

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday April 19, 2021

Members present; President Whitcomb, Aldermen Gorruso, Neary, Franco, Savage, Doenges, Talbott, Gillam, Clifford, DePoy and Davis. Also present, Mayor Allaire, Attorney Bloomer and Deputy City Clerk Kapusta.

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (April 5, 2021)

A motion was made and seconded (Davis, Gorruso) approving the minutes of the previous meeting.

Motion passed.

OUTSIDE THE RAIL

None.

COMMUNICATIONS FROM THE MAYOR

Mayoral Nominations: To Remove From the Table; Nominations for Boards & Appointed Officers

President Whitcomb introduced the item. Alderwoman Davis and Alderman DePoy so moved and seconded the removal of nominations from the table. **Motion passed.** Attorney Bloomer sent the link for voting in an email to each Board member. President Whitcomb asked for everyone to look for the email and text or send him a message through Go To Meeting if the email is not received. President Whitcomb stated that tonight would be a little different and the Board was going to stand down for a few minutes to allow the Board to vote.

While Attorney Bloomer was tallying the votes, President Whitcomb asked the Mayor for his next item on the agenda.

Contract Award Recommendation; Municipal Scoping Study

Mayor Allaire recommended to the Board of Aldermen that the firm Dubois & King be awarded the contract for the Rutland City STP BP20(14) Municipal Scoping Study and authorize the Mayor to sign all related documents on the City's behalf. A motion was made and seconded (Davis, Neary) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Gorruso) to approve the firm Dubois & King to be awarded the contract for the Rutland City STP BP20(14) Municipal Study and authorize the Mayor to sign all related documents on the City's behalf. **Motion passed.**

Mayor Allaire then updated the BOA on the situation at the Quality Inn. Mayor Allaire has been in continuous contact with the State's Agency of Human Services, the Rutland County delegation, neighboring business's, and one residential property owner, who has been in contact with other property owners. There have also been phone calls with representatives of the Green Mountain Shopping Plaza. All with major concerns. Mayor Allaire stated that we are continuously trying to find a solution with the Quality Inn. Mayor Allaire and Police Chief Kilcullen will address the delegation at a meeting at 8AM on Wednesday to make sure that they understand the repercussion of doing nothing. Commander Sheldon has put together a meeting with all stake holders for Thursday to re-empathize the situation, concerns and the homeless problem throughout the State.

President Whitcomb then went back to Attorney Bloomer to have him read off the results of the voting.

Alderman Talbott interjected with a point of order. Alderman Talbott called point of order and questioned when the results are read, there seems like there was an option to abstain, is that parliamentary proceeding, and are we able to abstain for re-appointment for one of these appointments or is it just yes or no? Attorney Bloomer just checked the Board of Aldermen rules of procedure and it does not require, for the secret ballots, that everyone be voted for. In effect, an abstention is a yes vote because the Charter requires seven (7) members to vote against the Mayoral nominations. A Board member is free to abstain if that was their intention. Alderman DePoy added just for future reference we should look at changing the Board rules, if you are here present than you should be voting. President Whitcomb then went back to Attorney Bloomer to have him read off the results of the voting.

Rutland Planning Commission Alvin Fiegel: 11-Yes 0-No

Rutland Planning Commission	Patrick Griffin:	11-Yes	0-No
Rutland Planning Commission	Rebecca Mattis:	11-Yes	0-No
Rutland Planning Commission	Dave O’Brien:	4-Yes	6-No
Rutland Planning Commission	Sara Roy:	11-Yes	0-No
Rutland Redevelopment Board	Matt Reveal:	4-Yes	6-No
Zoning Administrator	Andrew Strniste:	11-Yes	0-No

Attorney Bloomer stated that everyone up for nomination has been confirmed.

Alderman Franco called point of order. Alderman Franco is concerned as to whether or not the individual, who may have abstained, intended to. Since this is a secret ballot, he would hate to see someone abstain accidentally because of electronic voting that is not done under normal circumstances. Alderman Franco proceeded to ask if there is any way to re-do the vote and add an option to abstain. President Whitcomb asked for Attorney Bloomer’s thoughts on this and he stated it may be worthwhile to go into an Executive Session if that’s the Board’s pleasure. Alderwoman Davis asked if anyone reached out to the City Attorney or Board President requesting assistance to vote, because she believes that was put on the floor. Attorney Bloomer responded that nobody did. Alderwoman Davis stated that as far as she was concerned everyone had the opportunity to vote, it is then done, counted and she has no intention of wanting to go into an Executive Session.

Alderman Doenges understands according to what has quickly been discovered, when “no” is not selected or a “yes” is not selected, the default is a “yes”. Currently that is the perspective, however, historically in the past using this tool, there has not been the option to not select a “yes” or a “no”. So having always had that verification and validation if a “yes” or “no” wasn’t selected for a candidate, the vote would not be able to proceed. History would force us to choose a “yes” or a “no”. If a “yes” or “no” was not chosen, is that parliamentary allowed, that a mistake could be possible. But if a mistake is what’s been made and the BOA choose to move forward with a potential mistake then Alderman Doenges doesn’t feel that it is doing the best thing for the City. The best thing for the City is to re-vote if it’s allowed. It shouldn’t take that long and the person who choose to abstain, can either choose to abstain again or choose “no”, that gives a validation of verification. Alderman Doenges referred to Attorney Bloomer to figure out if that is correct or not. Attorney Bloomer reiterated that it would be best to go into executive session, maybe during executive session someone would indicate whether they intended to abstain. That would give some more information and further discussion. Alderman Doenges moved to go into executive session and was seconded by Alderman Franco.

Mayor Allaire interjected before a vote was taken to go into Executive Session and he re-emphasized that those nominated have stepped up in a voluntary fashion to serve the City of Rutland. Over the last several years it has been incredibly difficult to find people to step into these roles and to do so in a responsible way. Hats off to these people who have volunteered their time and put their name out there in a non-political way to serve the City and to go through this exercise is doing an injustice to them, let alone the City.

President Whitcomb noted that a motion was on the floor and asked the Clerk to do a roll call vote.

Clerk Kapusta called the roll.

DePoy	No	
Savage	Yes	
Gorruso	No	
Doenges		Yes
Talbott		Yes
Davis	No	
Gillam	No	
Clifford	No	
Neary		Yes
Franco	Yes	

Five (5) Yes, Five (5) No.

President Whitcomb voted Yes. **Motion passed.**

Attorney Bloomer will generate a link for executive session and send to the BOA.

ADDITIONS AND DELETIONS TO THE AGENDA

President Whitcomb introduced the item to add to the Agenda under Board of Control Commissioners, an application for a 1st and 3rd class liquor license for Muckenschnabel's. Alderman Gorruso and Alderwoman Savage so moved and seconded. **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Spaulding; RRA, Lincoln place PM-4 Designation

This PM-4 form will designate the RRA as the responsible entity for the grant administration for the \$498,000 VCDP grant for the Lincoln Place project at the former IHM School. RRA is requesting the Board approve the Chair's signature on behalf of the Aldermen. A motion was made to suspend the rules and seconded to take action on the request (Davis, Savage). **Motion passed.** A motion was made and seconded to request that the Chair sign on behalf of the Board of Aldermen on form PM-4 that designates the RRA to perform the duties of General Administration for the VCDP Lincoln Place grant #07110-ig-2019-Rutland C-05 (Davis, Gillam). **Motion passed.**

Brennan Duffy; RRA Director, BIAP Recommendation

Delicious Tamales: Applicant, Ibjar Meneses Ramirez, is planning to start a new restaurant featuring Mexican fare. Location is at the former Big Lenny's Inside Job space at 56 Strongs Avenue. In addition to investment in equipment and fit-up of the space the business is anticipating hiring three full time crew members by mid-May. Applicant is requesting a \$5,000 grant from the BIAP program to help offset some of the renovation and new equipment costs. A motion was made and seconded to suspend the rules and take action on the request (Clifford, Gillam). **Motion passed.** A motion was made to approve Delicious Tamales \$5,000 BIAP grant with final payment contingent on a signed lease agreement for the space (Clifford, Franco). **Motion passed.**

Treasurer Markowski; Treasurer's Report, 3rd Quarter ending March 31, 2021

Treasurer Markowski read the highlights for the March 31, 2021 Treasurer's report. Treasurer Markowski would like to refer the 3rd Quarter report to the Finance Committee for a more detailed review to look at the numbers and address any specific questions. So moved and seconded (Gillam, Davis). **Motion passed.**

Attorney Bloomer; Amend Cooperation Agreement with Rutland Housing Authority

Kevin Loso the Executive Director of the Rutland Housing Authority (RHA) contacted the City with a request to amend the Cooperation Agreement between the City and RHA. This is for the purpose of a HUD reporting requirement to update the agreement to reflect the current number of units that are subject to the agreement. This amendment will not change the current tax status of any units. Attorney Bloomer requested that the Board make a motion to approve the amendment as presented and authorize the Mayor to sign on the City's behalf. A motion was made to suspend the rules and take action on the request (Davis, Gillam). **Motion passed.** A motion was made to approve Amendment No. 3 to the Cooperation Agreement and substantially the form presented and to authorize the Mayor to sign the amendment on the City's behalf. (Davis, Gillam). **Motion passed.**

Attorney Bloomer; Chief Lovett, USAR and Swift Water Rescue MOUs

Attorney Bloomer deferred to Chief Lovett. Chief Lovett would like the BOA to authorize the Mayor to sign a standing agreement between the City and State of Vermont, referred to as Urban Search and Rescue (USAR) MOUs. It covers two aspects of the services that we provide with the State. The first is to allow our equipment that was generously donated to us to be able to be used in time of need around the State. These MOUs allow the department, in the event of a USAR emergency, in cooperation with the VT Division of Emergency Management and Homeland Security (DEMHS), the City of Rutland to make all efforts to deploy its USAR equipment and vehicles as requested. The second is the City of Rutland recognizes the critical role of the swift water rescue response assets, as an element of the State's USAR capability during times of water related incidents within the State of Vermont. Attorney Bloomer stated that the MOUs are set up for Chief Lovett to sign on behalf of the City. A motion was made and seconded to suspend the rules and take action on the request (Clifford, Gillam). **Motion passed.** A motion was made to authorize Chief Lovett to sign the MOUs for USAR and Swiftwater Rescue (Clifford, Gillam). **Motion passed.**

Attorney Bloomer; Request Executive Session, Pending Litigation

Attorney Bloomer has requested that this be removed from the agenda.

REPORTS OF STANDING COMMITTEES

Finance Committee; Alderwoman Davis

Alderwoman Davis read the report. The committee met April 14, 2021, the purpose of this meeting was to review the fiscal 2020 audit completed by Sullivan and Powers. A clean opinion was offered and there were no findings that were required to be reported.

Community & Economic Development Committee; Alderman Talbott

Alderman Talbott read the report. The committee met April 6, 2021 to review the request for Rutland City to join the Otter Creek Unified Communications District (OCCUD). This request was brought to the BOA in February by Amanda O'Connor and it was referred to committee in order to review the potential impact on city infrastructure and any potential legal obligations that could arise from joining the CUD. Broadband as it is currently defined (25/3 Mbps) is not sufficient connectivity for many households, and the State of Vermont has a connectivity goal of (100/100 Mbps) by 2024. OCCUD was created in July 2020 to facilitate a plan for buildout in the region. OCCUD can only plan with a municipality in mind, if that municipality's select board resolves to join. The motion out of committee is to recommend that the Board join Otter Creek Communications Union District and authorize the Board President to assign a representative. So moved and seconded (Talbott, Gorruso). **Motion passed.** President Whitcomb selected Alderman Franco as the representative.

REPORTS OF SELECT COMMITTEES

There were no reports of select committees.

REPORTS OF REPRESENTATIVES

Alderman Talbott; Regional Marketing Committee

Alderman Talbott read the report. The committee met on Thursday, April 1, 2021. Lyle Jepson shared a new proposal from LIFT, the agency executing the regional marketing campaign, to begin Phase 4, which will target skilled job seekers in the New England area to fill the more than 140 professional-level jobs currently on the CEDRR job board. These are in addition to the 100+ open positions at RRM. This phase will reach more than half a million people and will be carried out over the next nine months.

A data report from November through March of leads stated that four families relocated to the region during this period as a result of this campaign, with three additional families with moves in progress. One family has a visit in-progress, with an additional 22 families considered "on hold" for a variety of reasons.

There is sufficient funding to execute Phase 4 and continue to the end of the year.

An intern from Castleton's Media and Communications program is currently working as a videographer/photographer for Regional Marketing Initiative, traveling to towns throughout the region to collect new content. He is also starting a new project that will be a regional video highlighting all 27 towns that will include information on Vermont's seasonal activities, school systems and a brief overview of the concierge program.

A Whoopie Pie Festival is being planned for the weekend of October 9. The day-long event is planned to include a public dance, a parade to celebrate heroes working during the pandemic, fireworks and will culminate with the Newlywed Game at The Paramount.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

There were no petitions, Letters, Miscellaneous Communication to come before the Board.

BOARD OF CONTROL COMMISSIONERS

A motion was made and seconded to move in the Board of Control Commissioners. (Davis, Gillam). **Motion passed.** A motion was made and seconded to authorize the Clerk to sign the 1st and 3rd Class liquor license for John Cioffi, Jr. new owner of Muckenschnabel's. (Davis, Gillam). **Motion passed.** A motion was made and seconded to move out Board of Control Commissioners. (Gorruso, DePoy) **Motion passed.**

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Neary; Refer the issue of adding a Land Acknowledgement as a Standing Agenda Item

A Land Acknowledgement recognizes that the native people of our land especially in Vermont the Abenaki Tribe. It recognizes the importance of the long standing history that brought us to reside here and really seeks to understand our place within that history and making that history not necessarily always in the past but really a part of our present as well. In order to do that, Alderman Neary stated he

would like to make a motion to send a Land Acknowledgement as a standing agenda item to the General Committee to discuss and invite a representative from the native community from the Abenaki Tribe. So moved and seconded (Franco, Savage). Alderwoman Davis wants to know the goal for this to be a standing agenda item. Alderman Neary stated he sees this as similar to the Pledge of Alliance, which is done at the beginning of the BOA meetings, to recognize our patriotic duty and our sense of governance here at the local level. An acknowledgement to put that history in context and from everything that we have seen from the past year it really shows good faith in the City and this is really being done State wide with other communities, as well as institutions like UVM and Middlebury College. Alderman Gorruso made a motion to table the request and seconded Alderman DePoy. President Whitcomb verified with Attorney Bloomer that this request takes precedence with a simple majority and there is no debate.

Alderman Gorruso called for a roll call vote.

DePoy	Yes	
Neary		No
Savage		No
Doenges		No
Gillam	Yes	
Davis	Yes	
Clifford	Yes	
Gorruso	Yes	
Talbott		No
Franco		No

Five (5) Yes, Five (5) No

President Whitcomb voted No. **Motion passed.**

A motion remains on the table to refer to General Committee for further discussion. Alderwoman Davis called for a roll call vote.

DePoy		No
Neary	Yes	
Savage	Yes	
Davis		No
Gillam		No
Doenges	Yes	
Clifford		No
Gorruso		No
Franco	Yes	
Talbott	Yes	

Five (5) Yes, Five (5) No

President Whitcomb voted Yes. **Motion passed.**

Alderman DePoy made a motion to refer to General Committee the notion of meeting in person again as quickly as possible. Seconded by Alderman Gillam. **Motion passed.** Alderman Doenges wanted to add an amendment to the motion to include using better technology so those in the public that may not be comfortable meeting in person can still meet remotely. Seconded Alderman Talbott. **Motion passed.**

After a lengthy debate about going into executive session the Board logged out of the public forum at 8:51 PM and logged into their executive session site.

At 9:21 PM the Board came out of executive session and immediately signed back into the public meeting room. Once signed back a motion was made to adjourn so moved and seconded (Davis, Clifford). **Motion passed.**

Tracy L. Kapusta
Rutland City Deputy Clerk