

CITY OF RUTLAND, VERMONT
Special Board of Aldermen Minutes
Thursday, September 25, 2019

Members present; President Davis, Aldermen Reveal, Humphrey, Etori, Tommola, Mattis, Clifford, and Depoy. Also present Mayor Allaire, Attorney Bloomer, Treasurer Markowski, Commissioner Wennberg, Mike Smith and City Clerk Heck. Aldermen Gillam and Whitcomb were absent.

President Davis called the meeting to order at 5:30 PM.

President Davis noted the request for the special meeting and asked Mayor Allaire to explain his request.

Mayor Allaire quickly noted his request was to move into executive session and Attorney Bloomer would provide insight and language.

Attorney Bloomer stated that the reasons for the executive session were for the negotiation of a contract, along with pending litigation. Attorney Bloomer noted he had language for three (3) motions, the first for negotiation of a contract, the second for pending litigation and the third to enter into executive session.

Attorney Bloomer's first motion, finding 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. Alderwoman Mattis so moved and Alderman DePoy seconded. **Motion passed.**

Attorney Bloomer sought a second motion, finding 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 on pending litigation and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. Alderwoman Mattis so moved and Alderman DePoy seconded. **Motion passed.**

Attorney Bloomer then asked for a third motion to enter into executive session, to include the City Attorney, Mayor, Commissioner, Treasurer and Mike Smith (engineer), to discuss pending litigation and the negotiation of a contract. Alderwoman Mattis so moved and Alderman DePoy seconded. **Motion passed.**

At 5:33 PM the Board, Mayor, Commissioner, Treasurer, Mike Smith (engineer) and City Attorney moved into executive session. **Motion passed.**

At 6:20 PM a motion was made and seconded (DePoy, Mattis) to come out of executive session. **Motion passed.**

A motion was made and seconded (DePoy, Mattis) approving up to \$1.5 million dollars from the Water Fund for the Force Main Project. There was no debate. **Motion passed.**

President Davis then noted there was discussion earlier from Alderman Whitcomb on the possible update of the Bond Litigation. Attorney Bloomer noted he could update the Board, but it would have to be in executive session.

President Davis sought the temperature of the Board on this request. With no objections from the Board, Attorney Bloomer sought a motion, finding 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 on pending litigation and will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. Alderwoman Mattis so moved and Alderman DePoy seconded. **Motion passed.**

Attorney Bloomer then asked for a motion to enter into executive session including the City Attorney, Mayor Commissioner and Treasurer, to discuss the negotiation of a contract as allowed under Title 1, Section 313 a(1) (E) & 313 a(1)(F). Alderman Whitcomb so moved and Alderman DePoy seconded. **Motion passed.**

At 6:25 PM the Board, Mayor, Commissioner, Treasurer and City Attorney moved into executive session.

At 6:30 PM a motion was made and seconded (DePoy, Whitcomb) to come out of executive session. **Motion passed.**

At 6:31 PM a motion was made and seconded (DePoy, Clifford) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A Heck
Rutland City Clerk