

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, September 19, 2022

Members present; President Doenges, Aldermen Etori, *Franco, Savage, Barbagallo, Talbott, Tadio, Whitcomb, Gillam, *DePoy and Davis. Also present; Mayor Allaire, Attorney Bloomer and Clerk Heck. Alderman DePoy arrived at 7:03 PM. Alderman Franco arrived at 7:05 PM.

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (September 6 BOA & Public Hearing, 2022)

A motion was made and seconded (Savage, Whitcomb) approving the minutes of the previous meeting.
Motion passed.

OUTSIDE THE RAIL

Mary Cohen and Nichole of the Housing Trust presented an update of the property at the College of St. Joseph. Nichole used a handout noting various options for development. Ms. Cohen noted the possibility of the property being sold, but at this time cannot verify through the owner, Heritage Credit Union. After further debate and hearing from the Mayor on this issue, a motion was made and seconded (Talbott, Davis) to refer the issue to the Community and Economic Development committee.
Motion passed.

Tim Ballard of Clark Street shared concerns with a fence that had been approved and installed in the right-of-way at 1 Leonard Street. Mr. Ballard asked why this request was approved based on Title 25 in Chapter 5 in the Rutland City Charter and his was not. He was told no fence can be placed in the right-of-way.

President Doenges asked the Board to move down in the agenda and to take the item under new business up next. There was no debate from in or outside the rail. The request was so moved and seconded (Davis, Barbagallo). **Motion passed.**

President Doenges noted the Special Meeting held on September 12, 2022 for alleged agenda violations and stated the Board needs to ratify the previous agenda's or take action on items the Board feels were not appropriately warned. President Doenges reviewed motion language for each action. President Doenges then presented potential language to ratify all action taken at or resulting from the July 18, 2022 meeting that was not noticed in accordance with 1 V.S.A. 312(c). This language was so moved and seconded (Davis, Barbagallo). There was no debate. **Motion passed.**

NEW BUSINESS;

July 18, 2022 Meeting

- ***Approved the minutes from July 5 meeting.***
- ***Referred the issue of Evergreen Cemetery to the General Committee.***
- ***Referred the issue of voting wards to Charter & Ordinance Committee.***
- ***Approved the City of Rutland applying for a VCDP implementation grant for the rehabilitation of 120 Maple Street, as well as open the required Environmental Review in GEARS.***
- ***Authorized the Mayor to sign a letter of support for Stephanie Bourque to serve as the Municipal Project Manager for the Transportation Alternatives grant, Rutland City TAP TA22 (6) Train Station Plaza.***

- **Authorized the DPW Commissioner to begin contract negotiations with Wright-Pierce for the Meadow Street Stormwater Separation and Connor Park Combined Sewer Storage project.**
- **Referred the Treasurer's Report for June 30, 2022 to the Finance Committee.**
- **Approved the removal of the assignment of \$837,607.20 from the general fund.**
- **Approved making available the funds of \$92,647.12 from FY22 to be expensed in FY23 for the Fire Department's turn out gear and Police Department firearms and uniforms.**
- **Authorized the Mayor to enter into an agreement with GovOps.**
- **Awarded an IT managed services provider contract to Tech Group for the RemoteCare Package, pending clarification regarding Google workspace support.**
- **Approved the request of Friday Night Live for 7/22/22, 8/5/22, and 8/19/22 from 5-10PM.**
- **Referred the issue of 1% municipal tax being illegally collected from City residents by online retailers to the Intermunicipal Committee and Attorney Bloomer.**
- **Referred the issue of how the illegally collected tax is distributed by the State to the Finance Committee.**

President Doenges noted that this motion ratified all action taken at the September 18, 2022 Board of Aldermen meeting.

President Doenges then moved on to the August 1, 2022 meeting and presented potential language for the Board. To ratify all action taken at or resulting from the August 1, 2022 meeting that was not noticed in accordance with 1 V.S.A. 312(c). This language was so moved and seconded (Davis, DePoy). There was no debate. **Motion passed.**

August 1, 2022 Meeting

- **Approved the minutes of July 18 meeting.**
- **Approved the appointment of Ajay Shah to the RRA Board.**
- **Approved Recreation Department applying for a \$25,000 grant for Justin Thomas Memorial Park Renovation Project, with a \$25,000 match to come from the City.**
- **Approved the award of an RFP to KSA Built LLC in the amount of \$58,311.00 for work within Pine Hill Park.**
- **Referred the issue of Forest Street paving project to the Public Works Committee.**
- **Referred the issue of possible Route 4/7 lane configuration to the Public Works Committee.**
- **Approved the water request allocation of 2,700 gallons per day, for six three bedroom residences located on Post Rd., to the Town of Rutland.**
- **Authorized the Mayor to enter into a contract with GovPilot.**
- **Approved the 176 Vt State Fair Parade August 20th from 3-4PM.**

All action taken at the August 1, 2022 Board of Aldermen meeting has been ratified.

President Doenges noted the final meeting date of August 15, 2022 and presented potential language for the Board. To ratify all action taken at or resulting from the August 15, 2022 meeting that was not noticed in accordance with 1 V.S.A. 312(c). This language was so moved and seconded (Davis, DePoy). There was no debate, but Alderman Franco asked a question if an Aldermen was not present for the meeting if they could still vote on the issue tonight. Attorney Bloomer noted they could. **Motion passed.**

August 15, 2022 Meeting

- **Approved the minutes of August 1 meeting.**
- **Approved the City joining the inaugural cohort of Ideal Vermont Equality.**
- **Approved the appointment of Joe Barbagallo to the Board of Aldermen.**

- ***Approved the 1st & 3rd Class Liquor request for West Street Grill and to circulate the application for signatures.***
- ***Authorized the Mayor and City Treasurer to execute the lease financing documents with Municipal Leasing Consultants for the financing of the 2022 Trackless Sidewalk Tractor with the total principal of \$360,998.90, 7-year term and interest rate of 3.62%, with the documents subject to review and approval of the City Attorney.***
- ***Set the public hearing for Tuesday, September 6, 2022 at 6:30 PM for VCDP grant.***
- ***Referred the issue of the winter parking ban to the Parking Committee.***
- ***Adopted the building and zoning fee schedule as presented, to include a double certificate of occupancy fee for requests occurring within 24 hours.***

All action taken at the August 15, 2022 Board of Aldermen meeting has been ratified and President Doenges moved on to Communications from the Mayor.

COMMUNICATIONS FROM THE MAYOR

Reconsideration of September 6, 2022 Vote Relating to VCDP Grant Resolution for Proposed Renovation Project by Rutland Housing Initiative at 120 Maple St.

Mayor Allaire noted one item for the Board and reviewed this request to reconsider the VCDP grant resolution from the September 6, 2022 BOA meeting. Mayor Allaire stated the impact the previous vote could have and acknowledged a more thorough vetting of the issue. Alderman Gillam moved to reconsider the question of September 6, 2022 vote relating to VCDP Grant Resolution for reconsideration proposed renovation project at 120 Maple St. and stated he was absent at that meeting and wanted to cast his vote on the issue. Alderman Barbagallo seconded. Immediately, Alderwoman Davis requested a roll call vote. Debate followed on process for reconsidering a motion.

President Doenges reviewed the criteria for the reconsideration and asked the Clerk to call the roll.

Alderman Etori	NO
Alderman Franco	YES
Alderwoman Savage	YES
Alderman Barbagallo	YES
Alderman Talbott	YES
Alderwoman Tadio	YES
Alderman Whitcomb	YES
Alderman Gillam	YES
Alderman DePoy	YES
Alderwoman Davis	YES

Nine (9) YES and One (1) NO. **Motion passed to reconsider.**

RRA Director Brennan Duffy opened the discussion noting the Hales were present as well as numerous housing representatives in support of the project and reviewed the application process and the considerable interest in this round of funding. Zac Hale spoke about the project and presented a handout through which he went line by line reviewing details of their project, noting increase to funding, specifically soft cost and noted increase funding from the Hales. Mr. Hale spoke about unit cost (189K per Unit) and the reasonable amount associated with this project compared to other per unit project within the State. After his presentation, Mr. Hale noted various supporters of the project who he would like to address the Board.

Mary Cohen, executive director of the Housing Trust spoke in favor of the project and stated that Zac's per unit cost associated with this project were real. Ms. Cohen noted various reasons to support this project.

Arron Dillon of Neighbor Works spoke in favor of the Hales and his direct working relationship with their Bennington Project. Mr. Dillon noted the quality of work done by the Hales is well above the

standard and spoke about their vision with these type of projects. Lyle Jepson Executive Director of the Chamber and Economic Development asked the Board to change their previous vote and to support this project. Mr. Jepson noted the vast amount of positive outcomes related to this project and the economic impact to the community. Kevin Loso, Executive Director of the Housing Authority delivered a very concerning outlook to the housing shortage plaguing the community at present. Mr. Loso noted the shortage in housing as well as increases for rent and was concerned about future eviction consequences.

At this point President Doenges opened the meeting to questions of the project. Alderman Barbagallo had numerous questions that were answered by Zac Hale. There were further questions and support from the Board. In total the discussion for this item lasted for over an hour. President Doenges then opened the floor to the public for comment. John Ruggiero was present to voice his position on private development utilizing public funds.

A motion was made and seconded (Davis, Gillam) to circulate for signatures the resolution for the VCPD Grant application authority for the proposed renovation project by the Rutland Housing Initiative at 120 Maple St. Alderwoman Davis called for a roll call vote. President Doenges noted the motion and sought any debate. Zac Hale responded to Mr. Ruggiero comments. Alderman Franco and Etori strongly noted dissatisfaction with this project and will not support it. Alderwoman Davis fully supports the project and disagreed with Alderman Etori's assessment of the unit being purchased for rehab. Alderman Barbagallo still had too many unanswered questions and would be voting no. Alderman DePoy spoke on how projects like this can jump start a neighborhood into investing into their own properties.

With no further debate President Doenges asked the Clerk to call the roll.

Alderman Etori	NO
Alderman Franco	YES (Clerk Heck reported his vote as NO at the meeting)
Alderwoman Savage	YES
Alderman Barbagallo	NO
Alderman Talbott	YES
Alderman Tadio	YES
Alderman Whitcomb	YES
Alderman Gillam	YES
Alderman DePoy	YES
Alderwoman Davis	YES

Clerk Heck reported 7 YES and 3 NO to President Doenges at the meeting. The actual vote was eight (8) YES and two (2) NO. **Motion passed.**

President Doenges thanked the Hales for the presentation and all that participated. He then asked Mayor Allaire if he had anything else for the Board. Mayor Allaire noted two quick updates stating the numbers were in for BCBS with an estimated increase at the present plan of 10.5% or approximately 300K. Mayor Allaire noted he is hopeful to switch the present plan to an EPO which could save the City tax payers over 200K with an estimated 2.6% increase. Mayor Allaire also noted he purchased 75,000 gallons of winter fuel oil at a cost of \$3.62 per gallon. This concluded communications from the mayor.

President Doenges noted two items from Mountain Girl Cannabis, LLC and sought to take the request up. President Doenges sought a motion to enter into the Board of Cannabis Commissioners. This request was so moved and seconded (Davis, Savage). **Motion passed.**

BOARD OF CANNABIS COMMISSIONERS
Mountain Girl Cannabis, LLC License Request

President Doenges introduced the request noting he had handed out the approved cannabis resolution and sought a motion to approve the issuance of a local control license for the cannabis establishment, Mountain Girl Cannabis LLC, to be signed by the commission chair and the City Clerk, pending receipt of all items in section 5 of the resolution. This language was so moved and seconded. (Talbot, Tadio)
Motion passed.

A motion was made and seconded (Davis, Barbagallo) to come out of the Board of Cannabis Commissioners. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Brennan Duffy; RRA Director, BIAP Recommendation, Mountain Girl Cannabis, INC

Director Duffy was present to introduce the request and then turned the request over to owner Josh MacDuff. Mr. MacDuff thanked the Board for the opportunity and stated he and his wife were very excited for their new venture. A motion was made and seconded (Davis, Savage) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Tadio) approving the application of Mountain Girl Cannabis, Inc. for the \$5,000 grant from the BIAP program.
Motion passed.

ADDITIONS AND DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

Treasurer Markowski; Financial reports for the City and the RRA as of August 31, 2022

Treasurer Markowski reviewed the August financials. Treasurer Markowski noted highlights to the month and reviewed each category and stated all items were within budget and even though only two months had passed in the new FY cycle she just wanted to give the Board an update.

Treasurer Markowski; Financial reports for the City and the RRA as of June 30, 2022 (unaudited)

Treasurer Markowski segway into the year end with updates on the audit. All items are moving along and she plans to meet with the auditors in November.

REPORTS OF STANDING COMMITTEES

Alderman Davis; Public Safety, Repairs to Ladder #1 Report

Alderman Davis read her committee report from September 14, 2022 noting her committee met to discuss the request from Chief Lovett and the repairs needed for ladder #1. The Committee discussed options for repairing the 21 year old ladder truck that was decommissioned following several failed test. The Committee moved to choose option #3 for an associated cost of \$819,644.00 and to apply \$200,000.00 from the equipment replacement fund. To enter into contract with LTC for a 10 years coverage for Ladder #1 and Alderman Davis so moved. Alderman Gillam seconded. Debate. Treasurer Markowski asked the Board to allow her to research finance options and not set the down payment at \$200,000. **Motion passed.**

Alderman Davis; Finance Committee, Solar Field Credit Report

Alderman Davis read her committee report from September 14, 2022 to discuss net metering credits. Alderman Davis noted after discussing how the City could save approximately \$13,678.00 annually she presented a motion. Attorney Bloomer asked the Board to allow him to amend this motion and noted a motion to authorize the Mayor, on behalf of the City, to enter into a solar net metering credit agreement with DRL Solar LLC, on substantially similar terms as those presented and to authorize the Treasurer to designate the accounts to which the net metering credits will be applied. Alderman Davis so moved the motion and Alderman Gillam seconded. Debate, it was noted that the original motion presented was stricken and Attorney Bloomers motion was being moved. Debate.
Motion passed.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

Alderman Franco; RRA Representative, RRA Update Report & Concerns

Alderman Franco noted that the RRA Board was experiencing the same agenda issues as the BOA and the RRA Board will be discussing remedies at their meeting tomorrow to which he will report back to the BOA at their next meeting.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

SEP Request; Walk to End Alzheimer's, 9-24, 7AM – 2PM, Main St Park

President Doenges introduced the request. A motion was made and seconded (Davis, Gillam) to suspend the rules and take action on the request. **Motion passed.** A motion was made and seconded (Davis, Savage) approving the Special Events Permit for Alzheimer's Association Walk to End Alzheimer's, September 24, 2022 from 7AM to 2PM in Main Street Park. **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

Open Meeting Law Violations Cure, Part II - Adoption of specific measures to prevent future open meeting law violations related to agenda postings.

President Doenges noted that this was the second part of the earlier discussion on open meeting agenda violations. The resolution would be corrective measures taken to insure the City is compliant move forward. Attorney Bloomer and President Doenges discussed the part to be read aloud. President Doenges then read NOW THEREFORE be it resolved by the Board that: on down.

RESOLUTION

RE: SPECIFIC MEASURES TO PREVENT FUTURE OPEN MEETING LAW VIOLATIONS RELATED TO AGENDA POSTINGS

As passed by the Board of Aldermen on September 19, 2022

WHEREAS, on September 12, 2022, the City of Rutland's Board of Aldermen (the "**Board**") held a special meeting to review two (2) written notices of alleged open meeting law violations, which had been sent by Stephen Box to the Board via letters dated September 6, 2022;

WHEREAS, at the special meeting, the Board found that the alleged violations pertaining to agenda postings (the "**Violations**") for the July 18, August 1 and August 15 Board meetings (collectively, the "**Meetings**") did occur, and the Board stated its intention to cure said violations within 14 calendar days;

WHEREAS, at the Board's September 19, 2022 meeting, the Board ratified, or declared as void, the actions taken at or resulting from the Meetings, pursuant to 1 V.S.A. § 314(b)(4)(A)(i); and

WHEREAS, by this resolution, the Board adopts the following specific measures that actually prevent future Violations, pursuant to 1 V.S.A. § 314(b)(4)(B).

NOW THEREFORE be it resolved by the Board that:

1. The Clerk's Office shall train the appropriate number of City employees on how to post the agendas to the City website, pursuant to 1 V.S.A. § 312(d)(1)(A), to ensure proper posting regardless of leave taken by staff or other unforeseen circumstances.
2. The Clerk's Office shall confirm that each required agenda posting has been made to the website by the applicable time, by visiting the website.

3. The Clerk's Office shall designate the following public places in the municipality for agenda postings, pursuant to 1 V.S.A. § 312(d)(1)(B):
 - a. City Hall, 1 Strongs Avenue
 - b. Police Department, 108 Wales Street
 - c. Rutland Recreation Community Center, 134 Community Drive
4. The Clerk's Office shall list such designated public places, with their accurate address, on the City's website.
5. The Clerk's Office shall email an electronic copy of each meeting agenda to a City representative at each of the of above-named public places, with instructions to immediately post such agenda – rather than place a hard copy of the meeting agenda in each respective department's mail box in the City Hall mailroom.
6. The Clerk's office shall confirm (by email, phone or in-person) that each meeting agenda posting has been made by the City representative by the applicable time.
7. The Clerk's Office shall attempt to post meeting agendas in the following additional public places:
 - a. City Hall, 1 Strongs Avenue (exterior bulletin board)
 - b. Rutland Free Library, 10 Court Street
 - c. Godnick Center, 1 Deer Street
8. The Clerk's Office shall include a QR code and URL on each meeting agenda that links to the area on the City's website where more information about meetings can be found.
9. The Clerk's Office shall encourage Department Heads to post or distribute meeting agendas in their office spaces.

Upon completing the reading of the cures a motion was made and seconded (Davis, Savage) approving of all read cures into the record. **Motion passed.**

Alderman Gillam brought the issue of graffiti and the extreme amount within his neighborhood. Alderman Gillam wanted the issue referred to the Police Commission and Public Safety for discussion on remedies. Alderwoman Davis seconded. Debate. **Motion passed.**

Alderman Etori requested an update on a previously referred issue of left turn lane at the corner of Merchants & West St.

A motion was made and seconded (Davis, Barbagallo) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk