

CITY OF RUTLAND, VERMONT
Special Board of Aldermen Minutes
Monday, September 12, 2022

Members present; President Doenges, Aldermen Etti, Franco, Savage, Barbagallo, Talbott, *Tadio, Gillam *DePoy and Davis. Also present *Mayor Allaire, Attorney Bloomer and Clerk Heck. Absent, Aldermen Whitcomb. Alderwoman Tadio was calling into the meeting and Alderman DePoy arrived at 7:00 PM. Also present, Stephen Box.

6:00 PM SPECIAL BOARD OF ALDERMEN MEETING

President Doenges called the meeting to order at 6:02 PM.

President Doenges opened the meeting noting a request from Mayor Allaire asking the Board to add his request to the agenda designating him as a voting member of the City to participate at the annual VLCT Business meeting. A motion was made and seconded (Davis, Gillam) suspending the rules and taking action on the request. A motion was made and seconded (Davis, Gillam) nominating the Mayor as our voting delegate for the Leagues of Cities & Towns. Debate. Members noted that the request was to add to the agenda. A motion was made and seconded (Davis, Barbagallo) to add the request to the agenda. Debate. Several members spoke against the request based on the timeliness of the request. A motion was made and seconded (Davis, Etti) calling the question. **Motion passed.** President Doenges then call the question of adding the request to the agenda. After a show of hands **Motion failed 5-4.** There was brief debate as to when the request could be taken up. There was brief debate as the Board moved on and with Alderwoman Tadio on the phone the Board moved to request all votes by roll call. The Board decided to utilize this request and had the Clerk call the vote by roll call for the addition of the agenda request by Mayor Allaire.

Clerk Heck called the roll.

Alderman Etti		NO
Alderwoman Savage	YES	
Alderman Barbagallo	YES	
Alderman Franco		NO
Alderman Talbott		NO
Alderman Gillam	YES	
Alderman DePoy	Absent	
Alderman Whitcomb	Absent	
Alderwoman Davis	YES	
Alderwoman Tadio		NO

Motion failed.

President Doenges moved on to the item at hand noting concerns of Stephen Box of alleged violations with agenda postings according to Open Meeting Laws.

President Doenges noted how the Board would handle the complaints and stated that the Board would enter into a brief executive session to get guidance from Attorney Bloomer.

President Doenges then presented language to enter executive session, noting a motion finding premature or general public knowledge of the City Attorney's analysis of a legal matter would clearly place the City at a substantial disadvantage because the discussion would include confidential attorney client communications made for the purpose of providing professional legal services to the City and Board of Aldermen. This language was so moved and seconded, (Savage, Barbagallo). Debate. **Motion passed.** President Doenges then moved a motion to enter into executive session with the inclusion of the City Attorney to discuss the City Attorney's knowledge of the legal matter as allowed under Title 1 section 313(a)(1)(f). This request was so moved and seconded (Davis, Savage). **Motion passed.** Debate.

The Board moved into executive session at 6:21 PM.

The Board came out of executive session at 6:40 PM.

President Doenges read allegations, alleged violations of Open Meeting Laws, brought forth by Stephen Box for the July 18th BOA meeting. Mr. Box provided insight to violations. Clerk Heck provided details on how and where postings are posted and requirements of Statue. Clerk Heck noted that the website was not posted within the 48 hr. requirement. Clerk Heck spoke about why it was not posted and how moving forward the Rutland City website would meet State Statue.

Clerk Heck and President Doenges went through each alleged violation for the July 18, 2022 meeting with Clerk Heck noting he could not confirm if meeting warnings were physically warned (placed on display) when the notice left the Clerk's Office. Clerk Heck noted the same findings for each of the

three (3) posting locations, Police and Fire Departments and the Community Center. Clerk Heck noted that the fire department is no longer a good public option. *Alderman DePoy arrived, approximately 7PM

President Doenges asked the Board if they had enough information to determine if there was a violation. The Board confirmed they did. President Doenges then noted two (2) options/motions. The first was there was no violation and the second, the alleged violation did occur and the Board of Aldermen intends to cure said violation within fourteen calendar (14) days. The motion noting a violation occurred was so moved and seconded (Davis, Gillam). **Motion passed.**

It was noted with Alderwoman Tadio on the phone, all votes would be by roll call and Clerk Heck called the roll.

Alderwoman Tadio	YES
Alderwoman Davis	YES
Alderman DePoy	YES
Alderman Gillam	YES
Alderman Talbott	YES
Alderman Franco	YES
Alderman Barbagallo	YES
Alderwoman Savage	YES
Alderman Etti	YES

Nine (9) YES zero (0) NO **Motion passed.**

President Doenges moved on to the alleged violations from the August 1, 2022 Board of Aldermen meeting. President Doenges noted alleged violations of improper/missing notices according to Mr. Box. Mr. Box stated as prior, he has served notice of violation as required by Statue. Mr. Box noted at that meeting the City admitted the violation. President Doenges sought a reply from Clerk Heck. Clerk Heck noted that the website was posted and three other posting locations had collected/taken their postings. Clerk Heck did argue that the City did not in fact admit to the violation. What President Doenges did at that meeting was state that there could have been an error in posting and sought to add all agenda items as a cure. After some debate from the Board on the process and the difference in the four (4) alleged violations a motion was so moved and seconded, (Davis, Etti) finding a violation did occur and the Board of Aldermen intend to cure said violation within 14 calendar days.

President Doenges asked the Clerk to call the roll.

Alderwoman Tadio	YES
Alderwoman Davis	stepped out.
Alderman DePoy	YES
Alderman Gillam	YES
Alderman Talbott	YES
Alderman Franco	YES
Alderman Barbagallo	YES
Alderwoman Savage	YES
Alderman Etti	YES

There was brief debate on waiting for Alderwoman Davis. President Doenges noted so moved the motion.

Eight (8) YES, zero (0) NO **Motion passed.**

President Doenges moved on to the August 15, 2022 Board of Aldermen meeting with alleged posting violations. Mr. Box spoke again about the violations and that he has served notice of them. Clerk Heck noted a possible issue with the posting at the Police Department for this meeting. A motion was made and seconded (Etti, Talbott) finding a violation did occur and the Board of Aldermen intend to cure said violation within 14 Calendar days. President Doenges asked Clerk Heck to call the roll.

Alderwoman Tadio	YES
Alderwoman Davis	YES
Alderman DePoy	YES
Alderman Gillam	YES
Alderman Talbott	YES
Alderman Franco	YES
Alderman Barbagallo	YES
Alderwoman Savage	YES
Alderman Etti	YES

Nine (9) YES zero (0) NO **Motion passed.**

President Doenges introduced the violations alleged by Mr. Box for the September 6, 2022 Board of Aldermen meeting. Mr. Box spoke briefly about the violations. Clerk Heck was adamant that the Board of Aldermen meeting for September 6, 2022 was properly warned. There was brief debate before a motion was made and seconded (Ettori, DePoy) finding no violations occurred. President Doenges noted the motion and asked the Clerk to call the roll.

Alderwoman Tadio	YES
Alderwoman Davis	YES
Alderman DePoy	YES
Alderman Gillam	YES
Alderman Talbott	YES
Alderman Franco	YES
Alderman Barbagallo	YES
Alderwoman Savage	YES
Alderman Ettori	YES

Nine (9) YES zero (0) NO **Motion passed.**

President Doenges then sought a quick break. When the meeting resumed President Doenges noted recommendations from Mr. Box to cure and correct violations. The Board spent approximately 50 minutes discussing locations and potential cures for postings. The Board discussed the pros and cons of each recommendation and noted that they agreed, getting information to the public was the number one priority. The Board recognized that adding items to the agenda was not a cure to getting items on the agenda. Department heads need to recognize the noon deadline the Thursdays before the meetings. President Doenges presented a list of recommendations he gathered from the discussion presented. Members reviewed those and noted pros and cons for each or possibly referring items for more development. Members reviewed posting locations and the use of outside display boards.

President Doenges then noted a motion would be in order directing the Mayor to assign staff to draft resolutions or policies for the adoption at their September 19, 2022 meeting. Alderwoman Davis so moved and Depoy seconded. **Motion passed.** President Doenges noted a roll call vote was not necessary as Alderwoman Tadio had left the meeting.

President Doenges noted if there was no further business a motion to adjourn would be in order. That request was so moved and seconded (Davis, DePoy). **Motion passed.**

At 8:25 PM the meeting was adjourned.

Mr. Box shared concerns about how the City was going to remedy actions taken at prior meetings, specifically July 18th, August 1st and 15th. Attorney Bloomer noted that he would present the Board with information on how to ratify or void actions for those meeting at their September 19, 2022 BOA meeting. Mr. Box and Attorney Bloomer continued debate. Finally, Attorney Bloomer stated that the meeting had adjourned. President Doenges explained one more time how the board would proceed at their September 19th meeting. The Board confirmed that the meeting had adjourned.

Respectfully submitted,

Henry A Heck
Rutland City Clerk