

**TOWN OF RUTLAND  
SELECT BOARD**

MINUTES: November 3, 2015

Board members present: Don Chioffi, Mary Ashcroft, Joe Diction, Joshua Terenzini and John Paul Faignant

The meeting opened at 6:35 P.M. with the Pledge of Allegiance.

Mr. Chioffi said the 10-20-15 minutes should reflect the fact that he made a motion to go into executive session at 8:44 P.M. and that Mr. Diction declared the executive closed at 9:25 P.M. He said Ms. Ashcroft moved to close the meeting at 9:26 P.M. and that Mr. Terenzini made a second to the motion and the motion passed unanimously.

Ms. Ashcroft said the minutes should reflect the fact that the Board invited Mr. John Snee to meet with the Board regarding the Town alternate Planning Commission position, at the next meeting.

Ms. Ashcroft moved to approve the 10-20-15 minutes as amended. Mr. Terenzini made a second to the motion. The motion passed by a vote of 4 to 0. Mr. Faignant abstained from the vote.

Mr. Diction read the minutes of the Board's October 30, 2015 meeting. Ms. Ashcroft moved to approve the minutes as presented. Mr. Chioffi made a second to the motion. The motion passed by a vote of 3 to 0. Messrs. Diction & Faignant abstained from the vote.

The Board took questions from the floor. There were no questions from the floor.

Town Planning Commission Chairman Andrew McKane reported:

Not present.

Town SWAC & Transfer Station representative Mr. Richard Lloyd reported:

1. He told the Board that the new compactor has been installed and that the hopper has been scraped & painted.
2. Mr. Lloyd told the Board that the Town may have to begin to receive batteries at the Transfer Station. He said he will keep the Board posted.

Town Emergency Management Director and Transportation Council representative Mr. Martin Wasserman reported:

Not present.

Mr. Terenzini told the Board that the Rutland Supervisory Union will produce a document allowing the Town School to be used as an Emergency Shelter when needed.

Town Clerk & Treasurer Ms. Donna Zeller reported:

1. She informed the Board that the Town School Principal would like the Board to make its **\$1000.00** payment for The Circle. She also told the Board that according to the School Principal the Board failed to pay the **\$1000.00** last year. She said the School Board is looking for **\$2,000.00** from the Board.

Mr. Terenzini made a motion to send The Circle the **\$2,000.00** requested by the school principal. Mr. Faignant made a second to the motion. The motion passed unanimously.

2. Ms. Zeller told the Board they have overspent their legal budget. She said the Board is **\$6,000.00** over budget. Ms. Ashcroft said the Town's Grover Drive legal will be reimbursed by the developer. Mr. Hathaway said all Town Highway garage legal expense will be paid through the garage construction and not the legal budget. Mr. Zingale told the Board that the Hitzel Terrace storm water project legal expenses may be covered by a storm water grant. Ms. Zeller to make copies of budgets for Board's next packet.

Town Road Commissioner Mr. Byron Hathaway reported:

1. Mr. Hathaway told the Board that he received word from Mr. Don Quirk that the Quirk Brothers have decided to end their Town Winter maintenance work. Mr. Hathaway thanked the Quirk Brothers for many years of service to the Town. Mr. Hathaway and Mr. Zingale will write a letter of recognition to the Quirk Brothers.
2. Ms. Ashcroft gave an overview of the October 29, 2015 Highway Committee. Ms. Ashcroft said it was decided that if the Grover's complete the following the Board could accept the road.
  - A) Specific certification from Mr. Brownson Spencer stating the ditches comply with the Town's ditch standard.
  - B) The Grover's are to pay the Town's attorney fees associated with the Grover Drive.
  - C) The Town needs protection since one of the deeds does not have the usual assurances in the conveyance.
  - D) The Town will need to receive a letter of credit from the Grover's in order for the Town to accept the road.

Ms. Ashcroft also reported regarding the Highway Garage update Mr. Hathaway gave at the committee meeting.

Original Garage budget	<b><u>\$701,678.00</u></b>
New budget with sprinkler system	<b><u>\$778,078.00</u></b>
Bare bones construction with sprinkler	<b><u>\$741,078.00</u></b>

Ms. Ashcroft cited the five different options considered by the Highway Committee to construct the garage. She told the Board that the Committee selected the option to fully fund the project by using the timber sale money. She said there is enough money in the account to do so. She said the timber account would cover the additional **\$78,000.00** needed.

Ms. Ashcroft made a motion to use the Timber account to fully fund the additional cost for the Highway Garage project. Mr. Faignant made a second to the motion. Mr. Diction said the Timber Fund was set up many years ago and that it is a non-taxpayer fund. He said the revenue is generated by logging town land.

Mr. Chioffi questioned whether Mr. Hathaway had received a price from the contractor to reduce the size of the building by ten feet in length. Mr. Hathaway said according to the contractor the building construction is too far along to make the change and does not have a price.

Mr. Chioffi said the Board can't make an evaluation as to whether or not it is cost feasible to do it unless the Board has the information that it needs. He said he needs to know how much it would cost to cut one rafter from the building.

Mr. Chioffi said by reducing the building by 10 feet it would eliminate **\$85,000.00** from the project cost. He said it would eliminate the sprinkler as well as **\$10,000.00** in engineering money. Mr. Terenzini, Mr. Diction and Ms. Ashcroft said they do not want to eliminate the sprinkler.

Mr. Chioffi and Mr. Diction both attempted to speak at the same time. Mr. Diction told Mr. Chioffi that he (Mr. Chioffi) will have a chance to speak. Mr. Chioffi recounted his recent conversation at the Town Transfer Station with Mr. Hathaway regarding the Highway Garage.

Mr. Diction called for the vote. The motion passed by a vote of 4 to 1. Mr. Chioffi voted in the negative.

Mr. Nicholson thanked the Board for their vote. Mr. Chioffi called for a point of order. Mr. Diction recognized Mr. Nicholson to speak. Mr. Chioffi said Mr. Nicholson can't have the floor because it's a Selectman meeting. He objected to letting the public comment on Board procedures and policy. Mr. Chioffi said he does not care to hear what Mr. Nicholson has to say.

Mr. Nicholson withdrew his request to speak.

Ms. Ashcroft told the Board that Mr. Hathaway also briefed the Committee regarding his proposed method for paying for winter maintenance. Ms. Ashcroft said the plan is to pay contractors for a set amount of **\$2,400.00** per mile up to 43 call outs. If there are more than 43 call out the contractors will receive **\$54.00** per mile for each call out. Mr. Hathaway said presently contractors are paid by the hour.

Ms. Ashcroft moved to adopt the new method for paying for winter maintenance. Mr. Faignant made a second to the motion. The motion passed unanimously.

Mr. Hathaway told the Board that Stantec has proposed a **\$10,200.00** budget to redesign the water main connection. Mr. Faignant moved to authorize the chair to sign the contract. Ms. Ashcroft made a second to the motion. The Board discussed the matter with Mr. Hathaway. Ms. Ashcroft moved to withdraw her motion and to make a new motion to send the contract to Highway committee. Mr. Faignant made a second to the motion. The motion passed unanimously.

Mr. Hathaway told the Board he will move ahead with doing a storm water project at the Town School with the Conservation Commission.

Mr. Faignant moved to purchase a **\$3,000.00** sander from the new equipment budget for the little truck. Ms. Ashcroft made a second to the motion. Mr. Terenzini questioned if the item should be put out to bid. The motion passed unanimously.

Mr. Hathaway told the Board he would like to find a replacement for the Quirk's but that he would rather contact individuals to see if they are interested rather than advertising for the position. Mr. Faignant said the Board will do the hire and that the Board would like a recommendation from Mr. Hathaway.

Mr. Diction opened the fence bids.

Richard Reed and Son

**\$23,375.00**

Pratico's

**\$15,980.00**

Cooper Fence

**\$10,475.00**

Middlebury Fence

**\$11,069.00**

Mr. Faignant moved to approve the Cooper Fence bid. Mr. Terenzini made a second to the motion. The motion passed unanimously.

Town Fire Chief Mr. Frank Cioffi reported:

1. The Chief informed the Board that he met with the HV/AC technician recently and that the system is not doing what it supposed to do. He said the system shut down when the fumes were five to six feet in the air. Mr. Cioffi said the Town needs to get an engineer to inspect the HV/AC and recommend how to fix it.

Mr. Faignant said the Board needs to be more pro-active since it involved ventilation and air. He said the Town should get the system corrected while simultaneously seeking reimbursement for a defective design and installation.

Mr. Faignant made a motion to hire Stantec to inspect the system and make a recommendation to correct the problem. Mr. Cioffi made a second to the motion. The motion passed unanimously.

2. The Chief told the Board that the Department is finishing up the specifications for the purchase and construction of a new fire truck.

Town Representative to the Rutland Regional Planning Commission Mr. Frederick Nicholson reported:

1. He told the Board that the Community Issues Committee approved the Chittenden Town Plan.
2. He told the Board that the Regional Issues Committee reviewed an Otter Valley Solar farm 248 application. He said there were concerns raised regarding the Prime Agricultural land that will be taken out of production.

3. Mr. Nicholson briefed the Board regarding a recent Act 250 determination that Wilk Paving needs an Act 250 permit because a barrier blocking access to an adjacent parcel has been removed, thus making the project over 10 acres in size.
4. Mr. Nicholson told the Board that all Towns will now have to pay an annual **\$2,000.00** highway fee for reducing the amount of phosphorous going into Lake Champlain.
5. Mr. Nicholson told the Board that the RRPC is considering making changes to the assessment of dues.

Town Police Chief Mr. Ed Dumas Reported:

1. The Chief told the Board that the department has received well over 1000 calls to date this year.
2. He told the Board that he has had difficulty logging into the Cops Grant program. He said he would have Captain Washburn access the program.
3. Chief Dumas informed the Board that the Town School Board has approved their portion of the SRO position. He told the Board that the School Board also addressed the School zone speed limit. He said the School Board voted to support a 25 M.P.H. speed limit 24/7. He told the Board there are radar activated flashing signs that could be purchased and installed to let motorist how fast they are going. He said the flashing lights are not cheap.

Board members discussed the School Zone speed limit. Mr. Faignant said the Board does not have to anything since the speed zone was adopted for 25 M.P.H. at all times. Ms. Ashcroft said the existing signage must be changed, since it says when flashing.

Mr. Faignant cited the fact that the speed limit is 25 M.P.H. on state roads in Pittsford, Bridgewater and Stockbridge. Mr. Faignant moved to maintain the 25 M.P.H. as the School Board has asked, 24/7, 365 and to remove the when flashing sign. Mr. Terenzini made a second to the motion. The motion passed by a vote 4 to 1. Mr. Chioffi voted in the negative.

Mr. Chioffi listed his concerns with keeping the School Zone speed limit at 25 M.P. H. as;

- The practice of the Town, and the understanding of the police officers, is that it was 35 M.P.H., except when the lights were flashing.
- We made a mistake; we shouldn't point back and say we should keep the mistake.
- The speed limit should not be 25 M.P.H. after school hours and during the middle of the night.
- He said he is in favor of Mr. Hathaway's and Major Sly recommendation.
- He supports putting up a digital sign that indicates the vehicle speed.
- He said visual reminders are important to the motoring public.
- He said taking down the signs is a regressive solution and not a progressive solution.
- He said 24/7, 365 is overkill.

Mr. Chioffi made additional comments. Mr. Dicton called for the vote. The motion passed by a vote of 4 to 1. Mr. Chioffi voted in the negative.

Town Recreation Director Mr. Mike Rowe reported:

1. The Halloween party went very well.
2. Mr. Rowe invited the Board to the senior's December 15, 2015 lunch at Seward's Restaurant.
3. Mr. Rowe said he would like to have a Recreation Committee meeting on 11-17-15 at 4:30 P.M.

Town Administrator Mr. Joseph Zingale Jr. reported:

1. He informed the Board that there would be a 10:00 A.M. ribbon cutting at the La Flamme Furniture store at the Diamond Run Mall the following day. Mr. Terenzini said he would get the Town's State representative to attend.
2. Mr. Zingale inquired as to scheduling a hearing with the State TBoard regarding the proposed Farrell slip lane. The Board told Mr. Zingale to get the matter scheduled.
3. He told the Board he planned to post the Northwood Park for no hunting, no shooting and no trapping the following day.

The Board reviewed packet correspondence.

Mr. Faignant moved to send the Building renovations bids to the Building Committee. Mr. Chioffi made a second to the motion. The motion passed unanimously. Mr. Dicton said the committee should also consider replacing the windows for the Board room and the area to be renovated.

Ms. Ashcroft briefed the Board regarding the October 27, 2015 Finance Committee meeting.

Mr. Faignant made a motion to close the meeting at 8:42 P.M. Mr. Terenzini made a second to the motion. The motion passed unanimously.