

**CITY OF RUTLAND, VERMONT**  
**Board of Aldermen Minutes**  
**Monday, May 1, 2017**

Members present; President Davis, Aldermen Notte, Humphrey, Ryan, Etori, Tommola, Cook, Larson, DePoy and Donahue. Also present were, Mayor Allaire, Attorney Bloomer and City Clerk Heck.

**7:00 PM BOARD OF ALDERMEN MEETING**

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

**MINUTES OF PREVIOUS MEETINGS (April 17 & 19, 2017)**

A motion was made and seconded (Larson, Etori) to approve the minutes of the previous meetings.  
**Motion passed.**

**OUTSIDE THE RAIL**

Mayor Allaire asked the Board to add two items to the agenda. The first item was a Mayoral update, and the second item was a request for executive session to discuss negotiation of contracts. Both requests were so moved and seconded (Notte, Etori)

Jack Crowther spoke about fluoride and distributed a packet of information to each Aldermen. Mr. Crowther spoke briefly about the materials contained within those packets.

Kerry Allen spoke about the Girls on the Run event taking place on the 13<sup>th</sup> of May at the Fair Grounds.

Bianca Zanella spoke about the Northwest Events Calendar and sought volunteers from the Board to participate at some of those events.

**COMMUNICATIONS FROM THE MAYOR**

Mayor Allaire spoke about his first 60 days in office and gave highlights to things in the works, noting that he has hired an administrative assistant; the HR position is being advertised. Mayor Allaire noted the parking deck and the new lease as well as the Strongs Avenue project and finalizing FEMA requirements for Tropical Storm Irene, the funding of the new pool and assorted maintenance items along Strongs Avenue along the old Mintzer location.

**ADDITIONS AND DELETIONS TO THE AGENDA**

There were no other additions other than the Mayor's requests outside the rail.

**REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS**

***Treasurer Wilton; Randell Northrup, Auditors Report***

Treasurer Wilton introduced the request and noted this would be the final year that Randal Northrup would be doing the City's Audit. Mr. Northrup addressed the Board and stated the City had received its third unqualified (Clean) opinion and he looked forward to discussing these finding with the Finance Committee. President Davis thanked Mr. Northrup for his guidance and commitment to the City.

***Commissioner Wennberg; Additional Engineering Services***

Commissioner Wennberg introduced the request and sought Board approval to award a \$3,000 contract to Weston & Sampson. Commissioner Wennberg noted the extended project and related funding from the State and asked that preparation of the bidding documents for this project be awarded to Weston & Sampson as they had both the institutional and engineering knowledge to do both. A motion was made and seconded (Larson, DePoy) to suspend the rules and take the request up that evening. **Motion passed.** A motion was made and seconded (Larson, DePoy) to authorize the Department of Public Works to amend its scope of services for the Wastewater Treatment Plant blower

design with Weston and Sampson including preparation of bidding documents for a fixed fee of up to \$3,000.00. **Motion passed.**

***Commissioner Wennberg; Request for Referral; Outside Counsel for WWTP Project***

Commissioner Wennberg introduced the request seeking that the Board authorize the Mayor to seek proposals from qualified consulting attorneys providing legal advice in connection with the development of a co-generation project at the wastewater treatment plant. We also request that the matter of the co-generation project be referred to committee for on-going briefings and feedback.

A motion was made and seconded (DePoy, Donahue) to refer both requests to the Public Works Committee. There was a good deal of debate with several Board members wanting to take action on the RFP request that evening. Upon conclusion of the debate, the **motion to refer both requests failed.**

A motion was made and seconded (Larson, Etori) to suspend the rules and take the issue up that evening. **Motion passed.**

A motion was made and seconded (Larson, Etori) authorizing the Mayor to seek proposals from qualified consulting attorneys to provide legal advice in connection with the development of a co-generation project at the wastewater treatment plant. **Motion passed.**

A motion was made and seconded (Larson, DePoy) to refer the matter of co-generation project be referred to the Public Works committee for on-going briefings and feedback to include issues dealing with consulting attorney. **Motion passed.**

***Commissioner Wennberg; Complete Streets Guidance***

Commissioner Wennberg updated the Board on an ongoing project dealing with Complete Streets and asked the Board to re-refer the issue as there has been recent discussion and the need for public input through public meetings. A motion was made and seconded (DePoy, Larson) to refer the issue of Complete Streets to the Public Works Committee. **Motion passed.**

***Chief Engineer Jones; Request for Referral, Monetary Gift***

Chief Jones gave a very quick review of his request for referral to committee, which was to accept a monetary gift from a local business, with the sole purpose of purchasing products and equipment to support the Fire Department's Community Risk Reduction (CRR) process as it pertains to fire safety and fire prevention programs. The request to refer to Public Safety was so moved and seconded, (Notte, Etori). **Motion passed.**

***Superintendent Wight; Website Design & Development***

Superintendent Wight introduced the request asking the Board to approve Shadow Mountain Graphics for website design and development. Superintendent Wight spoke of David Jenne with Shadow Mountain and how the \$3,300 cost would be funded.

A motion was made and seconded (Etori, Larson) to suspend the rules and take the request up that evening. **Motion passed.**

A motion was made and seconded (Etori, DePoy) approving the recommendation for Shadow Mountain Graphics for website design and development. There was brief debate as Alderman Notte asked for a friendly amendment to include, the cost of \$3,300 with \$2,500 coming from the Park Rx grant and \$800 from the advertising/marketing budget line in division 10 (Administration). The maker and seconder of the motion agreed to the amendment. **Motion passed.**

***Superintendent Wight; Park Foundation***

Superintendent Wight asked that the Park Foundation be referred to committee. The request was so moved and seconded (Notte, Larson). **Motion passed.**

***Attorney Bloomer; "Request for Executive Session regarding outside legal services"***

Per the Board's past practice, the request was so moved and seconded (Notte, DePoy) to be moved to the end of the meeting. **Motion passed.**

**REPORTS OF STANDING COMMITTEES**

***Alderman Ettori; Community and Economic Development Committee***

Alderman Ettori read his committee report from April 24, 2017 on the issue of a family shelter being located in Rutland City. Deborah Hall of the Homeless Prevention Center was present to discuss the current model used for addressing homelessness in the county. The committee also discussed the possibility of locating the shelter in the former Red Cross building located at the Howe Center. Committee member Larson moved to recommend to the full board to authorize the Mayor to sign the Certification of Local Government Approval to accompany the application for the Housing Opportunity Grant Program Funds from the State of Vermont and Alderman Ettori so move, Alderman Larson seconded. There was brief debate. **Motion passed.**

***Alderman Humphrey; Finance Committee***

Alderman Humphrey read her report from April 27, 2017 noting the committee was meeting to discuss recommendations from Treasurer Wilton on RFP's for auditing services. Treasurer Wilton noted various responses, but stated only one Sullivan, Powers and Company met all of her needs. The committee discussed the options and associated cost of each. The motion out of committee was to recommend Sullivan, Powers and Company for the City Annual Audit for FY's 17, 18 & 19 and Alderman Humphrey so moved. The motion was seconded by Alderman Ettori. There was no debate. **Motion passed.**

**REPORTS OF SELECT COMMITTEES**

There were no select committee reports on the agenda, but Alderman Donahue spoke about Traffic Committee briefly.

**REPORTS OF REPRESENTATIVES**

There were no representative reports.

**PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION**

***SEP Request; Great Strides Rutland, Pine Hill Park, May 20, 2017, 7AM – 2PM***

President Davis introduced the request. 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, Larson) Approving the Special Events Permit for Great Strides Rutland on 5-20-2017 from 7AM – 2PM. **Motion passed.**

***SEP Request; Memorial Day Service, West St, Cemetery, May 29, 2017 10AM***

President Davis introduced the request. A motion was made and seconded (Notte, DePoy) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, DePoy) approving the Special Events Permit for the Memorial Day Service on May 29, 2017 from 10AM – 12PM. **Motion passed.**

***SEP Request; Blessing of the Bikes & Rally, DRP, Sunday, May 21, 2017, Noon to 3PM***

President Davis introduced the request. A motion was made and seconded (Notte, DePoy) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, DePoy) approving the Special Events Permit for Blessing of the Bikes on Sunday, May21, 2017 from 12PM – 3PM. **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**

President Davis asked for a referral to Public Safety the issue of parking in the city right of way. President Davis noted that the referral came from Chief Kilcullen and Commander Prouty. The request was so moved and seconded (Humphrey, Notte). **Motion passed.**

President Davis then noted the requests for an executive session and sought language from the City Attorney.

Attorney Bloomer noted that if the city chose to enter into executive session, a motion finding that premature or general public knowledge regarding a selection of outside legal counsel would clearly place the city at a substantial disadvantage, because the selection will involve the discussion of specific elements of certain labor relation agreements as well as pending civil litigation would be in order. That language was so moved and seconded, (Humphrey, Notte). President Davis asked if anyone on the Board needed more information as to why the executive session was being requested. There were no further questions. **Motion passed.**

Attorney Bloomer then noted a second motion would be in order and stated to enter into executive session a motion needed to discuss the selection of outside legal counsel as aloud under Title 1 Section 313 A 1 (b) and (e) would be in order. This language was so moved and seconded (DePoy, Larson). **Motion passed.**

At 8:26 PM the Board moved into executive session.

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

Attorney Bloomer noted a motion would be needed, and stated the language. To confirm the Mayor's selection of Ryan, Smith & Carbine to provide legal services related to labor relations. That language was so moved and seconded (Notte, DePoy). **Motion passed.** Attorney Bloomer then noted a seconded motion and stated the language needed. "To confirm the Mayor's selection of Ryan, Smith & Carbine as one of the firms to provide general legal services as needed, up to an amount of \$20,000. **Motion passed.**

President Davis then noted the second request for an executive session and sought language from Attorney Bloomer. Attorney Bloomer noted that this was a two motion request and stated language "to find that premature or general public knowledge regarding a negotiation of a contract would clearly place the City at a substantial disadvantage, because the discussion will include confidential attorney client communications made for the purpose to provide professional legal services to assist the City and the discussion would other wise disclose the Mayor's and Board's stance on the items to be negotiated. This language was so moved and seconded (Notte, DePoy). **Motion passed.**

Attorney Bloomer then stated language "to enter into executive session to discuss the negotiations of a contract as allowed under Title 1 Section 313 A 1 (a) 7 (f)". This language was so moved and seconded (Notte, Etori). **Motion passed.**

At 8:57 PM the Board moved into executive session.

At 9:35 PM a motion was made and seconded (DePoy, Donahue) to come out of executive session. **Motion passed.**

A motion was made and seconded (Larson, Etori) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A. Heck