

**TOWN OF RUTLAND
SELECT BOARD**

MINUTES: Tuesday, April 5, 2016

Board members present: Josh Terenzini, Mary Ashcroft, John Paul Fagnant, Chris Kiefer-Cioffi, Joe Denardo

Meeting opened at 6:30 P.M. with the Pledge of Allegiance

Errors and Omissions of Board Minutes-March 22, 2016:

Mr. Fagnant made a motion to accept the minutes. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

Questions from the Floor:Public Comments:

Mr. Red Grover told the Board that the Town Attorney has received all the paperwork necessary to complete the project on Grover Drive. Mr. Grover expects to have closure of the project by next meeting.

New Business:

Mr. Brad Wilson, representing ECOS Solar, informed the Board regarding changes to Otter Creek One and Two solar projects. Mr. Wilson reviewed the project time line.

He said ECOS Solar has reduced the size of the project, avoided the wetlands, and scaled the project back from residential properties off Cold River Road, providing a buffer of forest vegetation.

- The latest Plan ECOS has created involves a 300 foot setback on the North, a 250 foot setback in the southern corner, a retention of a 100 foot wide existing strip of forest vegetation on Cold River Road. He said there is also a “planting plan”, which addresses; species, planting height, locations, and visual simulations. He said ECOS will be using T. J. Boyle for the project.
- Mr. Denardo asked how ECOS will be maintaining the screening vegetation off the property. He said ECOS would consult with property owner in order to address the situation.
- Town resident Mr. Byron Hathaway asked if the projects will be built simultaneously or separately. Mr. Wilson stated they are two separate projects, there will be two separate applications going to the Board, and two separate

dockets created. They will go through the 248 process at the same time and built at the same time.

- Mr. Wilson stated ECOS will be using Cold River Road for project operation and maintenance and Windcrest Road will be used for all site preparation and construction traffic.
- Major Mr. John Sly cited security concerns for materials during construction of the project. Mr. Wilson said ECOS will be installing fence in laydown yard for all of the equipment delivered. He said a perimeter security fence will be installed during construction and will be permanent. He said ECOS will have motion cameras for the laydown yard, and other materials will be locked up.

Town Administrator Mr. Joseph Zingale, Jr reported:

- 1) Mr. Zingale, Jr. reported the Town has sent the final Intermunicipal Agreement with West Rutland to West Rutland's Attorney and Fire District # 1 for review.
- 2) Mr. Zingale cited a 575 gallon per day sewer allocation request from the State of Vermont for a new super State Police Barracks to be built in the Town of Clarendon. Mr. Zingale told the Board that because the proposed barracks would be outside the Airport Park it will require a separate agreement with the Town of Rutland.

Mr. Zingale told the Board that a previous Select Board allowed a State Highway Garage located on Route 7B in Clarendon to be connected after an agreement was made with the Town. Mr. Zingale will gather more information for the Board.

- 3) Mr. Zingale reported he and Fire Chief Mr. Frank Cioffi are attempting to obtain the sprinkler contract from VMS Construction. Mr. Zingale said he received a letter that indicated the contract would not be forthcoming. He said he forwarded the letter to Town Attorney Mr. Kevin Brown.
- 4) Mr. Zingale reported that Mr. Andreas Torrizo would not be attending the evenings the meeting.
- 5) Mr. Zingale presented an Act 250 application filled by the College of Saint Joseph in Rutland City. He said planned work would include; moving the existing entrance to align with the new bridge and the construction of new building and roads.
- 6) Mr. Zingale gave the Board a Town Hall renovations update. He explained the reasoning behind relocating the thermostat into the men's restroom. He said by doing so it would better regulate heat in the Administrator's and Police offices. Mr. Zingale told the Board that office staff has requested the installation of power outlets in both restrooms, and that the network drops for the police department will be extended across the police office.

Mr. Terenzini instructed Mr. Zingale to ask Mr. Steve Hall of Smalley's Construction if new ceilings will be installed.

Town Planning Commission Chair Ms. Barbara Pulling reported:

- 1) Ms. Pulling was absent.

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

- 1) Mr. Lloyd told the Board that the next Household Hazardous Waste collection day will be on Saturday, April 9, 2016 from 8:00 A.M. to 11:30 A.M.
- 2) Mr. Denardo reported that as of July 1, 2016, small brush under an inch is to be segregated and used for composting or animal bedding and cannot be burned. Mr. Hathaway stated this is how it is being done.

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

Not present

Town Clerk & Treasurer Ms. Donna Zeller reported:

- 1) UVM Town Officers Education Conference (TOEC) will be on Wednesday, April 27, 2016).
- 2) Town sewer payments are due Monday, April 25, 2016.
- 3) Final tax payments are due on Tuesday, May 10, 2016.
- 4) Ms. Zeller told the Board that she has not received a list of delinquent tax payers with dollar amounts from Mr. Chris Howland, Delinquent Tax Collector. She said she has also not received cash receipt reports, which she needs for the fall audit.
- 5) Ms. Zeller presented the budget review to the Board. Ms. Zeller explained how the budget is prepared, how it should be interpreted and answered questions from Board.
- 6) Ms. Kiefer-Cioffi asked Ms. Zeller if the former Select Board gave her permission to change the hours of operation in the Town Clerk/Treasurer's Office. Ms. Zeller said that according to state statute she has the authority to set office hours. Ms. Zeller stated she does not work for the Select Board. Ms. Kiefer-Cioffi asked why Ms. Zeller's office is not open eight hours a day. Ms. Kiefer-Cioffi suggested Ms. Zeller contact former Town Clerk/Treasurer Ms. Marie Hyjek for insight on how she was able to keep the office open

eight hours a day. Ms. Zeller said she believes her office is owed the same consideration as the other offices in the building that are closed from 12:00 P.M. to 1:00 P.M. Ms. Kiefer-Cioffi asked about the office being closed on Friday afternoons. Ms. Zeller stated it is because of computer training and getting information into the NEMRC System. Ms. Kiefer-Cioffi asked if the office will go back to regular business hours after the conversion is complete. Ms. Zeller said she hoped it would.

- 7) Mr. Fagnant asked Ms. Zeller to reconsider her opinion that she has complete autonomy over the Town Clerk/Treasurer Office. He cited Ms. Zeller striking voters names off of nomination petitions, a decision Ms. Zeller made contrary to the advice of the Town Attorney, according to Mr. Fagnant. He told Ms. Zeller that issue will be revisited in the next two weeks. Ms. Zeller said she took the advice of the Secretary of State's Office. Mr. Fagnant said the Town takes the Town Attorney's advice over the Secretary of State.

Rutland Town Road Commissioner Byron Hathaway reported:

- 1) Mr. Hathaway addressed the Highway Department's Budget. He explained the Department operates off of a fund balance and when nothing has been carried over from the previous year it makes it look like there is hardly any money in the budget. He said that, coupled with the way NEMERC is handling the numbers, is why the Highway budget numbers are off. Mr. Hathaway will meet with Ms. Zeller and get the exact amount in the highway Department's budget.
- 2) Mr. Hathaway recommended that the Board to accept the Wilk Paving, Inc. paving bid. He told the Board that Wilk bid \$47.35 per ton for asphalt in place and \$1.19 per square yard for reclaim for a total of \$364,937.042. Mr. Fagnant made a motion to approve. Ms. Ashcroft made a second to the motion. Motion passed unanimously.
- 3) Mr. Hathaway requested a letter from the Board supporting the Highway Department's efforts to secure a grant for a cooperative effort with the Rutland Town School for a storm water project. The letter is due Friday, April 8, 2016. Ms. Ashcroft made a motion the Board create a short letter approving the grant application and authorize Mr. Terenzini to sign on behalf of the Board. Mr. Fagnant made a second to the motion. Motion passed unanimously.
- 4) Mr. Hathaway informed the Board that the Town has received its DEC permit for the Highway Garage. Mr. Hathaway will send plans to Mr. David Josselyn who will contact Labor and Industry for the final permit for the sprinkler system.
- 5) Mr. Hathaway reported the line striping bids are out and will be presented to the Board at the next meeting.
- 6) Mr. Hathaway reminded the Board there is a joint Business Route 4 Smart Growth meeting on Monday, April 11 at 6:00 P.M. at the West Rutland Town Hall.

- 7) Mr. Terenzini asked Mr. Hathaway what could be done to clean up the cemetery next to the Town Hall. Ms. Ashcroft said there is a Vermont Old Cemeteries Association who may be able to help financially. Ms. Ashcroft will look more into the issue.

Town Fire Chief Mr. Francis Cioffi reported.

- 1) Mr. Cioffi reported the bids for the new fire engine have been received. He said the Fire Committee would present the bid information at the next Board meeting.
- 2) Mr. Cioffi told the Board that he is concerned regarding homes being constructed on non-Town approved roads. Mr. Cioffi expressed a concern that the Town might be responsible if a Fire truck does damage to a private road. The Board told Mr. Cioffi to talk with the Planning Commission.

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

- 1) Mr. Nicholson reported the Regional Planning Commission had a very successful Walk/Bike Summit.

Major John Sly reported:

- 1) Mr. Sly told the Board that Captain Mr. Ted Washburn has been in contact with Washington with regard to the Resource Officer Grant. Mr. Sly said Mr. Washburn is reasonably certain the necessary communication and paperwork has been filed and reimbursement should be coming at some time this month.
- 2) Mr. Sly asked permission to order office furniture for the Police Department. Mr. Sly quoted a price from Staples of **\$1,300.00** per desk unit. He said Staples' materials are not commercial grade. He suggested the department purchase commercial grade furniture from Office Environment of South Burlington.

He said the business is a state contract vendor and that the Department would be charged the same price the State would pay. He said the price difference is about **\$300.00** per desk. The total price is just over **\$5,200.00** which is in the Police Budget, according to Mr. Sly.

Ms. Kiefer-Cioffi has pictures of the units and will email them to the Board members. Mr. Terenzini told the Board he and Ms. Kiefer-Cioffi had a Police Committee meeting and both are comfortable with the pricing. Mr. Fagnant made a motion to approve. Ms. Ashcroft made a second to the motion. After some discussion motion passed unanimously.

- 3) Mr. Sly reported that Officer Mr. Jim Gamble and Captain Ted Washburn are very busy with accidents and other cases, which impedes their time to patrol. Mr. Cioffi cited a

meeting on Thursday, April 21, 2016 at the Town Fire Station where this issue will be discussed.

Rutland Town Recreation Director Mike Rowe reported:

- 1) Mr. Rowe said Northwood Pool should be open in eight weeks.
- 2) Baseball and softball registrations are complete.
- 3) Mr. Kiefer-Cioffi asked it be noted in the minutes that there was a brief Recreation Committee meeting two weeks ago and that Ms. Kiefer-Cioffi neglected to take minutes.

Committee Meeting Updates:

Police:

- Mr. Terenzini reported there was a meeting on Tuesday, March 29, 2016 at 8:00 A.M. The Committee's recommendation is to receive reports from the Department quarterly rather than monthly. Mr. Faignant made a motion to approve. Ms. Ashcroft made a second to the motion. Motion passed unanimously. Mr. Sly stated the report is automated in excel and regardless of how often the Board receives it the numbers still need to be entered into the program on a regular basis. Mr. Faignant withdrew his motion.
- Ms. Kiefer-Cioffi stated she has made contact with NCIC with regard to an assistant for the Department.
- Mr. Terenzini informed Board members that Police Chief Mr. Ed Dumas presented the Police committee an example of a five year pay scale. Mr. Terenzini said the state of Vermont is changing the classification of full time officers. The Personnel Committee will take up the issue.

Highway:

- Ms. Ashcroft reported the Grover Drive situation is close to a resolution. She reported that the engineers and attorneys have met and come up with language, which the Town Attorney is reviewing. She reported that the Highway Committee viewed the Tuttle wash-out. She said an easement agreement will be required since some of the improvements will be made on private property. She said the agreement would also address cost sharing.

New Business

- Mr. Terenzini asked the Board to consider getting a Town credit card for minor purchases. Ms. Ashcroft recommended the Finance Committee meet and discuss the recommendations made by Town Auditor Mr. Norm Ladabouche.

- Mr. Terenzini informed the Board that Mr. Zingale and Ms. Patty Carbine will draft a welcome letter for new businesses to the Town.

Old Business:

- Regarding the Colchester Marijuana Resolution Mr. Faignant said conclusions are made in Colchester marijuana resolution that is not supported by any studies. Mr. Faignant made a motion to receive and file the resolution. Ms. Ashcroft made a second to the motion. Motion passed unanimously.

Correspondance:

- Ms. Ashcroft made a motion to approve Mr. Nicholson as the RRPC Representative and Mr. Jim Snee as alternate. Motion passed unanimously. Ms. Ashcroft made a motion for Mr. Terenzini to sign the appointment document. Mr. Faignant made a second to the motion. Motion passed unanimously.
- Mr. Faignant made a motion to appoint Mr. Jim Hall and Mr. Martin Wasserman as an alternate to the Rutland Region Transportation Council. Ms. Ashcroft made a second to the motion, as well as authorizing the Chair to sign the document. Motion passed unanimously.
- The Board reviewed The Vermont Rural Fire Protection Task Force dry hydrant grant information.
- The Board discussed City of Rutland Public Works Commissioner Mr. Jeff Wennberg's recent comments regarding the State's attempt to prohibit new and increased sewer allocation if the City has a Combined Sewer Overflow violation.

Mr. Faignant made a motion to adjourn. Mr. Denardo made a second to the motion. Meeting adjourned at 9:05 P.M.

