

**CITY OF RUTLAND, VERMONT**  
**Board of Aldermen Minutes**  
**Monday March 1, 2021**

Members present, President Whitcomb, Aldermen Gorruso, Humphrey, Ryan, Etori, Talbott, Mattis, Gillam, Clifford, DePoy and Davis. Also present, Mayor Allaire, Attorney Bloomer and City Clerk Heck.

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

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

**MINUTES OF PREVIOUS MEETINGS (Feb 16, 2021)**

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

**Motion passed.**

**OUTSIDE THE RAIL**

No one spoke during this portion of the agenda.

**COMMUNICATIONS FROM THE MAYOR**

Mayor Allaire had two quick items for the Board. First he congratulated the three newly sworn in fulltime firefighters and named all three recipients. Mayor Allaire noted a letter from the Housing and Community Development Better Places Award notification for the Center Street street scape Project in the amount of \$19,275.

**ADDITIONS AND DELETIONS TO THE AGENDA**

Attorney Bloomer requested an executive session for a labor relation agreement. The request was so moved and seconded (Etori, Davis). **Motion passed.** President Whitcomb noted the request would be taken up at the end of the meeting.

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

***City Forester Tim Smith; Red Pine Request***

Tim Smith spoke on the request and briefed the Board about his request to harvest the rest of the Red Pine in the City forest. Forester Smith noted the lots and remaining timber and noted he would need to get better estimates on total board footage as the snow pack melts. A motion was made and seconded (Clifford, Davis) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Clifford, Gorruso) authorizing the City Forester to go out to bid the harvesting of the remaining Red Pine timber in the Rutland City Watershed. **Motion passed.**

***Interim- DPW Commissioner Rotondo; Request for RFP for Metal Study***

Interim DPW Commissioner Rotondo was available to brief the Board on his request authorizing the Mayor to seek proposals. Commissioner Rotondo noted as a result of the impairment of Moon Brook, a "Final Stipulation, Settlement Agreement, And Order between the Agency of Natural Resources And City Of Rutland Regarding Docket No. 2-1-13 Vtec" was ordered by the Vermont Superior Court, Environmental Division on October 7, 2016. This agreement obligates the City to undertake a study of metals ("The Howe Center Studies") no later than October 2021.

A Third Party Investigation of Moon Brook took place & the corresponding report was completed prior to the Settlement Agreement. This report identified a decrease in water quality in the vicinity of Howe Center. Sediment chemistry of Moon Brook near the Howe Center, sampled in 2014, indicated elevated levels of several metals (especially iron, lead, nickel, zinc and copper) as compared to all other sample stations in Moon Brook and other area streams.

The purpose of this study is to determine whether the metal-laden sediments contribute to stream impairments in or near the segment of Moon Brook that passes Howe Center. A motion was made and seconded (Clifford, Davis) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Clifford, Davis) authorizing the Mayor to seek proposals from qualified individuals and firms to provide professional services related to performing a Metal Study along the segment of Moon Brook that passes Howe Center. Debate. **Motion passed.**

***Attorney Bloomer;***

***Approval of Sign Ordinance Summary for Newspaper Notice***

Attorney Bloomer introduced the request and presented the document that would be advertised in the Rutland Herald for the approval of the new sign ordinances approved by the BOA. Attorney Bloomer explained the reason for the request noting the great length and guidelines needed. Attorney Bloomer noted BOA authorization to place the notification in the Rutland Herald. There was lengthy debate. A motion was made and seconded (DePoy, Gorruso) tabling the request. **Motion passed.** A motion was made and seconded (DePoy, Gorruso) to refer the issue (amendment) discussed to the Charter & Ordinance Committee for further review. **Motion passed.**

***Authorization to enter BRELLA program related to CSJ purchase***

Brennan Duffy, RRA Director briefed the Board on the request and explained the BRELLA Program related to the CSJ purchase. Attorney Bloomer stated he was looking for authorization for the Mayor to seek entrance into the BRELLA Program, execute all related documents and pay the \$500 application fee. Attorney Bloomer went on to further explain the program dealing with "brownfield" and liability issues related to contamination. A motion was made and seconded (Davis, DePoy) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, DePoy) authorizing the Mayor to seek entrance into the BRELLA Program, execute all related documents and pay the \$500 application fee with previously approved funds. Debate was lengthy. **Motion passed.**

***Executive session related to probable litigation***

Moved to the end of the meeting per past practice.

**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 warned representative reports. Alderwoman Mattis did report on the traffic issues at Star Bucks and Dunkin Donuts requested during an earlier meeting.

**PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION**

***GMP Pole & Wire Request***

President Whitcomb introduced the request. A motion was made and seconded (Davis, Clifford) suspending the rules and taking action on the request. Alderwoman Humphrey abstained from voting on the request as she is employed by GMP. **Motion passed.** A motion was made and seconded (Clifford, Davis) approving the pole and wire relocation request with the seven standard conditions. **Motion passed.**

President Whitcomb then noted a request within the Board of Control Commissioners and sought language to move into that Board.

The request was so moved and seconded (Davis, Gorruso). **Motion passed.**

## **BOARD OF CONTROL COMMISSIONERS**

### ***Medusa Lounge; Outside Consumption Request***

President Whitcomb noted the request from Medusa Lounge for an outside consumption request. A motion was made and seconded (Davis, DePoy) authorizing the Clerk to sign the application. **Motion passed.**

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

## **UNFINISHED BUSINESS**

There was no unfinished business to come before the Board.

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

Alderman Clifford wanted to wish everyone the best of luck tomorrow with the election and thanked Alderwomen Ryan and Humphrey and Alderman Etori for their years of service.

Alderman Gorruso echoed Alderman Clifford's praise and noted questions from constituents about party identification wondering if other Aldermen have received such questions. Alderman Gorruso moved to refer the issue of party statues to the Charter & Ordinance Committee. There was no second. There was brief debate on the issue and Alderman Gorruso withdrew his motion.

President Whitcomb then thanked all participants in the election and retiring from the Board and sought language from Attorney Bloomer to move into executive session.

Attorney Bloomer noted a couple options for executive sessions and sought guidance from the Board.

Attorney Bloomer then noted a motion to finding 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 (DePoy, Ryan) **Motion passed.**

Attorney Bloomer then noted a motion for entering into executive session (with the inclusion of the City Attorney, Robert Fletcher, Interim-DPW Commissioner, 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 (Gillam, Davis). **Motion passed.**

Attorney Bloomer then noted a motion to finding premature general public knowledge regarding the negotiation of a labor relations agreement, to which the City would be a party, would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on an agreement provision to be negotiated. This language was so moved and seconded (Gillam, DePoy) **Motion passed.**

Attorney Bloomer then noted a motion for entering into executive session (with the inclusion of the City Attorney, Parks Superintendent, Maintenance Manager, Mayor and Treasurer) to discuss a labor relations agreement, as allowed under Title 1, Section 313(a)(1)(B). This language was so moved and seconded (Mattis, Davis). **Motion passed.**

At 8:11 PM the Board logged out of the public forum and logged into their executive sessions site.

At 9:22 PM a motion was made and seconded (DePoy, Gorruso) to move out of executive session and to log back into the public forum site. **Motion passed.**

President Whitcomb noted that the Board was back in their public site and sought language from Attorney Bloomer.

Attorney Bloomer noted a motion was needed to ratify the settlement agreement between the City, Belden Corp. Inc. and ETI on the terms presented at the pay such settlement from the Sewer Capital Improvement Fund. That language was so moved and seconded (Davis, Gorruso). **Motion passed.**

Attorney Bloomer then asked for language authorizing the Mayor to execute the settlement document with Weston & Sampson on substantially the same terms presented and deposit that amount into the Sewer Capitol Fund. That language was so moved and seconded (Gorruso, Davis). **Motion passed.**

The Board then decided to table the recreation discussion until the March 15, 2021 meeting. A motion was made and seconded (Gorruso, Davis) to table the recreation labor negotiation. **Motion passed.**

President Whitcomb noted that was all of the business to come before the Board and asked Alderwoman Humphrey to adjourn the Board. Alderwoman Humphrey noted the request and moved to adjourn. Alderwoman Ryan seconded. **Motion passed.**

At 9:28 PM the Board adjourned.

Respectfully submitted,

Henry Heck  
Rutland City Clerk

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