

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Tuesday, February 16, 2021

Members present; President Whitcomb, Aldermen, Gorruso, Humphrey, Ryan, Ettori, Talbott, Mattis, Gillam, Clifford, DePoy and Davis. Also present; Mayor Allaire, Attorney Bloomer and City Clerk Heck.

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (Jan 19 and Feb 1, 2021)

A motion was made and seconded (Davis, Gillam) approving the minutes of both January 19, 2021 and February 1, 2021. **Motion passed.**

OUTSIDE THE RAIL

No one spoke from outside the rail.

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire had no items for the Board.

ADDITIONS AND DELETIONS TO THE AGENDA

President Whitcomb asked the Board to add the January Treasurer's Report as Clerk Heck inadvertently left it off of the agenda. The request was so moved and seconded (Davis, Gillam). **Motion passed.**

President Whitcomb then asked the Board to allow the item of *Rutland City and the Otter Creek Communication Union District* to be moved up in the agenda. With no objection Amanda O'Connor of the Rutland Regional Planning Commission briefed the Board on the request and gave a brief overview. There was brief debate for a sponsor. A motion was made and seconded (Davis, Humphrey) to refer the request to the Community and Economic Development Committee. Debate. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Brennan Duffy, RRA Director, RRA Board Recommendation BIAP Grant.

President Whitcomb introduced the request. A motion was made and seconded (Gorruso, Davis) suspending the rules and taking action on the request. **Motion passed.** Brennan Duffy, Director of the RRA was on-line and briefed the Board on the request from McNeil & Reedy who were investing \$30,000 for improvements to their store. Director Duffy asked the BOA to approve the RRA Board's request for the \$5,000 BIAP Grant. **Motion passed.**

Barbara Spaulding, RRA, VTrans Resolution.

Brennan Duffy introduced the request noting that Barbara Spaulding had done a great job in preparing an application for the City for the VTrans Small-scale Bicycle and Pedestrian Grant. Director Duffy briefed the BOA on the request and sought BOA approval authorizing President Whitcomb to sign the resolution in support of the grant application. A motion was made and seconded (Clifford, DePoy) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Clifford, Gillam) approving the resolution (2021 VTrans Small-scale Bicycle and Pedestrian Grant Northwest Elementary School Sidewalk Safety Improvements) and authorizing President Whitcomb to sign the resolution on behalf of the BOA. **Motion passed.**

Chief Kilcullen; Request to Dispose of Scrap Vehicles.

Chief Kilcullen was on-line to brief the BOA on his request to dispose of several police vehicles. There was brief debate from the BOA. A motion was made and seconded (Clifford, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Clifford, Gillam) to approve the request, to scrap police vehicles as outlined in Chief Kilcullen's request. **Motion passed.**

Treasurer Markowski; Approval of Loan Document for CSJ Acquisition, Streets/Sidewalks and Culverts/Structures.

Treasurer Markowski was present to outline her request for the BOA. Treasurer Markowski noted that the three (3) loan agreements were voter approved and totaled \$4,450,000. Treasurer Markowski noted the three (3) projects, *CSJ Acquisition, Streets/Sidewalks and Culverts/Structures*. Treasurer Markowski also noted a request to authorize the Mayor and Treasurer to execute the bond documents and authorize the City Clerk to attest their signatures. A motion was made and seconded (Davis, DePoy) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Clifford) approving the loan documents and to authorize the Mayor and Treasurer to execute the bond documents and authorize the City Clerk to attest their signatures. **Motion passed.**

Treasurer Markowski, Treasurer's Report, January 2021

Treasurer Markowski had a prepared highlights report and reviewed, bank balances, pooled cash, delinquencies, balance sheets, income and expense and RRA. Treasurer Markowski gave brief reports on each account. There were brief questions from the Board. A motion was made and seconded (Ettori, Gillam) to receive and file the report. **Motion passed.**

President Whitcomb noted a handful of executive sessions request and moved them to the end of the meeting.

Attorney Bloomer;

- 1. Extension Agreement for ARFF Grant***
- 2. Executive session regarding probable litigation***
- 3. Executive session regarding pending litigation***
- 4. Executive session regarding pending litigation***

REPORTS OF STANDING COMMITTEES

Alderwoman Mattis; Charter & Ordinance, Sign Ordinance Re-write

Alderwoman Mattis noted her committee report from Charter & Ordinance held on Tuesday, February 9, 2021. In fairness to Alderwoman Mattis and her committee, the Clerk would refer any inquiries on this issue, the proposed re-write of the Sign Ordinance, to her committee reports contained within the Clerk’s Office. The motion out of committee was *to recommend to the Board, with consideration for proposed amendments, the replacement of the existing sign ordinance (Title 10) with the proposed new ordinance as presented, and to amend the awnings section of city ordinance (section 4453) in the manner presented*, Alderwoman Mattis so moved this motion, Alderman Clifford seconded. Debate. Alderwoman Mattis immediately moved to amend the motion and moved to approve suggested amendments from Attorney Bloomer (Highlighted)

Specifically 12-1-C-3(iii) **Highlighted material is the amendment**

C. Significant Alteration.

A sign is significantly altered if the extent of any nonconformity is increased, or if a significant change is made to:

- i. the size (area) or dimension of the sign;
- ii. the location of the sign;
- iii. the primary content of the sign (**but only if the significant change occurs after January 1, 2023**);

And 12-2-C-b **Highlighted material is the amendment**

2. Conformance.

- b. A nonconforming sign that meets the definition of an Abandoned Sign at any point after **January 1, 2023** shall be brought into conformance with this Sign Ordinance or removed.

Alderman DePoy seconded. Debate followed for about 20 minutes with members of the Board and public, as well as Susan Schreiber from the Planning Commission. President Whitcomb then noted that the amended motion sat before the Board and asked the Board if they wanted to vote on this amendment. The Board could then continue its discussion on sign size or any other concern. The Board decided to vote on the amendment presented by Alderwoman Mattis. **Motion passed.** The Board then continued its debate with a motion being made and seconded (Talbot, Humphrey) to amend the section of the sign ordinance related to square footage, by reducing the maximum square footage to 32 square feet. Debate. Following debate, President Whitcomb asked the Clerk to call the roll for voting.

Clerk Heck called the roll.

Alderman Gorruso		NO
Alderwoman Humphrey	YES	
Alderwoman Ryan	YES	
Alderman Ettori		NO
Alderman Talbott	YES	
Alderwoman Mattis		NO
Alderman Gillam		NO
Alderman Clifford		NO
Alderman DePoy		NO
Alderwoman Davis		NO

Three (3) YES, seven (7) NO. **Motion failed.**

President Whitcomb noted that the original motion with the approved amendment was still before the Board and asked if there was any further debate on that motion. Seeing none, President Whitcomb asked Clerk Heck to call the roll for the vote.

Clerk Heck Called the roll.

Alderman Gorruso	YES	
Alderwoman Humphrey	YES	
Alderwoman Ryan		NO
Alderman Etti	YES	
Alderman Talbott	YES	
Alderwoman Mattis	YES	
Alderman Gillam	YES	
Alderman Clifford	YES	
Alderman DePoy	YES	
Alderwoman Davis	YES	

Nine (9) YES, one (1) NO. **Motion passed.**

President Whitcomb noted the motion passed. Several Alderman thanked Alderwoman Mattis for her hard work on this issue. A motion was made and seconded (Gillam, DePoy) referring the issue of financing the conversion of signs to the Community and Economic Development Committee. Debate. **Motion passed.** President Whitcomb continued with the agenda.

Alderman Etti; Finance Committee, Use of Zamias Settlement Money

Alderman Etti read his Finance Committee report from February 11, 2021. Alderman Etti noted his committee met to discuss the use of Zamias related settlement money for purchase related cost of the Recreation Community Center. The committee and related players of this project debated the use of the funds and what the Recreation Department itself could do to help with related cost. A motion out of committee was to approve an amount not to exceed \$50,000 from the Zamias settlement fund to cover these immediate costs which will be expended prior to, and immediately following the closing, and Alderman Etti so moved that motion, Alderwoman Humphrey seconded. Debate. **Motion passed.**

REPORTS OF SELECT COMMITTEES

There were no reports of select committees.

REPORTS OF REPRESENTATIVES

There were no representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

There were no petitions, letters, or miscellaneous communications to come before the Board.

A motion was made and seconded (Davis, Etti) to move into the Board of Control Commissioners. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

Clerk Heck Requests BOCC approval for all 1st, 2nd 3rd Class Liquor Licenses, Outside Consumption and Entertainment permits for the 2021-2022 Licensing Period.

President Whitcomb introduced the request. A motion was made and seconded (Gorruso, Etti) authorizing the Clerk to sign all request licenses and permits on the BOA behalf. **Motion passed.**

A motion was made and seconded (Davis, DePoy) to come out of the Board of Control Commissioners. **Motion passed.**

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Rutland City and the Otter Creek Communication Union District

This item was moved to the front of the agenda.

President Whitcomb asked if there were any miscellaneous motions, resolutions or new business to come before the Board.

Alderwoman Davis noted calls from tax payers struggling with water & sewer and property tax payments. Alderwoman Davis noted the issue of having those payments in the same month and asked to refer the issue to the Public Works committee. Alderman Clifford seconded. **Motion passed.**

Alderman DePoy briefed candidates about campaign finance reports due. Alderman Etti noted the proper timelines.

Alderman DePoy noted complaints about open meeting laws concerning the school board.

Alderwoman Davis requested a clean copy of the completed sign ordinance as amended.

With no other business, President Whitcomb asked Attorney Bloomer to take up his executive sessions.

Attorney Bloomer noted one request could be held in open session and one executive session was not necessary. Attorney Bloomer noted a request to extend the ARFF Grant for fire service at the airport until the end of May. 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 authorizing the Mayor to enter into a three month grant extension for fire services at the airport in substantially the same form as previously agreed. That language was so moved and seconded (Davis, Gillam). **Motion passed.**

Attorney Bloomer noted a motion to find that premature general public knowledge regarding pending litigation, to which the City would be 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 (Davis, Gorruso) **Motion passed.**

Attorney Bloomer then noted a motion for entering into executive session (with the inclusion of the City Attorney, Police Chief, Mayor and Treasurer) to assess pending litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). This language was so moved and seconded (Davis, Humphrey). **Motion passed.**

Attorney Bloomer then noted a motion to finding premature general public knowledge regarding probable litigation, to which the City would be a party, would clearly place the City at a substantial disadvantage because the discussion will divulge the City's strategy in such probable 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 (Gillam, Gorruso) **Motion passed.**

Attorney Bloomer then noted a motion for entering into executive session (with the inclusion of the City Attorney, Interim-DPW Commissioner, Mayor and Treasurer) to discuss probable litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). This language was so moved and seconded (Davis, Gorruso). **Motion passed.**

At 8:58 PM the Board signed off and moved into executive session.

At 9:50 PM the Board came out of executive session and immediately signed back into the public meeting room. Once signed back and with no further business or action requested, a motion was made and seconded (Gillam, Davis) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk

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