

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, March 15, 2021

Members present; President Whitcomb, Aldermen Gorruso, Neary, Franco, Savage, Doenges, Talbott, Gillam, Clifford, DePoy and Davis. Also present, Mayor Allaire, Attorney Bloomer and City Clerk Heck.

7:00 PM BOARD OF ALDERMEN MEETING

Clerk Heck called the meeting to order at 7:00 PM.

Clerk Heck lead the Board through the Pledge of Allegiance and noted that this was the first Board of Aldermen (BOA) since the election and congratulated all winners.

Mayor Allaire swore in the six elected members of the Board.

Clerk Heck then noted the first order of business would be to nominate and elect a new BOA President. Clerk Heck opened the nominations. Alderman Neary nominated Matt Whitcomb for Board President, DePoy seconded the nomination. After a unanimous vote, Matt Whitcomb was named Board President for a second term.

MINUTES OF PREVIOUS MEETINGS (March 1, 2021)

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

Motion passed.

OUTSIDE THE RAIL

Former Alderman Etori congratulated Mayor Allaire on his win and the new Aldermen for their wins as well. He also thanked the Board and the colleagues that he has been with over the past six years and to the community. Etori further stated that he enjoyed his role tremendously, respected the Board and felt like he was a student of the Board and he really enjoyed learning from everyone, both the Aldermen and Department Heads and staff through City Hall. He offered some advice for the new members and stated he is not going anywhere, just stepping back.

COMMUNICATIONS FROM THE MAYOR

Mayoral Nominations: Appointed Officers

According to Rutland City Charter Chapter 15-2, Appointed Officers, Mayor Allaire submitted the following for two year appointments for the Board's consideration.

Henry Heck – City Clerk
Matt Bloomer – City Attorney
Robert Pelletier – Building Inspector
Kim Peters – Recreation Superintendent

As is protocol, please table these nominations for Board approval at the next full Board Meeting on April 5, 2021, so moved and seconded (Clifford, Davis). **Motion passed.**

Mayor Allaire asked the Board, if there was any correspondence regarding the Heartland Project that, in the short term, if it could be directed to the Mayor as he is in constant contact with the developers and having regular meetings with them, and at this point and time it would be very helpful as we moved this along. This would be in the short term and it would help to move things along at a better pace.

ADDITIONS AND DELETIONS TO THE AGENDA

Attorney Bloomer removed the third Executive Session.

Attorney Bloomer added that if the Sign Ordinance is passed in the order that it came out of the Charter and Ordinance Committee, there is an ad for the newspaper that needs to be approved by the Board.

President Whitcomb noted that under Unfinished Business the Sign Ordinance, to remove from table will be moved up to after Reports of Standing Committees.

Chief Lovett would like to bring up the failure of a frame on a fire truck to be brought up under Public Safety to be discussed. So moved and seconded (Gorruso, Gillam). **Motion passed.**
So moved and seconded to add the agenda under Reports and Letters from Department Heads and Officials (Davis, DePoy). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Failure of the frame on one of the fire trucks.

Chief Lovett as part of one of our routine inspections of our trucks, found that the frame on Engine #3 is delaminated. It's a failure that is pretty severe. Investigating it through a couple of the rebuild shops that are close at hand, none of them wanted to tackle it. One of the big issues is the fact that with the trucks being so specialized and having a facility that can work on it locally seems pretty impossible and nobody around this area wants to take it up. We have explored multiple different avenues to get it repaired and have not had anything promising. We would like to move it to Public Safety Committee so it can be discussed. So moved and seconded (Davis, Gillam). **Motion passed.**

Treasurer Markowski: City of Rutland Accounting, Auditing & Financial Reporting Policy, Review & Approval

In working with the RRA, Barbara Spaulding, on one of the grants, this was a policy requirement that was included with one of the grants and the policy needs to be in place by March 31, 2021. The policy is really just a statement of the practice that we already have in place and what's in our Charter requirements for accounting auditing financial reports reporting. Looking for the Boards review and approval, a motion was made to suspend the rules and take the issue up tonight, so moved and seconded (Davis, DePoy). **Motion passed.** A motion was made to approve the City of Rutland Accounting, Auditing & Financial Reporting Policy and authorizing the Chair, the Treasurer and the Clerk to sign on behalf of the Board (Davis, Gorruso). **Motion passed.**

Attorney Bloomer:

Executive session regarding negotiation of a labor relations agreement

Executive session regarding pending litigation

Executive session regarding negotiation of real estate purchase and negotiation of related contracts.

All executive session requests were moved to the end of the meeting.

REPORTS OF STANDING COMMITTEES

Charter & Ordinance; Sign Ordinance

Alderman Gillam read the report. The committee met March 8, 2021, the purpose of this meeting was to clarify the provision in the sign ordinance which had been approved by the Board on February 16, 2021. On March 1, 2021 Brian Fogg had brought to the Board's attention a problem with the Grandfather Clause. Mr. Fogg who owns the Credit Union of Vermont on Main Street which is across from Main Street Park, spoke to the committee about the investment he has made on his property and how the sign meets his business needs. He wants to be able to maintain the electronic message

board, EMB, without triggering compliance for this sign, which is larger than the new maximum size in the new ordinance. The committee agreed that the lighting infrastructure should be allowed to be maintained for the life of the business and the lack of clarity in this matter was merely an oversight on the committee's part. A motion was made by Alderman Gorruso to add a section 12-1-C-IV to state maintenance of or upgrade to a mechanical facility including lighting infrastructure that is not to increase the extent of the sign non-conformity shall be considered a significant change, the motion passed 5-0 and so moved and seconded (Gillam, Davis). **Motion passed.** Mr. Fogg further expressed concern about the time minimums in the EMB message board. The original draft had 8 seconds which was changed by the committee to 30 seconds and the committee agreed that the original intent was reasonable and the 8 seconds is typical practice in the industry. Alderman Ettori made a motion in committee to change the minimum timing of the EMB message board to the section of 11-6-D from 30 seconds to 8 seconds, the motion passed 5-0 in committee and Alderman Gillam so moved. Alderwoman Davis seconded. **Motion passed.** Mr. Fogg was also concerned about the requirements of a memo-dimming but the committee was assured that the computer programming dimming for the EMB is a standard and is what needs to be manual as opposed to default programming of this sign. A motion was made to remove from the table the Rutland Herald warning for this ordinance and I so move and seconded (Gillam, Clifford). **Motion passed.** A motion was made to adopt the sign ordinance warning as it is amended and seconded (Talbot, Clifford). **Motion passed.**

REPORTS OF SELECT COMMITTEES

There were no reports of select committees.

REPORTS OF REPRESENTATIVES

There were no reports of representatives.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Request to Approve Rutland Farmers Market Annual Permit

A motion was made to move this request to the Recreation Committee and seconded (Gillam, DePoy). **Motion passed.**

Rutland County Humane Society; Coin Drops

A motion was made to suspend the rules and take it up tonight and seconded (Davis, DePoy). **Motion passed.** A motion was made to approve the Rutland County Humane Society Coin Drop for July 17, 2021, from 10:00am to 2:00pm on Merchants Row and seconded (Davis, DePoy). **Motion passed.** A motion was made to approve the Rutland County Humane Society Coin Drop for September 18, 2021 from 10:00am to 2:00pm on Merchants Row and seconded. (Davis, Clifford). **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

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

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

A motion was made to refer the City website redesign to the Community & Economic Development Committee and seconded (Franco, Neary). **Motion passed.**

Attorney Bloomer noted a motion to find that premature general public knowledge regarding the negotiation of a Labor Relations Agreement, would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the Agreement provisions to be negotiated. This language was so moved and seconded (Davis, Gillam) **Motion passed.**

Attorney Bloomer then noted a motion for entering into executive session (with the inclusion of the Mayor, Recreation Superintendent, Maintenance Director, City Attorney, and Treasurer) to discuss the Labor Relations Agreement, as allowed under Title 1, Section 313(a)(1)(B). This language was so moved and seconded (Davis, Gillam). **Motion passed.**

Attorney Bloomer then noted a motion to finding premature general public knowledge regarding pending litigation, to which the City is a party, would clearly place the City at a substantial disadvantage because the discussion will divulge the City's strategy in such pending 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, Gillam) **Motion passed.**

Attorney Bloomer then noted a motion for entering into executive session (with the inclusion of the City Attorney, Police Chief, Mayor and Treasurer) to discuss pending 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 (Davis, Gorruso). **Motion passed.**

At 7:58 PM the Board signed off and moved into executive session.

At 9:34 PM the Board came out of executive session and immediately signed back into the public meeting room. Once signed back a motion was made to authorize the Mayor to sign the Collective Bargaining Agreement with the Recreation Maintenance Union and substantially the form presented. This language was so moved and seconded (Gillam, DePoy). **Motion passed.**

Attorney Bloomer then noted a motion to authorize the Mayor to ratify the settlement agreement between the City and the six sergeants on the terms presented and to sign all the related documents. This language was so moved and seconded (DePoy, Clifford). Alderman Gorruso requested a roll call vote.

Gorruso – Yes
Neary – Yes
Doenges – Yes
Savage – Yes
Franco – Yes
Talbott – Yes
Gillam – No
Clifford – No
DePoy – No
Davis – No

At 9:45 with no further business or action requested, a motion was made and seconded (Davis, Clifford) to adjourn. **Motion passed.**

Transcribed by,

Tracy Kapusta
Deputy City Clerk

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