

CITY OF RUTLAND, VERMONT

Board of Aldermen Minutes

Monday June 7, 2021

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

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (May 17, 2021)

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

OUTSIDE THE RAIL

Reverend Patty Stratton was present to update the Board on the First Baptist Church and the response she received after meeting with the Board three (3) weeks ago. Reverend Stratton also acknowledged the welcoming flags and commended Rutland for being so inviting and praised Cape Air noting their new planes are terrific.

COMMUNICATIONS FROM THE MAYOR

Untable Mayoral Nomination; DPW Commissioner Whitney Marsh.

Mayor Allaire asked the Board to untable his nomination of Whitney Marsh as the new DPW Commissioner. A motion was made and seconded, (Davis, DePoy) to untable the nomination of Whitney Marsh for DPW Commissioner. **Motion passed.** Alderman DePoy moved to conduct the vote by roll call. Alderman Clifford seconded. There was brief debate on the request. **Motion passed.** Alderman Gorruso stated he had not received any information on the nomination and was voting no as he had no idea who he was voting on. Mayor Allaire spoke on the issue noting that his assistant had forwarded information on the nomination to all members. Alderman Gorruso was adamant that he had not. There was brief discussion as several members noted that they all had received resumes from the Mayor. President Whitcomb then asked Clerk Heck to call the roll.

Alderman Neary	YES	
Alderman Franco	YES	
Alderman Talbott	YES	
Alderman Doenges	YES	
Alderman Gillam	YES	
Alderman Clifford	YES	
Alderman DePoy	YES	
Alderwoman Savage	YES	
Alderwoman Davis	YES	
Alderman Gorruso		NO

President Whitcomb voted YES as well.

President Whitcomb noted the nomination of Whitney Marsh as the New Public Works Commissioner. Several Board members thanked all involved in the interview process and also thanked Jim Rotondo for his excellent work as interim commissioner. Mayor Allaire moved on with information about his decision to close the Quality Inn and how the City was proceeding with the ownership group to get the hotel re-opened. Lastly, Mayor Allaire spoke on the Forest & West Street R.R. crossing and input he received from the State on the cost of removing contaminated soils. Alderman Gorruso questioned why minutes from their special meeting dealing with this item were not included in the packet. Clerk Heck stated that they were not complete at the time of this meeting. This was the final item under communication from the Mayor.

ADDITIONS AND DELETIONS TO THE AGENDA

President Whitcomb asked the board to add several items including Treasurer Markowski's request to refinance water meter loans, (2) requests from Fire Chief Lovett for LEMP (Local Emergency Management Plan) and to dispose of surplus equipment and to add the committee report of Alderman Gillam for Charter & Ordinance. The request was so moved and seconded (Neary, Savage). **Motion passed.** President Whitcomb then asked Attorney Bloomer if he had a deletion. Attorney Bloomer noted the request for executive session could be deleted from the agenda. President Whitcomb noted that request and continued with the agenda.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Treasurer Markowski;

Municipal Checklist for Internal Control – FY21 – Board review and sign-off requested

President Whitcomb noted the request from Treasurer Markowski. A motion was made and seconded (Davis, Clifford) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Gillam) approving the internal controls checklist and requesting that the Chair sign on the BOA's behalf. **Motion passed.**

Refinance Water Meter Loan

Treasurer Markowski spoke on this request noting an opportunity to refinance loans associated with the meter project saving the City some significant money. 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 Mayor and Treasurer to execute the lease refinance for the water meter and AMI project, with the reduced interest rate subject to review and approval of those documents by the City Attorney. There was

debate. Attorney Bloomer asked to amend the motion, including finite rate of 3.05% or less. The maker and seconder agreed to the threshold of 3.05%. There was debate with this request. **Motion passed.**

Chief Lovett

Request Mayor Sign LEMP Local Emergency Management Plan

Chief Lovett was on-line to introduce the request. Chief Lovett noted this plan revolves and is renewed ever year and needs the Mayor to signoff. A motion was made and seconded (Davis, Franco) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Gillam) authorizing the Mayor to sign the Local Emergency Management Plan. Debate followed on when the last time the plan had a complete re-work. Chief Lovett noted approximately five (5) years, but noted that every year some aspect of the plan is looked at. **Motion passed.**

Request to Dispose Surplus Equipment

Chief Lovett noted that the station had a surplus of equipment and sought Board approval to sell some of this equipment and place the funds of the sale into the fire equipment replacement fund. Chief Lovett noted his ideal scenario on the request. There was brief debate on where the funds can be placed and also potential liability on some of those items sold, (ladders) A motion was made and seconded (Davis, Clifford) suspending the rules and taking action on the request. A motion was made and seconded (Davis, Neary) allowing the Chief to sell surplus items with any item being sold to the public reviewed by the City Attorney and the proceeds going to the Equipment replacement Fund. **Motion passed.**

Attorney Bloomer:

President Whitcomb introduced the items and Attorney Bloomer noted both requests were similar and gave his reason for bringing them to the BOA.

Sub-grant and loan documents for Housing Trust of Rutland County (Lincoln Place)

Sub-grant and loan documents for Rutland County Parent Child Center (16 Chaplin Avenue) grant

Attorney Bloomer gave a brief review of the materials he sent to the Board and noted his reason for BOA approval was while negotiating the respective mortgage documents with the Housing Trust and RCPCC, the City is being asked to take a low position and it is unclear whether there will be enough equity in the projects at that position to cover the reimbursement of grant funds, if necessary. Attorney Bloomer also added, the likelihood that the National Objective will not be met (due to the projects never being completed, misuse of funds, etc.) and/or that the State will pursue reimbursement from the City are both low, but the issue of mortgage priority is something only the Board can approve. Mary Cohen from the Housing Trust was present to answer any questions and briefly reviewed the Lincoln Place project. A motion was made and seconded (Davis, Doenges) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Gorruso) to approve, and authorize the Mayor to sign, the subgrant and loan documents related to the City's state grant for the Housing Trust's Lincoln Place project, in substantially the same form as presented. **Motion passed.** Alderwoman Davis thanked Mary Cohen and moved to approve, and authorize the Mayor to sign, the subgrant and loan documents related to the City's state grant for the Rutland County Parent Child Center's 16 Chaplin Avenue project, in substantially the same form as presented. **Motion passed.**

Finance and Maintenance Agreement between State and City for Improvements to Highway-Rail Grade Crossing at West Street and Forest Street

President Whitcomb introduced the request and Attorney Bloomer noted that this document had been updated and referenced the red & blue highlights in the revised copy. Attorney Bloomer noted the caution expressed at the last meeting about associated cost related to contaminated soil. Attorney Bloomer noted that the soil reference was greatly reduced with a new associated cost of roughly \$11,000. A motion was made and seconded (Davis, Neary) suspending the rules and taking action on the request. **Motion passed.** Alderwoman Davis noted a brief motion, but sought guidance from Attorney Bloomer. Attorney Bloomer stated a motion to authorize the Mayor to sign the Finance and Maintenance Agreement, in substantially the same form as presented, and after Paragraphs 16 and 23 are struck and Paragraph 21 is modified as shown in Attachment A. Alderwoman Davis so moved and Alderman Doenges seconded. Debate. **Motion passed.**

Executive session related to the negotiation of a contract.

This item was deleted earlier in the agenda.

President Whitcomb noted the requests for the Board of Tax Abatement and moved it to the end of the meeting.

For Board of Tax Abatement:

Approval of revised abatement application and hearing documents

Executive session related to confidential attorney-client communications made for the purpose of providing professional legal services to the body

REPORTS OF STANDING COMMITTEES

Alderman Clifford; Public Works Committee

Alderman Clifford read his committee report from May 25, 2021 and noted his committee met to discuss Bond construction updates on the voter approved \$7.4 million bond. Commissioner Rotondo was present to review the original estimated cost summaries and the current cost analysis for each of the projects. Commissioner Rotondo also explained that current change orders were a direct result of unanticipated issues that arose during each project.

Commissioner Rotondo then discussed requests that have been forwarded to him to approve additional change orders. There are currently four change orders awaiting action by the City. Three are for the Digester project - \$460,000 for the replacement of (4) heat exchangers, \$16,400 for the addition of two swivel connectors and \$1,440 for the installation of a motor starter. The remaining change order is for the force main project - \$144,000 for a bypass connection at the river street pump station. It is Commissioner Rotondo's opinion that these projects are all worthy and should be authorized.

If the additional \$622,000 worth of change orders are approved, the total indebtedness at the end of the project would be \$6.48 million dollars, close to a million dollars less than the \$7.4 million bond approved by voters.

Commissioner Rotondo spoke about new rule changes initiated by the legislature on subsidies and grants and how all funds can be used for projects instead of paying down indebtedness. With this new legislation available, Commissioner Rotondo proposed the following motion prepared by Attorney Bloomer for consideration by the Board: "to recommend the full Board to authorize the use of all available grants and subsidies applicable to the 2019, \$7.4 million dollar CSO wastewater bond projects for project expenses rather than use such grants and subsidies to reduce payments on the bond indebtedness amount of \$7.4 million". The motion was so moved by Alderman Neary and passed unanimously in committee and Alderman Clifford so moved that motion to the full Board, Alderman Neary seconded. With no debate or questions, President Whitcomb called for a vote. **Motion passed.**

Alderman Talbott; Community & Economic Development

Alderman Talbott read his committee report from June 2, 2021. His committee met to discuss exploring options to support and promote owner-occupied properties in the City. The committee spent nearly 50 minutes vetting ways to incentivize property owners to make high quality renovations in order to revitalize neighborhoods. Brennan Duffy, RRA Director was present and noted the RRA Board has been actively discussing rental property issues in the City and noted they support a high quality rental stock program which Mr. Duffy noted is critical to the regional marketing campaign. The committee decided to bring in more stake holders for discussion and the issue is to remain in committee. No action was requested.

Alderman Gillam; Charter & Ordinance Committee

Alderman Gillam read his committee report from May 20, 2021. Alderman Gillam stated his committee met to discuss an increasing problem with shopping carts. The committee reviewed prior policies and procedures and decided to have Attorney Bloomer reach out to the various stores with shopping carts noting eight different requirements that those stores need to comply with. The committee also asked Attorney Bloomer to draft samples of language for mandatory electronical tracking system to keep carts on their property. Alderman Gillam noted that the issue will remain in committee and moved to refer the requested item just read to Attorney Bloomer. Alderwoman Davis seconded. Debate. **Motion passed.**

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

There were no representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

Pole & Wire Request

President Whitcomb read the request from Green Mountain Power. 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, Clifford) approving the permit with the seven standard conditions. **Motion passed.**

S.E.P. Request; Rutland Walk to End Alzheimer's, Sept. 25, Main St Park

President Whitcomb read the request. A motion was made and seconded (Davis, Doenges) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, Savage) approving the fundraising Walk to End Alzheimer's, September 25 in Main St. Park from 7AM -3PM. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

There were no items to come before the Board of Control Commissioners

UNFINISHED BUSINESS

Alderman Neary spoke on information leading to the Board meeting in person. Alderman Doenges noted he was working on the issue still. Alderwoman Davis noted the governor was speaking on that specific issue the next day.

Alderman Gorruso noted a request from Mary Howard the 5-3 representative asking about a burnt home on Forest Street. The Board noted that it is a very delicate situation with ownership and taxes owed to the City.

President Whitcomb noted the book written by Elisa Headlum on Project Vision.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman DePoy moved to refer the issue of the Rutland Raiders to the Charter & Ordinance Committee. Alderman Depoy wants to discuss the Rutland Raiders as being the official name, by charter of the Rutland High School. Alderman Clifford seconded. There was at length debate.

President Whitcomb called for a roll call vote and then asked Clerk Heck to call the roll.

Alderman Gorruso	YES	
Alderwoman Savage		NO
Alderman Neary		NO
Alderman Franco		NO
Alderman Talbott		NO
Alderman Doenges		NO
Alderman Gillam	YES	
Alderman Clifford	YES	

Alderman DePoy	YES
Alderwoman Davis	YES

Clerk Heck noted the vote as five (5) YES and five (5) NO.

President Whitcomb noted the tie and voted YES for the referral. **Motion passed.**

President Whitcomb noted the BOA was still under miscellaneous motions, resolutions and new business.

Alderman Neary noted recent calls around public safety specifically pavement markings and moved to refer the issue of pavement markings to the Public Works committee. Alderman Clifford seconded. There was brief debate. **Motion passed.**

Alderman Doenges moved to refer the issue of an Ordinance Enforcement Officer to the Charter and Ordinance Committee. Alderman Neary seconded. There was debate. **Motion passed.**

With no other items to come from the Board, President Whitcomb asked Attorney Bloomer if language to enter the Board of Tax Abatement was necessary. Attorney Bloomer noted it was. A motion was made and seconded (Davis, Clifford) to move into the Board of Tax Abatement. **Motion passed.**

Board of Tax Abatement:

Approval of revised abatement application and hearing documents

Attorney Bloomer noted with the new legislation changes to updates regarding that Boards of Tax Abatements needing to hear utilities (water & sewer) requests, he was recommending the revised abatement application to the Board. Attorney Bloomer also noted other updates necessary to how our Board was comprised and the need for our members, Mayor, Assessor, Treasurer to follow best practices. Alderwoman Davis noted that she did not want to hear these Utility requests as the Board decided long ago not to. Attorney Bloomer noted a way to accomplish both past and new regulations was to have utility requests sent to DPW for their recommendation first. 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) to approve and adopt the related documents as presented with the amendment regarding water & sewer (Utility) requests be reviewed by the commissioner or his/her designee for validation. **Motion passed.**

Executive session related to confidential attorney-client communications made for the purpose of providing professional legal services to the body

President Whitcomb then noted the request for an executive session and sought language from Attorney Bloomer. Attorney Bloomer noted it was a two (2) part motion and sought a motion to find that premature general public knowledge regarding confidential attorney-client communications made for the purpose of providing professional legal services to the City would clearly place the City at a substantial disadvantage. This language was so moved and seconded (Davis, Savage) **Motion passed.**

Attorney Bloomer then noted a motion to enter into executive session (with the inclusion of the City Attorney, and Clerk). This language was so moved and seconded (Clifford, Gillam). **Motion passed.**

At 9:15 PM, President Whitcomb locked the public meeting.

At 9:30 PM a motion was made and seconded (Talbott, Doenges) to come out of executive session. **Motion passed.**

At 9:32 PM a motion was made and seconded (Clifford, Neary) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk

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