

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Tuesday, January 22, 2019

Members present; President Davis, Aldermen Humphrey, Ryan, Etori, Tommola, Mattis and Clifford. Aldermen Gillam & DePoy were 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 (December 17, 2018 & January 7, 2019)

A motion was made and seconded (Mattis, Whitcomb) approving the minutes of December 17, 2018.

Motion passed. A motion was made and seconded (Mattis, Ryan) approving the minutes of January 7, 2019. **Motion passed.**

OUTSIDE THE RAIL

Jack Crowther was present to brief the Board on new information related to fluoride in the City water supply. Mr. Crowther has been a big advocate for the removal of fluoride from the City water supply based on his vast research and the harm it can cause.

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire acknowledged the hard work by the DPW crews during the recent storm and water main break and thanked them for their dedication. Mayor Allaire also shared the efforts of the fire department at Walgreens during their water main break.

ADDITIONS AND DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Brennan Duffy; RRA Director; Resolution for Better Connections Grant

Brennan Duffy was present to introduce his request. Mr. Duffy noted that the RRA on behalf of the City was applying for a Better Connections Grant. Mr. Duffy noted the attached resolution in support of the application needed to be signed by the BOA. A motion was made and seconded (Mattis, Clifford) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Mattis, Clifford) to circulate the resolution for signatures. **Motion passed.**

President Davis asked Treasurer Markowski to report on her Treasurer's Report first, before taking up her Bond requests.

Treasurer Markowski; Treasurer's Report

Treasurer Markowski as per her past practice, provided the BOA with a summary page of information. Treasurer Markowski reviewed all of that information. A motion was made and seconded (Etori, Ryan) referring the Treasurer's Report to the Finance Committee. **Motion passed.**

Treasurer Markowski;

Bond Documents for WWTR Digester and Force Main

President Davis noted the request was for two (2) items, the Digester at the Waste Water Treatment Plant and Force Main Valve. Treasurer Markowski was present to brief the Board on her request authorizing her, the Clerk and Board president to sign off on needed documents and for Board members to sign off on the supporting resolution. A motion was made and seconded (Ryan, Mattis) suspending the rules and taking action on the request. **Motion passed.** President Davis then noted a motion authorizing the Treasurer, Clerk and Board Chair to sign. That request was so moved and seconded (Mattis, Clifford). **Motion passed.** President Davis then noted a motion to circulate for signatures the resolution and for the Board to sign. That request was so moved and seconded, (Mattis, Whitcomb). **Motion passed.** President Davis

then moved onto the Force Main request and sought a rules suspension. That request was so moved and seconded (Mattis, Whitcomb). **Motion passed.** President Davis then noted a motion would be needed to authorize the Treasurer, Clerk and Board Chair to sign the Force Main documents. That requests was so moved and seconded (Clifford, Ryan). **Motion passed.** President Davis then stated a motion to circulate the resolution for Board signatures. That request was so moved and seconded (Mattis, Ryan). **Motion passed.**

Bond Documents (updated) South End Water Distribution Improvements

Treasurer Markowski introduced the request noting it was a rewrite from the original bond adding it was approved by Bond Counsel as the City used funds from like projects, this rewrite was replacing some of those funds. A motion was made and seconded (Mattis, Whitcomb) suspending the rules and taking action that evening. **Motion passed.** A motion was made and seconded (Mattis, Ryan) authorizing the Treasurer, Clerk and Board Chair to sign the documents. **Motion passed.** A motion was made and seconded (Mattis, Whitcomb) to circulate the resolution for Board signatures. **Motion passed.**

Attorney Bloomer asked the Chair to skip over his requests until the end of the meeting.

Attorney Bloomer; FY19 Fire Department Budget Update

Attorney Bloomer; Request for Additional Vacation Time for Fire Chief

Attorney Bloomer; Request for Executive Session, Related to Labor Relations Agreement

President Davis then introduced Commissioner Wennberg and his agenda items.

DPW Commissioner Wennberg; Rutland Housing Authority Stormwater Agreement

Commissioner Wennberg briefed the Board on his request noting that this was a joint venture between the City and Housing authority for a storm water agreement at the new Hickory Street Project. Commissioner Wennberg noted that in order for the City to take back the street this agreement needs to be finalized. A motion was made and seconded (Mattis, Clifford) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Mattis, Whitcomb) authorizing the Mayor to sign the Storm Water Agreement between the Rutland Housing Authority and the City. **Motion passed.**

DPW Commissioner Wennberg; Domino's Paving for Pizza

Commissioner Wennberg introduced the request and stated that the commercial was real and someone had nominated the City for potholes. Commissioner Wennberg noted that the Domino's Paving for Pizza contract he held would, upon approval by the Board authorize the City to receive a check for \$5,000. A motion was made and seconded (Whitcomb, Clifford) suspending the rules and taking action that evening. **Motion passed.** A motion was made and seconded (Whitcomb, Clifford) authorizing the Mayor to sign the Domino's Paving for Pizza contract. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Alderman Humphrey; Community & Economic Development, Sign Ordinance

Alderman Humphrey was present to read her committee report on developing new sign ordinances within the City. The Planning Commission was present at that meeting and was the driving force for the update. Alderman Humphrey's report contained a large amount of supporting documentation that had been shared prior with Board members. Alderman Humphrey moved to refer this issue (New Sign Ordinances) to the Charter & Ordinance Committee and so moved. Alderman Mattis seconded. There was brief debate. **Motion passed.**

Alderman Clifford; Public Works, Bond Approval

Alderman Clifford read his committee report from Thursday, January 17, 2019. Alderman Clifford's committee discussed two (2) bond requests from DPW Commissioner Wennberg that he has requested be placed on the March Ballot. The committee discussed bonds totaling over \$10 million dollars and the impact that they would have on City tax payers. Alderman Clifford read and reported on bond 2019-2, Commissioner Wennberg distributed documentation presented by our Bond Counsel, Paul Giuliani noting that the resolution needed Board approval before the question could be placed on the March 5, 2019 ballot. Alderman Tommola moved that the committee recommends to the full Board that they adopt the Bridge

Bond Resolution as drafted by bond counsel and circulate for signatures. Alderman Clifford so moved that motion, Alderwoman Mattis seconded. **Motion passed.**

Alderman Clifford then noted the second motion out of committee was to circulate for signatures the Declaration of Official Intent, again drafted by Bond Counsel. Commissioner Wennberg noted that this document was to be signed by the Clerk. The motion was clarified, for the BOA to adopt the Declaration of Official Intent as drafted by bond counsel and to authorize the Clerk to sign. **Motion passed.**

At this point in Alderman Clifford's report he recused himself from further discussion and voting as he had a work conflict. Alderman Tommola continued with the report. Alderman Tommola noted that the second bond request was for Combined Sewer Overflow (CSO) and wastewater repairs totaling \$7.4 Million dollars. Alderman Tommola noted all projects associated with this bond, along with related State funding sources, helping to reduce the burden on tax payers by almost \$2.6 million dollars. The committee discussed effects on rate payers and future infrastructure needed work. Commissioner Wennberg provided a draft resolution and Declaration of Official Intent prepared by Bond Counsel. Alderman Tommola noted a motion from committee to the full Board adopting the CSO-Wastewater Resolution as drafted and to circulate for signatures and he so moved to approve & circulate Resolution 2019-1. **Motion Passed.** Alderman Clifford again noted his abstention. Alderman Tommola then noted a second motion to adopt the Declaration of Official Intent as drafted by bond counsel and to authorize the Clerk to sign. **Motion passed.** Alderman Tommola then noted several dates to hold public meetings and hearings for the bonds. President Davis asked the Board to set dates of February 4, February 19 and March 4, 2019 at 6:45 PM. The request was so moved and seconded (Tommola, Mattis). **Motion passed.** There was brief discussion on the cost of the bonds with Commissioner Wennberg updating the Board and public.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

There were no representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

There were no petitions, letters or miscellaneous communications to come before the Board.

A motion was made and seconded (Ettori, Mattis) to move into the Board of Control Commissioners. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

President Davis noted the three requests from Clerk Heck and stated that the Clerk was looking for authorization from the Board to sign all liquor, outside consumption and entertainment permit requests for 2020.

Clerk Heck; Request for Board Approval

All 2019-2020 First & Second Class Liquor License Requests (State Administered)

All 2019-2020 Outside Consumption Requests (State Administered)

All 2019-2020 Entertainment Permit Requests (City Administered)

President Davis request was so moved and seconded (Clifford, Ryan). **Motion passed.**

President Davis asked for a motion to go out of the Board of Control Commissioners. That request was so moved and seconded (Clifford, Ryan). **Motion passed.**

UNFINISHED BUSINESS

There was no unfinished business to come from the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

There were no miscellaneous motions, resolutions or new business to come from the Board. Dan White asked to address the Board on an issue that was concerning to him. President Davis asked Mr. White to speak at the podium. Mr. White was looking to see if there was a bicycle ordinance or if one could be made

to regulate bicycle use at night without lights. Mr. White was told that the City Attorney would look into that issue and get back to him.

Attorney Bloomer; FY19 Fire Department Budget Update

Attorney Bloomer and Chief Larsen briefed the Board on an earlier request from the Board on the effect of payouts, OT for firefighters, OT for the Chief and associated overspending within the department. The Board spent approximately 20 minutes hearing about FY 2019 Fire Budget and how the department is moving towards compliance and general better health of the department.

Attorney Bloomer; Request for Additional Vacation Time for Fire Chief

Mayor Allaire was present to review the award of eighteen (18) additional weeks of vacation in the (MOU) Memorandum of Understanding between the City and Chief Larsen. The MOU stated the reasons for the award and how it was to be administered. There was debate from the Board. President Davis asked on two (2) occasions if the Board wished to discuss this request in executive session, both times the Board decided no. President Davis then noted a motion suspending the rules would be needed for further debate and called for a vote, **Motion passed.** President Davis noted the MOU would be to authorize the Mayor to sign. That request was so moved and seconded (Clifford, Whitcomb). **Motion passed.** Debate. There was talk of referring the request, then talk of tabling. The Mayor spoke on the Board's debate and stated he wanted to make sure the Board's questions were answered and if further debate was needed he was fine with that. Alderwoman Humphrey moved to refer the MOU to General Committee. Alderwoman Mattis seconded. **Motion passed.**

President Davis noted an executive session request from Attorney Bloomer and sought language for his requests.

Attorney Bloomer; Request for Executive Session, Related to Labor Relations Agreement

Attorney Bloomer stated a motion to find that premature general public knowledge regarding a labor relations agreement would clearly place the City at a substantial disadvantage because the discussion will divulge the Mayor's and Board's stance on the issue to be negotiated and will include confidential attorney client communications made for the sole purpose of providing professional legal services to the City. This language was so moved and seconded (Mattis, Whitcomb). **Motion Passed.**

Attorney Bloomer stated a motion to enter into executive session (with the inclusion of the Police Chief, Mayor, City Treasurer and City Attorney) to discuss a labor relations agreement as allowed under Title 1, Section 313(a)(1)(B) and Title 1, Section 313(a)(1)(F). That language was so moved and seconded (Mattis, Ryan). **Motion Passed.**

The Board moved into executive session at 8:47 PM.

At 8:58 PM a motion was made and seconded (Mattis, Clifford) to come out of executive session. **Motion passed.**

A motion was so moved and seconded (Clifford, Whitcomb) to authorize the Mayor to sign the agreement on behalf of the City. **Motion passed.**

At 9:00 PM a motion was made and seconded (Clifford, Ryan) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk