

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Tuesday, September 7, 2021

Members present; President Whitcomb, Aldermen Gorruso, Franco, Savage, Neary, Talbott, Clifford, DePoy and Davis. Also present, Mayor Allaire, Attorney Bloomer and City Clerk Heck. Alderman Gillam was absent.

7:00 PM BOARD OF ALDERMEN MEETING

President Whitcomb called the meeting to order at 7:00 PM and promptly asked for a moment of silence for the passing of Joe Tilden, a longtime City Alderman.

MINUTES OF PREVIOUS MEETINGS (August 16, 2021)

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

OUTSIDE THE RAIL

Alison Notte, member of the Rutland City School Board and Coalition for Vermont Student Equity, was present to ask the Board to support a letter supporting a weighted measure for receiving state education funding. Mayor Allaire spoke on the issue and supported the request. A motion was made and seconded (Talbott, Neary) to sign the letter of support. Debate. Alderman DePoy expressed concern on the information provided and asked to refer the issue to the Finance Committee. Alderman Clifford seconded. Debate. Alderman DePoy asked the Board to think about what the requester was asking. Debate continued. Alderman DePoy withdrew his motion. President Whitcomb called the original motion to sign the letter of support. **Motion passed.** Alderman DePoy then moved to refer the issue to the Finance Committee. Alderman Clifford seconded. **Motion passed.**

Amila Merdzanovic of USCRI spoke on the issue of Afghan resettlement in Vermont and updated the Board on that process. Ms. Merdzanovic noted the possibility of 100 resettling in Vermont, with possibly some of those people coming to Rutland. There was brief Q & A with BOA members and Ms. Merdzanovic only, on this issue. President Whitcomb noted at the start of the meeting, at this time public input would not be allowed as this briefing was just an introduction. A motion was made and seconded (Talbott, Davis) to refer the issue to the Committee of the Whole. **Motion passed.** Debate continued for approximately 15 minutes after the motion had passed.

President Whitcomb read a brief letter from the Town of Killington, thanking the City's First responders during the recent forest fires in Killington.

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire noted several items for the Board and sought a referral to committee to discuss and review the RRA contract prior to its final two years. A motion was made and seconded (Doenges, Neary) to refer the RRA contract to the Committee of the Whole. **Motion passed.**

Mayor Allaire then noted an earlier request by Alderman Talbott and the Community & Economic Development Committee for an RFP for consulting services for the study and creation of the Vermont Tax Increment Finance District, also known as TIF for the City of Rutland. Mayor Allaire asked the Board to allow him to grant the RFP. A motion was made and seconded (Neary, DePoy) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Neary, DePoy) approving the request for an RFP for Consulting services for the creation of a TIF's district in the City of Rutland. Debate. **Motion passed.**

Mayor Allaire noted the upcoming town fair presented by the League and asked the BOA to designate him as representative and voting member for the City. Mayor Allaire noted that he has in the past sought and been granted this request. This request was so moved and seconded (Clifford, Talbott). **Motion passed.**

ADDITIONS AND DELETIONS TO THE AGENDA

President Whitcomb noted two requests for additions. One from Alderman Talbott, his Community & Economic Development Committee report and Alderman Doenges, a RRA Representative Report. Both of those requests were so moved and seconded (Davis, Savage). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Superintendent Peters; 2021 RAHA Contract for Giorgetti Park

President Whitcomb introduced the request. A motion was made and seconded (Neary, Davis) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Neary, Davis) approving the contract for Giorgetti Park and RAHA and authorize the Mayor to sign. **Motion passed.**

Attorney Bloomer:

Draft Letter from City and Rutland Town to VTrans re: Main Street Speed Limits

President Whitcomb introduced the request. Alderman Clifford, Chair of the Intermunicipal Committee asked Attorney Bloomer if the letter should be signed by all members of both the City and Town Boards and not just the Committees. Attorney Bloomer noted it could garner more weight with the State. It was also noted, any request to the State could result in a different result than what the committees sought. The Board discussed both possibilities as the result of potential traffic study if the State sought one. A motion was made and seconded (Clifford, Neary) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Clifford, Neary) to circulate for signatures the letter of support and to forward on to the town for their signatures and then on to the State. Debate. **Motion passed.**

Per the Board's past practice, President Whitcomb moved these requests to the end of the meeting.

Executive Session regarding Pending Litigation

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REPORTS OF STANDING COMMITTEES

Alderman Clifford; Public Works Committee

Alderman Clifford read his Public Works Committee report from August 31, 2021. Chair Clifford noted the committee met to discuss the Moon Brook Impoundment Modification Project for Combination and Piedmont Ponds. Chair Clifford read numerous bullet points from his report outlining the updates on the Moon Brook Impoundment Modification Project. Chair Clifford noted three motions out of committee and moved the first to the full Board. Respectfully requesting the authority for the Mayor to sign an engineering services agreement with SLR in the amount of \$15,000, for the Combination Pond fish passage and gravity sewer feasibility study in substantially the form presented and subject to final approval of ANR and the City Attorney. Alderwoman Davis seconded. **Motion passed.**

Chair Clifford then moved the second motion. We respectfully request authorization for the Mayor to sign a final version of the First Amendment to Moon Brook Impoundment Modification and Riparian Planting Schedule, in substantially the form presented and subject to final review by the City Attorney. Alderman DePoy seconded. **Motion passed.**

Chair Clifford then noted the third and final motion. We respectfully request authorization to expend funds as needed above the previously approved threshold of \$20,000 up to the maximum \$126,000 value in the previously approved design contract with Milone & Macbroom (now SLR) dated November 12, 2020. Alderman Doenges seconded. **Motion passed.** Chair Clifford then finished his report. There was brief debate on the report. President Whitcomb thanked Alderman Clifford.

Alderman Talbott; Community and Economic Development

Alderman Talbott read his committee report from August 24, 2021. Chair Talbott noted his committee met to discuss a possible assistance program for owner-occupied rental housing. The committee heard from several community members including Lionel Church, who explained he used Neighborworks loans to purchase his multi-unit home. He was able take care of some external building issues with Neighborworks funds and used Efficiency Vermont funds for energy issues, but that he is struggling to find funding to support interior renovations. Low interest loans to make interior improvements appear to have a funding gap.

Alderman Neary asked how the housing needs assessment created by the Housing Trust and the housing data in the Downtown Strategic Plan might be employed in crafting a city strategy for addressing housing. Alderman Doenges spoke from his own experience as a landlord, saying that it can often be difficult to find the funding to quickly transform below-market-rate units to market rate or above. Instead of waiting for equity and income to build up over a period of years before making improvements there's a need to help landlords make those improvements right away.

Real estate professional Andy Paluch also emphasized the critical demand for market rate rental housing and the importance of charting clear paths for new investors on how to renovate their properties.

Several committee members asked how we might fund a program, and who should administer it. There was also a clear consensus on the need to gather the relevant data to craft a strategic housing plan for Rutland City. Alderman Neary made a motion to direct the Rutland Redevelopment Authority to investigate the potential use of ARPA funds for market-rate housing purposes, as well as state or federal grants through Vermont Agency of Commerce and Community Development and coordinate with local housing agencies on that investigation. The motion passed unanimously and I so move. Alderwoman Davis seconded. Chair Talbott then sought to amend the motion asking the Director of the RRA, Brennan Duffy be allowed to deliver the report to the Vermont Community Development Program. The seconder had no issue with the amendment. **Motion passed.**

Chair Talbott then moved on to the second item on the agenda, which was to discuss the request by the Housing Trust of Rutland County to forgive the City's 2004 loan on the Tuttle Block in order to allow the Housing Trust to proceed with much needed renovations and additional housing units.

Brennan Duffy explained that the Vermont Community Development Program that issued that loan approves of forgiving loan so long as the Board of Aldermen is in agreement. Forgiving the \$600k loan will allow the Housing Trust to create three additional housing units in place of their current offices. They plan begin renovations after they close on funding in December.

Alderman Neary asked for clarification that no money is actually owed to the city on this loan. Mary Cohen clarified that the city only acts as a pass-through. Alderman Doenges made a motion to approve forgiveness of the loan. The motion passed unanimously. Chair Talbott noted he had language from Attorney Bloomer, and sought a motion authorizing the Mayor to sign and record all necessary documents, forgive the \$600k loan dated, August 10, 2004 to the Tuttle Block Housing Limited Partnership and to discharge related mortgage. Alderwoman Davis seconded. **Motion passed.**

REPORTS OF SELECT COMMITTEES

There were no select committee reports

REPORTS OF REPRESENTATIVES

Alderman Doenges; RRA

Alderman Doenges read his representative report noting in the month of August, the RRA discussed projects and reviewed several applications for grants and loans through the BIAP Program. Alderman Doenges noted the earlier discussed TIF item and the "look-in" with the RRA contract as discussed by Mayor Allaire.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

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

BOARD OF CONTROL COMMISSIONERS

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

UNFINISHED BUSINESS

Alderman Franco asked how ARPA funds were going to be distributed. Mayor Allaire noted the City is waiting on final guidance from the Federal Government and that no decisions had been finalized.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Neary asked to refer the issue of fiber optics installed by Consolidated to the Committee of the Whole. Alderwoman Davis seconded. There was brief debate. **Motion Passed.**

Alderman Talbott introduced the issue of a mural project at City Hall on the Strongs Avenue side of the building. A motion was made and seconded (Davis, Neary) to refer the issue of Mural Projects to the Community and Economic Development Committee. **Motion passed.**

Alderman Neary left the meeting at 8:50 PM.

President Whitcomb asked Attorney Bloomer for executive session language.

1. Motion to find that premature general public knowledge regarding pending litigation, to which the City is 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.**
2. Motion to enter into executive session (with the inclusion of the Clerk, City Attorney, City Assessor, and Mayor) to discuss 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 (DePoy, Davis). **Motion passed.**

At 8:53 PM the Board moved into executive session.

Alderman Gorruso left the meeting at 9:13 PM

At 9:23 PM a motion was made and seconded (Davis, DePoy) to come out of executive session. **Motion passed.**

Attorney Bloomer noted the following motion. Motion to authorize the City Attorney to sign a Stipulation of Judgment setting the assessments at \$6.15M for 2020 and \$4.35 for 2021 and 2022, and, for 2020, consistent with the terms of the tax-related agreement signed by the City and Heritage at the time of the athletic complex closing in March 2021 and, for 2021, to be credited as it is for other taxpayers. That language was so moved and seconded, (Talbott, Davis) **Motion passed.**

President Whitcomb noted one more executive session and sought language from Attorney Bloomer.

1. Motion to find that premature general public knowledge regarding pending litigation, to which the City is 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, DePoy). **Motion passed.**
2. Motion to enter into executive session (with the inclusion of the Clerk, City Attorney, City Treasurer, and Mayor) to discuss 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 (Talbott, Savage). **Motion passed.**

Alderman Clifford recused himself for a work related/personal issue with this executive session topic and left the meeting at 9:30 PM

At 9:40 PM a motion was made and seconded (Talbott, Savage) to come out of executive session. **Motion passed.**

Attorney Bloomer presented the following motion. Motion to authorize the City Attorney to sign the FINAL STIPULATION, SETTLEMENT AGREEMENT, AND JUDGMENT ORDER ON THE MERITS, in substantially the form presented. That language was so moved and seconded (Talbott, Davis) **Motion passed.**

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

Respectfully submitted

Henry A Heck
Rutland City Clerk