Board of Aldermen Minutes
City of Rutland
Monday, July 15, 2024

Members present: President Talbott, Aldermen Tadio, Heck, Barbagallo, Davis, McClure, McCann, Adams, Gillam, and Whitcomb. Also present, Mayor Doenges, Attorney LaChance, and City Clerk Kapusta. Alderman Adams was absent.

7:00 PM BOARD OF ALDERMEN MEETING

President Talbott called the meeting to order at 7:00 PM and started with the Pledge of Allegiance.

ADDITIONS, DELETIONS OR OTHER MODIFICATIONS TO THE AGENDA

President Talbott asked if there were any additions or deletions to the agenda. President Talbott said that the executive session would be moved to the end of the agenda. There were no additions or deletions to the agenda.

AMENDMENT AND APPROVAL OF MINUTES OF PREVIOUS MEETING(S) (July 01, 2024)

A motion was made and seconded (Savage, Barbagallo) approving the minutes from the previous meeting. President Talbott asked if there were any changes or corrections, there were none. **Motion passed.**

PUBLIC COMMENT

Lyle Jepson, Chrispin White, and Olivia Lyons from Chamber and Economic Development of the Rutland Region came tonight to request the City's sponsorship for two (2) different events. The first event is the 3rd Annual Whoopie Pie Festival that takes place on September 14th and CEDRR is requesting $5,000 again from the City in support of the event. This year the event is considered a Vermont signature event and with that designation, CEDRR is hoping to pull in 6,000 to 7,000 attendees to downtown Rutland.

A motion was made and seconded (Tadio, McClure) to refer to Community & Economic Development the discussion of sponsoring the Whoopie Pie Festival in the amount of $5,000. Alderman Heck questioned the need to refer to committee when the issue could be taken up tonight. Alderwoman Tadio withdrew the motion and the seconder Alderwoman McClure agreed. A motion was made and seconded (Heck, Savage) to suspend the rules. **Motion passed.** A motion was made and seconded (Heck, Savage) to approve the request of $5,000 to come from the Mayor's contingency fund for the 3rd Annual Whoopie Pie Festival to be held on September 14th from 12:00 PM to 5:00 PM. **Motion passed.** There was a brief discussion about if there is any data on the event with the impact of the number of visitors to Rutland City and a question about parking for the event. Those were brought forward by Aldermen Whitcomb and Gillam respectively.

Olivia Lyons talked about their regional marketing initiative Real Rutland that is in its 8th year. This began as a way to encourage people to first understand where Rutland County is on the map and then move here, live here, work here, and play here. The program is building up and continues to see about 80% of the people come through and move to Rutland City. Real Rutland is looking for sponsorship in the amount of $1.00 per person that lives in Rutland City and that comes out to about $16,000.

Alderwoman McClure asked where the funding was pulled from last year. President Talbott said it came from the Mayor's contingency fund. A motion was made and seconded (McClure, Savage) to refer the matter of sponsoring the Real Rutland program in the amount of $16,000 to the Community & Economic Development committee. **Motion passed.**

Emily wood from Bardwell House shared some concerns from the tenants of Bardwell House. Center Street Market Park has gates that are to be locked at night to protect the space. A tenant was concerned about the safety of the space when walking their dog at night due to the gates not actually being locked. Tenants have seen people jumping the gates, graffiti, and a person with a gun. President Talbott thanked Ms. Wood for coming. Mayor Doenges explained that the Police Department is aware and if a gate is left unlocked and the Police are notified they will lock it. Usually, Recreation locks the gates and Employees of Roots.

Administrator Strniste had an update for the Board. The applicant for 82 East Washington Street has reapplied for a permit that meets the parameters of the Development Review Board decision and was issued last week. One appeal has been received and the appeal hearing will take place on August 21st at 6:00 PM.

Paul Gallo and Susan Schreibman from the Rutland Creek Path gave an update on the New Bicycle and Pedestrian Bridge installation. The installation of the bridge at Meadow Street Park and East Creek is set for July 31, 2024, at 11:00 AM. This is still subject to change if weather or other issues arise.

COMMUNICATIONS FROM THE MAYOR

Nomination for Planning Commission

Mayor Doenges submitted for the Board's consideration the following nomination appointment to the Planning Commission, Rebekah Stephens. A motion was made and seconded (Davis, McClure) to table the nomination of Rebekah Stephens to the Planning Commission for Board approval at the next full Board of Aldermen meeting on August 5, 2024. **Motion passed.**

The Homeless Transition Housing program grant will pay for Chris Louras and Megan Novak for 18 months, to help build and develop this program. They will be housed at the Project Vision Center.

National Night Out will be August 6, 2024, at Meadow Street Park from 4-7PM.

CONSIDERTAION OF SPECIAL EVENT PERMIT REQUESTS

For Information Only: Towering Together Fundraiser, at the Vermont State Fairgrounds, Saturday, September 21, 2024, from 11:00 AM to 7:00 PM

Stacy Gallipo the organizer for the Towering Together Fundraiser, came to inform the Board and public about this event. This event will be the first in Rutland and will be an annual event. There will be team competitions, food, and music to support and raise awareness and funds for veterans, first responders, and the military. Admission for adults is $10 and Children $5. Under 5 are free. Some of the activities will be tug-of-war, sack races, corn hole, face painting, and hair tinseling.

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Administrator Strniste: Update on Mendon Planning Commission Hearing – Econo Lodge

Administrator Strniste updated the Board on the Mendon Planning Commission hearing that he attended on behalf of Rutland City on July 8, 2024. The City's concern for storage of potentially hazardous waste and what will be used for de-icing will be a condition of approval from the Mendon Planning Commission. The next meeting will be August 19th and Administrator Strniste will attend that meeting as well.

Ed Bove, RRA: White & Burke TIF Contract Amendment

E Bove, RRA introduced the request. In December 2021, the City of Rutland executed a contract with White & Burke for the Study and Creation of a Tax Increment Financing District (TIF). White & Burke would like to amend the contract for Study and Creation of a TIF District to subcontract with Morris Strategies to create a PR/Outreach program beginning this summer. The TIF Working Group is looking for the Board of Aldermen to approve the White & Burke contract amendment for the creation of the Rutland City TIF District.

A motion was made and seconded (Gillam, McClure) to suspend the rules. **Motion passed.** A motion was made and seconded (Gillam, Savage) to authorize the Mayor to sign the White & Burke Contract Amendment with the City of Rutland for TIF creation. **Motion passed.**

Engineer Gillen: Vermont Community Tree Planting Grant Agreement
Engineer Gillen introduced the request. The Board signed a Resolution of Support for the Vermont Community Tree Planting Grant Application on May 6th, and the City has been awarded the full grant amount of $75,000. The project will reduce the excess amount impervious surface on West Street, Cottage Street and in the Justice Square Parking Lot, in exchange for expanded green space to allow for the planting of new street trees, structural cell tree pits, and rain gardens.

A motion was made and seconded (Tadio, Savage) to suspend the rules. **Motion passed.** A motion was made and seconded (Tadio, Savage) to authorize the Mayor to sign the Vermont Community Tree Planting Grant Agreement, with the final form to be approved by the City Attorney. **Motion passed.**

Engineer Gillen: VTrans Class 2 Highway Grant Agreement
Engineer Gillen introduced the request. The Board signed a Resolution of Support for the VTrans Class 2 Highway Grant Application on May 6th, and the city has been awarded $104,000 to reclaim and pave Dorr Drive.

A motion was made and seconded (Gillam, McClure) to suspend the rules. **Motion passed.** A motion was made and seconded (Gillam, Savage) to authorize the Mayor to sign the VTrans Class 2 Highway Grant Agreement for the resurfacing of Dorr Drive, from River Street to Ripley Road, with the final form to be approved by the City Attorney. **Motion passed.**

Engineer Gillen: Center Street Utility Engineering Services
Engineer Gillen introduced the request. Otter Creek Engineering designed the pipe replacement on Center Street and Wales Street as part of the water line replacements on the City's schedule. The City is seeking a contract amendment to design all the underground utilities, which includes sewer and stormwater. Otter Creek had already completed the topographic survey and several other things in the water line design to make including this added scope more cost-effective.

A motion was made and seconded (Gillam, McClure) to refer this matter to the Public Works Committee. **Motion passed.**

Treasurer Markowski: Treasurer's Request for BOA review and approval (signatures) on the VMBB Loan Documents for Grove St. Culvert project
Treasurer Markowski introduced the request. The first installment request of $750,000 from the bond approved by the voters in March 2023 was provided in loan documents to the Board for review. Instructions from Bond Counsel require the Board to adopt and sign the Resolution and Certificate.

A motion was made and seconded (McClure, Heck) to suspend the rules. **Motion passed.** A motion was made and seconded (McClure, Savage); Having seen and reviewed the Resolution and Certificate and attachments to it related to the issuance of the City's $750,000 general obligation bond and its sale to the Vermont Municipal Bond Bank, I hereby move the adoption and approval of the Resolution and Certificate as presented in this meeting. Also, I move to circulate the documents for Board signatures and authorize the Clerk, mayor, and Treasurer to sign as required. **Motion passed.**

Treasurer Markowski: Review of Preliminary Financial reports for period ending June 30, 2024
Treasurer Markowski presented preliminary financial reports for the period ending June 30, 2024. Although the General Fund revenue and expense totals are preliminary, this is the source for determining whether there are resources available for taxpayer relief. This includes evaluating fund balances and forecasting additional revenues and expenses to be posted to FY24.

Treasurer Markowski: Presentation & recommendation for FY25 Municipal Tax Rate for discussion and approval
Treasurer Markowski recommended the Board assign $574,212 of the General Fund unsigned balance to support the FY25 tax rate. This will result in a municipal tax rate of 2.0172, an increase of 7% over the prior year. The fund balance policy provides for retaining an unassigned fund balance between 10% to 15% of revenues. The proposal for FY25 provides for a reduction in this policy from 10% to 9%. The unassigned fund balance supports ongoing city operations without the need for short term borrowing. Due to the combined increases in the municipal and education rates, using unassigned fund balance for taxpayer relief is a necessary consideration. The tax rate involves offsetting voter approved appropriations with estimated revenues, transfers, and estimated fund balance reserves. This provides the amount needed to raise through property taxes. The municipal rate is calculated by dividing the amount to be raised by the grand list value.
There was much discussion with the Board and Treasurer Markowski.

A motion was made and seconded (McCann, Savage) to suspend the rules. **Motion passed.** A motion was made and seconded (McCann, Heck) to approve to retain an unassigned fund balance of 9% for FY25 balance. **Motion passed.**

A motion was made and seconded (McCann, Savage) to suspend the rules. **Motion passed.** A motion was made and seconded (McCann, Savage) to approve and to set the municipal tax rate at 2.0172 for FY25, which includes veteran and special exemptions. **Motion passed.** Alderman Heck, Alderman Gillam and Alderwoman Davis voted no.

A motion was made and seconded (McCann, Savage) to suspend the rules. **Motion passed.** A motion was made and seconded (McCann, Savage) for BOA acceptance of the State Education Rates for the City at 1.6745 for homestead and 1.8571 for non-homestead. Alderman Heck called for a roll call vote.
Alderman Heck – No
Alderman Barbagallo – Yes
Alderwoman Savage – Yes
Alderman Whitcomb – No
Alderman McCann – Yes
Alderwoman Tadio – Yes
Alderman Gillam – No
Alderwoman McClure – Yes
Alderwoman Davis – No

Motion failed.

Alderman Heck challenged the Chair decision on the municipal tax rate motion if it passed, based on the votes for the State Educational Tax failed motion. He's not so sure it passed, if there's 4 no votes now, it might have been 4 no votes then. Alderman Adams is absent, nine (9) votes minus four (4) votes is five (5), that's not an approved motion. Alderman Heck would like to challenge the Chair's decision stating that it passed. President Talbott said he heard three (3) no votes and there are nine (9) members on the floor. Alderwoman Davis said to just do a roll call vote. President Talbott said if you would like a roll call vote, we can do a roll call vote. Alderman Heck said that would be great.

Alderman Whitcomb called for a point of order. Alderman Whitcomb accepts that his vote is symbolic on the educational tax rate, the State is going to collect taxes no matter what. Alderman Whitcomb would offer a motion to reconsider that vote for the educational tax rate, knowing the State is taking it no matter what. Alderman Whitcomb got what he wanted; he is on record that he does not agree with it. Alderman Whitcomb said that he will put forth a motion to reconsider the acceptance of the State Educational tax rate for the City at 1.6745 for homestead and 1.8571 for non-homestead. Alderwoman Savage seconded the motion.

President Talbott said the challenging of the Chair's decision must come first. President Talbott asked if there was a second for the motion of challenging the Chair. Alderwoman Savage seconded. Alderman Heck said if it's a reconsideration, the seconder must be a member that voted no. President Talbott stated to Alderman Heck your challenge is that he miss counted yes and no votes when setting the municipal tax rate. Alderwoman Davis said I think there are 2 motions on the floor. Alderman Heck said that is correct and this goes back to Alderman Whitcomb's reconsideration of the question, for that question to be reconsidered the seconder must be in the same category whether it is in the affirmative or negative. The only members that can second this is Alderwoman Davis, Alderman Gillam, or Alderman Heck for reconsideration. President Talbott stated that we are now talking about the motion that Alderman Whitcomb made to reconsider and not Alderman Heck's challenge to the Chair's decision. Alderman Heck said that is correct. President Talbott asked Alderwoman Davis and Alderman Gillam if they wished to second the motion to reconsider the motion made by Alderman Whitcomb of the vote of the education tax rate. Alderwoman Davis said "No" and Alderman Gillam said "No". So, there is not a second to reconsider the vote. President Talbott said Alderman Heck made a motion to challenge the Chair's decision, do you want to move forward with that? Alderman Heck said please or at least a roll call vote. President Talbott said if the Board is amendable, he is fine with just doing a roll call vote for setting the municipal tax rate.

Alderman Heck – No
Alderman Barbagallo – Yes
Alderwoman Savage – Yes
Alderman Whitcomb – Yes
Alderman McCann – Yes
Alderwoman Tadio – Yes
Alderman Gillam – No
Alderwoman McClure – Yes
Alderwoman Davis – No

REPORTS OF STANDING COMMITTEES

Alderman Whitcomb: Finance Committee Meeting from July 2, 2024

Alderman Whitcomb read the Finance Committee report from July 2, 2024. The meeting opened with Treasurer Markowski discussing the proposed Rutland City Credit Card Purchasing Policy. The purpose of the policy is to provide a convenient method for obtaining goods and services for the City. The committee discussed that credit card utilization should be maintained in a manner that is consistent with the existing purchasing policy.

A motion was made to approve the City of Rutland Credit Card Policy as presented and to adopt the recommended corresponding credit card limits as follows:

- Recreation: $3,000
- Police: $17,500
- Fire: $5,000
- City Hall: $10,000
- Godnick Center: $3,000

So moved by Alderman Whitcomb and seconded by Alderwoman Davis. **Motion passed.**

Next the committee discussed the creation of a mass media communication fund for notifying the public of public meetings. The committee was provided with a fast fact sheet outlining current mailings that the city sends to residents as well as the current locations that meetings are warned for cost reference purposes. The committee was also provided with a sample proposal that had previously been submitted to the City that would provide text messages to residents who registered for the service. The committee agreed that educating the public on how to utilize the Google calendar maintained by the City would be the most sensible and cost-effective option for individuals to stay informed of city meetings.

Alderwoman Tadio: Community & Economic Development Meeting from July 3, 2024
Alderwoman Tadio read the Community & Economic Development report from July 3, 2024. The Blush Salon BIAP will be discussed at a different committee meeting because the applicant was unavailable. The second order of business was an update on the new hotel at the Berwick site. Belden Construction is planning a seven-story structure, with four stories of hotel containing 100 hotel rooms. Two stories will be for 26 apartments, a rooftop business and underground parking. Hazardous materials will need to be cleaned up and the developer is working to procure funding to begin clean-up this fall. Rutland City's involvement in the plan is ensuring water and sewer connections and working with Green Mountain Power and DPW to get power to the site. The hope is that the opening of the hotel can coordinate with the opening of the Paramount and Center Street.

Next the Committee discussed the Special Event Permit (SEP) application. There have been complaints from residents and businesses that they did not receive advance warning or notice that the streets would be closing. An option is to have a city calendar for events that require street closings or Special Event Permits so the public can check for events. The Mayor will work on the creation of the calendar. The committee determined it would be appropriate to ask the applicant what actions will be taken to notify neighbors. At future Board meetings when considering SEP applications, if the Board feels that the applicant's response to this question is insufficient they can deny the permit at the meeting until the applicant provides a more robust notification plan.

A motion was made to add a question to the Special Event Permit that reads:
"How will you notify neighbors and businesses that roads will be closed for your event? What is your action Plan? (A sufficient action plan could include contacting businesses and neighbors in one or more of the following ways: emails, phone calls, physical notice in the form of a mailer and/or speaking with people door to door)". So moved by Alderwoman Tadio and seconded by Alderwoman Savage. **Motion passed.**

A motion was made to update Section 8 on the Specia Event Permit application to include a section on social media. "Social media? (Front Porch Forum, Facebook, Instagram, X, and any other social media platforms)". So moved by Alderwoman Tadio and seconded by Alderwoman McClure. **Motion passed.**

<u>REPORTS OF SELECT COMMITTEES</u>
Alderman Barbagallo: Parking Committee Meeting from July 10, 2024
Alderman Barbagallo read the Parking Committee report from July 10, 2024. The committee first reviewed the Parking Fund revenue. Treasurer Markowski provided a five (5) year history of revenue for parking in the city excluding the parking deck. Revenue is from both meters, kiosks, paid parking tickets, and permit/hood fees. With the addition of Park Mobile APP in 2024, the increase in revenue from 2023 was $15,140.32. There is still $39,933 left in ARPA money that is available for future use.

The Committee then discussed the cleanliness of the parking deck. The deck and land under the deck is owned by the State. The passageway to Center Street is not owned by the State. The State is responsible for cleaning the bottom floor (ground level) and LAZ is responsible for the upper floors. Commissioner Protivansky will contact the State to address the cleanliness of the bottom floor and trash.

Alderwoman Tadio: Environmental Sustainability Committee Meeting from July 11, 2024
Alderwoman Tadio read the Environmental Sustainability committee report from July 11, 2024. The purpose of the meeting was to discuss adding language to Special Event Permit applications about dealing with garbage removal. Expert testimony was given by Mark Shea, the Municipal District Manager and Desna Jenkins, the Outreach Coordinator for Rutland County Solid Waste District. They informed the committee that per state law ACT 148, food waste, recycling, clean wood scraps and leaf and yard debris are illegal to throw in the trash.

A motion was made to add a section to the Special Event Permit:
Section 14. Environmental Considerations
What arrangements have been made to minimize trash creation and minimize environmental impact?
So moved by Alderwoman Tadio and seconded by Alderwoman McClure. **Motion passed**.

A motion was made to add a section to the Special Event Permit:
Section 15. Solid Waste Management

A. By law (ACT 148. An act relating to establishing universal recycling of solid waste) events are required to sort their trash, food, waste, and recycling. I acknowledge that I am responsible for ensuring appropriate waste disposal.
   Yes______ No______

B. Who is your point person for waste removal? Do you have a contractor for trash removal? Who will be responsible for hauling your waste to the transfer station?

C. How do you plan to sort food waste and recycling? How will you manage your food waste?

D. How will your plan for trash removal comply with ACT 148 to dispose of trash, food waste, and recycling?

So moved by Alderwoman Tadio and seconded by Alderwoman McClure. **Motion passed.**

REPORTS OF REPRESENTATIVES
There were no Reports of Representatives.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION
There were no Petitions, Letters, Miscellaneous Communication.

BOARD OF CONTROL COMMISSIONERS
There were no items for the Board of Control Commissioners.

BOARD OF CANNABIS COMMISSIONERS
Mountain Girl Cannabis: Retailers Renewal License
A motion was made and seconded (Gillam, McClure) to enter into Board of Cannabis Commissioners. **Motion passed.** A motion was made and seconded (Tadio, Savage) to approve the cannabis license renewal for Mountain Girls Cannabis, Inc. **Motion passed.** A motion was made and seconded (Davis, McClure) to come out of the Board of Cannabis Commissioners. **Motion passed.**

UNFINISHED BUSINESS
There was no Unfinished Business.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS. ALL QUESTIONS ON PRIORITY WILL BE DECIDED WITHOUT DEBATE

Alderwoman McClure made a motion to refer the discussion about the creation of a community art wall to the Recreation Committee. Seconded by Alderman McCann. **Motion passed.**

Attorney LaChance: Executive Session – Discussion of a contract with outside agencies

President Talbott asked Attorney LaChance to read the motions for executive session. A 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. So moved by Alderwoman Davis and seconded by Alderwoman Savage. **Motion passed.** A motion to enter into executive session with the inclusion of the Mayor, City Clerk, Treasurer, Executive Director of the Library, President of the Board of Trustees for the Library, Consultant for Library, and City Attorney to discuss the negotiation of contract as allowed under Title 1, V.S.A. Section 313(a)(1)(A). So moved by Alderwoman Davis and seconded by Alderwoman Savage. **Motion passed.**

At 9:10 PM the Board went into executive session.

At 9:15 PM a motion was made and seconded (Davis, Gillam) to come out of executive session. **Motion passed.**

Mayor Doenges said that a while ago he was approached by the State to have a conversation about resources in the City and what they wanted to keep and what they don't. They talked about the Asa Bloomer building that the State owns. Remembering those talks, Mayor Doenges suggested to the Library about exploring a move to the Asa Bloomer building.

Randall Smathers, Executive Director of the Library, said the library has been looking for a new home since 2009. The library had intended to use ARPA money to help get additional funding for up to $4 million to use towards renovations. The estimate for renovations at the Library was now up $9.5 million. So the Rutland Free Library is exploring a move to the Asa Bloomer building. Mr. Smathers has toured the Asa Bloomer building four (4) times and the State believes that the library could move to the first floor for $4.4 million. Moving to the Asa Bloomer building would be more accessible and cheaper to maintain.

Mayor Doenges said that City Hall could occupy the second floor and that would be more space than needed. Between City Hall and the Police Department there is about $5 million in repairs that need to be done. Mayor Doenges asked to refer this discussion to the Community & Economic Development committee.

A motion was made and seconded (Davis, Gillam) to refer to Community & Economic Development the discussion of moving the Library, City Hall and Police Department offices to the Asa Bloomer Building. **Motion passed.**

At 9:41 PM a motion was made and seconded (Davis, Barbagallo) to adjourn. **Motion passed.**

Respectively submitted by,
Tracy L. Kapusta
City Clerk