

**TOWN OF RUTLAND
SELECT BOARD
RUTLAND TOWN MUNICIPAL OFFICE**

MINUTES:
MONDAY, AUGUST 23, 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

Approval of Orders/Errors and Omissions of Meeting Minutes August 8, 2016:

- Ms. Ashcroft made a motion to approve. Mr. Fagnant made a second to the motion. Motion passed unanimously.

Questions from the floor/public comment:

- There was no public comment.

Town Administrator Mr. Joseph Zingale, Jr. reported:

- 1) Mr. Zingale informed the Board Stubbins Electric can install motion sensor on/off switches in the Town Hall restrooms for \$250.00. Ms. Ashcroft made a motion to approve the purchase of the automatic switches. Mr. Denardo made a second to the motion. Motion passed unanimously.
- 2) Mr. Zingale updated the Board regarding storm water consultant Mr. Andres Torrizo having trouble acquiring wetlands information for the Barnhart property. Ms. Kiefer-Cioffi stated she has contacted Otter Creek Engineering for prices to purchase the map completed in 2014 or a price to re-create the map.
- 3) Mr. Zingale informed the Board of a proposed solar project on the property owned by Mr. Mark Foley. Mr. Zingale said Mr. Foley will need a Public Service Board (PSB) permit.
- 4) Mr. Zingale told the Board that Stantec has the Computer Aided Design (CAD) files for the Transfer Station.
- 5) Mr. Zingale informed the Board that the Town needs Federal Government SAM's ID number in order to receive payment from the Army Guard and for the COPS grant. Mr. Zingale asked the Board to approve the \$399.00 re-registration fee. Mr. Fagnant made a motion to approve. Ms. Ashcroft made a second to the motion. Motion passed unanimously.

- 6) Mr. Zingale cited the bid proposal for the replacement of ceiling tiles in the Town Hall from town resident Mr. Tom Fuller in the amount of \$1,507.60. Mr. Faignant made a motion to approve. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

Rutland Town Planning Commission Chair Ms. Barbara Pulling reported:

- 1) Ms. Pulling informed the Board that the Planning Commission will be meeting every three weeks rather than bi-weekly.

Town Clerk/Treasurer Ms. Kirsten Hathaway:

- 1) Ms. Hathaway told the Board she will be starting Wednesday, August 23, 2016.

Rutland Town Road Commissioner Mr. Byron Hathaway reported:

- 1) Mr. Hathaway presented a proposal from the Royal Group regarding a security system for the Town Highway Garage in the amount of \$498.00 annually.
- 2) Mr. Hathaway stated he has a list of equipment to present at the next Highway Committee meeting for purchase resulting from the surplus from the construction of the Town Highway Garage.
- 3) Mr. Hathaway cited the bill from Wilk Paving, Inc. in the Select Board's packet. Mr. Hathaway expressed his displeasure with the grading job on East Pittsford Road which is almost a mile long. Mr. Hathaway said he talked with Mr. Tim Rice of Wilk Paving, Inc. and there are no specifications in the Town's contract or with VTRANS that addresses ride ability. Mr. Hathaway stated he will be working on adding specification regarding ride ability for future paving jobs.
- 4) Mr. Faignant moved to approve the proposal from the Royal Group for the security system for the Town Garage in the annual amount of \$498.00. Ms. Ashcroft made a second to the motion. Motion passed unanimously.
- 5) Mr. Hathaway informed the Board he has contacted Vermont League of Cities and Towns (VLCT) to put the new Town Garage onto the Town's insurance.
- 6) Ms. Ashcroft asked Mr. Zingale to warn a Highway Committee meeting on Friday, August 26, 2016 at 8:00 A.M. at the Town Hall.

Town Fire Chief Mr. Frank Cioffi reported:

- 1) Mr. Cioffi updated the Board on the fire safety issues on Seward Road. Mr. Cioffi stated The Public Service Board (PSB) has now referred the issue to the Public service Department (PSD) for further investigation. Mr. Cioffi said there will be a conference call next week with the PSD and that he will write the PSD a letter.
- 2) Mr. Cioffi informed the Board that the fire Department did not get the SCBA grant and will re-apply October 1, 2016.
- 3) Mr. Cioffi requested an executive session with the Board to approve a proposed agreement with the PSB regarding the fire safety issue on Seward Road.
- 4) Mr. Cioffi requested a meeting with the Fire Committee to discuss bids for work on the Town Fire Station.

Town Representative to the Rutland Regional Planning Commission (RRPC) Mr. Fred Nicholson reported:

- No meeting, no report

Rutland Town Police Chief Ed Dumas reported:

- 1) Mr. Dumas requested an executive session to discuss personnel issues.

Town Recreation Director Mr. Mike Rowe reported:

- 1) Mr. Rowe informed the Board that Northwood Pool will close on Saturday, August 27, 2016.
- 2) The Recreation Department will host "Puppies in the Pool" on Sunday, August 28, 2016 to benefit the Rutland County Humane Society.
- 3) Mr. Rowe said soccer registrations are ongoing for grades K through 6. He said forms are located at the Town Hall, Northwood Park or at www.rutlandtown.com.
- 4) Mr. Terenzini informed Board members that Rutland City Recreation Director Ms. Cindi Wight thanked the Town for saving the City \$2,800.00 by lowering the out of town family pool pass rate at Northwood Park.

Second Public Hearing on Adoption of the Town Plan:

Public Comment:

- Mr. Brad Wilson from ECOS Solar was present and cited the letter sent to the Select Board from PLH, LLC. Mr. Wilson stated the property is owned by both companies.

- Mr. Wilson cited when the companies purchased the property it was designated industrial/commercial. The proposed amendment is to change the designation to working lands. Mr. Wilson requested the Select Board not change the original designation, as the project is adjacent to other industrial businesses and is on Windcrest Road.
- Mr. Zingale told Mr. Wilson a solar project can be erected on any land designation and the property does not have access to Windcrest Road but to Cold River Road which is residential. Mr. Wilson said the companies are working on getting access to Windcrest Road.
- Ms. Kiefer-Cioffi asked if the concern to keep the original designation was to prevent the Town to not allow the solar project. Mr. Wilson stated the companies bought the property because of its industrial designation, and if the solar project isn't successful they may try to do another commercial/industrial project.
- Mr. Terenzini asked Mr. Wilson how many letters were sent by PLH, LLC to Town residents. Mr. Wilson stated about twenty letters were sent out to Town residents whose properties are being affected by the designation change. Mr. Terenzini said in his opinion it was not the right course of action, and cited the numerous phone calls to the Town Hall with concerns. Mr. Terenzini said the process was not transparent.
- A Town resident presented the letter sent to residents by Mr. Christopher Little and it was read by Ms. Ashcroft. Mr. Little was not present at the meeting.

Mr. Zingale stated that the residents who were sent the letter own less than an acre of land which would not trigger an Act 250 Permit.

- Mr. Terenzini stated negative campaigning doesn't work in Vermont. Mr. Wilson apologized for creating confusion, uncertainty and extra work for Town employees and the Board.
- Ms. Ashcroft stated the Planning Commission was thorough to make sure every landowner in Town was notified of the changes in order to participate in the Public Hearings.
- Ms. Kiefer-Cioffi referred to the descriptions of the designations of the property in the Town Plan and asked what in the designation will be adversarial to the company. Mr. Wilson said the new designation doesn't allow for the same of uses as industrial/commercial.
- Mr. Zingale referred to the material sent to the Town Hall regarding Otter Creek Projects One and Two and if the material cited additional uses. Mr. Wilson said the material is a 248 Certificate of Public Good for Otter Creek Projects One and Two. Mr. Wilson said in the future if the solar project doesn't proceed they may have other uses for the property. Mr. Zingale said if there are other future uses for the property to come back to the Board/Planning Commission as it doesn't need to be changed tonight.

- Mr. Christopher Beitzel of the Rutland Southern Vermont Regional Airport (RSVRA) Manager was present and requested the Select Board add language to the Town Plan under the air transportation section to protect the instrument approach airspace over Rutland Town. Mr. Beitzel gave examples of verbiage that could be added to the Town Plan. Mr. Beitzel presented the Board with documents defining the three dimensional airspace over Rutland Town and an explanation of why the verbiage should be added to the Town Plan.
- Ms. Ashcroft inquired about the involvement of the FAA. Mr. Bietzel stated in order to receive funding from the FAA the RSVRA must comply with certain standards. Mr. Nicholson stated the FAA will not tell a resident not to build but will restrict the airport after the fact. Mr. Zingale stated unless a project is over an acre and triggers Act 250, there is no local review to refer to the issue.
- Mr. Terenzini stated the Board and the Planning Commission will be working on language for the Town Plan.
- Town Resident Mr. Don Cioffi was present and inquired the specificity of the AG40 regarding clustered residential development. Mr. Cioffi cited the language in the proposed Town Plan that caused him confusion. Ms. Ashcroft cited places in the Town Plan that refers to clustered residential development. Ms. Pulling explained the intent behind the language. Ms. Ashcroft cited language the Board added to the Town Plan that refers to clustering on page six and why it was added. Mr. Nicholson cited examples of clustering on certain sizes of acreage. Ms. Ashcroft cited examples of Act 250 cases when developers were denied further development of their property.
- Mr. Terenzini said the Board would take under consideration public comments at the next Select board meeting.
- Mr. Terenzini called the Public Hearing to a close for the Board to continue with their regular agenda.

New Business:

Cheney Hill:

- Ms. Ashcroft stated the Building Committee has no recommendation at this time and suggested to table the topic so the Building Committee can meet again and discuss options.

Proposed permit conditions for break in limited access section of US Route 7 South:

- Mr. Zingale referred to the Board's correspondence regarding the proposed permit conditions. Mr. Zingale suggested the Board rescind their 2007 request for a break in the highway. He said the request is still active on the Transportation Board's list. Mr. Faignant made a motion for Mr. Zingale to inform the Transportation Board that the

Select Board is abandoning the current permit request. Mr. Denardo made a second to the motion. Motion passed unanimously.

- Ms. Ashcroft made a motion for the Board to agree to the proposed permit conditions from the Transportation Board in the letter dated June 1, 2016. Mr. Faignant requested Ms. Ashcroft to add developer to her motion and cited examples in the letter conditions in which the developer may have to substitute for the Board. Ms. Ashcroft made an amendment to her motion. Mr. Faignant made a second to the motion. Motion passed unanimously.
- Mr. Faignant made a motion to enter into executive session at 8:07 P.M to discuss sewer and water agreements with the City of Rutland with Town Attorney Mr. Kevin Brown. Mr. Denardo made a second to the motion. Motion passed unanimously.
- The Board came out of executive session at 8:51 P.M.

Ms. Ashcroft made a motion to pay the amount of **\$111,144.98** to the City of Rutland for sewer charges for Town users, Flory Heights users, and 5% penalty in full under protest and instruct Mr. Zingale deliver the check with a letter from Town attorney Mr. Kevin Brown to the City Treasurer's office before Wednesday, August 31, 2016. Mr. Faignant made a second to the motion. Motion passed unanimously.

- The Board took a short recess at 8:52 P.M. and resumed at 9:00 P.M.
- Mr. Faignant made a motion at 9:00 P.M. to go into executive session to discuss personnel matters with the Town Police Department. Ms. Ashcroft made a second to the motion. Motion passed unanimously.
- The Board came out of executive session at 9:50 P.M.
- Ms. Ashcroft made a motion to name Fred Nicholson as voting delegate to the Vermont League of Cities and Towns annual meeting. Mr. Faignant made a second to the motion. Motion passed unanimously.
- The Select Board set the date of Saturday, September 24, 2016 for the Relay For Life/Pie In The Face Challenge. The event will run from 10:00 A.M. to 2:00 P.M. and a cook-out will start at 12:30 P.M.
- Ms. Kiefer-Cioffi made a motion to accept the Johnson Energy fuel agreement and authorize Chair Terenzini to sign on behalf of the Board. Mr. Denardo made a second to the motion. Motion passed unanimously.
- Ms. Kiefer-Cioffi reported the Vermont Old Cemeteries Association representatives will be at the Town Hall Cemetery on Tuesday, September 6, 2016 at 8:00 A.M. to assess

work that will need to be completed and will return on Tuesday, September 13, 2016 to complete the work.

- Ms. Kiefer-Cioffi reported she has been in touch with Bowker Memorials regarding a monument in front of the Town Hall.
- The Building Committee will be meeting to consider a microphone system for the Select Board Room and to review a quote for a generator for the Town Hall.
- Mr. Faignant made a motion to adjourn. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously. Meeting adjourned at 10:25 P.M.

