

**CITY OF RUTLAND, VERMONT**  
**Board of Aldermen Minutes**  
**Monday, May 20, 2019**

Members present; President Davis, Aldermen Reveal, Ryan, Etori, Tommola, Mattis, Gillam, Clifford, DePoy and Whitcomb. Also present; Mayor Allaire, and Deputy City Clerk Kapusta.  
Absent: Aldermen Humphrey.

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

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

**MINUTES OF PREVIOUS MEETINGS (May 6, 2019)**

A motion was made and seconded (Mattis, Whitcomb) approving the minutes of the previous meeting with one correction. Under Outside the Rail, Dave Thomas was changed to Dave Coppock.  
**Motion passed.**

**OUTSIDE THE RAIL**

None.

**COMMUNICATIONS FROM THE MAYOR**

None.

**ADDITIONS AND DELETIONS TO THE AGENDA**

Two Special Events Requests: (1) Green Street Challenge (2) Rutland Public Schools/Rutland Town Color-Fun. President Davis noted the request and asked for a motion to add the items to the agenda. That request was so moved and seconded. (DePoy, Mattis). **Motion passed.**

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

***Treasurer Markowski; Treasurer's Report for April 30, 2019***

Treasurer Markowski presented her report with highlights for Bank Balances, Delinquencies, Balance Sheets, Income and Expense and RRA activity. Last year it was really helpful meeting with the Finance Committee in late June and Treasurer Markowski would like to do that again as it helped with preparation to set the tax rate. Alderman Etori, Chair of the Finance Committee, stated he would set up those meetings.

***Brennan Duffy, RRA Director; Request for Tax Stabilization***

Brennan Duffy was present to introduce his request for tax stabilization. Applicant David Tomaszewski, has recently purchased property via tax sale at 4 Royce Street and 375 West Street which he intends to rehabilitate extensively, and upon completion, sell to a new owner as a primary dwelling unit. In accordance with 32 V.S.A. §3850 the Building Inspector and The City's independent review committee have certified both structures as blighted. The applicant is current on all City Taxes and fees. The City Assessor has determined that the property at 4 Royce Street has a current Fair Market Value of \$47,000 and the property at 375 West Street has a current Fair Market Value of \$76,000.

The RRA recommends to the BOA the approval of residential tax stabilization, which will exempt from municipal taxes the value of improvements made at 4 Royce Street, for a period of five years, at a value of \$47,000.

The RRA recommends to the BOA the approval of residential tax stabilization, which will exempt from municipal taxes the value of improvements made at 375 West Street, for a period of five years, at a value of \$76,000.

A motion was made and seconded (Mattis, Whitcomb) suspending the rules and taking action on the requests. **Motion passed.** A motion was made and seconded (Mattis, DePoy) to approve the

residential tax stabilization at 4 Royce Street for a period of five years at a value of \$47,000.

**Motion passed.** A motion was made and seconded (Mattis, Ryan) to approve the residential tax stabilization at 375 West Street for a period of five years at a value of \$76,000. **Motion passed.**

### ***Barbara Spaulding, RRA, Northwest Neighborhood Revitalization grant***

President Davis read the memo on behalf of Barbara Spaulding, which was setting the final public hearing to be scheduled for the June 17, 2019 Aldermen's meeting to close out the Northwest Neighborhood Revitalization project.

President Davis requested a motion be made to set the final public hearing for June 17, 2019, so moved (Mattis, Whitcomb) **Motion passed.**

### ***Tara Kelly; Zoning Enforcement***

Zoning Administrator Kelly presented a memo requesting the Board to establish a clear fee structure with respect to zoning enforcement penalties. ZA Kelly requests the Board resolve to establish daily fines for any person who violates the City of Rutland Zoning Bylaws in an amount that is consistent with the penalties authorized by Chapter 117 of Title 24, V.S.A. §4451(a). This statute proscribes the mechanism for enforcement that involves working through the State's Superior Court to remedy Zoning Violations, if a violation can't be resolved through proper notice and communication at the local level. This statute also established a maximum daily penalty of \$200 per day for a zoning violation, an amount that is often sufficient to cover the attorney costs related to enforcement actions that proceed to the courts.

A motion was made and seconded (Mattis, DePoy) suspending the rules and taking action that evening. **Motion passed.** A motion was made and seconded (DePoy, Mattis) to approve the basis of the memo which would allow for maximum penalties up to \$200 a day. **Motion passed.**

## **REPORTS OF STANDING COMMITTEES**

There were no report of standing committees.

## **REPORTS OF SELECT COMMITTEES**

### ***Alderman Whitcomb; Public Safety Committee***

Alderman Whitcomb read his committee report from May 14, 2019, to discuss the immediate replacement of Tower Ladder 1 due to safety concerns. Recent certification testing for Tower 1 demonstrated a catastrophic failure during the drift test. The hydraulic system also showed serious leaks and failures. Based on these test findings, Tower Ladder 1 was placed out of service immediately. At the committee meeting Alderwoman Humphrey moved to recommend the purchase of a 2019 Aerial Tower Ladder in an amount not to exceed \$1,500,000 from Ferrara Fire Apparatus through Adirondack EVG Inc. of Glens Falls New York and to enter into a lease/purchase agreement through Community Leasing Partners with annual payments taken from the fire equipment fund. The motion passed 5-0 and Alderman Whitcomb so moved. Alderwoman Mattis seconded.

Alderman Whitcomb added an amendment to the motion to authorize the Mayor to execute the necessary contracts and a motion that the 1986 Tower Ladder be declared surplus and authorize the fire chief to arrange for the vehicle to be scrapped pursuant to the requirements of the Assistance to Firefighters Grant (AFG) requirements and any revenue realized to be returned to the fire equipment fund and seconded (Mattis). **Motion passed.**

### ***Alderman Etori; Finance Committee***

Alderman Etori read his committee report from May 14, 2019 noting his committee met to discuss the proposed contract with AirBnB by which the City, Starting July 1, 2019, would receive the 1% Rooms, Meals and Entertainment (RME) tax due from short term rentals that use the AirBnB software platform. The contract will ensure that AirBnB will collect the RME tax for those rentals within the City in one of two ways: 1) AirBnB collects the RME tax from guests based on the host's rate and remits it directly to the city on aggregate, or 2) AirBnB collects the total charges from

guests, including the RME tax, and remits it to the "Registered Host", those hosts that register and pay the city directly. Registered hosts then remit to the city along with their other payments to the city. Alderman Etori noted a motion out of committee to recommend that the full board approve the Voluntary Collection Agreement for the City of Rutland Rooms, meals and Entertainment Tax with AirBnB, Inc. and authorize the Mayor to sign. The motion passed 3-0 and he so moved. Alderwoman Mattis seconded. **Motion passed.**

### ***Alderman Ryan; Human Resources Committee***

Alderwoman Ryan read her committee report from May 16, 2019. The Human Resources Committee met to discuss Non-Union Employee Health Insurance Buyout. The current content of the buyout eligibility policy is ambiguous. It is not clear whether a non-union employee who is eligible to join someone else's City plan would receive the buyout if they joined that person's City Plan. Members at the meeting discussed what cleaning up the language might look like, as it pertains to the understanding of buyout eligibility process. Sorting out the language would potentially tie the non-union folks to the union folks and treat non-union employees similar to union employees with respect to buyout eligibility and amounts.

A motion was made and seconded (Ryan, Mattis) suspending the rules and taking action that evening. **Motion passed.** A motion was made and seconded (Ryan, Mattis) Employees who are eligible for insurance coverage under another person's plan that is provided by the City shall only be eligible for such insurance coverage and not this buyout. **Motion passed.** A second motion to the resolution of the language was made and seconded (Ryan, Mattis) states that the BOA resolves that the non-union buyout policy contained within the City's Personnel Policies shall automatically convert to any policy agreed to in 2019. **Motion passed.**

### **REPORTS OF REPRESENTATIVES**

There were no Representative reports.

### **PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION**

#### ***SEP Request, Rutland American Legion Post 31; Coin Drop, June 1, 2019 10AM-2PM***

President Davis introduced the request. 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, DePoy) approving the special events request for the Rutland American Legion Post 31 Coin Drop June 1, 2019 from 10 Am to 2 PM. **Motion passed with Alderman Gillam voting no.**

#### ***SEP Request, Rutland City Public Schools/Rutland Town Color-Fun Walk/Run, June 1, 2019 10-3PM***

President Davis introduced the request. A motion was made and seconded (Mattis, DePoy) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Mattis, Whitcomb) approving the special events request for the Rutland City Public Schools/Rutland Town Color-Fun Walk/Run, June 1, 2019. **Motion passed.**

#### ***SEP Request, Green Street Challenge/2-4-6-8k, September 21, 2019 6 AM – 4 PM***

President Davis introduced the request. A motion was made and seconded (Mattis, Whitcomb) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Mattis, Whitcomb) approving the special events request for the Green Street Challenge/2-4-6-8k, September 21, 2019 from 6 AM to 4 PM. **Motion passed.**

### **BOARD OF CONTROL COMMISSIONERS**

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

### **UNFINISHED BUSINESS**

Alderman Etori noted NeighborWorks Celebration will be held Saturday, June 1, 2019 11:00 AM to 2:00 PM rain or shine at 113 Library Avenue. NeighborWorks is conducting their third Community Impact Survey in the Northwest neighborhood. This has been a great resource in the past to get a deep dive into how Rutland residents feel about safety, neighborliness, availability of public services and much more. This insight has provided many Rutland organizations with valuable information on how to serve their demographics and that this third installment of data crunching will show how far we all have come over the last six years. NeighborWorks is looking for 40+ volunteers that day. This was for information only.

### **MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS**

There was no Miscellaneous Motions, Resolutions, New Business to come before the Board.

A motion was made a seconded (Clifford, Reveal) to adjourn. **Motion passed.**

The Board adjourned at 7:38 PM.

Respectfully submitted,

Tracy L. Kapusta  
Rutland Deputy City Clerk