

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, September 6, 2022

Members present; President Doenges, Aldermen DePoy, Whitcomb, Talbott, Etori, Tadio, Franco, Savage, Barbagallo and Davis. Also present, Mayor Allaire, Attorney Bloomer and City Clerk Heck. Alderman Gillam was absent.

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (August 15, 2022)

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

Motion passed.

OUTSIDE THE RAIL

Chief Lovett; Referral request, Equipment Repair, Ladder Truck #1

Chief Lovett came to the BOA to ask for a referral to the Public Safety Committee for the repair of Ladder Truck #1. There's been some issues with it recently and would like to discuss it at the committee level and see what they desire. A motion was made and seconded (Davis, DePoy) to refer to the Public Safety Committee. **Motion passed.**

Chief Lovett also informed the BOA that the AFG grant that was applied for, they weren't successful in getting the air packs but were able to secure a little over \$40,000 for the purchase of five thermo imagers.

Lyle Jepson from Chamber and Economic Development, thanked the City and all departments of the City for the support of the Whoopie Pie Festival and Parade of Hero's. This could not have taken place without the Recreation Department who was there to help with the lineup for the parade and they did some activities on the green street. They could not have done this without the Fire department who was there and made sure that the fireworks went off ok. The Police department along with the Fire department led the parade of essential workers and others who needed to be thanked for their efforts during the pandemic. Downtown Rutland Partnership was also very supportive. He also wanted to thank the Mayor in particular because at 9:50 PM that evening he answered his cell phone about an issue after removing the green street. The green Street that was put down by Carpenter and Costin was so all the kids could play. After removing the green street there was a lot of dirt left on the street. The Mayor, the next morning had DPW's street sweeper come through and cleaned up all the dirt. Kevin PFenning and Steve Flynn were thanked from DPW for being the crew who cleaned up the street.

Tyler Dahlin, Parks and Facilities Director gave an update on the Main Street Park project which is moving forward. He and Superintendent Peters met with NBF and there will be about 2-3 options for the park that will be able to be viewed. Alderman DePoy has been contacted to schedule a Recreation Committee meeting, hopefully next week where everyone can see the designs and give input. It is a community project and public input on the designs are welcomed. The bids will be going out this Fall for construction to start in the Spring of 2023.

COMMUNICATIONS FROM THE MAYOR

Solar Credit Offer to City

Mayor Allaire was recently approached by Doug Casella with a proposal to sell the City "net metering credits" from a solar farm he is bringing online this Fall. The contract would likely cover a twenty year period. Green Mountain Power (GMP) would apply 100% of the net metering credits associated with the

solar farm to the City's electric bills at various buildings. Mr. Casella has proposed that the City pay him 90% of the value of the net metering credits (monthly) with the remaining 10% representing the savings the City would see. The City Attorney is in the process of getting the City's usage from GMP as well as reviewing the proposed contract. Mayor Allaire is requesting that the issue be referred to the Finance Committee for a meeting to be held the week of September 12th.

A Motion was made and seconded (Davis, Savage) to refer the proposal to sell the City "net metering credits" from a solar farm Doug Casella is bringing online this Fall to the Finance Committee. **Motion passed.**

Mayor Allaire gave an update on the hotel situation. He held his monthly meeting last Friday and it was well attended by many stakeholders. The State, the owners of the hotels, Stockton Security, City Police, Fire Department, Building and Zoning and a representative from LIT was also there by phone. The main news out of the meeting came from the State, there are some changes being made. There will be no new transitional housing vouchers issued after October 1, 2022. The existing vouchers, the folks currently in the hotels, their eligibility will be tested according to their income. The money for these vouchers will be running out in March of 2023. The State still does not have a plan for when the money does run out and where these folks are going to be housed. A decision will not be made until the legislators convene in January.

ADDITIONS AND DELETIONS TO THE AGENDA

Attorney Bloomer asked to add a short executive session regarding confidential attorney client communications. President introduced the request. A motion was made and seconded (Savage, Talbott) to add the executive session to the end of the agenda. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Spaulding, RRA; VCDP Grant Resolution

Ms. Spaulding stated that in the Board's packet there is the resolution for the VCDP Grant application and the letter of support from Devon Neary at the Regional Planning Commission, stating that the project is consistent with the regional plan. The resolution needs to be circulated for signatures.

A Motion was made and seconded (Davis, DePoy) to suspend the rules. **Motion passed.** A Motion was made and seconded (Davis, DePoy) to circulate for signatures. There was a brief debate. **Motion failed.**

Treasurer Markowski; Establish New Sweep Account for ARPA Funds

Treasurer Markowski is requesting approval from the Board to open a Sweep Account for ARPA Funds.

A Motion was made and seconded (Davis, Savage) to suspend the rules. **Motion passed.** A Motion was made and seconded (Davis, Talbott) to authorize the City Treasurer to create a special Reserve Sweep account for investment of the funds that were appropriated to the City through the American Rescue Plan. **Motion passed.**

Attorney Bloomer; Executive Session Related to Probable Litigation

This request was moved to the end of the agenda.

Attorney Bloomer; Clean-up of Title Issues for Parcel #12070

Attorney Bloomer explained that Chris Smith, a city landowner recently inquired with the City as to title issues identified by his attorney for an L-shaped sliver of land at the end of Victor Place, Parcel #12070. Until May of this year, Mr. Smith was the owner of 3 Healy Lane, Parcel #12078, which he sold but retained an abutting tract of undeveloped land, Parcel #12074. The City at one point was the owner of

Parcel #12070, but the land records admittedly create some ambiguity as to whether the City ever formally conveyed its interest in Parcel #12070. The City has assessed property taxes against Parcel #12070 for many years, all of which have been paid by the previous owners and more recently, Mr. Smith. Mr. Smith is seeking to clear up the title to Parcel #12070 in order to ensure that he has access to his yet-to-be developed Parcel #12074. Access from Healy Lane is problematic due to topography. A quitclaim deed to Mr. Smith, with a return easement to the City, will clear up the title and clarify the respective parties' rights to the land. There would be no monetary consideration for this transaction; the City's consideration for quitclaiming any interest it may have in the property is the easement and the continued payment of taxes by the owner.

A Motion was made and seconded (Davis, Whitcomb) to suspend the rules. **Motion passed.** A Motion was made and seconded (Davis, Talbott) to authorize the disposition of Parcel #12070 via quitclaim deed to Christopher Smith, in substantially the form presented, pursuant to section 6.2 of the Rutland City Charter, in exchange for an easement to the City in substantially the form presented; and further authorize the Mayor to sign all transaction-related documents. **Motion passed.**

Zoning Administrator Strniste;

1. Request to Build Fence in City's Right-of-Way (1 Leonard Street)

Zoning Administrator Strniste explained the request on behalf of the landowner, Catherine A. Ross, at 1 Leonard Street regarding a fence that was built in the City's right-of-way along Clark Street. Upon further discussion and additional site visits with the landowner, an existing tree on the property's boundary line along Clark Street proved to complicate the fence's relocation. The landowner desires to save the tree and is asking the Board to authorize the construction of the fence within the City's Clark Street right-of-way in an effort to keep the tree. If the Board approves the request, a draft letter agreement would be created by the City Attorney and the Department of Public Works and signed by the property owner with conditions.

A Motion was made and seconded (Davis, DePoy) to suspend the rules. **Motion passed.** A motion was made and seconded (Davis, Whitcomb) to authorize the Landowner at 1 Leonard Street to relocate the fence two (2) feet within the City's Clark Street Right-of Way with the condition that a letter agreement drafted by the Department of Public Works, in collaboration with the City's Attorney, be signed by the property owner. **Motion passed.**

2. Contract Regarding Managed Service Provider (Tech Group)

Zoning Administrator Strniste read his memorandum that City Staff has been working towards commissioning a Managed Service Provider to assist the City with IT-related matters, especially in regards to security monitoring of the City's digital infrastructure and network. The BOA voted on July 18, 2022 to request for proposal to The Tech Group, LLC. City Staff is recommending the Board approve the contract.

A Motion was made and seconded (Franco, Davis) to suspend the rules. **Motion passed.** A Motion was made and seconded (Franco, Talbott) to authorize the Mayor, on behalf of the City of Rutland, to enter into the Tech Group Managed Care Services Agreement with The Tech Group, LLC, in substantially the form presented and for an amount not to exceed \$85,000.00 annually. **Motion passed.**

3. Contract Regarding Permitting Software (GovPilot)

Zoning Administrator Strniste read his memorandum regarding GovPilot Contract for Permitting Software. On August 1, 2022, at the recommendation of the IT Committee, the Board voted to award the Permitting Software Request for proposal to GovPilot, LLC. Once the Request for proposal was awarded to GovPilot, the Building and Zoning Department worked to finalize which modules would be

included as part of the contract. There are two contract options, one with five modules and one with six modules.

A Motion was made and seconded (Talbott, Tadio) to suspend the rules. **Motion passed.** A Motion was made and seconded (Talbott, Tadio) to authorize the Mayor, on behalf of the City of Rutland, to enter into the Subscription Service Order with GovPilot for six modules and a term of three (3) years, in substantially the form presented for an amount of \$21, 600.00 annually. **Motion passed.**

Chief KilCullen; Request for Employee Leave of Absence

Chief KilCullen introduced the request. The City recently hired Matthew Prouty, as the Community Resource Specialist, who was a longtime Police Department employee until his retirement in May 2021. At the time he was offered the position, he made the department aware that he had a four week vacation planned for October 2022. Pursuant to the collective bargaining agreement please accept this as a formal request for the Board's approval of a "General Leave of Absence" for Matthew Prouty from October 3, 2022 through October 28, 2022.

A Motion was made and seconded (Davis, DePoy) to suspend the rules. **Motion passed.** A Motion was made and seconded (Davis, DePoy) to approve the "General Leave of Absence" for Matthew Prouty from October 3, 2022 through October 28, 2022. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Alderman Whitcomb; Finance Committee

Alderman Whitcomb read his Finance Committee report from August 29, 2022 regarding ARPA funds review-DPW request. DPW Commissioner Rotondo provided an overview of the most pressing DPW requests which related to the Water Treatment Plant and Waste Water Treatment Plant requests. He noted that both requests are difficult to place in the annual budget. Commissioner Rotondo then discussed the request for the highway division and water distribution division requests. The committee took no action in this meeting citing the need to hear again from the police and Fire department regarding their ARPA request. The Committee anticipates meeting and providing a recommendation for DPW ARPA funding in early October of this year.

REPORTS OF SELECT COMMITTEES

There were no select committees reports.

REPORTS OF REPRESENTATIVES

Alderman Etori gave a Planning Commission update. He encouraged everyone to review the minutes in the packet. The Planning Commission is going through the various uses for different zones, between single families, multifamily residential and creating a multiple use district. There is a number of zones they are creating and trying to figure out the uses. This is the time if you have input or ideas about what those zones should be, to come to a meeting and provide feedback.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

SEP Request; Halloween Parade, October 29, 2022, 6-9PM

President Doenges introduced the request. A motion was made and seconded (Tadio, DePoy) to suspend the rules. **Motion passed.** A motion was made and seconded (Tadio, Davis) approving the request of the Halloween Parade for October 29, 2022 from 6-9PM. **Motion passed.**

SEP Request; Running Scared 5K, October 29, 2022, 10-NOON

President Doenges introduced the request. A motion was made and seconded (Davis, DePoy) to suspend the rules. **Motion passed.** A motion was made and seconded (Davis, DePoy) approving the request of the Running Scared 5K for October 29, 2022 from 10-NOON. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

There was nothing to come before the Board of Control Commissioners.

UNFINISHED BUSINESS

Alderman Ettori stated after the last meeting on August 17th, the Housing Trust held their meeting at CSJ to talk about the property. He was not invited and asked the Board if any of them were invited since it was the City's \$30,000 that paid for it. No member of the Board was invited.

Alderman DePoy stated the issue that was sent to Finance about the 1% sales tax and was in the paper has created a lot of interest. People have come forward to Alderman DePoy telling him that they too have been charged the 1% sales tax. We don't know where that money is going once the State receives it but it is illegal to charge the 1% for Rutland City. Attorney Bloomer recommended that the Attorney General's Office for the State of Vermont would be the place to contact.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

David Nelson; Water Allocation Request

A Motion was made and seconded (Davis, DePoy) to suspend the rules. **Motion passed.** A Motion was made and seconded (Davis, DePoy) to approve the requested Water Allocation of 75 gallons per day, for a distribution facility located at 132 Randbury Road in the Town of Rutland. **Motion passed.**

Alderwoman Tadio passed around a paper copy of a resolution that she would like the Board to formally adopt. The Resolution is as follows:

Whereas the Rutland City Board of Aldermen acknowledges and upholds the First Amendment right to free speech for all Vermonters,

And Whereas the Board also acknowledges the pain, anguish and harm caused by public displays of racist, anti-Semitic and white supremacist symbols, and hate speech in our community, specifically including swastikas and the Confederate battle flag;

And Whereas the Board recognizes that the display and sale of historical artifacts or replicas of items used in the oppression, torture, and captivity of people of color undermines their historical significance and perpetuates trauma and torment;

Be it resolved that we firmly and unambiguously condemn the display or sale of these symbols of hate and any other expression of hate, antisemitism and racism in our community. Our commitment to justice and inclusivity must have no boundaries.

We resolve to welcome and respect residents and newcomers of all races, ethnicities, religions, nationalities, sexes, gender identities, sexual orientations, and abilities.

A Motion was made and seconded (Talbot, Tadio) to suspend the rules. **Motion passed.** A Motion was made and seconded (Tadio, Talbot) to adopt the resolution. **Motion passed.**

Alderman Barbagallo was approached by some residents on Royce Street about the corner of Royce Street and Strongs Avenue. Currently there are "No Parking signs here to corner", on the corner near Gill's and at the southern end of the car repair shop. People are ignoring these signs and still parking in this location. The visibility is very poor with these cars illegally parked there. A Motion was made and seconded (Barbagallo, Davis) to refer the issue to the Traffic Committee. **Motion passed.**

Alderman Ettori made a Motion and was seconded by Alderman Talbot to refer to the Committee of the Whole about how to get the community and public involved. **Motion passed.**

A Motion to find that premature general public knowledge regarding probable 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 probable litigation and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. So moved (Talbott, DePoy). **Motion passed.**

Motion to enter into executive session (with the inclusion of the Mayor, Recreation and Maintenance Director, Treasurer, Clerk and the City Attorney) to discuss the probable litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). So moved (Talbott, DePoy). **Motion passed.**

At 8:17 PM the BOA moved into executive session.

At 8:22 PM the BOA moved out of executive session.

A Motion to authorize the Mayor, on behalf of the City, to enter into the Agreement and Release with Jerry's Transportation LLC, in substantially the form presented. So moved (Davis, DePoy). **Motion passed.**

Motion to find 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. So moved (Talbott, Savage). **Motion passed.**

Motion to enter into executive session (with the inclusion of the Mayor and City Attorney) to discuss the City Attorney's analysis of a legal matter as allowed under Title 1, Section 313(a)(1)(F). So moved (Talbott, Davis). **Motion passed.**

At this time the City Clerk Heck was asked to remove himself from the next executive session. Because of this, the recording and minute taking stopped. Therefore there was no mention upon exiting the executive session as to the time and if any motions were made.

At 8:24 PM the BOA moved into executive session.

Respectfully submitted,
Tracy L. Kapusta
Deputy City Clerk