

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, September 16, 2019

Members present; President Davis, Aldermen Reveal, Humphrey, Ryan, Etori, Tommola, Mattis, Gillam, DePoy and Whitcomb. Also present; Mayor Allaire, Attorney Bloomer and City Clerk Heck. Alderman Clifford was absent.

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (September 3, 2019)

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

Motion passed.

OUTSIDE THE RAIL

Joe Tilden of Rutland City spoke as the representative of the Board of Aldermen and gave the FY update on the Marble Valley Regional Transit District (MVRTD). Mr. Tilden gave a very detailed year report on ridership, the route expansion and associated cost.

Chris Siliski of Rutland City spoke on the Harvest Festival this weekend at the Farmers Food Center and invited all to attend. Mr. Siliski noted it is a huge fund raiser for the Food Center.

Karen Ranz who resides at 142 Merchants Row spoke on numerous motor vehicle related issues within downtown as well as bicycle and skate boarders. A motion was made and seconded (Mattis, Gillam) to refer all issues to the Traffic Safety Committee. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire was present to update the Board on several issues. Mayor Allaire spoke on energy issues within City Hall and the recent audit and how the City can move forward with energy incentives to help with some of those issues (Insulation, Lighting).

Mayor Allaire also spoke on the opioid litigation happening around the country and told the Board he was asking the Attorney General from Vermont to come and speak to the Board on the issue. Mayor Allaire asked to refer the issue to the Committee of the Whole for discussion. That request was so moved and seconded, (Etori, Gillam). **Motion passed.**

Mayor Allaire then noted the conference coming to Killington that the League of Cities and Towns puts on every year. Mayor Allaire wanted the Board as in the past to take action on him being the voting delegate for the City. A motion was made and seconded (Gillam, DePoy) appointing Mayor Allaire as the City delegate. **Motion passed.**

ADDITIONS AND DELETIONS TO THE AGENDA

President Davis noted a request to add, Angel Walk to prevent child hunger, an outside consumption for Taso and then Attorney Bloomer sought a request to authorize DPW to guarantee payment to consulting engineers involved in the March 2019 bond project. The requests were so moved and seconded (Gillam, DePoy). **Motion passed.**

There was brief debate about possible executive sessions and the need to add.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Spaulding: RRA, Authorize Mayor to Sign Grant Agreement & Circulate Resolution for Signatures

President Davis introduced the request and noted Barbara Spaulding was present to answer questions. A motion was made and seconded (Ettori, Ryan) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded (Ettori, Mattis) to circulate the VCDP Grant Agreement Resolution to pay for Downtown Strategic Plan for signatures. **Motion passed.** Alderman Ettori noted the dedicated work that Mrs. Spaulding has done for the City on grants and thanked her.

Brennan Duffy; Director RRA; BIAP Request; Reekaroo's Childcare

Brennan Duffy was present to introduce the request from the RRA Board, approving the request of Reekaroo's Childcare for a \$5,000 BIAP. A motion was made and seconded (Ryan, Mattis) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded (Ryan, Mattis) approving the \$5,000 BIAP Grant to Reekaroo's Childcare. There was brief debate. **Motion passed.**

Treasurer Markowski; August Treasurer's Report

Treasurer Markowski was present to review her handout on Financial Highlights August 2019. Treasurer Markowski reviewed cash balances, pooled cash, delinquencies, balance sheet and income and expense statements. Treasurer Markowski noted her office was preparing for the 2019 audit and the retirement of John Coffin, the Independent Auditor for the City. All information provided was for information only with no action requested.

Treasurer Markowski; Zamias Fund Update

Treasurer Markowski noted with the closing of the Diamond Run Mall she wanted to update the Board on the funds within the Zamias account. Treasurer Markowski noted there was \$168,000 with \$78,000 dedicated, leaving \$90,000 available. There were no questions from the Board.

Planning Director and Zoning Administrator Kelly; Municipal Planning Grant Application, Request to Circulate Resolution

Zoning Administrator Kelly was present to discuss her request of Board support of a Municipal Planning Grant. Zoning Administrator Kelly reviewed the Planning Grant and sought action to circulate the resolution for signatures. A motion was made and seconded (Ettori, Mattis) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded (Ettori, Mattis) to circulate the FY20 Municipal Resolution for Municipal Planning Grant. **Motion passed.**

Planning Director and Zoning Administrator Kelly; City Owned Properties Committee; Recommended Sale of 37 Pine Street

Zoning Administrator (ZA) Kelly was present to ask the Board to approve the recommendation of the City Owned Property Committee and authorize the sale of 37 Pine Street. ZA Kelly noted the recommendation of the committee and briefed the Board on the buyer's intent. A motion was made and seconded (Whitcomb, Gillam) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded (Whitcomb, Gillam) authorizing the sale of 37 Pine Street to Philip Frassica for the purchase price of \$4,500 pursuant to 6-2 of the Rutland City Charter and to further authorize the Mayor to sign all sale related documents. **Motion passed.**

Planning Director and Zoning Administrator Kelly; Request to Change Development Plan, 118 Gibson Ave

Zoning Administrator (ZA) Kelly was present to ask the Board to approve a change of development plans for 118 Gibson Avenue. ZA Kelly briefed the Board on the previous request approving the sale as a single family remodel. ZA Kelly provided a letter from the developer noting their reasons for the request to change the plan to a two family duplex. Alderman Ettori questioned the process and his concerns. There was further debate from the Board on the request. A motion was made and

seconded (Mattis, Gillam) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded (Mattis, Gillam) authorizing the Mayor to sign the agreement between the City and RTL Gibson LLC. that states the change of plan outlined in the memo. There was brief debate. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Alderman Clifford; Public Works Committee

Alderman Clifford was away and asked Alderman Tommola to read the committee report. Alderman Tommola noted that the committee met on September 9, 2019 to discuss water billing issues utilizing the new FATHOM software. The committee spent over one and a half hours discussing continuing billing issues with new software and how FATHOM is handling and resolving all concerns. A motion was made and seconded (Tommola, Whitcomb) to have the Public Works Committee meet with a FATHOM representative once a month regarding meter programming and to maintain accountability with rate payers. **Motion passed.** A motion was made and seconded (Mattis, Ryan) to refer the FATHOM Contract to the City Attorney. There was brief discussion with Attorney Bloomer noting that he has looked at the contract and it could be discussed further under unfinished business. President Davis noted the comments from Attorney Bloomer and stated that the item could still be referred and called for a vote. **Motion passed.**

Alderman DePoy; Recreation Committee

Alderman DePoy was present to read his committee report from September 10, 2019. Alderman DePoy noted his committee met to discuss the collaboration with the College of St. Joseph (CSJ) and the City regarding the City operating the athletic complex at the college. The committee took a tour of the facility and convened to discuss potential interest. At the end of the meeting, the committee voiced a willingness to move forward with discussions between the Recreation Department, Mayor Allaire and CSJ. The report was for information only and no action was requested.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

There was a brief Project Vision update.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

S.E.P. Request; Rutland Halloween 5K, 10-26-2019, Downtown Rutland

President Davis introduced the request. A motion was made and seconded (Mattis, Gillam) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded (Mattis, Whitcomb) approving the request for the Halloween 5K in downtown Rutland on October 26, 2019. **Motion passed.**

S.E.P. Request; Angel Walk, September 29, 2019 from 11-2PM

President Davis introduced the request noting it was added earlier in the meeting. A motion was made and seconded (Mattie, Whitcomb) suspending the rules and taking action on the request that evening. **Motion passed.** A motion was made and seconded (Mattis, Whitcomb) approving the permit request for Angel Walk, September 29, 2019, 11-2 PM. **Motion passed.**

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

BOARD OF CONTROL COMMISSIONERS

President Davis noted the added request at the beginning of the meeting for Taso, Outside Consumption. A motion was made and seconded (Ryan, Mattis) authorizing the Clerk to sign the request. **Motion passed.**

A motion was made and seconded (Ettori, Ryan) to come out of the Board of Control Commissioners.
Motion passed.

UNFINISHED BUSINESS

Alderman DePoy asked for Superintendent Peters to address the Board on new information on the CSJ report from earlier in the night.

Alderman Ettori sought further input from the RRA on a housing study that was done. President Davis asked Alderman Whitcomb, representative to the RRA Board if he could update the Board on the issue in the near future.

President Davis then moved on in the agenda.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderwoman Humphrey asked to refer the issue of the City Health Officer and the creation of a Board of Health to the Charter & Ordinance Committee. Alderwoman Mattis seconded. **Motion passed.**

Alderwoman Ryan updated the Board on the recent Police Commission meeting and new officer graduations.

Alderman Gillam updated Board on the current director replacement search at the RCSWD.

There was brief discussion on the executive sessions requested and Attorney Bloomer sought to take the CSJ request up first. President Davis asked for that language.

CSJ Gym

Attorney Bloomer noted language finding 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 contract provisions to be negotiated. That language was so moved and seconded (DePoy, Mattis). **Motion passed.**

Attorney Bloomer then noted language to enter into executive session (with the inclusion of the Mayor, Recreation Superintendent, Director of Maintenance, Treasurer and City Attorney) to discuss the negotiation of a contract as allowed under Title 1, Section 313(a)(1)(A). That language was so moved and seconded (Reveal, Mattis). **Motion passed.**

At 8:15 PM the Board moved into executive session.

At 9:16 PM a motion was made and seconded (Reveal, Gillam) to come out of executive session.
Motion passed.

There were no motions presented and President Davis asked for language for the next executive session request.

FATHOM Material Breach

Attorney Bloomer noted language finding that premature general public knowledge regarding the City Attorney's analysis of a legal matter would clearly place the City at a substantial disadvantage because the discussion will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. That language was so moved and seconded (Mattis, Whitcomb). **Motion passed.**

Attorney Bloomer then noted language to enter into executive session (with the inclusion of the Mayor, Commissioner of Public Works, Treasurer and City Attorney) to discuss the City Attorney's analysis of a

legal matter as allowed under Title 1, Section 313(a)(1)(F). That language was so moved and seconded (Mattis, Whitcomb). **Motion passed.**

At 9:17 PM the Board moved into executive session.

At 9:25 PM a motion was made and seconded (Reveal, Mattis) to come out of executive session. **Motion passed.**

President Davis noted another request for executive session and asked Attorney Bloomer to continue. Attorney Bloomer noted the reason for the next executive session and sought language finding that premature general public knowledge regarding both probable and pending litigation, to which the City would be a party and is a party, would clearly place the City at a substantial disadvantage because the discussion will divulge the City's strategy in such probable and pending litigation and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. That language was so moved and seconded (Ryan, Gillam). **Motion passed.**

Attorney Bloomer then noted language to enter into executive session (with the inclusion of the City Attorney, Commissioner of Public Works, Treasurer and Mayor) to discuss probable and pending litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). That language was so moved and seconded (Ryan, Mattis). **Motion passed.**

At 9:27 PM the Board moved into executive session.

At 9:55 PM a motion was made and seconded (Ettori, Ryan) to come out of executive session. **Motion passed.**

A motion was made and seconded (Mattis, Ettori) guaranteeing the payment on the ESA, to be paid from another source if bond funding is unavailable. **Motion passed.**

A motion was made and seconded (Mattis, Ettori) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk