

CITY OF RUTLAND, VERMONT

Board of Aldermen Minutes

Monday, August 16, 2021

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

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (August 9, 2021)

A motion was made and seconded (Neary, Davis) approving the minutes of the previous meeting. **Motion passed.**

OUTSIDE THE RAIL

Joshua & Ana MacDuff; Retail Cannabis in the City of Rutland

Joshua and Ana MacDuff spoke briefly about introducing a retail cannabis shop within the City. There was discussion and questions from the BOA. A motion was made and seconded (Clifford, Davis) to refer the issue to the Charter & Ordinance Committee. Debate. Alderman Talbott moved to refer the impact of such project. This motion was seconded by Alderman Neary. Debate. Alderman Talbott withdrew his motion. The original motion to refer, **Passed.**

Joshua Diamond; Deputy Attorney General, Opiate Lawsuit Briefing/Request

Deputy Attorney General Joshua Diamond came to discuss the outline of the settlement that has been reached against the distributors of various opioids. The settlement agreement will resolve the claims of both states and local governments across the country, including those in Vermont. Vermont will receive approximately \$60 million. Payments under the settlement will be maximized if state and local governments join together in support of the agreement.

President Whitcomb earlier today circulated a letter to the Board from Michelle Kaufman about animal care and control. A motion was made and seconded (Clifford, Davis) to refer the letter to Charter & Ordinance Committee. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

To Remove From the Table, Mayoral Nomination, Mark Sadakierski, Building Inspector

A motion was made and seconded (Davis, Clifford) to remove from the table the nomination of Mark Sadakierski for Building Inspector. **Motion passed.** A motion was made and seconded (Davis, Gillam) to circulate the ballot box. **Motion passed.**

ADDITIONS AND DELETIONS TO THE AGENDA

There were no additions and deletions to the agenda.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Building & Zoning; Request from Brian Budrow for 35 Center Street

Brian Budrow submitted a building and zoning permit application for the planned renovations of 35 Center Street. The Applicant is seeking to renovate the entire building, the first floor is intended to become a flower shop and the second floor is intended to become an apartment. The project also involves a complete renovation of the facade, which includes the construction of a second floor balcony serving the second floor apartment. Since the second floor balcony will overhang into the City's Center Street right of way, the Building & Zoning Department recommends approval from the Board of Aldermen. A motion was made and seconded (Davis, DePoy) to suspend the rules. **Motion passed.** A motion was made and seconded (Davis, DePoy) to approve with the recommendation that the encroachment be treated similar to the overhanging signs. **Motion passed.**

Brennan Duffy; RRA Director, BIAP Recommendation, Horizons Early Learning Center

A motion was made to suspend the rules and seconded (Davis, Clifford). **Motion passed.** A motion was made and seconded (Davis, Talbott) for the approval of \$10,000 BIAP forgivable loan for Horizons Early Learning Center. **Motion passed.**

Brennan Duffy; RRA Director, BIAP Forgivable Loan Recommendation

Alderwoman Davis abstained from the vote. A motion was made and seconded (DePoy, Talbott) to suspend the rules. **Motion passed.** A motion was made and seconded (DePoy, Talbott), that the BIAP forgivable loan made to Visiting Nurses Association & Hospice of the Southwest Region, Inc., be forgiven at this time per the City's policy. **Motion passed.**

Barbara Spaulding; RRA, Request for Referral, Community & Economic Development Committee

A motion was made and seconded (Doenges, DePoy) to suspend the rules. **Motion passed.** A motion was made and seconded to refer to Community & Economic Development Committee. **Motion passed.**

Treasurer Markowski; Treasurer's Report July 21

This report was for informational purpose only.

Attorney Bloomer; Contract w/State of Vermont, Aircraft Rescue and Fire Fighting Services

Chief Lovett briefed the Board on the contract. There is no cost to the Rutland City Tax Payers for this contract. A motion was made and seconded (Davis, Gillam) to suspend the rules. **Motion passed.** Attorney Bloomer read the language for the motion, to authorize the fire chief to sign the contract with State of Vermont for Aircraft Rescue and Fire Fighting Services and substantially the form presented and allowing the Mayor to approve final form of the compensation for the City's insurance risk. This language was so moved and seconded (Davis, Gillam). **Motion passed.**

Attorney Bloomer; Executive Sessions, Pending Litigation x3

Per the Board's past practice, these requests were moved to the end of the agenda.

REPORTS OF STANDING COMMITTEES

Alderwoman Davis; Finance Committee, Qtrly Report, Laz Budget

Alderwoman Davis read the Finance Committee Report from August 12, 2021. This was a minority report due to lack of quorum. The City had a very good budget year due to budget savings of over \$800,000. Revenue was also greater than budgeted as RME was greater than thought, clerk fees were up, sales of city owned properties, and DPW savings are some examples. Water and sewer budgets were down below budget and question the impact of COVID. Delinquent properties as more tax sales were done in the last fiscal year. This is information only.

LAZ budget FY 22, for the parking garage, is fairly level funded from last year. Revenue lost due to COVID, restaurants and Paramount not open. Loss of parkers from downtown workers and contracts. The shortfall is \$14,631. There are existing contract with the State of Vermont, DEW-CCV.

Savings were secured with a new negotiated garage keeper insurance. New equipment for Pay station solutions that was acquired at no cost to the city which will improve the use of the transit center. It will be barcodes that will be used by your phone, Apple Pay, credit cards etc. to help improve traffic flow. Motion was made to suspend the rules and seconded (Davis, Neary). **Motion passed.** A motion was made and seconded (Doenges, DePoy) to approve the LAZ budget as presented. **Motion passed.**

Alderman Talbott; Community and Economic Development Committee

Alderman Talbott read the Community and Economic Development Committee report from August 5, 2021. The purpose of the meeting was to begin discussing the creation of a TIF (tax increment financing) district in Rutland City. TIF is an economic development tool whereby a municipality makes investments into public infrastructure that reduce barriers to new development, growing the grand list. The incremental taxes from these new development projects made possible by the city's investments go to pay down debt on that infrastructure by retaining a portion of what would otherwise go to the state education fund. These are new taxes that would not otherwise occur without the investment the city has made into the infrastructure. The authorizing agency for TIF districts is the Vermont Economic Project Council (VEPC). A municipality with a TIF district has ten years to incur debt and build infrastructure projects; from the time of first debt, the municipality has 20 years to retain the increment and pay down service.

A working group needs to be set up to draft a TIF district plan. A district boundary will need to be determined, typically within the designated downtown. The plan looks out on ten years of infrastructure projects and private development that would happen as a result of the creation of the TIF district. The working group creates projections that include cost estimates for infrastructure, future assessed value for developments, and financing terms. In the development of a plan certain project criteria must be met, including affordable housing, transportation, brownfield, and job creation. The plan must show that the municipality needs the TIF district tool to make these projects happen, as well as demonstrating the viability of the proposed projects. Once a TIF district plan is drafted, it is sent to the Board of Aldermen for approval, and then an application is made to VEPC for approval. The City Manager for St. Albans spoke to their success in establishing and leveraging a TIF district. He described tax increment financing as the most effective economic development tool for downtown revitalization. In ten years, St. Albans used their TIF district to add \$75 million to their grand list.

Alderman Talbott concluded the meeting by agreeing to begin organizing the TIF working group. A motion was made and seconded (Doenges, DePoy) to approve the following names for a TIF working group:

Michael Talbott
Bill Gillam
Brennan Duffy
Andrew Strniste
Ed Bove
Nikki Hindman
Lyle Jepson

Motion passed. Alderman Gillam did not vote since his name was on the list.

REPORTS OF SELECT COMMITTEES

Alderman Clifford; Intermunicipal Committee

Alderman Clifford read the Intermunicipal Committee report from August 9, 2021. The committee met to discuss pedestrian safety issues on Route 7 in Rutland Town and Rutland City. Chairwoman Ashcroft presented the committee with the VT State Police reports pertaining to the two recent incidents regarding pedestrian deaths on Route 7. While it was noted that the incidents were not caused by any traffic control issues, the committee agreed that some improvements could possibly prevent any further accidents along the corridor. A motion was made by Alderwoman Davis to have the City Attorney draft a resolution to be signed by both the Rutland Board of Alderman and the Rutland Town Board of Selectman to be sent to the VT Agency of Transportation, requesting that the speed be reduced to 35 MPH between Post Road to the Green Mountain Plaza entrance in Rutland Town and any suggestions that the agency can help with regarding crosswalk issues and timing of traffic lights would be welcomed. Alderman Clifford added to his report to send this resolution to our city and town delegation as well. Motion made and seconded (Clifford, Davis). **Motion passed.**

REPORTS OF REPRESENTATIVES

Alderman Neary; Traffic Safety Committee and an update on the center Street Scoping Study

Traffic Committee has been meeting monthly and have dealt with a number of issues mostly relating to signage in the city, whether its, no parking, or adjusting handicap zones. The committee has dealt with about a dozen of these issues over the last couple of months. Minutes are posted. There were two requests at the last meeting, a pedestrian crossing at the intersection of South Main Street and Strongs Avenue and at South Main Street and Park Street. Traffic Safety Committee would like to refer this to either DPW committee or another appropriate committee to look at a formal scoping study of Route 7 through the city, especially to look at those crossings more in depth. A motion was made and seconded to refer (Neary, Davis). **Motion passed.**

The Center Street scoping study had its virtual meeting on August 9, 2021. This meeting conflicted with the Intermunicipal Meeting. Alderman Neary will make sure that these scoping study meetings are on the calendar moving forward.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Habitat for Humanity; Waiver Request, Water & Sewer Allocation Fees

A motion was made and seconded (Talbott, Gillam) to suspend the rules. **Motion passed.** A motion was made and seconded (Talbott, Doenges) to waive the water and sewer allocation fees for all three houses in connection with the Habitat for Humanity property at Hickory Street. **Motion passed.**

President Whitcomb read the results of the vote for Mark Sadakierski, Building Inspector. There were 9-Yes, 0-No and 2-absent. **The nomination is confirmed.**

BOARD OF CONTROL COMMISSIONERS

There was nothing 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

Alderman Gillam has a document that he would like to refer to Community and Economic Development from the Farmer's Food Center concept of building a standalone project for the food center, then a multiple site dealing with back to street Cleveland Avenue brownfields area the Linda Lee Factory site to look into an agricultural industrial complex. Motion was made and seconded for the request (Gillam, DePoy). **Motion passed.**

President Whitcomb stated if there was no further business to come before the Board, there were three executive sessions.

Attorney Bloomer:

1. Motion to find that 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 (Davis, DePoy). **Motion passed.**
2. Motion to enter into executive session (with the inclusion of the Clerk, City Attorney, City Treasurer, and Mayor) 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, DePoy). **Motion passed.**

At 9:00 PM the Board moved into executive session.

At 9:20 PM a motion was made and seconded (Davis, DePoy) to come out of executive session. **Motion passed.**

Motion to authorize the City Attorney to dismiss the City's involvement in 131 Woodstock Avenue appeal. So moved and seconded (Davis, Gillam). **Motion passed.**

Attorney Bloomer:

1. Motion to find that 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 (Talbot, Davis). **Motion passed.**
2. Motion to enter into executive session (with the inclusion of the Clerk, City Attorney, City Treasurer, and Mayor) 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, Talbott). **Motion passed.**

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

At 9:40 PM a motion was made and seconded (Davis, DePoy) to come out of executive session. **Motion passed.** There was no motion to come out of executive session.

Attorney Bloomer:

1. Motion to find that 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 (Davis, DePoy). **Motion passed.**
2. Motion to enter into executive session (with the inclusion of the Clerk, City Attorney, City Treasurer, and Mayor) 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 (Clifford, Gillam). **Motion passed.**

At 9:41 the Board moved into executive session.

At 9:54 PM a motion was made and seconded (Davis, Clifford) to come out of executive session. **Motion passed.**

Motion to authorize Facey, Goss and McPhee on behalf of the City to dismiss the City's suit against the EPA Civil #2;15-TD-35. **Motion passed.**

A motion was made to adjourn at 10:00 PM, so moved and seconded (Neary, Davis). **Motion passed.**

Respectfully submitted,

Henry A. Heck
Rutland City Clerk