

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, October 16, 2017

Members present; President Davis, Aldermen Notte, Humphrey, Ryan, Ettori, Mattis, Cook, Larson, DePoy and Donahue. Alderman Tommola was absent. Also present, 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 (Oct 2, 2017)

A motion was made and seconded (Larson, Ettori) approving the minutes of the previous meeting.

Motion passed.

OUTSIDE THE RAIL

Jack Crowther spoke on fluoridation and his recent visit to a conference in Washington DC on the issue. Mr. Crowther noted details from the conference and shared his continued concern with fluoridation in the City drinking water.

Kathleen Krevetski also spoke on the effect of fluoride on the placenta in pregnant women. Miss Krevetski also spoke on producing food with clean water.

Ethan Trip of the Ishadorya Student Exchange group spoke on his recent visit to Tokyo and then Hanimaki. Mr. Trip also spoke on the Japanese exchange students coming to Rutland and the Boards invitation to the Rutland Country Club for a welcoming dinner.

Wallace Nolan spoke on what he called were inequalities for ADA people in Rutland City.

COMMUNICATIONS FROM THE MAYOR

Mayoral Appointment of Kim Peters as Recreation Superintendent

Mayor Allaire was present to introduce Kim Peters, his appointment as Recreation Superintendent and asked the Board to table his nomination until their next meeting. Ms. Peters spoke briefly on her experience and was looking forward to answering any questions from members of the Board. A motion was made and seconded (Larson, Notte) to table the nomination until the next BOA meeting. **Motion passed.**

Mayor Allaire also asked the Board to refer the issue of the dam at Dunklee Pond to the Public Safety Committee for further discussion on removing the dam as part of the State's requirement. A motion was made and seconded (DePoy, Ettori) to refer the request to the Public Safety Committee. **Motion passed.**

Mayor Allaire also briefed the BOA on the disposing of City owned property through the Building and Zoning office and spoke briefly on the forms and process associated with the new guidelines.

ADDITIONS AND DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Treasurer Wilton; Treasurer's Report FY18 First Qtr

Treasurer Wilton spoke on the results of the first quarter FY 18 budget and noted some highlights and concerns. Specifically dealing with the unassigned fund balance and its balance of \$1.2 million dollars

being well below the BOA approved \$2 million dollar level. Treasurer Wilton shared concern with the negative balance in the Transit Fund. The Treasurer asked the Board to refer the report to the Finance Committee for further discussion. A motion was made and seconded (Humphrey, Etori) to refer the finance report to the Finance Committee. **Motion passed.**

Brennan Duff; Director RRA, RRA Recommendation for Residential Tax Stabilization

Brennan Duffy was present to introduce his request before the Board. Mr. Duffy noted the Residential Tax Stabilization Program and noted the City had an application presented and approved by the Blighted Property Board and needed approval from the Board to approve the Residential Tax Stabilization application, which will exempt from municipal tax the value of the improvements made at 100 Jackson Avenue for a period of 5 years at a value of \$42,500 arrived by the Assessor. A reassessment will take place at the end of the five years and the property will return to the tax rolls. A motion was made and seconded (Notte, Etori) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Notte, Etori) to approve the Residential Tax Stabilization application, which will exempt from municipal tax the value of the improvements made at 100 Jackson Avenue for a period of 5 years at a value of \$42,500. **Motion passed.**

Barbara Spaulding; RRA, Request to Set Public Hearing

President Davis noted the request from Barbara Spaulding to set a public hearing to finalize the VCDP funding to closeout the grant #IG-2015-Rutland City-00025. The request asked to set the date of November 6, 2017 at 6:45PM, prior to the regularly scheduled BOA meeting. The request was so moved and seconded (Etori, Ryan). **Motion passed.**

City Engineer Rotondo; Request for Water Allocation

President Davis introduced the request for water allocation of 1,240 gallons per day at 91 route 7 South in the Town of Rutland. A motion was made and seconded (Etori, Ryan) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Etori, Notte) approving the request for water allocation of 1,240 gallons per day to Rutland Eye Physicians, LLC, landowners of the property located at 91 Route 7 South in the Town of Rutland. **Motion passed.**

Commissioner Wennberg; Referral Service Contract for Water/Sewer Metering/Billing

President Davis introduced the request. Alderman Larson noted the issue was in the Public Works Committee and he moved to re-refer the issue back to that committee. Alderman Notte seconded. There was brief debate from President Davis who outlined the request and the intended purpose of splitting the water and sewer bills as previously discussed. **Motion passed.**

Attorney Bloomer: Three separate Executive Session Requests

Executive session related to pending litigation

Executive session related to the negotiation of a contract X2

As per the practice of the Board, President Davis moved the executive sessions request to the end of the meeting with no objection.

REPORTS OF STANDING COMMITTEES

There were no standing committee reports.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

There were no representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Rutland Creek Path Project Status Update

President Davis noted a request from Susan Schreibman, requesting a referral to the recreation committee to discuss the public meeting held on September 28, 2017 in regards to segments 4 & 5 of

the Rutland Creek Path. A motion was made and seconded (Mattis, DePoy) to refer the request to the Recreation Committee. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

There were no items to come before the Board of Control Commissioners

UNFINISHED BUSINESS

Untable Municipal Policies & Codes to Have BOA Re-Adopt and Sign

President Davis introduced the item, noting a motion to untable the earlier request would be in order to approve and sign, but asked to have the final approval, pending the City Attorney's approval. A motion was made and seconded (Ettori, Mattis) to untable the request. **Motion passed.** President Davis then noted a motion to re-adopt and to circulate for signatures would be needed. Alderman Mattis so moved the request and Alderman Ryan seconded. **Motion passed.**

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

NEW BUSINESS: Request for Referral; Monetary Donations to the Fire Department

Alderman Notte explained his reasons for requesting this issue for referral and sought to refer the issue to the Public Safety Committee. Alderman Ettori seconded. There was brief debate. Alderman Notte amended his motion upon the request from Alderman Humphrey to make this an open policy to any and all Equipment Replacement Funds. **Motion passed.**

President Davis noted with no other business to come before the Board there were still the three (3) executive sessions request from Attorney Bloomer.

Attorney Bloomer noted the three requests and felt the pending litigation would be appropriate to take up first.

Pending Litigation (Taxi Ordinance Appeal)

1. Motion to find that premature general public knowledge regarding pending litigation, to which the City is a party, would clearly place the City at a substantial disadvantage because the discussion will divulge the City's strategy in such pending litigation and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. The language was so moved and seconded (DePoy, ???). **Motion passed.**
2. Motion to enter into executive session (with the inclusion of the City Attorney & Chief KilCullen) to discuss pending litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). This language was so moved and seconded (Ryan, Mattis). **Motion passed.**

At 7:53 PM the room was cleared and at 8:00 PM the Board moved into executive session.

At 8:17 PM a motion was made and seconded (Larson, Mattis) to come out of executive session. **Motion passed.** A motion was made and seconded (Humphrey, Ettori) to send the Vehicle for Hire ordinance to Charter & Ordinance for review. **Motion passed.**

Attorney Bloomer then moved on to his first contract and sought two motions.

GE Fire Contract

1. 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 items to be negotiated. The language was so moved and seconded, (Mattis, Ettori). **Motion passed.**
2. Motion to enter into executive session (with the inclusion of the City Attorney) to discuss the negotiation of a contract as allowed under Title 1, Section 313(a)(1)(A). The language was again so moved and seconded (Mattis, Ettori). **Motion passed.**

At 8:20 PM the Board moved into executive session.

At 8:28 PM a motion was made and seconded (Ettori, Mattis) to come out of executive session.

Motion passed. 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 (Ryan, Notte) to authorize the Mayor to sign the fire protection contract with GE, as presented. **Motion passed.**

The third request for an executive session for an RFP for outside legal services was next and Attorney Bloomer again presented the language for entering into executive session.

RFP for \$120 Outside Legal Counsel

1. 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 City's position on the items to be negotiated. This language was so move and seconded (Ettori, Mattis). **Motion passed.**
2. Motion to enter into executive session (with the inclusion of the City Attorney) to discuss the negotiation of a contract as allowed under Title 1, Section 313(a)(1)(A). This language was so move and seconded (Ettori, Mattis). **Motion passed.**

At 8:31 PM the Board moved back into executive session.

At 8:45 PM a motion was made and seconded (DePoy, Mattis) to come out of executive session. **Motion passed.**

Upon coming out of executive session a motion was made and seconded (Notte, Donahue) to authorize the City Attorney to expend an additional \$20,000 on outside legal services with the understanding that any excess of the City Attorney's 2018 budget will come from the unassigned fund balance. **Motion passed.**

At 8:48 PM a motion was made and seconded (Mattis, DePoy) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A. Heck
Rutland City Clerk