

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, June 5, 2023

Members present; President Talbott, Aldermen Cupoli, Barbagallo, Tadio, Gillam, McClure, Adams, Hooker, Davis, Savage and McCann. Also present, Mayor Doenges, Attorney Bloomer and City Clerk Kapusta.

7:00 PM BOARD OF ALDERMEN MEETING

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

MINUTES OF PREVIOUS MEETINGS (May 15, 2023)

A motion was made and seconded (Cupoli, Savage) approving the minutes of the previous meeting.

Motion passed.

OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD ON MATTERS NOT ON THE AGENDA (Formally called OUTSIDE THE RAIL)

Dan Parker spoke about an accident on April 18th with a City Street Sweeper. Mr. Parker suffered damage to his car and is seeking reimbursement from the City. Mr. Parker does not carry collision insurance, therefore his insurance company denied his claim. Mr. Parker feels that the City is at fault and should pay the \$5,782.18 estimate for the damage to his car. Judy Frazier, Director of Human Resources provided the insurance companies response. The City's insurance company investigated the accident, which included police reports and witness statements and found no fault by the City, therefore denying the claim. Ms. Frazier informed the Board that under Vermont State Statue Title 23, municipalities are covered under municipal sovereign immunity and for municipal motor vehicles, for plowing, etc. President Talbott informed the Board that there is an executive session on this issue that will be presented by the City Attorney later during the meeting.

Tom Giffin – Cemeteries

Mr. Giffin spoke to the Board about the lack of a budget for the City owned cemeteries. Mr. Giffin, for many years, has been the Cemetery Commissioner for Rutland City and had a lot of history to share. The biggest take away is that Rutland City, unlike many other municipalities in the state, has no budget for upkeep of these cemeteries. He is asking for a line item to be included in the next budget.

A motion was made and seconded (Gillam, Hooker) to refer this issue to the Recreation Committee.

Motion passed. Mr. Giffin will draft up a budget to bring to the committee meeting.

COMMUNICATIONS FROM THE MAYOR

Un-table Mayoral Appointment

Mayor Doenges introduced the request. A motion was made and seconded (Davis, Savage) to un-table the nomination. **Motion passed.** A motion was made and seconded (Davis, Gillam) to circulate the ballot box. **Motion passed.** City Clerk Kapusta gathered all votes and presented them to Attorney Bloomer for verification.

Mayor Doenges submitted the following name for two year appointment for the Board's consideration.

City Attorney – Megan LaChance

A motion was made to table the nomination for Board approval at the next full Board meeting on June 19, 2023, so moved and seconded (Savage, Gillam). **Motion passed.**

RFP Aldermen Chambers – Heat Pump Mini Split

Mayor Doenges introduced the request. There was only one RFP received for a Heat Pump Mini Split for Aldermen Chambers. Mayor Doenges requested the approval from the Board to award the Heat Pump project to Bill Lohsen Plumbing and Heating.

A motion was made and seconded (Savage, Tadio) to award the Heat Pump Mini Split project to the sole bidder, Bill Lohsen Plumbing and Heating, Inc. **Motion passed.**

President Talbott noted the nomination of Bob Protivanski for DPW Commissioner was confirmed by a vote of 11 yes votes and zero no votes.

Request the Board to issue a Resolution of Support for the 2023 VTRANS Small Scale Safety Improvement Grant Application

Mayor Doenges introduced the request. In an effort to improve safety on local roadways, the Vermont Agency of Transportation (AOT) announced the Small Scale Local Safety Grant Program funded with Highway Safety Improvement Program (HSIP) funds. The goal of the program is to address simple improvements that will increase safety on the local roadway system. Small scale grant awards are capped at \$35,000, and the minimum award amount is \$5,000. There is no local match requirement. AOT will fund 100% of these grants for construction only.

A motion was made and seconded (Hooker, Davis) to suspend the rules. **Motion passed.** A motion was made and seconded (Gillam, Davis) to request the Board to sign and circulate for signatures a Resolution of Support for the 2023 VTrans Small Scale Safety Improvement Grant application. **Motion passed.**

Mayor Doenges spoke about the three things he will bring to the Board: 1) What we have done for the past week or two; 2) What we are actively doing; and 3) What we are going to do next.

- The Hotel Housing Transition Plan is published on the City website. On June 14th and 15th at the Vermont State Fairgrounds, there will be agencies set up to offer services for those leaving the hotel program.
- At the VLCT Board meeting, had the opportunity to speak with the Department of Children and Families (DCF). DCF asked communities how DCF can help with the housing transition. Mayor Doenges did ask for funding from the State to help with this transition, in the form of two staff members for three years to work with Project Vision and funding for a transitional housing project much like Lincoln Place.
- The Mayor and Planning Administrator Striniste visited Montpelier and presented to the Agency of Community and Commerce, the neighborhood development area, and it was approved.
- The 10% Vermont Applications have been submitted for our region.
- Applied for the USDA grant.
- The underground study is going to start for Center Street.
- Working on the high level vision document.
- Working on gathering information on the Capital Improvement Plan.
- Speaking with Norm Cohen on the Declaration of Inclusion.

ADDITIONS AND DELETIONS TO THE AGENDA

Attorney Bloomer stated that Executive Session #3, regarding Negotiation of a Contract is to be deleted from the agenda. So moved by Alderwoman Davis and seconded by Alderwoman Savage. **Motion passed.**

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

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

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Spaulding; RRA; Business Incentive Assistance Program (BIAP) Loan; Tacitly, Inc.

Barbara Spaulding, RRA introduced the request. The applicant is Jeff DeJamette and he is asking for a \$5,000 BIAP Grant to be used in conjunction with personal investment to expand his software development for XR Healthcare training through the purchase of additional work stations and other equipment. The total investment for the expansion is \$25,000 which meets the criteria for the grant. The RRA Board recommends approval of the \$5,000 BIAP Grant to Tacitly, Inc.

A motion was made and seconded (Davis, Hooker) to suspend the rules. **Motion passed.** A motion was made and seconded (Davis, Hooker) to approve the \$5,000 BIAP Grant for Tacitly, Inc. **Motion passed.**

Barbara Spaulding; RRA; Hospital Heights Maples Revolving Loan Fund

Barbara Spaulding, RRA introduced the request. The RRA Board reviewed an application from Ascend Housing Allies, Inc., requesting a \$75,000, 0% interest, 30 Year loan for Hospital Heights rehab project. The Maples Revolving Loan Fund was created through the repayment of a loan to Green Mountain Development Corp. for construction of the Maples Senior Living Community. In 2016 the Aldermen approved a policy governing the RLF. In 2017, the Aldermen approved a 0% interest 30 year loan to Hickory Street III Housing LP for \$50,000. The fund currently has \$96,913 available. The RRA recommends approval of the \$75,000, 0% interest, 30 year loan to Ascend Housing Allies, Inc. to be used in conjunction with other funding to rehab 22 affordable rental units at Hospital Heights located at 101 Mahoney Avenue in Rutland, VT.

A motion was made and seconded (Gillam, Davis) to suspend the rules. **Motion passed.** A motion was made and seconded (Tadio, Hooker) to approve the \$75,000, 0% interest, 30 year loan to Ascend Housing Allies, Inc. to be used in conjunction with other funding to rehab the twenty-two affordable rental units at Hospital Heights located at 101 Mahoney Avenue in Rutland, VT, contingent upon receiving the VCDP Grant. **Motion passed.**

Barbara Spaulding; RRA; 120 Maple Street Finding of No Significant Impact (FONSI) and Request to Release of Funds

The final stage of the Environmental Review process for Rutland Housing Initiative at 120 Maple Street requires the City to publish the Notice of Finding of No Significant Impact (FONSI) and Request for Release of Funds from the State. The notice was published on May 25 and allows for the public to comment on the Environmental Impact Statement for the proposed rehab at 120 Maple Street. The Environmental Review Record can be examined or copied at the City Clerk's office and the RRA office. Any comments should be sent to the attention of Mayor Doenges by June 10. Any objections to the Release of Funds must be prepared in accordance with 24 CFR Part 58, Sec. 58.76 and addressed to Grace Vinson at the Agency of Commerce and Community Development. Once the FONSI and Request of Funds are approved, the City can execute the VCDP grant agreement and the project can commence. This information is for the public and no action is requested of the Board of Aldermen.

Treasurer Markowski; Approve and sign, Moon Brook Temperature Improvement Project Loan Amendment – RF1 277-2.1

Treasurer Markowski introduced the request. In June 2022, the Board approved the initial Loan Agreement for \$126,000 for the preliminary engineering and final design for the Moon Brook Temperature TMDL improvements project. The amended loan agreement is for \$168,000 and provides for additional final design costs for the TMDL project.

A motion was made and seconded (Barbagallo, Davis) to suspend the rules. **Motion passed.** A motion was made and seconded (Davis, Savage) to approve the loan documents for the Moon Brook Temperature Improvements Project in the amount of \$168,000 and circulate the documents for Board of Aldermen and

Treasurer signatures, to be attested to by the City Clerk. **Motion passed.** Alderman Cupoli sustained from voting.

Michael Messier from 10 Moon Brook spoke that the temperature of the water was taken from water that comes down Charter Hill off the pavement and is attributed directly to where they took the temperature. So in other words it's measuring the temperature of the pavement. There has been no evidence of dead Brook Trout.

Treasurer Markowski; Municipal Checklist for Internal Control – FY2023

Per 24 V.S.A. § 1571(d), the town treasurer shall annually, on or before June 30, complete and provide to the select board a copy of the document made available by the Auditor of Accounts pursuant to 32 V.S.A. § 163(11) regarding internal financial controls. The Treasurer's Office continually reviews and assesses policies and procedures to ensure that we have adequate controls over cash processing and financial accounting. The checklist requires sign-off by the Chairman of the Board of Aldermen.

A motion was made and seconded (Davis, Gillam) to suspend the rules. **Motion passed.** A motion was made and seconded (Davis, Cupoli) to authorize the Board Chair to sign the Municipal Checklist for Internal Control. **Motion passed.**

Attorney Bloomer; Executive Sessions

- 1. Executive Session regarding a Labor Relations Agreement***
- 2. Executive Session regarding a Labor Relations Agreement***
- 3. Executive Session regarding Negotiation of Contract***
- 4. Executive Session regarding personnel***
- 5. Executive Session regarding probable litigation***

Per the Boards past practice, Executive Sessions were moved to the end of the agenda.

REPORTS OF STANDING COMMITTEES

Aldерwoman Tadio; General Committee from May 17, 2023

Aldерwoman Tadio read her report from May 17, 2023. The purpose of the meeting was to discuss remote participation in Board of Aldermen meetings. In January 2019, before the pandemic, the state produced a guide on open meeting laws including guidance on when and how remote participation can be achieved legally. The City Charter is silent on remote participation, so Robert's Rules of Order govern in the absence of City rules. In Robert's Rules there are four scenarios for remote participation and one option needs to be chosen so that the City can send out an RFP to install technology in the chambers and conference room to make remote participation possible. Option A includes the most flexibility and options for voting and participation for both members of the public and for members of the Board of Aldermen. The other three options are more limiting for participation. It was determined that Option A would suit Rutland City's needs the best to maximize opportunities for participation.

A motion was made to adopt scenario A of the Robert's Rules of Order for Electronic Meetings, and to put out an RFP for the technology to support this. So moved Aldерwoman Tadio and seconded by Aldерwoman Savage. **Motion passed.**

Aldерwoman Tadio; Community & Economic Development from May 23, 2023

Aldерwoman Tadio read her report from May 23, 2023. The purpose of the meeting was to discuss the 10% in Vermont grant that has been developed because Vermont State has surplus of money and has up to \$85M available for communities to borrow. Each project can receive up to \$25M. Rutland will apply for \$8M broken into three segments. The first million would go toward the Rental Rehab Revolving Loan Fund. This would bring the fund from \$300,000 to \$1.3M. The second piece will be for \$2M with the

intention of using this money for loans for outdoor improvements. The third piece is for \$5M to be used as a flexible fund for housing development. This could be mixed use including building new buildings and doing construction or for rehab of existing buildings.

A motion was made to create a Rutland City Housing Trust Fund and read a proclamation in support of this loan that will be reviewed by the City Attorney. So moved Alderwoman Tadio and seconded by Alderwoman Savage. **Motion passed.**

Michael Messier got up and spoke again about property that he owns on 104 Forest Street. Mr. Messier claims that he has not been paid in two years of rental income by an individual. He stressed that something needs to be done.

Alderwoman Tadio; General Committee from May 25, 2023

Alderwoman Tadio read her report from May 25, 2023. The purpose of the meeting was to discuss Juneteenth and creation of a proclamation in support of May as Asian American and Pacific Islander Heritage month. The Aldermen discussed the many ways our community benefits from various cultures in our city and the benefits Rutland Students receive from participation in the RISE program. The RISE program is the Rutland City and Hanamaki, Japan student exchange program for 8th and 9th grade students in Rutland City. It was recommended passing a version of the Governor's resolution with an additional portion highlighting RISE and drawing attention to racism here in our community.

A motion was made to write a proclamation in support of Asian American and Pacific Islander Month and to read it annually at the first Board of Aldermen meeting in May. So moved by Alderwoman Tadio and seconded by Alderwoman Savage. **Motion passed.**

Mayor Doenges read the proclamation.

Alderwoman Tadio then spoke about designating Juneteenth as a city-wide holiday and offering the holiday as a paid day off for city workers. The intention is to show people our city is committed to efforts to support Diversity, Equity and Inclusion and to attract more BIPOC people to Rutland City. The change would involve negotiations with four separate unions including the Police Department, Fire Department, DPW and Recreation Maintenance Department. Alderwoman Tadio explained that she had spoken with the Rutland Area NAACP and has their support for this change.

To be cost neutral to the City of Rutland, Treasurer Markowski stated that substituting a floater holiday such as an employee's birthday or Washington's Birthday for Juneteenth would be an easy option. Alderman Barbagallo suggested combining Washington and Lincoln's birthday into one holiday to add Juneteenth. Ultimately the unions will decide which option works best for them.

A motion was made to direct the City Administration to propose to the City Unions that Juneteenth would be a replacement floating holiday, and to have the City Attorney draw up the Memorandum of Understanding for the unions. So moved by Alderwoman Tadio and seconded by seconded by Alderman McCann. **Motion passed.**

REPORTS OF REPRESENTATIVES

Alderman McCann; Planning Commission Update

The commission would like the City to consider doing away with the Winter Parking ban. A motion was made and seconded (Davis, Savage) to refer the issue to the Traffic Committee. **Motion passed.**

Green belt parking is currently in Charter and Ordinance, no referral is necessary. The commission is interested in requesting a brief outline of the current state of parking regulations and what changes may be

in the works. This includes how the development and enforcement of those regulations is distributed between the Parking Committee, Traffic Committee, DPW and the Police Department. Alderman McCann requested if a member of the City staff could complete this type of report and present to the commission. Mayor Doenges agreed.

REPORTS OF SELECT COMMITTEES

Alderman Barbagallo; Parking Committee from May 17, 2023

Alderman Barbagallo read his report from May 27, 2023. The purpose of the meeting was to discuss parking rates, Parking Zone App, Parking meters, Parking Max App, zone rates, Electric Vehicle (EV) locations and the parking garage. The committee discussed raising parking rates and it was noted that Rutland City rates were much lower than those in nine nearby communities. The current maximum rate for meter parking in Rutland City is \$.50 per hour.

A motion was made to the committee by Alderwoman McClure to raise the city street and surface lot parking rate maximum to \$1.50 per hour city-wide and that parking spot rates, per zone, would be set specifically in the chart filed with the City Clerk. So moved by Alderman Barbagallo and seconded by Alderman McCann. **Motion passed.**

The committee discussed that the actual rate per parking zone and that the zones themselves should be evaluated by City staff. Representatives from Rutland City Police and DPW should be included. The resulting suggestions for zones and associated rates would be brought back to the Parking committee for review and approval.

A motion was made by Alderwoman McClure to allow the Mayor to establish a Zone Setting Committee. So moved by Alderman Barbagallo and seconded by Alderwoman Hooker. **Motion passed.**

The committee discussed parking ticket rates in relation to the idea that in some cases it is cheaper to pay a parking ticket than it is to pay the parking meter rate.

A motion was made by Alderwoman McClure to set expired parking meter fines at \$30 for a first violation, \$45 for a second and \$60 for a third violation at metered parking facilities city-wide. So moved by Alderman Barbagallo and seconded by Alderman McCann. After much discussion the **Motion passed with 6 yes votes and 4 no votes.**

The committee discussed the need to assess current fees for all other types of parking violations to ensure that the fees are representative of the severity of the impact and costs to the city. The committee discussed the length of time an individual has to pay the ticket before the fine is increased. Currently, it is seven days, after which the fine doubles. It was suggested we may need to lengthen that time. The committee discussed permit rates for activities that would restrict access to metered parking spots. These are meters that are covered for construction crews and various other events. The current rate is a one-time fee of \$5 per meter, regardless of the length of time the metered spot is made unavailable. It was suggested this rate be changed to \$5 per day.

A motion was made by Alderwoman McClure to change the barricaded meter policy to \$5 per meter per day. So moved by Alderman Barbagallo and seconded by Alderwoman Savage. **Motion passed.**

The committee discussed the purchase of new parking fee collection equipment. New meters and possibly kiosk systems are being considered. The new meters would accept coins and be compatible with the Park Mobile App. The new touch screen kiosk systems are expected to perform better and could be retrofitted into existing kiosk units. This issue will remain in committee for further discussion.

Mayor Doenges provided an update on the existing parking garage lease and suggested we extend the lease with the LAZ Corporation for now and have a discussion with LAZ about future use of the garage.

Mayor Doenges provided an update on an opportunity to have three new electric vehicle charging stations installed in the city. A private firm using grant money would install and own them and revenue would be split with the city receiving approximately 10% of the income and the firm the remainder. The private firm would also pay a monthly fee to the city for use of the parking spots. These need to be placed near electrical facilities that can support these stations and should be off street to not impede winter plowing.

Alderwoman Tadio; Environmental Sustainability from May 18, 2023

Alderwoman Tadio read her report from May 18, 2023. The purpose of the meeting was to discuss a mission statement for the committee, a green fleet policy for the committee, and a home weatherization program. It was discussed the need to create a mission statement that would help community members understand the purpose of the committee. Some ideas would be including connecting people with opportunities for home weatherization programs, DIY solar, and educational workshops for home owners and renters on how to improve home efficiency.

Alderman Talbott suggested doing a press release for the Environmental; Sustainability committee and that Efficiency Vermont could set-up a spot at Friday Night Live to help city residents connect with programs to assist them.

The committee discussed creation of a Green Fleet Policy which is a policy that tracks emissions of city vehicles and aims to replace city vehicles with more fuel-efficient vehicles. The goal of a Green Fleet policy is to reduce Rutland's reliance on carbon and to reduce Rutland's environmental footprint. Alderman Talbott recommended to use the Complete Streets Guidance DPW uses as a guide in the creation of the policy.

The mission statement and creation of a Green Fleet policy will remain in committee and this report is for informational purposes only.

BOARD OF CONTROL COMMISSIONERS

There were no items for the Board of Control Commissioners.

BOARD OF CANNABIS COMMISSIONERS

There were no items for the Board of Control Commissioners.

UNFINISHED BUSINESS

Alderman McCann made a motion to refer fines for the expired parking meters to the Charter and Ordinance Committee. Seconded by Alderman Barbagallo. **Motion passed.**

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Alderwoman McClure wanted to know if the City has officially declared June as Pride Month. Mayor Doenges indicated that it has not been declared and asked Alderwoman McClure to write up a declaration for the next meeting.

President Talbott then sought language from Attorney Bloomer to enter into executive session.

Executive Session #1 - Attorney Bloomer then presented language, noting a 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. So moved by Alderwoman Davis and seconded by Alderwoman Hooker. **Motion passed.**

Attorney Bloomer then presented language to enter into executive session, a motion to enter into executive session (with the inclusion of the Mayor, Treasurer, Clerk and City Attorney) to discuss the labor relations agreement as allowed under Title 1, Section 313(a)(1)(B). So moved by Alderman Barbagallo and seconded by Alderwoman Savage. **Motion passed.**

At 8:50 PM the public portion of the Board of Aldermen Meeting closed and at 8:57 PM the Board moved into executive session.

At 9:10 PM a motion was made and seconded (Davis, Savage) to move out of executive session. **Motion passed.**

A motion was made and seconded (Davis, Savage) to approve the collective bargaining agreement with the Recreation Maintenance Union, as presented, and to authorize the Mayor to sign the agreement on behalf of the City. **Motion passed.**

Executive Session #2 - Attorney Bloomer then presented language, noting a 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. So moved Alderwoman Davis and seconded by Alderwoman Hooker. **Motion passed.**

Attorney Bloomer then presented language to enter into executive session, a motion to enter into executive session (with the inclusion of the Mayor, Treasurer, Building and Zoning Administrator, Clerk and City Attorney) to discuss the labor relations agreement as allowed under Title 1, Section 313(a)(1) (B). So moved by Alderwoman Savage and Alderwoman Hooker. **Motion passed.**

At 9:11 PM the Board moved into executive session.

At 9:20 PM a motion was made and seconded (Davis, McCann) to move out of executive session. **Motion passed.**

A motion to authorize the Mayor to enter into the agreement regarding Section B 2016 grade 9 pay for Fiscal Year 23 and Fiscal Year 24 with DPW union and Michelle Delpha in substantially the form presented. So moved Alderwoman Davis and seconded by Alderwoman Tadio. **Motion passed.**

Executive Session #3 – Attorney Bloomer then presented language, noting a motion to enter into executive session (with inclusion of the Mayor, Treasurer, Clerk and City Attorney) to discuss the evaluation of a public officer under Title 1, Section 313(a)(3). So moved Alderwoman Davis and seconded by Alderwoman Hooker. **Motion passed.**

At 9:21 PM a motion was made and seconded (Davis, Hooker) to move into executive session. **Motion passed.**

At 9:28 PM a motion was made and seconded (Davis, Savage) to move out of executive session. **Motion passed.**

A motion was made and seconded (Davis, McCann) to fix the annual compensation for Jim Rotondo using a base rate of \$64.0607 per hour, with appropriate adjustments for longevity and eligibility for wage increases given to other non-department head, non-union personnel. **Motion passed.**

Executive Session #4 – Attorney Bloomer then presented language, noting 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. So moved by Alderwoman Davis and seconded by Alderwoman Savage. **Motion passed.**

Attorney Bloomer then presented language, noting a motion to enter into executive session (with the inclusion of the Mayor, Treasurer, Clerk and City Attorney) to discuss probable litigation, as allowed under Title 1, Section 313(a)(1)(E) and Title 1, Section 313(a)(1)(F). So moved by Alderwoman Davis and seconded by Alderman McCann. **Motion passed.**

At 9:30 PM a motion was made and seconded (Davis, Hooker) to move into executive session. **Motion passed.**

At 9:37 PM a motion was made and seconded (Davis, McClure) to move out of executive session. **Motion passed.**

A motion was made and seconded (Davis, McClure) to deny the request. **Motion passed.**

Motion was made and second (Davis, McClure) to adjourn at 9:38 PM. **Motion passed.**

Respectively,

Tracy L. Kapusta
City Clerk