

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, June 20, 2022

Members present; Alderman Etori, Franco, Savage, Neary, Talbott, Tadio, Whitcomb, Gillam and Davis. Also present, Interim Mayor Doenges, Attorney Bloomer and Clerk Heck. Alderman DePoy was absent.

7:00 PM BOARD OF ALDERMEN MEETING

Clerk Heck called the meeting to order at 7:00 PM.

Upon opening the meeting, Clerk Heck noted Mayor Allaire was on vacation. Clerk Heck noted BOA President was acting Mayor and the Board would need to elect an interim BOA President.

A motion was made and seconded (Talbott, Tadio) nominating Alderman Whitcomb as interim president. Clerk Heck sought a motion closing the nominations. Alderman Gillam and Davis moved the motion. **Motion passed.** Clerk Heck then called for a vote for Alderman Whitcomb as President. **Motion passed.**

Alderman Whitcomb took the seat as President and moved into the agenda.

MINUTES OF PREVIOUS MEETINGS (June 6, 2022)

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

OUTSIDE THE RAIL

Ronald Hemenway spoke about ADA Compliant doors for the Police Department and noted it had been seven (7) years since the original discussion. Mr. Hemenway also spoke about re-starting the CAIR Committee which has not met since COVID-19. President Whitcomb thanked Mr. Hemenway and stated he would pass all of his requests along.

COMMUNICATIONS FROM THE MAYOR

Remove from the Table; Police Commission Nomination, Alis Headlam

Interim-Mayor Doenges was present and asked for the Mayor's nomination of Alis Hedlam be removed from the table. The request was so moved and seconded (Davis, Gillam). Motion passed. A motion was made and seconded (Davis, Etori) to have the Clerk circulate the ballot box. **Motion passed.** Clerk Heck gathered all votes and provided them to Attorney Bloomer for tabulation.

President Whitcomb continued with the agenda.

ADDITIONS AND DELETIONS TO THE AGENDA

Alderman Franco asked to add his General Committee report. President Whitcomb acknowledged the request and sought a motion to add the General Committee report. Alderman Talbott so moved and Alderwoman Savage seconded. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

RRA Director, Brennan Duffy; BIAP Funding Recommendation

Director Duffy presented his Boards' request to award a BIAP Grant request to West Street Grille. Director Duffy reviewed the application and details of the request. Applicants spoke about the project and briefed the Board on their plans. 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 (Gillam, Davis) approving the request of the \$5,000 BIAP Grant, with check to be distributed following a successful closing on the business and lease agreement and to approve a referral to HFCU for a collateralized loan in accordance with that program's policy. **Motion passed.**

Planning & Zoning Administrator Strniste; 200 & 202 Columbian Avenue, Remove from the Table

President Whitcomb introduced the requests noting the issue needs to be removed from the table. P & Z Administrator Strniste gave an overview of the request and scope of the project being requested by the Housing Trust. Attorney Bloomer then expounded on Charter requirements and noted updated contract information. Halie DelGiudice of the Housing Trust of Rutland County briefed the Board on the specs of the project. There was some Q & A from the Board. A motion was made and seconded (Etori, Gillam) to remove from the table the request from the City Owned Property Committee relating to the disposition of 202 Columbian Avenue. **Motion passed.** A motion was read by President Whitcomb. It was noted that a rules suspension would be in order first. Aldermen Gillam and Savage so moved and seconded. **Motion passed.** Alderman Etori then so moved the motion read by President Whitcomb, authorizing the deposition of 202 Columbian Avenue via quit claim deed to the Housing Trust of Rutland County pursuant to section 6.2 of the Rutland City Charter and to further authorize the

Mayor to sign all purchase and sale related documents. Alderwoman Savage seconded. **Motion passed.**

Attorney Bloomer; Real Estate Option Agreement for 200 & 202 Columbian Avenue

President Whitcomb then noted that Attorney Bloomer could take up his request dealing with the real estate option agreement. Attorney Bloomer noted an updated copy of this agreement was just placed on the Boards desk and explained the changes requested. Attorney Bloomer explained the difficulty with this project/request noting an option agreement until the closing of the sales contract in February of 2023. There was brief Q & A with the BOA and Attorney Bloomer. Alderwoman Davis sought motion language from Attorney Bloomer, who stated to authorize the Mayor on behalf of the City to enter into the real-estate option and agreement with the Housing Trust of Rutland County in substantially the form presented. A motion was made and seconded (Davis, Gillam) suspending the rules and taking action on the request. **Motion passed.** Alderwoman Davis then moved the motion dictated by Attorney Bloomer. Alderman Gillam seconded. **Motion passed.** Attorney Bloomer noted he may need to come back to the Board for some house cleaning measures on this issue.

Attorney Bloomer; 31 East St., Title Assistance

Attorney Bloomer noted with the sale of city owned property there is deed restrictions for the new owner to comply with. Attorney Bloomer noted with this next request on 31 East Street, such restrictions needed to be updated, prior to the sale of the rehabbed project by Jon and Beth Kiernan. Attorney Bloomer briefed the Board on the history of the property. Owned by the city, sold to Andrew Kiernan who requested a waiver allowing his parents, Jon & Beth to be added to the deed. In 2022 Andrew needed to be removed from the deed completely when he purchased his own home and then Beth and Jon were not able to comply with the original Development Plan submitted by Andrew. Attorney Bloomer sought waivers and noted language to allow the process/sale of the property to move further and requested such from the BOA. P & Z Administrator Strniste spoke briefly on the project originally submitted and what the Kiernan's had done. 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 Retroactive Waiver of Restrictive Covenant of 31 East Street, in the form presented, and to authorize the Zoning Administrator and Building Inspector to sign the waiver, on behalf of the City. **Motion passed.** A motion was made and seconded (Davis, Gillam) to approve the amended Development Plan for 31 East Street, as presented. Debate. **Motion passed.**

DPW Commissioner Rotondo;

Request Authorization to Participate in SFY23 Municipal Roads Grants-In-Aid Program

DPW Commissioner Rotondo was present to introduce his request for a roads grant. Commissioner Rotondo noted what types of projects the grant could be used and asked the Board to authorize the Mayor to sign the letter of intent to participate in the SFY 23 Municipal Roads Grant. A motion was made and seconded (Neary, Davis) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Neary, Savage) authorizing the Mayor to sign the letter of intent to participate in the SFY23 Municipal Roads Grants-In-Aid Program. **Motion passed.**

Request Authorization to Amend Engineering Contract - Allen St. Culvert Replacement Project

Commissioner Rotondo noted the request authorizing the Mayor to sign the contract amendment with a not to exceed (NTE) amount of \$49,458 with Dubois & King to perform construction phase engineering services (administrative & inspection) for the Allen Street Culvert Replacement Project. Commissioner Rotondo explained the need and noted the funding source would be the \$3 million Structures Bond approved by the voters in March of 2019. A motion was made and seconded (Ettori, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Ettori, Gillam) authorizing the Mayor to sign the contract amendment with a not to exceed (NTE) amount of \$49,458 with Dubois & King to perform construction phase engineering services (administrative & inspection) for the Allen Street Culvert Replacement Project. **Motion passed.**

Treasurer Markowski; Treasurer Report, May 2022

A motion was made and seconded (Davis, Gillam) to receive and file. **Motion passed.**

Treasurer Markowski; Approve & Sign, Moon Brook Temperature Improvements Project

President Whitcomb introduced the request and noted Treasurer Markowski was on vacation. 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 loan document for the Moon Brook Temperature Improvement Project in the amount of \$126,000 and circulate the documents for BOA and Treasurer signatures, to be attested to by the Clerk. **Motion passed.**

Recreation, Tyler Dahlin & Shelly Lutz; Request for RFP

Maintenance & Facilities Director Tyler Dahlin was present to address the Board on the Grant award from ERSA, (Enhanced Recreation Stewardship and Access grant) in the amount of \$79,407.00. Director Dahlin reviewed the grant and plans for Pine Hill Park trial remediation. Director Dahlin also asked the Board to authorize the Mayor to sign the Final Draft of the ERSA grant as presented and move forward the RFP for Pine Hill Park Grant to support the scope of work presented in the packet.

A motion was made and seconded (Neary, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was so moved and seconded (Neary Gillam) as presented by President Whitcomb, authorizing the Mayor to sign the Final Draft of the ERSA grant as presented. **Motion passed.** President Whitcomb noted the second request, authorizing to move forward the RFP for Pine Hill Park Grant to support the scope of work detailed in the packet. Alderman Talbott so moved and Alderwoman Savage seconded. **Motion passed.**

Recreation; Tyler Dahlin, Update Main St. Park Bid Award, NBF for Design

Director Dahlin updated the Board on the bid received for the Main Street Park bid and noted a timeline. Director Dahlin asked for a referral of this project to the recreation committee for further discussion. The request was so moved and seconded (Davis, Gillam). **Motion passed.**

Attorney Bloomer Two (2) Requests for Executive Sessions Regarding Pending Litigation

These requests were moved to the end of the agenda per past practice.

President Whitcomb then announced that Alis Hedlam had been confirmed to the Police Commission Board by a vote of eight (8) YES, one (1) NO and two (2) not present votes.

REPORTS OF STANDING COMMITTEES

Alderman Talbott; Community & Economic Development

Alderman Talbott read his committee report from June 14, 2022 noting his committee discussed the re-authorization for funding the BIAP program. Alderman Talbott noted RRA Director Duffy was present to brief the committee on the BIAP program. Director Duffy noted criteria used for BIAP applicants and how COVID-19 changed those dynamics. The committee thoroughly vetted the topic and noted the program is well utilized and should continue in the present form. Alderman Talbott noted a motion from committee to re-up the BIAP Program thru June of 2025 and he so moved. Alderwoman Davis seconded. **Motion passed.** Alderman Talbott concluded his report with funding information for the BIAP Program.

Alderman Neary; Charter & Ordinance

Alderman Neary read his committee report from June 9, 2022 to discuss frame work for the Cannabis Control Board. Alderman Neary noted a resolution prepared by Attorney Bloomer outlining the need for a City of Rutland Cannabis Control Commission. This commission will license all applicants and establish all rules relating to the sale of cannabis. Alderman Neary noted a motion from committee to adopt the resolution in substantially the form presented and so moved that motion. Alderman Talbott seconded. There was no debate. **Motion passed.**

Alderman Franco; General Committee

Alderman Franco read his committee report from June 13, 2022 to discuss the issue of technology upgrades to the Aldermanic Chambers. Alderman Franco noted from an earlier meeting the BOA approved setting aside \$90 - \$100 K for technology upgrades in chambers, more specific the committee was meeting to discuss RFP requirements for this project. Alderman Franco noted a motion from committee to adopt electronic meeting policies set forth in the latest version of Robert's Rules to be amended as needed by the BOA. Motion passed and he so moved. Alderman Talbott seconded. Alderman Franco noted after speaking with Attorney Bloomer he wanted to amend this motion, having Attorney Bloomer research options available meeting policies for Robert's Rules and provide recommendations. Alderwoman Davis seconded. **Motion passed.**

REPORTS OF SELECT COMMITTEES

Alderman Whitcomb; HR Committee

Alderwoman Tadio read the HR Committee report from June 15, 2022 noting the committee met to discuss Fire Officer pay scale and their personnel policy. Alderwoman Tadio noted sections of the personnel manual and verified that language with Chief Lovett. There was debate on light duty options (none) and short term disability. Alderwoman Tadio noted a motion out of committee approving the personnel policy for fire officers of the City of Rutland Fire Department in substantially the form presented. Debate. HR Director addressed the short term disability debate, noting a cost analysis would need to be looked at. There was debate on the use of sick time and how it can be used. **Motion passed.** Alderwoman Tadio then presented the pay scale motion, asking the Board to approve the current pay scale as presented for the current officers and proposed pay scale as presented for new officers promoted in the future. **Motion passed.**

Alderman Neary; Parking Committee

Alderman Neary read his committee report from June 16, 2022 noting the committee met to discuss several items, the first being garage and on street parking rates. Alderman Neary noted off street parking in the City is some of the lowest in the State. The committee discussed procedures and rate structures. The committee also discussed that the garage rate is twice the street rate causing an in balance of use. The committee discussed a transition plan to digital infrastructure and a transition plan. The report was for information only and the issue will remain in committee. No action was requested.

REPORTS OF REPRESENTATIVES

There were no representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

S.E.P. Request; Art in the Park, August 13 & 14 2022, Main St. Park

President Whitcomb introduce the request. 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, Tadio) approving the Special Event Permit request for Art in the Park, August 13 & 14, 2022 in Main Street Park. **Motion passed.**

S.E.P. Request; Art in the Park, October 8 & 9, 2022, Main St. Park

President Whitcomb introduce the request. 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, Tadio) approving the Special Event Permit request for Art in the Park, October 8 & 9, 2022 in Main Street Park. **Motion passed.**

S.E.P. Request; Lets Protect Reproductive Liberty, July 9, 2022 Main St. Park Noon – 2 PM

President Whitcomb introduce the request. 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, Tadio) approving the Special Event Permit request for Lets Protect Reproductive Liberty, July 9, 2022 in Main Street Park. There was brief debate. A request to amend the motion was made and approved, pending insurance rider and signoff from the City Attorney. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

There were no items for the Board of Control Commissioners.

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Tadio noted the Juneteenth Holiday and sought to refer the holiday to the General Committee for debate on making it a City wide holiday. Alderman Franco seconded. **Motion passed.**

With no further business before the Board, President Whitcomb asked Attorney Bloomer for language to move into deliberative session.

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. So moved (Talbot, Davis). **Motion passed.**

Attorney Bloomer noted language to enter into executive session (with the inclusion of the Attorney, Clerk, Acting Mayor, Police Chief, and Phil Woodard from VLCT) to discuss pending litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). **Motion passed.**

The Board moved into executive session at 8:25 PM.

At 8:49 PM a motion was made and seconded (Davis, Gillam) to come out of executive session. **Motion passed.**

A motion was made and seconded (Davis, Gillam) to accept the Vermont League's recommendation to settle the *Merritt v Anderson* lawsuit, with the City's contribution to the settlement limited to its deductible, and that we authorize the City Attorney to sign the standard documentation necessary to implement that settlement. There was no debate. **Motion passed.**

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

At 8:51 PM the BOA adjourned.

Respectfully submitted,

Henry A Heck
Rutland City Clerk