

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, July 17, 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 (July 3, 2017)

A motion was made and seconded (Etori, Ryan) to approve the minutes of the previous meeting.

Motion passed.

OUTSIDE THE RAIL

Commissioner Wennberg noted the third meeting for the Piedmont & Combination Pond meetings.

Jeff McGinnis came to the Board with a bird problem, specifically roosters that boarder his home on Haywood Avenue. There was brief discussion between Mr. McGinnis and the Board. A motion was made and seconded (Notte, Etori) to refer the complaint to the Charter and Ordinance Committee.

Motion passed.

COMMUNICATIONS FROM THE MAYOR

Mayoral Appointment; RRA Board of Commissioners

Mayor Allaire spoke on his appointment to the RRA Board and noted Ed Clark has been a member of that Board and has been very engaged since being appointed. Mayor Allaire asked the Board of Aldermen to table his appointment until their next meeting. A motion was made and seconded (Etori, Notte) to table the mayoral appointment. **Motion passed.**

ADA Proclamation

Mayor Allaire then spoke about his next issue dealing with a Proclamation, recognizing and committing the continued work of the City be within full compliance with the Americans with Disabilities Act (ADA). Mayor Allaire then asked the Board to support his Proclamation and read it aloud. A motion was made and seconded (Notte, Larson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, Mattis) to circulate the proclamation for signatures. **Motion passed.**

Mayor Allaire finished his report updating the Board on an earlier issue the Mayor presented to the Board dealing with the Fire Chief Search Committee. Mayor Allaire presented the break down and members making up that committee. Mayor Allaire noted he, the BOA President, the Chair of Public Safety, two (2) fire personal, Seth Bride and Dan Gedney and two (2) members of the public, one appointed by the Mayor, Bill Gillum and one appointed by the BOA President, Jim Cruz will make up that committee.

That report concluded communications from the Mayor.

ADDITIONS AND DELETIONS TO THE AGENDA

President Davis noted a Special Events Permit request from Steps for First Steps walk a thon and asked the Board to add it to the agenda. The request was so moved and seconded (Etori, Ryan). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Brennan Duffy; Executive Director RRA; Revolving Loan Fund (RLF) Request

President Davis introduced the next request and asked Director Duffy to speak on the request. Mr. Duffy then noted a request from C Street Corporation requesting to borrow \$30,000 from the Downtown Special Benefits District RLF for Façade improvements at 42-44 Center Street. A motion was made and seconded (Ettori, Larson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Ettori, Ryan) approving the \$30,000 loan for C Street Corporation at nine (9) years with 2% interest subject to City Attorney confirming sufficient equity for a 2nd mortgage to cover the full \$30,000 loan and subject to applicant receiving all required permits and approvals including Architectural Review Committee approval. **Motion passed.**

Tara Kelly; Zoning Administrator, Salvage Yard Permit Application

Zoning Administrator Kelly introduced the issue asking the Board to take action twice in regards to her submitting an application for a Salvage Yard Permit from the State. Ms. Kelly reviewed the need for the application and noted as land owners leasing out a parcel of land to the RCSWD, the city needs to be part of the application process, consenting to the location and maintenance of the "junkyard" and sign off a "Certificate of Approval for Location of a Salvage Yard." There was brief discussion prior to a motion suspending the rules (Notte, Ettori) and taking the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, Ettori) authorizing the Mayor, or BOA to sign the application, thus attesting to the following statement "we here by consent to the location and maintenance of the heretofore described junkyard on our land in regards to the Salvage Yard application being pursued. **Motion passed.**

Ms. Kelly then noted one final request from the Board approving the location of the salvage yard. There was brief discussion. A motion was made and seconded (Notte, Ettori) to circulate the "Certificate of Approval for Location of a Salvage Yard" which acknowledges that the City is aware of and supportive of a salvage yard being located at 14 Gleason Road. **Motion passed.**

Wendy Wilton; Treasurer, Treasurer's Report

Treasurer Wilton gave a brief update on the FY 17 year end budget. Treasurer Wilton noted several areas within the budget and briefly discussed them.

Wendy Wilton; Treasurer, Tax Rate Proposal

President Davis noted the handout from Treasurer Wilton and stated that the Board would have a chance to ask questions and discuss the setting of the tax rate at tomorrow's meeting. There was brief discussion before the President moved on.

Wendy Wilton; Treasurer, BOA Loan Document Approval and Sign Off

Treasurer Wilton introduced her request dealing with the State of Vermont Revolving Loan for the watermain extension. Treasurer Wilton was requesting authorization from the Board allowing her, the Board and Clerk to sign this loan agreement. A motion was made and seconded (Mattis, Ryan) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Ettori, Notte) authorizing the Treasurer, Clerk and BOA President to sign and to circulate the agreement for the Board to sign. **Motion passed.**

Matt Bloomer; City Attorney, Request for Executive Session for Outside Legal Services and Contract

Matt Bloomer; City Attorney, Request for Executive Session for the Negotiation of Contracts

President Davis asked for a motion to move both requests to the end of the meeting. The request was so moved and seconded (Ettori, Ryan). **Motion passed.**

REPORTS OF STANDING COMMITTEES

Alderman Ettori; Community & Economic Development

Alderman Ettori read his committee report from July 12, 2017. Alderman Ettori noted his committee met to discuss two (2) items. The first was disposal of City owned property and business incentive and assistant program. Alderman Ettori stated that since their meeting on June 29, 2017 Zoning Administrator, Tara Kelly took direction from that meeting to revise/develop a process for getting City owned property back into use/grandlist. Alderman Ettori noted the players involved and how the process of application evaluation would be conducted. Alderman Ettori noted the motion out of committee was to accept the draft of the process as revised with the three (3) new changes discussed and as written on the attached "Putting City owned Property Back into Use" process and he so moved. Alderman Notte seconded. **Motion passed.**

Alderman Ettori then discussed the proposed option to form a committee for reviewing applications. A motion was made and seconded (Ettori, Ryan) creating a five (5) person committee to review applications and the makeup of that committee would be, Planning & Zoning Administrator as Chair, two members of the RRA Board and the Chair of the Community and Economic Development Committee or their designee and the BOA President, or their designee. **Motion passed.**

Alderman Ettori then moved on to the next item for discussion, the Business Incentive Program. Alderman Ettori noted the revision to the program by the RRA and specifically listed those offered by Brennan Duffy the Director of the RRA. Alderman Ettori noted the funding source and stated there was approximately \$80,000 available for awards. The committee encouraged Mr. Duffy to reach out and market the new program and to spread the word that Rutland City is open and inviting new and expanding businesses. A motion was moved out of committee to accept the Business Incentive & Assistance Program as revised and Alderman Ettori so moved. Alderman Ryan 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

SEP Request; Winter in August, August 8, 2017, 5 – 8PM

President Davis introduced the request. A motion was made and seconded (Tommola, Mattis) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Tommola, Mattis) approving the Special Events Permit request for 36 Annual Winter in August on August 8, 2017 from 5 – 8PM. **Motion passed.**

SEP Request; St Peter Picnic (Feast of the Assumption)

President Davis introduced the request and sought a motion to suspend the rules. That request was so moved and seconded (Ettori, Notte). **Motion passed.** President Davis noted that the request application was missing from the packet and read from the original the Clerk provided. President Davis noted a motion approving the Special Events Permit for the Feast of the Assumption Parish Picnic on August 13, 2017 from 12 – 3PM at the MSJ gym on Convent Avenue would be in order. Alderman Ettori so moved and Alderman Notte seconded. Alderman Notte noted that this was a long standing event. **Motion passed.**

SEP Request "Steps for First Step" Pregnancy Center, July 29, 2017

President Davis noted that this request was added earlier in the meeting. President Davis introduced the request and sought a rules suspension. Alderman Ettori so moved with Alderman Ryan seconding. **Motion passed.** President Davis then asked for approval, Alderman Ettori so moved with Alderman Ryan seconding. **Motion passed.**

President Davis noted a motion was needed to move into the Board of Control Commissioners. Alderman Larson so moved with Alderman Notte seconding. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

Second Class Liquor Request; Maple Leaf Gifts and Wine

President Davis introduced the request and sought a motion to circulate for signatures. Alderman Etti so moved with Alderman Larson seconding. **Motion passed.**

President Davis noted a motion was needed to move out of the Board of Control Commissioners. Alderman Larson so moved with Alderman Notte seconding. **Motion passed.**

UNFINISHED BUSINESS

President Davis then asked if there was any unfinished business to come before the Board. Seeing none, President Davis moved on.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Etti asked for a referral of "branding consistencies" within City use to the Marketing Committee. Alderman Humphrey seconded. **Motion passed.**

President Davis noted if there was nothing else, the Board had two (2) executive session requests and sought language from Attorney Bloomer.

Attorney Bloomer noted the first request was for the selection of a law firm for the CHP facility and sought a motion that finds premature general public knowledge regarding the selection of outside legal counsel would clearly place the City at a substantial disadvantage because the selection will involve discussion of specific elements of a proposed third party agreement and divulge the City's position on items to be negotiated. This language was so moved and seconded (Notte, Mattis). **Motion passed.**

Attorney Bloomer then noted a motion to enter into executive session to discuss the selection of outside legal counsel as allowed under Title 1, Section 313 (a)(1)(A) would be needed. The language was so moved and seconded (Mattis, Ryan) Mayor Allaire and Commissioner Wennberg were asked to remain. **Motion passed.**

At 7:47 PM the Board moved into executive session.

At 8:13 PM a motion was made and seconded (Larson, Etti) to come out of executive session. **Motion passed.**

Upon coming out of executive session, Attorney Bloomer noted a motion to confirm the Mayor's selection of Paul Frank & Collins to provide legal services to the proposed combined heat and power project would be in order. The language was so moved and seconded (Etti, Mattis). **Motion passed.**

President Davis noted a second requested executive session and sought language from Attorney Bloomer.

Attorney Bloomer stated a motion finding that premature general public knowledge regarding the negotiation of two (2) separate contracts would clearly place the City at a substantial disadvantage because the discussion will divulge the City's position on items to be negotiated would be in order. This language was so moved and seconded (Etti, Ryan). **Motion passed.**

Attorney Bloomer then noted a motion to move into executive session to discuss the negotiation of two (2) separate contracts as allowed under Title 1, Section 313 (a)(1)(A) would be needed. The language was so moved and seconded (Mattis, Etti) the Mayor was asked to remain . **Motion passed.**

At 8:16 PM the Board moved into executive session.

At 8:36 PM a motion was made and seconded (Larson, Ryan) to come out of executive session.

Motion passed.

At 8:37 PM a motion was made and seconded (Mattis, Ryan) to adjourn to a time certain of Tuesday, July 18, 2017 at 6:00 PM. **Motion passed.**

Respectfully submitted,

Henry A. Heck
Rutland City Clerk