CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, July 20, 2020

Members present; President Whitcomb, Aldermen Gorruso, Humphrey, Ryan, Ettori, Talbott, Mattis, Gillam, DePoy and Davis. Also present; Mayor Allaire, Attorney Bloomer and City Clerk Heck. Alderman Clifford was absent.

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (July 6, 2020)

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

OUTSIDE THE RAIL

Candy Jones of Church Street in Rutland spoke on the Madison Avenue protest and denounced and condemned the display of a confederate flag. Ms. Jones stated that the City needs to take a stand on this and other related racial issue. Alderwoman Humphrey spoke on the issue and read a prepared statement presenting a draft resolution. Debate followed with no action taken.

COMMUNICATIONS FROM THE MAYOR

There were no communications from the Mayor.

ADDITIONS AND DELETIONS TO THE AGENDA

Attorney Bloomer asked to add an executive session for pending litigation. The request was so moved and seconded (Davis, Ettori). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Treasurer Markowski; Treasurer's Report, June 30, 2020

Treasurer Markowski was present to review her June 30, 2020 Treasurer's Report. Treasurer Markowski highlighted items from her summary handout and reviewed those items. A motion was made and seconded (Ettori, Gorruso) to refer this third quarter report to the Finance Committee. There was brief debate with Alderwoman Davis asking for a comparison of third quarter reports from 2019 and 2020. Treasurer Markowski noted that she would be able to present those comparisons at the committee meeting. **Motion passed.**

DPW Commissioner; Request for Professional Services Proposal

President Whitcomb presented the next request. A motion was made and seconded (Davis, Gorruso) to suspend the rules and take action on the request. There was a pause while Commissioner Wennberg noted he would be happy to answer any questions. **Motion passed to suspend the rules.** Alderwoman Davis moved a motion authorizing the Mayor to issue a request for proposals for engineering and related services to assess and characterize subsurface contamination at the Spruce Street highway garage. Debate. There were questions about the financing of the project. Commissioner Wennberg spoke on the nearly 28 year old issue and the battle with the State. **Motion passed.**

REPORTS OF STANDING COMMITTEES

There were no standing committee reports.

REPORTS OF SELECT COMMITTEES

There were no select committee reports.

REPORTS OF REPRESENTATIVES

Alderman Ettori noted that Matt Merritt was stepping down from the RRA Board.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

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

BOARD OF CONTROL COMMISSIONERS

There were no items for the Board of Control Commissioners.

UNFINISHED BUSINESS

Alderman Davis questioned the setting of the Municipal Tax Rate and how it was effected once the school tax rate was established. Treasurer Markowski provided that information noting that with the school tax rate added to the municipal tax rate there was a slight increase. This debate set off a firestorm amongst members of the Board and their displeasure with the School Board and their spending increases. The Board sought direction from Attorney Bloomer on the ramifications of voting no on setting the homestead and non-homestead rates. Members of the Board continued with their stance, to not set the tax rates and debate continued for approximately 30 minutes on this issue. A motion was made and seconded to set the non-homestead rate of 1.6978 and the homestead rate of 1.5147 as presented by Treasurer Markowski. Debate from the Board. Alderman DePoy called for a roll call vote.

Alderman Gorruso	NO
Alderwoman Humphrey	YES
Alderwoman Ryan	YES

Alderman Ettori	YES	
Alderman Talbott	YES	
Alderwoman Mattis	YES	
Alderman Gillam		NO
Alderman Clifford was absent		
Alderman DePoy		NO
Alderwoman Davis		NO

Motion failed.

Alderman DePoy immediately moved to enter into executive session. President Whitcomb noted if there was any other unfinished business to come before the Board, seeing none, President Whitcomb moved on in the agenda.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

President Whitcomb noted prior to the executive session request from Attorney Bloomer he wanted the Board to be aware of a Special Events Permit Request that will be coming to the Board at their next meeting for Art in the Park. Also President Whitcomb referred to the March 26, 2020 BOA meeting where the Board took up succession issues and noted that with Mayor Allaire being out for several weeks and President Whitcomb being named as Interim-Mayor, that Alderwoman Davis would be interim Board President. A motion was made and seconded (DePoy, Garruso) to affirm the succession vote from March 26, 2020 BOA meeting. **Motion passed.**

Alderman Ettori spoke on the prior tax rate issue and the need to give Treasurer Markowski a direction for billing. The Board turned to Attorney Bloomer for guidance, who stated the Board could reconsider the failed motion and pass the Tax Rate. Mayor Allaire concurred with Attorney Bloomer and asked the Board to move forward. Debate followed for another ten minutes before a motion was made and seconded (Davis, Gorruso) to reconsider the question. Treasurer Markowski pleaded with the Board to set the Tax Rate from a logistics standpoint. Clerk Heck was asked to call the roll to reconsider the question.

Alderman Gorruso		YES
Alderwoman Humphrey		YES
Alderwoman Ryan		YES
Alderman Ettori		YES
Alderman Talbott		YES
Alderwoman Mattis		YES
Alderman Gillam	NO	
Alderman Clifford was absent		
Alderman DePoy	NO	
Alderwoman Davis		YES

Seven YES and two NO **Motion passed.**

A motion was made and seconded (Davis, Ettori) to move the original motion. President Whitcomb asked Clerk Heck to call the roll.

Alderman Gorruso		YES
Alderwoman Humphrey		YES
Alderwoman Ryan		YES
Alderman Ettori		YES
Alderman Talbott		YES
Alderwoman Mattis		YES
Alderman Gillam	NO	
Alderman Clifford was absent		
Alderman DePoy	NO	
Alderwoman Davis		YES

Seven YES and two NO **Motion passed.**

Alderwoman Davis immediately moved, asking the Chair to pen a letter to the School Board to meet and share the BOA concerns in regards to the schools budget. Alderman Ettori seconded. Debate. Alderwoman Mattis asked that State Officials & City Representatives be included. The maker and seconder agreed. A time element was briefly discussed for the letter to be sent. It was determined prior to the next tax year **Motion passed.**

With no further business to come before the Board, President Whitcomb asked Attorney Bloomer to present language for executive session.

Attorney Bloomer noted a motion to find that premature general public knowledge regarding pending 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 (Mattis, Davis) **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 (Mattis, Ryan). **Motion passed.**

At 8:40 PM the Board moved into executive session.

At 8:50 PM a motion was made and seconded (DePoy, Davis) to come out of executive session. **Motion passed.**

Attorney Bloomer presented language, in substantially the form presented. This language was so moved and seconded (Davis, Mattis). **Motion passed.**

At 8:53 PM a motion was presented and passed to adjourn.

Respectfully submitted,

Henry A Heck
Rutland City Clerk

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