

**CITY OF RUTLAND, VERMONT**  
**Board of Aldermen Minutes**  
**Monday, August 3, 2020**

Members present; President Davis, Aldermen Gorruso, Humphrey, Ryan, Etori, Talbott, Mattis, Gillam, Clifford and Depoy. Also present; Attorney Bloomer, Interim-Mayor Whitcomb 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 (July 16 & 20, 2020)**

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

**Motion passed.**

**OUTSIDE THE RAIL**

No one spoke during this portion of the meeting.

**COMMUNICATIONS FROM THE MAYOR**

There were no communications from interim-Mayor Whitcomb,

**ADDITIONS AND DELETIONS TO THE AGENDA**

There were no additions or deletions to the agenda.

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

***Attorney Bloomer; Requests, Executive Session, Probable Litigation and Negotiation of a Contract***

Per the Boards normal handling of executive sessions, it was so moved and seconded (Gorruso, Gillam) to move the request to the end of the agenda. **Motion passed.**

***Commissioners Wennberg; Consulting Services for Combination & Piedmont Ponds Contract Amendment***

Commissioner Wennberg spoke to the request and sought Board approval of the Moon Brook Modification Project proposal from Milone and MacBroom. A motion was made and seconded (Gorruso, Etori) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Mattis, Gorruso) to authorize the Commissioner of Public Works to execute the attached "Moon Brook Pond Modification Project Implementation Assistance" proposal from Milone and MacBroom for the lump sum fee of \$22,000, contingent upon confirmation from the State of Vermont that costs incurred are reimbursable through the Watershed Improvement Sponsorship Program (WISPr). **Motion passed.**

***Recreation Superintendent Peters, Request for Donated Time***

Superintendent Peters asked the Board to approval an additional request for donated time of 37.5 hours to Colleen Shattuck who was still on maternity leave from April Cioffi. A motion was made and seconded (Gorruso, Gillam) suspending the rules and taking action on the request. **Motion passed.** President Davis sought a motion to approve the request for donated time to Colleen Shattuck. That request was so moved and seconded (Gorruso, Gillam). **Motion passed.**

**REPORTS OF STANDING COMMITTEES**

***Alderwoman Mattis (Charter & Ordinance)***

Alderwoman Mattis read her committee report from July 22, 2020 discussing the use of mask during the COVID pandemic. The committee discussed the potential of passing an ordinance mandating the use of mask. A couple days after this meeting Governor Scott did mandate mask wearing in the State of Vermont. The report was for information only. Alderwoman Mattis did present a resolution on the issue and was asked to read it to the Board for their adoption. Alderwoman Mattis read the resolution. A motion was made and seconded (Mattis, Gillam) suspending the rules and taking action on the

request. **Motion passed.** A motion was made and seconded (Mattis, Talbott) to adopt the resolution encouraging the use of face mask, during the COVID 19 State of Emergency. Debate followed. A couple Aldermen did not fully support the resolution and noted their reasons. Alderwoman Mattis asked to amend her motion and noted that face shields are not recommended by the CDC as replacements for cloth mask. The seconder (Talbott) agreed to the amendment. A voice vote was taken, but there were no votes and President Davis confirmed with Attorney Bloomer that a roll call vote was needed. President Davis asked the clerk to call the roll.

Alderman Gorruso	NO	
Alderwoman Humphrey		YES
Alderwoman Ryan		YES
Alderman Etori		YES
Alderman Talbott		YES
Alderwoman Mattis		YES
Alderman Gillam		YES
Alderman Clifford	NO	
Alderman DePoy		YES

Seven YES and two NO. **Motion passed.**

President Davis asked Alderman Clifford to read his committee report.

### ***Alderman Clifford (Public Works)***

Alderman Clifford read his committee report from July 28, 2020 and noted his committee met to discuss the upgrade project from Itron who was taking over for FATHOM. Alderman Clifford briefed the Board on the numerous processes taking place, including the continued installation of meters and the related technology reports from those. New billing systems and their implementation. Alderman Clifford noted that his report was for information only and sought no action from the Board.

### **REPORTS OF SELECT COMMITTEES**

There were no select committee reports.

### **REPORTS OF REPRESENTATIVES**

There were no representative reports.

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

#### ***SEP Request; Mentor Connector, Thank You Lunch, 9-19-20, 11-3PM, 110 Merchants Row***

President Davis introduced the request. A motion was made and seconded (Gorruso, Ryan) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Gorruso, Etori) approving the request for the Mentor Connector, thank you lunch, on 9-19-2020, from 11 to 3PM. There was brief debate on the lack of signature from Attorney Bloomer for insurance. **Motion passed.** Clerk Heck asked the Board to consider waiving a fee for the peddlers license associated with the event. Debate. A motion was made and seconded (Etori, Humphrey) suspending the rules and to take action on the request. **Motion passed.** A motion was made and seconded (Etori, Ryan) to waive the peddlers permit fee for the Mentor Connectors event. **Motion passed.**

#### ***SEP Request; Art in the Park August 8 & 9, Main Street Park***

President Davis introduced the request. A motion was made and seconded (DePoy, Ryan) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Gorruso, DePoy) to approve the request. There was debate on the event and how the Chaffee was handling the COVID pandemic protocol as established by the Governor. Superintendent Peters noted she was uncomfortable signing off on this event and sought BOA approval because of related COVID issues. Sherri Birkheimer Rooker, director of the Chaffee was online to provide guidelines on how they will proceed with the event. Superintendent Peters noted the safety plan that was mandatory for this

event and noted that she will be requesting BOA approval on these type of large gatherings. **Motion passed.**

### **BOARD OF CONTROL COMMISSIONERS**

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

### **UNFINISHED BUSINESS**

#### ***City Attorney Proposal; Board Member Requests for Legal Department Resources***

City Attorney bloomer introduce his request for a Memorandum of Understanding (MOU) regarding BOA request for legal resources. The Board spent several minutes discussing the topic and the related issue that related to the request. A motion was made and seconded (Humphrey, Etori) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Humphrey, Talbott) approving the MOU for Policy 1 & 2 & 2A as outlined in Attorney Bloomers handout. President Davis called the question, with one no vote she asked the clerk to call the roll.

Alderman Gorruso	NO	
Alderwoman Humphrey		YES
Alderwoman Ryan		YES
Alderman Etori		YES
Alderman Talbott		YES
Alderwoman Mattis		YES
Alderman Gillam		YES
Alderman Clifford		YES
Alderman DePoy		YES

Eight YES and One NO. **Motion passed.**

President Davis asked if there was any other unfinished business. Alderwoman Ryan noted a reminder for her HR Committee meeting.

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

Alderman DePoy moved to have the BOA meet at City Hall on August 18, 2020 for their next regularly scheduled meeting. After a brief pause Alderman Gillam seconded. President Davis turned to Attorney Bloomer for guidance. Attorney Bloomer spoke on the continued updating of Governor orders and noted it may be possible to meet in chambers. Debate continued. Alderman DePoy withdrew his motion and moved to refer the issue to General Committee. Alderman Clifford seconded. **Motion passed.**

Alderman Clifford wanted to congratulate Rickie Battles on his retirement after 40 years of service.

Alderman Depoy moved to send the Halloween Parade issue to the Recreation Committee. Alderman Gorruso seconded. President Davis called the question, with one no vote she asked the clerk to call the roll.

Alderman Gorruso		YES
Alderwoman Humphrey		YES
Alderwoman Ryan		YES
Alderman Etori		YES
Alderman Talbott		YES
Alderwoman Mattis	NO	
Alderman Gillam		YES
Alderman Clifford		YES
Alderman DePoy		YES

Eight YES and One NO. **Motion passed.**

President Davis noted that there was an executive session and sought language from Attorney Bloomer. Attorney Bloomer noted a motion to find that premature general public knowledge regarding probable litigation, to which the City would be a party, would clearly place the City at a substantial disadvantage because the discussion will divulge the City's strategy in such probable litigation and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. This language was so moved and seconded (Mattis, Etori) **Motion passed.**

Attorney Bloomer then noted a motion to enter into executive session (with the inclusion of the City Attorney, Mayor and Treasurer) to discuss probable 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 (Mattis, Etori). **Motion passed.**

At 8:40 PM the Board moved into executive session.

At 9:02 PM a motion was made and seconded (DePoy, Ryan) to come out of executive session. **Motion passed.** The Board then signed back in to their regular public site.

At 9:07 PM a motion was made and seconded (Talbot, Mattis) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck  
Rutland City Clerk

**You can dial in using your phone.**

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