

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, December 6, 2021

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

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (November 15, 2021)

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

Motion passed.

OUTSIDE THE RAIL

Claudio Forte; Discussion on City Mask Mandate

Claudio Forte was present to discuss the recent uptick in COVID related illness and the concerns for the hospital and staff. Mr. Forte spoke on how the hospital was dealing and going to deal with recent ICU concerns. Mr. Forte noted the best way to combat COVID was to still get vaccinated/boosted, wear a mask and social distance. Mayor Allaire reiterated the same theme, get vaccinated, mask up and social distance. Mayor Allaire did note that he does not support a mask mandate and noted several reasons. Mayor Allaire did state that he was in conference with Mr. Forte and BOA President Whitcomb on a resolution supporting the use of mask. President Whitcomb offered to read that resolution and sought a rules suspension. The request was so moved and seconded (Gorruso, Talbott). **Motion passed.**

President Whitcomb read the resolution, noting the Board's support and offering to purchase 50,000 masks to be distributed throughout the City. Alderman DePoy moved for the adoption. Alderman Talbott seconded. There was debate from Alderman DePoy on according to him, the lack of vaccine available at locale pharmacies. Debate continued with the Board and Mr. Forte. Alderman DePoy drafted an amendment and offered it to President Whitcomb to add to the resolution presented to the Board. President Whitcomb read the request. The amendment was so moved and seconded (Davis, Gorruso) Debate. **Motion passed** on adding the amendment to the resolution. President Whitcomb allowed questions from the public at this time. Several people did speak. Alderman Franco spoke about the need for a mask mandate and presented his own resolution for amending the present resolution. Alderman Franco read his proposed resolution. President Whitcomb questioned if this was an amendment or replacement to the original. Alderman Franco noted his intent was to add this language to the original along with Alderman DePoy's amendment. President Whitcomb then sought a second to Alderman Franco's request. Seeing no second, President Whitcomb noted the motion failed and the original motion as amended was on the floor. Alderwoman Davis called the question. President Whitcomb noted the question had been called and called for a vote. Calling of the question passed. President Whitcomb noted the original motion as amended was called. **Motion passed.**

A gentleman asked for help with noise complaints that wake him every morning at 4:30 AM. There was brief debate on the request. Chief KilCullen was present and noted there is some grey area and the issue needs to be vetted. A motion was made and seconded (Talbott, Gorruso) to refer the issue to the Charter and Ordinance Committee. Debate. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire noted he had no communications for the Board.

ADDITIONS AND DELETIONS TO THE AGENDA

Attorney Bloomer asked to add the item of Lease discussion for 33 Summer St. The request was so moved and seconded (Davis, DePoy). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Brennan Duffy; RRA Director, BIAP Recommendation

Brennan Duffy was present to introduce the request and noted the RRA Board was recommending a \$5,000 BIAP grant to a couple opening a restaurant on 87 State Street. A motion was made and seconded (Davis, Gorruso) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Gillam) approving the \$5,000 BIAP Grant to offset some of the new equipment cost for 87 State Street. **Motion passed.**

Barbara Spaulding; RRA, TD Bank Green Spaces Resolution

Susan Schreiberman was present to ask the Board for support with the TD Bank Green Spaces Grant application. Ms. Schreiberman noted she spoke a couple weeks ago on the issue and was here asking the Board to sign a resolution in support of the grant. A motion was made and seconded (Davis, Gorruso) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Gorruso) to circulate the resolution for signatures. **Motion passed.**

President Whitcomb noted the request from Chief Lovett and asked the Chief to introduce the item.

Chief Lovett noted that he just got news about an opportunity for an AFG Grant (American Fire Act Grant) and sought permission from the Board to apply for this grant. Chief Lovett noted they had in the past applied for this grant and he would utilize if awarded for the replacement of air packs. **This item was not on the agenda, nor was it added earlier in the meeting.** 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, Gillam) approving the request to apply for the AFG Grant. **Motion passed.**

Chief Lovett then moved on to the RFP request.

Chief Lovett; Dennis Leary Grant Announcement

Chief Lovett was present to share the exciting news that the city had been awarded the Dennis Leary Grant in the amount of \$7,500. A motion was made and seconded (Doenges, Talbott) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded to authorize the Mayor to sign and circulate the resolution for signatures. **Motion passed.**

Chief Lovett; Request for RFP for Contaminated Soil

Chief Lovett introduced the request noting the driveway replacement project at the station and the soil that was excavated has tested positive for contaminants. Chief Lovett sought an RFP to gather bids for the removal of that soil. 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, Gorruso) approving the RFP request for the removal of the contaminated soil at the fire station. **Motion passed.**

Attorney Bloomer; Request for Executive Session, Pending Litigation

Per the Board past practice the executive session was moved to the end of the meeting.

Alderman Gillam offered to let the requests from the Chamber & Economic Development go first.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Chamber & Economic Development; Request Funds for Regional Marketing Initiative

Lyle Jepson was present to brief the Board on his request to continue funding the Regional Marketing Initiative. Kim Lupe of CEDRR presented data on how the RMI has been working and shared success stories. Mr. Jepson finished his request by asking the Board to continue with funding the City's portion of this project. There was debate from the Board and Mayor on a funding source. A motion was made to suspend the rules, Alderman Gorruso. **Motion passed.** A motion was made and seconded (Davis, Gillam) approving the request for \$16,000 and to use the Mayor's Contingency Fund as the funding source. Debate. **Motion passed.**

Chamber & Economic Development; Request for Referral, Finance Committee

Lyle Jepson introduced his request asking the Board to refer the issue of "The HUB", a digital economy incubator/accelerator in downtown Rutland to the Finance Committee. Tyler Richardson briefed the Board on this, HUB concept. Alderman Doenges asked if this request for potential funds from ARPA actually qualified and to look into the guidelines before coming to the Finance Committee. A motion was made and seconded (Doenges, Davis) referring the HUB request to the Finance Committee. Debate. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Alderman Gillam; Charter & Ordinance Committee

Alderman Gillam read his committee report from December 1, 2021. Alderman Gillam noted all present and stated his committee met to discuss the Cannabis retailers and integrated licensee's ballot issue for March of 2022. Alderman Gillam noted the issue brought a great deal of debate from all present with the pros and cons being thoroughly discussed.

There was a motion out of committee asking the voters of the city to decide on allowing retail cannabis sales. Alderman Gillam did not move that motion, but noted another motion, with specific language from the City Attorney, to authorize the Mayor to call a special meeting on Town Meeting Day 2022 for Cannabis Retailers Licensees with that language to follow.

Alderman Gillam noted two (2) forms of possible ballot questions. Debate ensued from Alderwoman Davis, Alderman Gillam and Attorney Bloomer on the process/order of motions. Alderman Gillam so moved the motion authorizing the Mayor to call a special meeting. There was fair amount of confusion on which motion to take-up. The Clerk even voicing concern on the placing of questions on the ballot. Eventually it was decided to take the motion from committee and place that on the floor. (Gillam, DePoy) Debate followed on binding vs. non-binding question and Alderman DePoy moved to refer the issue to the Charter & Ordinance Committee. Debate.

With Alderman DePoy challenging the language, Alderwoman Davis moved to amend the language as binding. President Whitcomb was reminded that a motion to refer takes precedence. President Whitcomb noted the motion to refer and called for a vote. **Motion to refer failed.** President Whitcomb then noted Alderwoman Davis amendment moving the ballot language as binding. Alderman Doenges seconded. **Motion passed.** Representative Notte was present and spoke on the issue, debate continued on process and direction/language "Special Meeting" requests from Attorney Bloomer. The Board then moved discussion to the actual reason for the vote and whether to support retail cannabis in the City.

Attorney Bloomer then reviewed the email sent with actual ballot language noting two (2) options and reviewed how the BOA would like to proceed. Clerk Heck shared concern on the language itself noting simplicity is best. Alderman Doenges moved to use option one, Alderman Talbott seconded. There was debate on the term integrated licensee. Alderman Gorruso asked about holding off and moved to table the issue, there was a second. Debate. President Whitcomb called the question to table. **Motion failed.** The Board went back to the option number #1 and discussed a set date. President Whitcomb was calling the question when Attorney Bloomer voiced his concern about the motion. Alderman Doenges moved to amend his motion and read his recommendation for the amendment. *To petition the Mayor to call a special meeting on Town Meeting Day in 2022 for the following question: Cannabis Retailers licensees • Shall the City of Rutland permit the operation of cannabis retailers and the retail portion of an integrated licensee within the City (as such terms are defined within 7 V.S.A. §861), beginning in October of 2022, and subject to State law and any city ordinances or regulations that the City may lawfully adopt?* Alderman Talbott seconded. **Motion passed.** Alderman Gillam then finished reading his report.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

There were no representative reports

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

***Chamber & Economic Development; Request Funds for Regional Marketing Initiative
Chamber & Economic Development; Request for Referral, Finance Committee***

Completed earlier in the meeting

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

Alderswoman Davis noted the earlier request by Attorney Bloomer to add 33 Summer Street leases. Attorney Bloomer explained that another City owned property had a tenant and sought language *authorizing the Planning & Zoning Administrator to negotiate a lease with each of the various tenants at 33 Summer Street on terms including rental amounts that the administration deems appropriate using a lease in substantially the form previously authorized by the BOA and further authorize the Mayor to sign and enter into such negotiated leases on behalf of the city.* Alderswoman Davis sought a rules suspension. Alderman Gillam seconded. **Motion passed.** Alderswoman Davis then moved the language just read by the City Attorney. Alderman Gillam seconded. **Motion passed.**

Alderman Neary was attempting to fund a request from the Rutland Natural Resources Conservation District when a motion was made to refer the issue to the Mayor (Davis, Gillam). **Motion passed**

Attorney Bloomer sought language 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 (Talbot, Davis). **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 (Talbot, Davis). **Motion passed.**

At 9:15 PM the Board moved into executive session. **Motion passed.**

At 9:22 PM a motion was made and seconded (Doenges, Neary) to come out of executive session. **Motion passed.**

Attorney Bloomer sought a motion authorizing the Mayor to enter into the National Opioid Settlement with all related pharmaceutical companies on behalf of the City and to authorize the Mayor to sign all related documents. That request was so moved and seconded (Gillam, Gorruso). **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk