

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, July 6, 2020

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 (June 15, 2020)

A motion was made and seconded (Gorruso, Ryan) approving the minutes of the previous meeting. Alderwoman Mattis noted two corrections within the minutes. **Motion passed.**

OUTSIDE THE RAIL

Christopher Laro spoke of a confederate flag being flown on Madison Street and shared his displeasure. Mr. Laro noted a young black, bi-racial girl lives in that apartment house. Mr. Laro was looking for a referendum on flying flags like that.

Claudia Courcelle spoke on mask wearing on a full-time bases. Ms. Courcelle spoke on her work environment and the practice of wearing mask and the importance of being a good neighbor and community member. A motion was made and seconded (Talbott, Ryan) to refer the issue of mask wearing to the Charter & Ordinance Committee. Lengthy debate followed, including Mayor Allaire who spoke on the issue and noted that he is following State guidelines and Governor Scott's stance of voluntary use of mask. **Motion passed.**

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire spoke on several issues, noting his stance earlier on mask wearing and then spoke on the recent topic of police defunding. Mayor Allaire spoke on his 100% support of Chief KilCullen and the police department and stated that he has no plans to defund the police department. Mayor Allaire noted that we can always do better and the City and PD will work on ways to support the public. Mayor Allaire then spoke about the setting of the tax rate and asked the Board to adjourn to a time certain of Thursday, July 16, 2020 at 5:30 PM to have that meeting. Mayor Allaire finished his communications updating the Board and public with an announcement that he has been battling cancer since spring and will be having surgery in a couple weeks. Mayor Allaire noted that he has been working, but with surgery in late July he will need some time off and has spoken with BOA President Whitcomb as filling in as Mayor for a couple weeks. Mayor Allaire thanked all who have supported him and looked forward to a full recovery.

ADDITIONS AND DELETIONS TO THE AGENDA

President Whitcomb noted a request to add a Pole and Wire request from GMP. That request was so moved and seconded (DePoy, Gillam). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Superintendent Peters; Leave Donation Request

Superintendent Peters was present by phone to introduce her request. Superintendent Peters noted Colleen Shattuck was on maternity leave and had about three (3) weeks of accrued time off and that April Cioffi was donating 150 hrs. and Kim Peters was donating 37.5 hrs. to Colleen's accrued time off. 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, Mattis) approving the donation of hours to Colleen Shattuck. **Motion passed.**

Commissioner Wennberg; Board of Sewer Commissioner Wage Increase Request

Commissioner Wennberg was present to brief the Board on his request to increase rates for septage and sludge at the waste water treatment plant. Commissioner Wennberg noted the brief history of requested increases and how the City is the final processing and disposal for surrounding towns. Commissioner Wennberg noted that he was asking this request of the Board as the Board of Sewer Commissioners. A motion was made and seconded (Mattis, Gillam) suspending the rules and taking action on the request. Debate. **Motion passed.** A motion was made and seconded (Mattis, Gillam) as the Board of Sewer Commissioners adopt the following rates for sludge and septage processing at the wastewater treatment plant: septage – (\$0.075) and sludge (\$0.085) per gallon, effective August 1, 2020. **Motion passed.**

Commissioner Wennberg; Withdrawal of Application for Exempt Consecutive Water Systems

Moved to the end of the agenda to discuss in executive session.

Chief Lovett; Fire Protection and First Response Grant Amendment

Chief Lovett was available to discuss and review his request. Chief Lovett noted that his predecessor was unable to come to an agreement with the State on a new contract for fire protection for the airport. The State recently hired a new person related to contracts and noted that the City and State had allowed the previous contract to expire and sought an immediate resolution. Chief Lovett noted his request was for the Board to authorize the Mayor to sign an extension while contract negotiations continued. 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) to approve the six month interim fire protection and first response grant amendment for coverage at the airport. Debate. **Motion passed.**

Attorney Bloomer; Executive Session Regarding Probable Litigation.

Attorney Bloomer; Executive Session Regarding Negotiation of a Contract.

Requests were moved to the end of the agenda.

Treasurer Markowski; Vermont Municipal Bond Bank loan documents for the Structures/Culverts and Streets/Sidewalks Bonds

Treasurer Markowski was available to brief the Board on her request to authorize the Mayor, Treasurer and Clerk to sign loan documents from voter approved bond projects. 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, Clifford) authorizing the Mayor and Treasurer to execute the bond documents and authorize the City Clerk to attest to their signatures in regards to the Structures and Streets/Sidewalks Bond. **Motion passed.**

Treasurer Markowski; Request for Waiver of Tax Penalty and Fees

Treasurer Markowski noted again with COVID 19 related issues individuals had reached out to her to ask if related penalties and fees could be waived. Treasurer Markowski noted the amount of the request was \$3,631.60. 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 (Davis, Gillam) to waive late penalty and collector fees in the amount of \$3,631.60 due to COVID 19 related financial hardship for property tax. Debate. **Motion passed.**

Treasurer Markowski; Preliminary Discussion and Planning for FY21 Tax Rate.

Treasurer Markowski briefed the Board on the setting of the tax rate and noted she was waiting on the school rates to be provided. Treasurer Markowski then asked the Board to allow her to extend the due date for the first installment of property tax by two (2) weeks to allow more homestead declarations to come from the State. There was brief debate before a motion was made and seconded (DePoy, Gorruso) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (DePoy, Ryan) to authorize the Treasurer to extend the due date on taxes until September 15th. Debate. A motion was made and seconded (DePoy, Gorruso) to amend the motion to include the mailing date of August 15th and a due date of September 15th. **Motion passed.**

REPORTS OF STANDING COMMITTEES

Aldерwoman Davis (Public Safety)

Aldерwoman Davis read her committee report from June 25, 2020 noting her committee met to discuss open burning/fire pits. Aldерwoman Davis noted with the recent stay at home orders that more people were looking to entertain at home. Chief Lovett was available to review the current ordinance and the public safety concerns. It was noted in the report that the city has looked into amending this ordinance over the years but never had. Aldерwoman Davis concluded her report noting that there was no motion(s) made in committee and her committee continues to support the ordinance in place. This report was for information only.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

There were no representative reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

GMP Pole and Wire Request; Church Street

President Whitcomb introduced the request. A motion was made and seconded (Davis, Mattis) suspending the rules and taking action on the request. A motion was made and seconded (Davis, DePoy) approving GMP's Pole and Wire request, for Church Street with the seven standard conditions. Aldерwoman Humphrey recused herself for a work related conflict. **Motion passed.**

GMP Pole and Wire Request; Stratton Road

This item was added earlier in the agenda. President Whitcomb read the request and the specifics from GMP. President Whitcomb noted if approved it would be contingent on the seven standard conditions. Aldерwoman Davis so moved the request. Alderman Gorruso seconded. Aldерwoman Humphrey again recused herself. **Motion passed.**

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

BOARD OF CONTROL COMMISSIONERS

First & Third Class Liquor Application; Angler Bar

President Whitcomb introduced the request. A motion was made and seconded to approve the requests and to have the Clerk sign on the Board's behalf. Debate. **Motion passed.**

Entertainment & Outside Consumption; Angler Bar

Aldерwoman Davis moved to authorize the Clerk to sign. There was brief debate on the request. **Motion passed.**

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

UNFINISHED BUSINESS

Aldерwoman Davis noted a request from Alderman DePoy on Police surplus information prior to the setting of the tax rate. Aldерwoman Davis noted after speaking with Treasurer Markowski that they are not there yet and did not know if that information would be available prior to the meeting on Thursday. Alderman DePoy noted he spoke with the Chief and was hopeful that it would happen prior to the meeting.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderman Gorruso spoke on issues from the Center Street remake and how it was developing to the old fire boxes and how the City may move forward with better cost and technology. Chief Lovett was available to comment on the request. A motion was made and seconded (Gorruso, Clifford) to refer the issue of fire call boxes to the Public Safety Committee. Debate. **Motion passed.**

Alderman Clifford noted he will be holding a Public Works Committee meeting at the end of the month to discuss Water Meter Program updates.

With no other business to come before the Board, President Whitcomb asked Attorney Bloomer for executive sessions language. President Whitcomb noted an earlier discussion on entering executive session once and having all discussions, then coming out and going back into public conference and making any and all motions if needed. The hope here was to be more simplistic and keep from going in, then out, then back in, then out.

Attorney Bloomer then noted how the public could participate still and reviewed some guidelines for the Board.

Attorney Bloomer spoke on the CSJ contract and provided the Board with the updated details on monthly lease cost and water and sewer bills. Attorney Bloomer also noted a larger piece of property for the City to lease. There was no debate from the Board after Attorney Bloomer's update. A motion was made and seconded (DePoy, Gillam) suspending the rules and taking action on the request. **Motion passed.** A motion was made and seconded (DePoy, Davis) to authorize the Mayor to sign the lease with Heritage Family Federal Credit Union, in substantially the form presented. **Motion passed.** President Whitcomb thanked Attorney Bloomer for eliminating one of the purposed executive sessions and sought language to enter into executive session to discuss the remaining items.

Attorney Bloomer stated a motion to find that premature general public knowledge regarding the City Attorney's analysis of a legal matter would clearly place the City at a substantial disadvantage because the discussion 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 to enter into executive session (with the inclusion of the Mayor, Commissioner of Public Works, Treasurer and City Attorney) to discuss the City Attorney's analysis of a legal matter as allowed under Title 1, Section 313(a)(1)(F). This language was so moved and seconded, (Davis, Gorruso). **Motion passed.**

Attorney Bloomer continued with the next executive sessions language noting a 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 (Gillam, Gorruso) **Motion passed.**

Attorney Bloomer then noted a motion to enter into executive session (with the inclusion of the City Attorney, 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 (Gillam, Davis). **Motion passed.**

At 8:44 PM the Board moved into executive session.

At 9:32 PM a motion was made and seconded (Ettori, Gillam) to come out of executive session. **Motion passed.**

The Board moved back into their "public room" and a motion was presented to authorize the Commissioner of Public Works to (i) notify all parties to the O&M agreements that a condition of the agreements has not been satisfied and therefore the agreements are rendered null and void and of no further force and effect and (ii) notify the State that the City is withdrawing related applications due to the conditions placed upon the City. That language was so moved and seconded (Gillam, Davis) there was no debate. **Motion passed.**

With no other motions to come from executive session, President Whitcomb noted a motion to adjourn to a time certain of Thursday, July 16th at 5:30 PM would be in order. That request was so moved and seconded (Gillam, DePoy). **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk

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