

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

Members present; President Whitcomb, Aldermen Gorruso, Franco, Savage, Talbott, *Doenges, Gillam, Clifford, DePoy and Davis. Also present; Mayor Allaire, Attorney Bloomer and City Clerk Heck. Alderman Neary was absent and Alderman Doenges arrived at 7:17 PM.

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (October 18, 2021)

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

OUTSIDE THE RAIL

Greg Cox spoke on fluoridation in the City water and noted his objection because of potential health risk. President Whitcomb noted this issue was on the agenda and would be taken up in just a bit.

Chief Lovett spoke highly of the community support of his Department. Chief Lovett briefed the board on a rash of fires within the last 72 hours and gave thanks to a host of departments and individuals and the community for aiding his department.

COMMUNICATIONS FROM THE MAYOR

Mayoral 2023 Budget Presentation

Mayor Allaire noted his FY 2023 budget was on their desk and briefed the Board on his projected FY 23 budget. Mayor Allaire noted the shortfall in the police Department and stated that he would not fund all of the vacancies, but would fund those if they could be filled. Mayor Allaire noted some personnel increases and noted that on a whole the 2023 budget was up 2.78% and looked forward to meeting with the Board.

ADDITIONS AND DELETIONS TO THE AGENDA

President Whitcomb noted Treasurer Markowski asked to delete her updated purchasing policy request and Attorney Bloomer asked to add a third executive session for negotiation of a contract. Those requests were so moved and seconded (Gillam, Talbott). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Brennan Duffy; RRA Director, RRA Board BIAP Request

Director Duffy was present to ask the Board to approve a recommendation from the RRA Board for a \$5,000 BIAP Grant to Marble Valley Catering, who are purchasing the Killington Ave. Market and Deli. A motion was made and seconded (Clifford, Gorruso) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Clifford, DePoy) approving the \$5,000 BIAP grant, with the check to be distributed following a successful closing of the property/business at 22 Killington Avenue, and to approve the referral to the Heritage Family Credit Union for a collateralized loan in accordance with that program's policy. **Motion passed.**

Treasurer Markowski; Treasurer's Report for September 30, 2021

Treasurer Markowski was present to speak about her September Treasurer's Report and per her past practice reviewed the highlighted portions of that report and sought a referral to committee for future review. A motion was made and seconded (Davis, Gillam) to refer the request to the Finance Committee. **Motion passed.**

Treasurer Markowski Review of Financial Policies – Updated Purchasing Policy

This request was deleted earlier in the meeting and will be revisited at a later date.

President Whitcomb noted Attorney Bloomer's requests and moved them to the end of the agenda, per their past practice.

Attorney Bloomer; Executive Session Regarding Confidential Attorney-Client Communications.

Attorney Bloomer; Executive Session Regarding Pending Litigation.

Attorney Bloomer; Executive Session Negotiation of a Contract.

All of these requests were moved to the end of the meeting.

At this part of the agenda President Whitcomb noted the large contingent of people and asked the Board to move to the two (2) requests in the petition, letters and miscellaneous communications portion of the agenda.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Jack Crowther; Requests BOA Review Fluoridation of City Water Supply

Mr. Crowther asked the President to allow those who came tonight to speak on the fluoride issue to go first and he could speak last. President Whitcomb asked if anyone wished to speak on the issue of fluoride in the water. Over the next 40 minutes, approximately 10 individuals spoke against fluoride in the City water system. There were various health related and better ways to get fluoride without forcing everyone to have it discussions/comments. Jack Crowther did speak and noted he had been before the Board numerous times, but sought to educate the new members in hope they may want to revisit the issue. A motion was made and seconded (Talbot, Gorruso) to refer the request to the Public Works Committee. **Motion passed.**

Eric Mallette; Paramount Theater, Request for City of Rutland Investment

Paramount Director, Eric Mallette was present with Mark Foley Jr. and Paul Gallo from the Paramount Board in hopes the City would support a financial request to "partner" with the Paramount and help move them into the 21st century with a financial investment of \$450,000 over the next 4 years. Mr. Mallette spoke of his vision of partnering with the city and to keep the Paramount a focal destination in the heart of downtown Rutland. The Board voiced enthusiastic support of the Paramount and of the financial support. There was some debate on the funding source. A motion was made and seconded (Davis, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, DePoy) approving the requests for \$150,000 fund request from the Zamias Fund. Debate. **Motion passed.** A motion was made and seconded (Gillam, Davis) to refer the additional \$300,000 requests to the Finance Committee. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Finance Committee; Alderwoman Davis, ARPA Funds, City Clerk

Alderwoman Davis read her committee report from October 25, 2021 noting her committee met to discuss the Clerk's recommendation for use of ARPA Funds to digitize land records and upgrade the Aldermen Chambers technologies. Alderwoman Davis noted estimates provided by the Clerk and expressed the committee and Clerk Heck's desire to use in house resources to digitize land Records and keep the cost at an estimated \$60K to \$80K budget. Clerk Heck noted that he had received outside estimates from \$173K to \$232K. Alderwoman Davis noted the motion out of committee was to utilize ARPS Funds in an amount of \$60K to \$80K and she so moved. Alderman Doenges seconded. Debate. **Motion passed.** The other motion out of committee was to set aside \$90K to \$110K in ARPA Funds for the technology upgrades to the Aldermen Chambers. Alderwoman Davis so moved and Alderman Talbot seconded. **Motion passed.** A motion was made and seconded (Davis, Talbot) to General Committee for an RFP of this project. **Motion passed.** Alderwoman Davis noted a matrix on the use of ARPA funds that Alderman Doenges had received from another town and felt it would be a valuable tool for the Board and would ask the Clerk to distribute to the full Board.

General Committee; Alderman Gorruso

Alderman Gorruso read his committee report from October 26, 2021 and noted his committee met to discuss city owned property. Alderman Gorruso noted Zoning Administrator Strniste sought to re-write policy for city owned property to ensure transparency and fairness in the process. The committee and all those present discussed this issue at length. Treasurer Markowski noted substantial interest in the nine (9) new properties owned by the city. The committee felt at this time, a policy change or re-write would be to

lengthy and could delay the sale of these nine (9) new properties and that the current process was adequate. No action was requested and the report was for information only.

Community & Economic Development; Alderman Talbott

Alderman Talbott read his committee report from October 27, 2021, noting his committee met to discuss the Vermont Transportation Alternatives Grant application to support redevelopment of the area near the Amtrak Station. Alderman Talbott noted the grant required a \$75K match from the city with an estimated project cost of \$375K. The committee heard from Devon Neary in his Planning Commission role and not as an Aldermen. Mr. Neary briefed the committee on the project and answered all questions. The members present discussed funding the \$75K match and Alderman Talbott noted that there was approximately \$7500 available funds left in the Zamias Account after the Paramount request. The full Board discussed funding options. **Motion passed.**

Committee of The Whole; President Whitcomb

President Whitcomb read the Committee of the Whole report from October 28, 2021, noting the committee met to discuss referred issues on Consolidated Fiber Optic install. There have been numerous complaints from residents with how Consolidated and their partners have been working around the city. President Whitcomb noted representatives of Consolidated were present and assured the Board that they take all of these concerns seriously and will address them as needed. Attorney Bloomer noted the need to establish a standing meeting to address communication challenges. There was no action requested and the report was for information only.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

There were no representative reports.

BOARD OF CONTROL COMMISSIONERS

There were no requests for the Board of Control Commissioners.

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Gorruso asked to refer the issue of a Halloween Parade backup plan to committee to allow the parade to not be cancelled. Alderman Clifford seconded for debate. Alderman DePoy asked if it was a referral to Recreation Committee. There was brief debate. There was a motion for a referral of this issue to the Recreation Committee (Gorruso, Clifford). Debate. **Motion passed.**

President Whitcomb noted three (3) executive sessions request from Attorney Bloomer and sought language to enter executive session.

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

Attorney Bloomer then noted a motion for entering into executive session (with the inclusion of the Mayor, Building Inspector, City Clerk, City Attorney, and Treasurer) to discuss the contract to be negotiated, as allowed under Title 1, Section 313(a)(1)(A). This language was so moved and seconded (Talbott, Davis). **Motion passed.**

At 8:48 PM the Board moved into executive session.

At 9:18 PM a motion was made and seconded (Davis, Talbott) to come out of executive session. **Motion passed.**

There was no action requested and President Whitcomb asked Attorney Bloomer for language for the next executive session.

Attorney Bloomer noted a motion finding 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. This language was so moved and seconded (Davis, Talbott).

Motion passed.

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

At 9:19 PM the Board moved back into executive session.

At 9:27 PM a motion was made and seconded (Davis, Talbott) to come out of executive session. **Motion passed.**

No action was requested and President Whitcomb asked Attorney Bloomer for language on his next executive session request.

Attorney Bloomer stated a motion finding 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.**

Attorney Bloomer then sought a motion to enter into executive session (with the inclusion of the Clerk, Mayor, Treasurer and City Attorney) to discuss pending litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). This request was so moved and seconded (Davis, DePoy). **Motion passed.**

At 9:27 PM the Board moved back into executive session. **Motion passed.**

At 9:29 PM a motion was made and seconded (DePoy, Clifford) to come out of executive session. **Motion passed.**

President Whitcomb then sought the desired motion from Attorney Bloomer. Attorney Bloomer noted a motion to authorize the City Attorney to register the City to receive the documentation needed to participate in the opioid settlement, and to designate the Mayor as the individual who will be authorized to sign formal and binding documents on behalf of the City would be in order. Alderman Talbott so moved and Alderwoman Davis seconded. **Motion passed.**

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

Respectfully submitted,

Henry A Heck
Rutland City Clerk