

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday August 2, 2021

Members present; President Whitcomb, Aldermen Gorruso, Franco, Savage, Neary, Talbott, Doenges, Gillam, Clifford, DePoy and Davis. Also present; Mayor Allaire, and City Clerk Heck. Attorney Bloomer was absent, but joined the Board via phone during the executive sessions.

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (July 19, 2021)

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

OUTSIDE THE RAIL

Chief Lovett spoke outside the rail on Private Duty Pay and the need for an increase. There was brief debate from the Board. 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, Talbott) to adjust the current overtime rates for the Deputy Chiefs and Lieutenants as stated in the memo presented by Chief Lovett for Private Duty Pay. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

Remove from the Table Mayoral Appointment; DPW Commissioner

Mayor Allaire noted several items for the Board, but first asked to remove from the table the nomination of James Rotondo for DPW Commissioner. That request was so moved and seconded (Davis, Gorruso). **Motion passed.** A motion was made and seconded (Davis, Clifford) to circulate the ballot box. **Motion passed.** Clerk Heck collected all ballots and asked President Whitcomb if he wanted him to tally the votes as Attorney Bloomer was absent. President Whitcomb stated that would be fine and Mayor Allaire continued.

Mayor Allaire noted his next item was to present the Board with the name of Mark Sadakierski for the Building Inspectors position and sought for Mr. Sadakierski's name to be tabled. That request was so moved and seconded (Gorruso, DePoy). Mr. Sadakierski was present and said hello to those present. **Motion passed.**

Mayor Allaire then noted several events in the near future and stated National Night Out was tomorrow at Meadow Street Park. Next Wednesday, the public meeting for the ARPA Funds was being held at the Community Center and finally at the Board's next meeting on August 16th, the Assistant A.G. was coming to speak about the opioid settlement and what it means for Rutland.

President Whitcomb thanked the Mayor and Mark for coming and then announced James Rotondo as the New DPW Commissioner being confirmed with eleven (11) YES and zero (0) NO votes. Commissioner Rotondo received acknowledgement from all those present and spoke briefly, thanking the Board for their support and stated he looked forward to working with them.

ADDITIONS AND DELETIONS TO THE AGENDA

President Whitcomb noted a handful of items and started with the additions, noting a request for a second class liquor license for C&S Wholesale Group, two Special Event Permits and a representative report from Alderman Doenges from the Development Review Board. President Whitcomb also noted a deletion request from Attorney Bloomer for one of the Pending Litigation requests. All five of those requests were so moved and seconded (Davis, Gillam). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Attorney Bloomer; Request for Three (3) Executive Session, Probable Litigation, Pending Litigation & Negotiations Labor Relations Agreement

Per the Boards past practice, all executive sessions were moved to the end of the meeting.

DPW Commissioner Rotondo; Request for referrals

President Whitcomb noted the request from Commissioner Rotondo and asked him to speak to those requests. Commissioner Rotondo noted that he was looking to update the Board on two very large projects and asked to refer the Combination Pond/Piedmont Pond Impoundment Modification Project and the Water Meter Replacement Project to the Public Works Committee for an indepth review. Aldermen Clifford and Gorruso, so moved and seconded. **Motion passed.**

Treasurer Markowski; Request for Referral to Finance Committee LAZ FY22 Budget

President Whitcomb noted the request and sought input from the Treasurer. Alderwoman Davis spoke immediately to the issue noting that the Treasurer had heard from LAZ who was looking to present

their FY 22 budget and moved to refer the issue to the Finance Committee. Alderman Gillam seconded. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Alderman DePoy; Recreation Committee

Alderman DePoy read his committee report from July 20th, noting his committee met at Main Street Park to discuss the status of the gazebo. Alderman DePoy noted the structure is no longer being used as it has been determined to be unsafe. The committee discussed options for replacement and how the park could be updated as a result. A motion was made in committee approving the Recreation Department and the Recreation Foundation, in developing a concept design for the gazebo and associated infrastructure improvements at the park and strategies for funding both and Alderman DePoy so moved. Alderwoman Davis seconded. There was debate and brief input from Recreation Superintendent Kim Peters who noted a committee is being formed to assist with this project. **Motion passed.**

Alderman Neary; Charter & Ordinance Committee

Alderman Neary read the Charter & Ordinance Committee report from July 21st noting this was the second meeting on shopping cart issues. Alderman Neary briefed the Board on what the committee discussed during the first meeting and reviewed those minutes. The Committee then met with representatives from various shopping cart providers within the City. Representatives from Price Chopper and Topps were present to inform the committee how they were handling the issue. The committee then discussed potential updates to the ordinance and heard from Attorney Bloomer who noted another community had similar issues and was working on a "cart plan". A motion was made in committee referring to Attorney Bloomer and Judy Frazier to draft an update to the current shopping cart ordinance with a provision requiring individualized cart plans, retention systems, cart retrieval, as well as updates to enforcement and fee schedules. Alderman Neary then stated that the issue is to remain in committee. Alderman Gillam, Chair of the Charter & Ordinance Committee thanked Alderman Neary for writing and presenting the report as he was out of town and needed to phone in.

REPORTS OF SELECT COMMITTEES

There were no select committee reports

REPORTS OF REPRESENTATIVES

Alderman Talbott; Downtown Rutland Partnership

Alderman Talbott read his representative report from July 20th noting various items under Streetscape, Marketing and Events headers listing several items for each. Alderman Talbott ended his report with the DRP awarding a \$2,000 grant to Diamonds & More to assist with renovations.

Alderman Doenges; Planning Commission

Alderman Doenges read his representative report from July 7th, 14th and 28th. Alderman Doenges noted that the Planning Commission was working hard with several items including, zoning bylaws, districts, and "form based codes" helping to shape the future of the City.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

SEP Request, Parade of Heroes/Sidewalk Sales, August 28th, Merchants Row

President Whitcomb introduced the request. A motion was made and seconded (Davis, DePoy) to suspend the rules and take action on the request. **Motion passed.** A motion was made and seconded (Davis, Talbott) approving the Parade of Hero's community celebration, August 28 from noon to 10 PM, pending signatures. There was brief debate. **Motion passed.**

SEP Request, VT State Fair 175th Anniversary Parade. August 17th, 5:30 -6:30 PM

President Whitcomb noted this request was added earlier in the meeting. A motion was made and seconded (Davis, Talbott) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, DePoy) approving the VT State Fair 175th Anniversary Parade, August 17th from 5:30 - 6:30 PM. **Motion passed.**

SEP Request, Stomping out Stigma, Turning Point Fundraiser, Sept. 9th 9AM – 3PM

President Whitcomb introduced the request. 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, Talbott) approving the request for Stomping out Stigma, Turning Point Fundraiser, Sept. 9th, from 9AM – 3PM in Main Street Park, pending signatures. **Motion passed.**

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

BOARD OF CONTROL COMMISSIONERS

C & S Wholesale Grocers, Second Class Liquor License.

President Whitcomb introduced the request. A motion was made and seconded (Davis, Gorruso) to circulate the application for signatures. There was brief discussion amongst the Clerk and the Board. **Motion passed.**

A motion was made and seconded to move 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

Alderman DePoy asked to refer the issue of "slug" septage rates at the Waste Water Treatment Plant to the Public Works Committee. Alderwoman Davis seconded. **Motion passed.**

President Whitcomb stated if there was no further business to come before the Board, there were still two (2) executive sessions. President Whitcomb also noted that Attorney Bloomer provided the language to enter and then he would be connected by phone with the Board.

President Whitcomb noted,

1. Motion to find that premature general public knowledge regarding the negotiation of a labor relations agreement would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the agreement provisions to be negotiated. This language was so moved and seconded (Davis, DePoy). **Motion passed.**

President Whitcomb then noted language to enter executive session.

2. Motion to enter into executive session (with the inclusion of the Mayor, Police Chief, Treasurer, Clerk and City Attorney) to discuss the labor relations agreement as allowed under Title 1, Section 313(a)(1)(B). This language was so moved and seconded (Doenges, Davis). **Motion passed.**

At 7:50 PM the Board moved into executive session.

At 8:17 PM a motion was made and seconded (Davis, Clifford) to come out of executive session. **Motion passed.**

President Whitcomb noted language from Attorney Bloomer, to authorize the Police Chief to enter into the Memorandum of Understanding with the police union, in substantially the form presented. This Language was so moved and seconded (Talbot, Gorruso). Debate. Attorney Bloomer asked for additional language to include that non-union employees were exempt and that Chief KilCullen should be included in this MOU. Alderwoman Davis so moved, Alderman DePoy seconded. President Whitcomb called the question. **Motion passed.** There was brief debate from Alderman Talbot on the order of the motions.

President Whitcomb read the next executive session language.

1. Motion to find that 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 (DePoy, Davis). **Motion passed.**

President Whitcomb then noted the language for entering executive session.

2. Motion to enter into executive session (with the inclusion of the Commissioner of Public Works, Chief Operator, Treasurer, Mayor, Clerk and City Attorney) 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 (DePoy, Davis). **Motion passed.**

At 8:19 PM the Board moved back into executive session.

At 8:27 PM a motion was made and seconded (Davis, Gorruso) to come out of executive session. **Motion passed.**

President Whitcomb noted the motion to authorize the Mayor to enter into the Assurance of Discontinuance between the City and Agency of Natural Resources, in substantially the form presented. This language was so moved and seconded (Talbot, Davis). **Motion passed.**

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

Respectfully submitted,

Henry A Heck
Rutland City Clerk