAB Strategy to protect public safety and protect Rutland's high quality urban forest. **Motion passed.**

A motion was made (Notte, Mattis) to recommend that the full Board authorize the Mayor to solicit bids for the log trailer, not to exceed \$28,000 with funds to come from the Water Fund. **Motion passed.**

REPORTS OF SELECT COMMITTEES

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

REPORTS OF REPRESENTATIVES

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

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

SEP Request; GMP Innovation Home Giveaway, Thurs, 8/30/2018 from 11AM – 3PM

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

A motion was made (Mattis, DePoy) to approve the special events request for Green Mountain Power Innovation Home Giveaway on Thursday, August 30, 2018 from 11AM-3PM. The motion was amended to include approval by the City Attorney. Alderman Humphrey abstained from voting. **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 did note an earlier request for an executive session from Attorney Bloomer and sought language from him.

Motion to find that premature general public knowledge regarding probable civil litigation related to 117 State Street, and the negotiation of a contract related to 117 State Street, would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the probable civil litigation and the items to be negotiated and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. This language was so moved and seconded (Mattis, Ryan). **Motion passed.**

Motion to enter into executive session (with the inclusion of the Mayor, Zoning Administrator and City Attorney) to discuss probably civil litigation and the negotiation of a contract as allowed under Title 1, Section 313(a)(1)(A), Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). This language was so moved and seconded (Mattis, Ryan). **Motion passed.**

At 7:37 PM the Board moved into executive session.

At 8:18 PM a motion was made and seconded (Notte, Gillam) to move out of executive session. **Motion passed.**

Motion to authorize the sale of 117 State Street pursuant to Section 6.2 of the Charter and to further authorize the Mayor to sign all sale-related documents, for \$2,000 in services rendered to Ann Reed and Richard Reed, Jr. So moved (Notte, Whitcomb). **Motion passed.**

Motion to authorize the Mayor to sign a \$4,000 settlement agreement and release related to 117 State Street, with such agreement and authorization to be in effect after closing on 117 State Street with Jim Richards. So moved (Notte, Whitcomb). **Motion passed.**

Motion to find that premature general public knowledge regarding an arbitration would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the arbitration and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. This language was so moved and seconded (Notte, DePoy). **Motion passed.**

Motion to enter into executive session (with the inclusion of the Mayor and City Attorney) to discuss the arbitration as allowed under Title 1, Section 313(a)(1)(C) and Title 1, Section 313(a)(1)(F). This language was so moved and seconded (Notte, DePoy). **Motion passed.**

At 8:21 PM the Board moved into executive session.

At 8:31 PM a motion was made and seconded (Notte, DePoy) to move out of executive session.

Motion to proceed with arbitration of IAFF Local 2323 Grievance 2018-01. So moved and seconded (Mattis, DePoy). **Motion passed.**

At 8:33 PM a motion was made and seconded (DePoy, Mattis) to adjourn. **Motion passed.**

Respectfully submitted,

Tracy L. Kapusta
Deputy City Clerk