

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

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

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (December 5, 2022)

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

OUTSIDE THE RAIL

No one spoke from outside the rail.

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire gave a very quick report noting a fire in Proctor and the need for help with family items. Mayor Allaire also noted the parking increase and getting input from the business owners via the Downtown Partnership survey. Mayor Allaire then noted a request to refer the water issue suffered by TJ Kessop to the Public Works Committee. This request was so moved and seconded, (Gillam, Davis).
Motion passed. This concluded communications from the Mayor.

ADDITIONS AND DELETIONS TO THE AGENDA

President Doenges noted Attorney Bloomers' executive session for probable litigation and Parking App amendment to be deleted and Clerk Heck's request to add Board of Aldermen meeting date changes. Alderwoman Davis so moved those requests. Alderman Gillam seconded. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Spaulding, RRA; BIAP Request

Barbara Spaulding was present to introduce a request from the Redevelopment Authority, recommending a \$10,000 BIAP Grant to Autism, Advocacy and Intervention LLC. Mrs. Spaulding noted the application and sought the Boards approval. A motion was made and seconded (Davis, Tadio) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Savage) approving the \$10,000 BIAP request to Autism, Advocacy and Intervention LLC for office space at 163 Stratton Road. Debate. **Motion passed.**

Treasurer Markowski; – Treasurer's Report for City and RRA for November 30, 2022

A motion was made and seconded (Davis, Gillam) to refer the report to the Finance Committee.
Motion passed.

Superintendent Peters; Recreation Updates

Superintendent Peters was present to update the Board on several items and started her report requesting an RFP for Recreation Management Software (iCloud) and briefed the Board on the request. A motion was made and seconded (Gillam, Davis) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Gillam) approving the request for an RFP for Recreation Management Software, iCloud. **Motion passed.**

Superintendent Peters then briefed the Board on quarterly updates on the Justin Memorial Park, Courcelle Building usages and rental/program/memberships at, Godnick Adult Center, Giorgetti and RRCC.

President Doenges noted two (2) related Special Event Permit requests for recreation and sought to take those items up. With no debate, President Doenges noted Cold Roll Rutland, Fat Tire Festival and Sledding on Center Street.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

SEP Request; Recreation Department, Sledding on Center St., Feb 21, 2022

A motion was made and seconded (Davis, Cupoli) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Gillam) approving the SEP request for Sledding on Center Street, February 21, 2023 from 5:30 to 8PM. Debate. **Motion passed.**

SEP Request; Cold Roll Rutland, Fat Tire Festival, 2-12-2023, Pine Hill Park

A motion was made and seconded (Tadio, Davis) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Tadio, DePoy) approving the SEP for Cold Roll Rutland, Fat Tire Festival on February 12, 2023 at Pine Hill Park. Shelly Lutz spoke on the event. **Motion passed.**

Attorney Bloomer was ill and not able to attend the meeting. President Doenges provided as much information as he could.

Attorney Bloomer;

1. Request from Y&R Opportunity Fund for deed restriction waiver for 33 Summer Street

President Doenges noted with the absence of Attorney Bloomer he would be moving around a bit and noted this request was within the packet. A motion was made and seconded (Davis, Whitcomb) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, DePoy) approving the Waiver of Restrictive Covenant of 33 Summer Street, in the form presented, and to authorize the Zoning Administrator and Building Inspector to sign the waiver, on behalf of the City. No Debate. **Motion passed.**

2. Request, Housing Trust of Rutland County, Option Agreement Extension, 202 Columbian Ave

President Doenges noted the next request from Attorney Bloomer and stated a motion being presented if the Board was so inclined. A motion was made and seconded (Whitcomb, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Whitcomb, Talbott) authorizing the Mayor, on behalf of the City, to enter into Amendment No. 1 to the Real Estate Option Agreement with the Housing Trust of Rutland County, Inc., in substantially the form presented. No debate. **Motion passed.**

3. Ordinance Amendment, Parking App

This request was previously deleted.

4. Local option sales tax & reserve fund materials to go with Alderwoman Savage's reports

5. Noise Ordinance materials to go with Alderwoman Savage's Report

Both requests 4 & 5 were moved to Standing Committee reports from Alderwoman Savage.

6. Executive session related to probable litigation

This request was previously deleted.

President Doenges then asked Chief Kilcullen to present his requests.

Chief KilCullen; Request to Sell City Owned Property

Chief Kilcullen sought approval from the Board to dispose of a 2015 Ford Police Interceptor to Browns Auto Salvage in Bomossen Vt. for \$1500.00. Chief Kilcullen gave a brief history of the vehicle. 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 request to sell a 2015 Ford Police Interceptor to Browns Auto Salvage in Bomossen Vt. for \$1500.00 with proceeds to go into the Police replacement vehicle fund. Debate. **Motion passed.**

Chief KilCullen; Request to issue RFP for Communications Center Work Stations

Chief Kilcullen noted at another meeting, his earlier request and approval for 40k in ARPA funds, being used for communications center work stations and stated that this request was for an RFP for those stations. 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 RFP for the Communications Center Work Stations. **Motion passed.**

DPW Commissioner Rotondo; Request Referral of Proposed Infrastructure Improvement Bond Requests to the DPW Committee

President Doenges introduced the request. A motion was made and seconded (Gillam, DePoy) referring the proposed infrastructure improvement bond requests to the Public Works Committee. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Alderman Savage; Charter & Ordinance, Noise Ordinance Re-Write

Alderman Savage read her committee report from December 12, 2022. Noting her committee met to finalize language for a new Noise Ordinance. Alderman Savage noted a motion out of committee referring the new noise ordinance language to the full board and she so moved. Alderman Franco seconded. President Doenges noted recommended motion language from Attorney Bloomer and noted those documents within their packet. Debate. President Doenges called for the vote from committee and moved to the full board. Debate followed on process/request from Attorney Bloomer. Debate continued. A motion was made and seconded (Talbot, Savage) suspending the rules and taking action on the request. **Motion passed.** President Doenges then noted the seconded request recommended by Attorney Bloomer, approving the ordinance, as presented (and with the following amendments: This request was so moved and seconded (Talbot, Gillam). **Motion passed.** President Doenges noted the final recommendation approving the statement setting forth the substance of the proposed amendments, as prepared by the City Attorney (and with the following amendments: This request was so moved and seconded (Talbot, Gillam). **Motion passed.** This concluded Alderman Savage's report.

Alderman Savage; Charter & Ordinance 11/17 Local Option Tax

Alderman Savage read her committee report from November 17, 2022 noting her committee met to discuss the noise ordinance and options for a local option tax. Alderman Savage noted Attorney Bloomer will be working on language for the final Charter Change language and Noise Ordinance and both items will remain in committee.

Alderman Savage; Charter & Ordinance 12/1 Local Option Tax

Alderman Savage read her committee report from December 1, 2022 noting her committee met to continue the discussion on Charter Language for the adoption of a Local Option Tax to be placed on the March ballot. Attorney Bloomer noted this process was twofold, needing voter approval and State Legislative approval. Attorney Bloomer outlined the breakdown of Charter Language to appear on the ballot. The recommendation from committee was to present as listed.

§9-8.9. Local option sales tax; capital improvement reserve fund.

(a) A local option sales tax is authorized under this section for the purpose of affording the City an alternative method of raising municipal revenues with the goal of lessening the impact of expenses on the property tax and/or water & sewer fees. Accordingly:

(1) The Board of Aldermen may authorize an assessment of a sales tax of one percent.

(2) Any tax imposed under the authority of this section shall be collected and administered by the Vermont Department of Taxes in accordance with State law governing the State sales tax.

(3) Revenues received through a tax imposed under this section shall be used, at the sole discretion of the Board of Aldermen, in any of the following ways:

(A) to deposit in the reserve fund described in (b) below.

(B) to reduce the deficit in any underfunded pension.

(C) to finance the construction, reconstruction or repair of City buildings or infrastructure that are not eligible to be financed through the reserve fund described in (b) below.

(D) any combination of (A), (B) and (C).

(b) A "Capital Improvement Reserve Fund" is approved in accordance with 24 V.S.A. § 2804(a) and shall be established for the purpose of financing (1) any physical betterment or improvement, including furnishings, machinery, apparatus, or equipment for that physical betterment or improvement when first constructed or acquired; (2) any preliminary studies and surveys relating to any physical betterment or improvement; or (3) land or rights in land and she so moved. Alderman Talbott seconded. Debate. President Doenges then noted amendments in the form of resolutions from Attorney Bloomer and stated both are to replace the motions just presented from committee, (listed above).

There was some debate and clarification with the Attorney recommendations. Alderman Talbott moved to amend the motions from committee, replacing them with the following two (2) motions. Approve the Charter Amendment Resolution and to circulate for signatures and a motion to approve the Reserve Fund Resolution and to circulate for signatures. Alderman Gillam seconded. **Motion passed.**

Alderman Talbott then moved to approve the Charter Amendment Resolution and to circulate for signatures. Alderman Gillam seconded. **Motion passed.** Alderman Talbott then moved to approve the Reserve Fund Resolution and to circulate for signatures. Alderman Gillam seconded. **Motion passed.**

President Doenges then sought to clarify the original motion as amended. Alderman Talbott so moved and Alderman Gillam seconded. **Motion passed.** Clerk Heck asked if Attorney Bloomer could confirm the warning of the two (2) mandatory public hearings to meet statutory requirements for Charter Changes. A motion was made and seconded (Davis, Gillam) setting both BOA meetings in January 2023 for Public Hearings at 6:45 PM in the Alderman Chambers for Charter Amendments of the Local Option Tax and Capitol Improvement Fund Reserve. **Motion passed.**

President Doenges thanked Alderwoman Savage and asked Alderman Gillam to report out his Public Works Committee meeting.

Alderman Gillam; Public Works; Piedmont Pond & Dam

Alderman Gillam read his committee report from December 8, 2022, noting the committee met to discuss an update for Moon Brook Pond Modifications Project, Warranty Deeds and Funding. Alderman Gillam read his report noting his committee discussed final draft design for the modification project. Alderman Gillam reported that the City accepted the conveyance of Combination Pond several years ago and now will accept the conveyance for Piedmont Pond and its dam from its owner. The City will also receive easements from three (3) abutting landowners necessary for the project.

Alderman Gillam noted a motion from committee recommending to the full Board to accept the conveyance of Piedmont Pond, its dam and certain surrounding land via Warranty Deed, in substantially the form attached in your agenda, Pages B1, B2, B3. And he so moved. Alderman DePoy seconded. **Motion passed. Alderman Cupoli abstained.**

Alderman Gillam then noted a motion recommending to the full Board to accept the three (3) easements related to the Piedmont Pond project, in substantially the form attached in your agenda, pages B4-B12, and he so moved. Alderman DePoy seconded. **Motion passed, Alderman Cupoli abstained.**

Alderman Gillam then noted the engineering consultant SLR had requested a small fee increase to their engineering service contract, related to unexpected survey cost. Alderman Gillam noted this expense would be covered by existing project funds and noted a motion from committee, authorizing the Mayor, on behalf of the City to enter into an amendment to the existing engineering services agreement with SLR to increase the total payment due to SLR by \$5,000.00 to account for unexpected surveying work, and he so moved. Alderman DePoy seconded. **Motion passed. Alderman Cupoli abstained.**

President Doenges thanked Alderman Gillam and Attorney Bloomer who was working from home due to illness.

REPORTS OF REPRESENTATIVES

There were no representative reports.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

BOARD OF CONTROL COMMISSIONERS

There were no items to come before the Board of Control Commissioners.

BOARD OF CANNABIS COMMISSIONERS

There were no items to come before the Board of Cannabis Commissioners

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

President Doenges noted the earlier addition of the Clerk's request to amend BOA holiday Mondays. Clerk Heck present four (4) changes, both Monday meetings in January, the second meeting in February and the first meeting in September. A motion was made and seconded (Savage, Gillam) suspending the rules and taking action on the request. **Motion passed.** President Doenges then noted the dates again. The request was so moved and seconded (Savage, Barbagallo). **Motion passed.**

Alderman Gillam briefly noted the notice from the County Clerk's Office and their fiscal year budget placed in their packet.

With no other business, President Doenges sought a motion to adjourn. The request was so moved and seconded (Franco, Talbott). **Motion passed.** The Board exchanged holiday well wishes and adjourned at 8:13 PM.

Respectfully submitted,

Henry A Heck
Rutland City Clerk