

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Tuesday, July 5, 2022

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

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (June 20, 2022)

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

OUTSIDE THE RAIL

Devon Neary of Rutland City wished to thank his colleges and staff at City Hall for their support during his time as an Alderman. Mr. Neary read a prepared statement and noted as the new Director of the Rutland Regional Planning Commission he would still be active within the community. Mr. Neary finished his statement and shook hands with all present.

Bill Carris asked the Board to except his donation of a train sculpture presently located on his property in West Rutland. Mr. Carris and Paul Gallo presented options for the Board and noted desirable locations within the City, specifically the train depot downtown. There was debate on the location and right-a-ways. A motion was made and seconded (DePoy, Davis) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (DePoy, Davis) authorizing the Mayor to sign the donation contract and approve the final location. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire had a couple updates for the Board and spoke about how the State was handling the long term homeless issues at area hotels and noted that at present there were 187 agreements signed at the Cortina Inn in Rutland Town. Mayor Allaire shared his continued concerns on the issue.

Mayor Allaire then asked the BOA to set the date of July 19 at 5:30 PM to set the tax rate. Mayor Allaire noted that the school tax rate will be decreasing this year. Mayor Allaire spoke to the statement by Alderman Ettori noting the State keeps offering \$325 million dollars in housing funding and how does the City obtain access to those funds. Alderman Ettori moved to refer the \$325 million funding issue to the RRA, Alderwoman Davis seconded. Debate. **Motion passed.**

ADDITIONS AND DELETIONS TO THE AGENDA

President Doenges noted two (2) deletion requests. One from Superintendent Peters to remove the projects contract request and Attorney Bloomer was deleting the third (#3) executive session request. The requests to delete were so moved and seconded (Davis, Savage). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Treasurer Markowski; Municipal Checklist for Internal Control – FY-2022

Treasurer Markowski was present and introduced her request for BOA approval of the internal control checklist as part of the annual audit. 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) authorizing the Chair to sign the municipal check list for internal controls. **Motion passed.**

Attorney Bloomer:

1. ***Executive session regarding the negotiation of a contract***
2. ***Executive session regarding pending litigation***
3. ~~***Executive session regarding a grievance***~~ **DELETED**

President Doenges noted the requests and sought to move them to the end of the agenda, per the Boards usual practice.

~~*Superintendent Peters; Authorization for Mayor to Sign Main St Project Contract*~~ **DELETED**

Superintendent Peters; Summer Programming Update

Superintendent Peters presented her summer programming update noting the recreation department had seen a substantial increase in revenues and stated that they were having an exceptional year. Superintendent Peters spoke about programming and the hugh pool year and how busy her department was as the public recovers from the post COVID issues.

REPORTS OF STANDING COMMITTEES

Alderman Talbott; Community & Economic Development

Alderman Talbott read his committee report from June 22, 2022 noting his committee met as a follow up to their April 6, 2022 meeting in which DPW Commissioner Rotondo was going to look for alternate routes for the Velomont Trail Project. Commissioner Rotondo noted the primary responsibility of DPW was to protect the water system infrastructure. Commissioner Rotondo shared a map illustrating two alternate routes to the originals proposed by the Velomont group. Those present from the Velomont group indicated a strong preference for the non-highway route. The issue is to remain in committee while the Velomont group explores this option. Alderman Talbott noted this report was for information only and no action was requested.

Alderman Whitcomb; Finance Committee

Alderman Whitcomb read his committee report from June 28, 2022 noting his committee met to discuss two (2) items. Alderman Whitcomb noted the first item was a request from the United Methodist Church for \$15,000 to help fund Companions in Wholeness a group helping to feed the homeless. The committee discussed options for further funding and how the program worked. Alderman Whitcomb noted a motion out of committee to authorize the Mayor to release \$7,500 from the Mayor's Contingency Fund and he so moved. Alderwoman Davis seconded. Even though there was overwhelming support for the request, there was a large amount of debate. **Motion passed.**

Alderman Whitcomb moved on to the next item on their agenda, review of ARPA funds. The committee briefly reviewed allocated funds, those requests still outstanding and what funds remained. There was a suggestion from committee to close outside requests for ARPA funds. There was much debate from other committee members. The committee discussed options for future requests and how funds were to be awarded. No action was sought and the issue is to remain in committee.

REPORTS OF SELECT COMMITTEES

Alderman Franco; I. T. Committee

Alderman Franco read his committee report from June 21, 2022 noting his committee met to discuss a digital solution for accepting bids for City RFP's. The committee discussed options in place and the potential for existing tools and software. The committee presented a motion to direct the BOA President to appoint an IT representative with appropriate administrative privileges in the city's technology platforms for the purpose of creating a secure RFP submission portal and Alderman Franco so moved. Alderwoman Tadio seconded. There was debate. **Motion passed.**

REPORTS OF REPRESENTATIVES

There were no representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Mark Shea; District Manager, RCSWD, BOA Approval Salvage Certificate

President Doenges introduce the request. It was noted that the request was an annual housekeeping measure and the Board needed to sign off on the Rutland County Solid Waste District Salvage Certificate. A motion was made and seconded (Gillam, Davis) suspending the rules and taking action on the requests. **Motion passed.** A motion was made and seconded (Gillam, Davis) to circulate the salvage certificate for signatures. **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 Franco circled back to an earlier topic on housing funds and noted that the Vermont Housing & Conservation Board was in charge of disbursing the \$325 million in available funds and noted the July 18, 2022 as a deadline for application submission.

With no further business to come before the Board, President Doenges asked Attorney Bloomer for Language to enter into executive session.

200 Columbian Option Agreement

Attorney Bloomer sought a motion finding 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 provisions to be negotiated. This language was so moved and seconded. (Davis, Savage) **Motion passed.**

Attorney Bloomer then sought a motion to enter into executive session (with the inclusion of the Mayor, Treasurer, Clerk and City Attorney) to discuss the negotiation of a contract as allowed under Title 1, Section 313(a)(1)(A). This language was so moved and seconded. (Whitcomb, Savage). **Motion passed.**

At 8:25 PM the Board moved into executive session.

At 8:36 PM a motion was made and seconded, (Davis, Talbott) to come out of executive session. **Motion passed.**

There was brief debate from the Board and Mary Cohen of the Housing Trust.

Attorney Bloomer then presented three (3) motions for the Board

Motion to authorize:

- (i) the disposition of 202 Columbian Avenue via quitclaim deed to 202 Columbian LLC pursuant to Section 6.2 of the Rutland City Charter;
- (ii) the Mayor to sign all purchase and sale related documents for 202 Columbian Avenue; and
- (iii) the Mayor on behalf of the City, to enter into the Real Estate Option Agreement with the Housing Trust of Rutland County, Inc., approved on June 20, 2022 with any revisions needed to reflect the quitclaim of 202 Columbian Avenue to 202 Columbian LLC instead of the Housing Trust.

President Doenges then asked Attorney Bloomer for the next set of executive session language

KeyBank Settlement

Attorney Bloomer sought 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, (Talbott, Savage). **Motion passed.**

Attorney Bloomer then sought language to enter into executive session (with the inclusion of the Clerk, Treasurer, City Attorney and Mayor) 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, (Savage, Talbott). **Motion passed.**

At 8:38 PM the Board moved into executive session.

At 8:50 PM a motion was made and seconded (Davis, DePoy) to come out of executive session. **Motion passed.**

Attorney Bloomer stated the following language;

Motion to authorize (i) the City Attorney to settle KeyBank v. City of Rutland, Docket No. 21-CV-03596 for \$20,000 and (ii) the Mayor to sign all settlement-related documents on behalf of the City. This language was so moved and seconded (Talbott, Gillam). **Motion passed.**

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

Respectfully submitted,

Henry A Heck
Rutland City Clerk