

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, December 7, 2020

Members present; President Whitcomb, Aldermen Gorruso, Humphrey, Ryan, Etti, Talbott, Mattis, Gillam, Clifford, DePoy and Davis. Also present, Kim Peters, Jeff Wennberg, Mayor Allaire, Attorney Bloomer and City Clerk Heck.

7:00 PM BOARD OF ALDERMEN MEETING

A moment of silence was observed in memory of former Aldermen Gary Donahue who recently passed away. President Whitcomb called the meeting to order at 7:00 PM.

MINUTES OF PREVIOUS MEETINGS (November 16, 2020)

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

OUTSIDE THE RAIL

Dave Wallstrom, 18 Highland Avenue came to the Board today as part of the Rutland City Parks Foundation that has been in operation for about the last two years. One of the goals in the last year was to raise money to help Dave Schneider and Tim Smith, the City Foresters, with replacing the roughly 200 shade Ash trees that were removed due to the emerald Ash borer. The foundation has raised \$1,000 for tree replacement and would like to present it to the City today and recognize Dave Schneider, who for the past two decades, has worked tirelessly to keep our water shed and city streets safe. Dave will be retiring January 4, 2021. Mayor Allaire read a proclamation recognizing Dave Schneider and April 30, 2021, Arbor Day, will be recognized as Dave Schneider Arbor Day in Rutland. Many Aldermen and Commissioner Wennberg expressed their appreciation and dedication of Dave Schneider.

COMMUNICATIONS FROM THE MAYOR

Mayor Allaire read a Joint Resolution of the Mayor and Board of Aldermen. The resolution expressed thanks to the City of Hanamaki, Japan, and her people for the gift of the Strong in the Rain Masks, which was an initiative in response to the pandemic for their leadership in demonstrating that we all strive to be like the person described in Miyazawa Kenji's famous poem, we will get through the COVID-19 pandemic together. The masks were distributed to the Aldermen and Commissioner Wennberg took a picture that will be sent to Hanamaki City. Approved by the Board of Aldermen in their meeting of December 7, 2020, so moved and seconded (Gorruso, Davis). **Motion passed.**

Mayor Allaire sent a memo to the BOA for approval of a Request for Proposal (RFP) for Professional Services to Facilitate Business Process Improvement Workshops. After discussions internally with the Human Resources Director and the City Attorney regarding communications with employees and the unions, it was decided that it would be beneficial to go out and explore the cost to have someone come in to facilitate workshops with employees to identify processes that can be improved across city government. Particularly with those involved with multiple divisions within departments. With three new department heads coming on board, it was felt that it was important re-evaluate what is being done right and what needs improvement. A motion was made and seconded (Davis, Clifford) to suspend the rules and take the issue up tonight. A roll call vote was requested.

Aldermen Gorruso – Yes
Aldermen Humphrey – Yes
Aldermen Ryan – No
Aldermen Etti – No
Aldermen Talbott – Yes
Aldermen Mattis – Yes
Aldermen Gillam – Yes
Aldermen Clifford – Yes
Aldermen DePoy – Yes
Aldermen Davis – Yes

Yes = 8 No = 2

Motion passed. A motion was made for debate for approval of the request for proposal for professional services to facilitate business process improvement workshops, seconded (Davis, Gillam). After a brief debate.

Motion passed. It was also moved to send this to General Committee, (Davis, Gorruso). **Motion passed.**

Un-Table Chief Engineer Nomination; William Lovett

A motion was made and seconded (DePoy, Gillam) to un-table the nomination of William Lovett for Chief Engineer. **Motion passed.**

ADDITIONS AND DELETIONS TO THE AGENDA

Attorney Bloomer asked to delete #5 Executive Session related to negotiation of a contract, third executive session.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Superintendent Peters; Request Giorgetti Funds

Superintendent Peters requested permission to utilize Giorgetti Trust Fund to cover expenses for; updates to lighting in the facility, for an amount not to exceed \$10,660.00 and replacing condenser water sump tank, for an amount not to exceed \$19,718.00. A motion was made and seconded (Davis, Clifford) supporting the rules and taking action on the request. **Motion passed.** A motion was made and seconded (Davis, DePoy) to authorize the Giorgetti Fund to cover the expense for updated lighting at the Giorgetti Facility and replacing the condenser water sump tank for an amount not to exceed \$30,378.00. **Motion passed.**

Brennan Duffy; RRA Director, BIAP Request Holotypehealth, LLC

Applicant, Holotypehealth, LLC, is planning to locate a new business for clothing production to 89 State Street. The investment and renovations will provide a new manufacturing and office space in a currently vacant storefront. The business plans to begin full-scale operation in early December, 2020. The applicant is requesting a \$5,000 grant from the BIAP program to help offset some of the initial fit-up costs. The RRA recommends to the BOA the approval of a \$5,000 BIAP grant.

A motion was made (Davis, Gorruso) to suspend the rules and take the issue up tonight. **Motion passed.** A motion was made and seconded (Davis, DePoy) for approval of the BIAP Grant for \$5,000 to Holotypehealth, LLC. **Motion passed.**

Barbara Spaulding; RRA, 2020 VTrans Bicycle & Pedestrian Program Award Request

The City of Rutland has been awarded a \$28,000 grant from the VTrans Bicycle & Pedestrian Program for a scoping study of Center Street. The scoping study is the next step toward implementing the successful pilot program that was in affect over the summer. Respectfully request that the Aldermen designate the Mayor, as authorized municipal official to sign any/all documents necessary to execute the grant and the attached Project Commitment Form (PCF). A motion was made to suspend the rules (Davis, Gillam). **Motion passed.** Move to authorize the Mayor, as authorized municipal official, to sign any/all documents necessary to execute the grant and PCF (Davis, Mattis). **Motion passed.**

President Whitcomb announced that it was confirmed 10-0, William Lovett is the New Chief Engineer for the Fire Department.

Commissioner Wennberg; Planning Advance, Final Design Combination/Piedmont Ponds

The Board has previously approved a contract with Milone and MacBroom to prepare the final design for permitting and construction of modifications to Combination and Piedmont ponds, contingent on the award of funding from the Department of Environmental Conservation. Approval of this request will authorize the City to submit that application for funding.

A motion was made and seconded (DePoy, Gillam) to suspend the rules. **Motion passed.** A motion was made to authorize the Mayor and City Clerk to execute on behalf of the Board a planning advance application for funding of the final design of modifications to Combination and Piedmont ponds. (DePoy, Davis). **Motion passed.**

Commissioner Wennberg; Joint Usage Agreement – GMP

The Board has previously approved amendments of existing easement agreements between Green Mountain Power (GMP) and the City to allow the installation of the replacement force main on GMP property between the River Street pump station and the wastewater treatment plant. This joint Use Agreement will allow the City to jointly use a small portion of an easement GMP has across property owned by Granger Enterprises, LTD. The City will also require written permission from Granger Enterprises, Ltd., which we expect will be executed in the next few days, but the existing GMP easement requires their approval as well. A motion was approved and seconded (Gorruso, Davis) to suspend the rules. **Motion passed.** A motion was made to authorize the Mayor to execute the attached Joint Use Agreement with GMP allowing the City to "construct, inspect, operate, maintain, reconstruct, remove and repair underground sewage

force mains” within a portion of the easement granted to GMP by Granger Enterprises, Ltd. (Gorruso, Gillam) **Motion passed.**

Commissioner Wennberg; WISPr Grant Application Amendment

The Board has previously approved an application for Watershed Improvement Sponsorship Program (WISPr) funding in the amount of \$670,000 to support the planned modifications to Piedmont and Combination ponds to restore habitat in Moon Brook, and that funding has been awarded by the Department of Environmental Conservation. That application detailed that the funds would be used as match for US Army Corps of Engineers (US ACE) section 542 program to complete the work. We decided that the section 542 program is not an appropriate vehicle for this project and the City will pursue the modifications in phases, using WISPr funding directly to complete the first phase of the work. This change requires an amendment to our funding application to reflect the new approach, which requires Board Approval.

A motion was made and seconded (Gorruso, Gillam) to suspend the rules and take the issue up tonight. **Motion passed.** A motion was made to request the Board approve and authorize the Mayor and City Clerk to execute on their behalf the attached amended application for WISPr funding for Combination and Piedmont Pond modifications. (Gorruso, Gillam) **Motion passed.**

Attorney Bloomer; Sale of City-owned Property

Commissioner Wennberg introduced the request. The property involved is a thin strip of land along the Spruce Street Extension walkway adjacent to one of the Patch-Wegner industrial buildings, owned by Joe Giancola. Mr. Giancola approached the City a while back seeking 2,032 square-foot parcel of land to permit the construction of an addition to his building, allowing the creation of a series of spaces suited for commercial or industrial tenants. The City also requires an easement across lands controlled by one of Mr. Giancola’s companies to complete the long-delayed replacement force main between the River Street Pumping Station and the Wastewater Treatment Plant. The plan to install the pipe moves slightly outside the limits of the existing easement. The Board has previously approved an amendment to the agreement with GMP for this purpose. In addition to permission from GMP, we require permission from the property owner, Granger Enterprises, Ltd to install the pipe. This is Giancola property. Mr. Giancola has indicated that he would be willing to swap granting permission for the installation of the force main in return for the strip of land along Spruce Street extension. A motion was made and seconded (Davis, Gillam) to suspend the rules and take the issue up tonight. **Motion passed.** A motion was made and seconded (Davis, Gillam) to request the Board to:

- (i) Approve the City’s conveyance of a 2, 032 square-foot parcel of land to Joseph Giancola, et al as described in a survey titled LANDS OF THE CITY OF RUTLAND TO BE CONVEYED TO JOSEPH GIANCOLA et al prepared on 2/24/2020, pursuant to 6-2 of the Rutland City Charter, and
- (ii) Authorize the Mayor to determine when, if and on what terms the property is conveyed, and
- (iii) Authorize the Mayor to sign all sale-related documents.

Motion passed.

Attorney Bloomer; RFP recommendation for Stormwater Mitigation at CSJ

Prior to purchasing the CSJ property, the City is trying to ascertain the costs associated with complying with the recently enacted Act 64 and requirements of General Permit 3-9050. This project consists of an engineering analysis of the proposed lands to be purchased by the City, along with cost estimates for stormwater runoff mitigation measures. The Board granted authorization to issue a Request for Proposals (RFP) for Professional Services related to this work on November 16, 2020.

A motion was made and seconded (Clifford, Gillam) to suspend the rules and take the issue up tonight. **Motion passed.** A motion was made and seconded (Davis, Gillam) to confirm the selection of Engineering Ventures, PC to perform professional services related to Engineering Feasibility Analysis, Conceptual Design, and Cost Estimates for Storm Water Runoff Mitigation Measures on Approximately 20 acres at the Former CSJ Campus and to authorize the Mayor to enter into a contract for professional services with said firm, in a form approved by the City Attorney and to authorize the \$7,000 from the \$250,000 Zamias Settlement. After much debate a point of order was called and a roll count vote for the question was called:

Alderman Gorruso – Yes
Alderman Humphrey – No
Alderman Ryan – No
Alderman Etori – No
Alderman Talbott – No
Alderman Mattis – No
Alderman Gillam – Yes
Alderman Clifford – Yes

Alderman DePoy – No
Alderman Davis – Yes

No = 6 Yes = 4

Fails to call question. Debate continued. The original motion was amended to authorize the Mayor to take an amount not to exceed \$7,000 out of the Mayor's contingency fund. **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

There were no reports of representatives.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

There were no petitions, letters or miscellaneous communications.

BOARD OF CONTROL COMMISSIONERS

First Class Liquor Request; Medusa Lounge

Alderman Davis move to go into the Board of Control Commissioners, seconded Gorruso. **Motion passed.** Alderman Davis moved to approve the First Class Liquor License request for Medusa Lounge and authorize the City Clerk to sign on behalf of the BOA. Seconded Gorruso. **Motion passed.** A motion was made and seconded (Davis, Gorruso) 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

There was no miscellaneous motions, resolutions, new business to come before the Board.

Attorney Bloomer noted the language to enter into executive sessions for three different issues to discuss.

- 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.
That motion was so moved and seconded (Davis, DePoy). **Motion passed.**
- 2) Motion to enter into executive session (with the inclusion of the Mayor, Fire Chief, Treasurer and City Attorney) to discuss the labor relations agreement as allowed under Title 1, Section 313(a)(1)(B).
That motion was so moved and seconded (Davis, DePoy). **Motion passed.**
- 3) Motion to find that premature general public knowledge regarding the negotiation of a contract would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the contract provisions to be negotiated.
That motion was so moved and seconded (Davis, DePoy). **Motion passed.**
- 4) Motion to enter into executive session (with the inclusion of the City Attorney, Treasurer and Mayor) to discuss the negotiation of a contract as allowed under Title 1, Section 313(a)(1)(A).
That motion was so moved and seconded (Davis, DePoy). **Motion passed.**
- 5) Motion to find the premature general public knowledge regarding the negotiation of a contract would clearly place the City at a substantial disadvantage because the discussion will divulge the Board's position on the contract provisions to be negotiated.
That motion was so moved and seconded (Davis, DePoy). **Motion passed.**
- 6) Motion to enter into executive session (with inclusion of the Mayor, Treasurer, and City Attorney) to discuss the negotiation of a contract that is allowed under Title 1, Section 313(a)(1)(A).
That motion was so moved and seconded (Davis, DePoy). **Motion passed.**

At 9:10 PM moved into Executive Session.

At 9:45 PM moved out of Executive Session. (Davis, Gorruso)

Motion to authorize the Mayor to sign the collective bargaining agreement with IAFF 2323 on behalf of the City and substantially the form presented. So moved and seconded (Davis, DePoy). **Motion passed.**

Motion to authorize the Mayor to sign the employment agreement with William Lovett on behalf of the City and substantially the form presented. So moved and seconded (Gillam, DePoy). **Motion passed.**

Motion to authorize the Mayor to sign the limited occupational health services agreement with RRMC on behalf of the City and substantially the form presented. So moved and seconded (Gillam, DePoy). **Motion passed.**

Adjourn to a time certain, December 14, 2020 at 5:30 PM to take on the full budget. So moved and seconded (Mattis, DePoy). **Motion passed.**

Minutes Drafted by
Tracy Kapusta

HAH/tlk