

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

MINUTES:  
TUESDAY, FEBRUARY 21, 2017

Board members present: Josh Terenzini, Mary Ashcroft, Chris Kiefer-Cioffi, Joe Denardo.

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

Approval of Orders:

- The Board approved the orders.

Select Board Minutes-Tuesday, February 7, 2017:

- Mr. Denardo pointed out a minor correction on page two adding “prudential” regarding Mr. Howard Burgess’ presentation. Mr. Denardo made a motion to approve. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

Select Board Minutes-Tuesday, February 14, 2017:

- Ms. Kiefer-Cioffi made a motion to approve. Ms. Ashcroft made a second to the motion. Motion passed 3-0-1. Mr. Denardo abstained from the vote.

Questions from the floor/Public Comment:

- Town resident Ms. Carol Baird was present and informed the Board she received an ANR permit regarding a well being dug at the McKinley Avenue Fire Station that will be placed less than ten feet of her property line. Ms. Baird expressed concern of her property’s future development. After some discussion it was decided Ms. Baird will meet with the Fire Committee to address the issue.
- Mrs. Kiefer-Cioffi made a motion to move into executive session with Rutland Police Chief Mr. Ed Dumas regarding a personnel matter and contractual discussion. Ms. Ashcroft made a second to the motion. The Board moved into executive session at 6:43 P.M.
- The Board moved out of executive session at 7:13 P.M.

### New Business:

- Mr. Terenzini introduced Mr. Andreas Torrizo and Ms. Julie Beth Hinds who presented a draft for a proposed storm water ordinance which is a requirement under the MS 4 Storm Water Permit the Town has with the State. Ms. Hinds explained to the Board the reasons for the permit and how to proceed with the implementation.
- Mr. Zingale named the streets off of Moonbrook/Muzzy Brook that will be affected by the ordinance. Mr. Torrizo stated there are forty-one parcels in the regulated area that will be impacted which are right on the stream. Ms. Hinds stated requiring the Town limit the clearing, grading, and placement of structures fifty feet from the stream has been standard practice in many urbanized places.
- Ms. Ashcroft asked the consequences of not adopting an ordinance. Ms. Hinds stated there would be fines or the State may withhold grants. Ms. Kiefer-Cioffi asked if the program was working. Ms. Hinds stated the program has many upsides to it and cited an example of when the program was in place in another town and could be enforced.
- Mr. Terenzini asked if the State will be changing the regulations. Ms. Hinds stated the State MS 4 is on a five year cycle.
- Mr. Torrizo stated he will be coming back in April or May in 2017 with a final draft.

### Attorney Mr. Jim Goss re:Withdrawal of Key Collision Act 250 Permit:

- Mr. Goss stated that Key Collision pulling their Act 250 permit had nothing to do with the Town.
- Mr. Goss said that he has been working with clients on the permitting process for over thirty-two years and it has been challenging but it is at the point where applicants don't want to go through the process any longer.
- Mr. Goss stated a year after the design process and having to pay repeated fees for different permit programs as well as constantly having to deal with new issues the applicant felt the cost benefit was not there.
- Mr. Goss presented Key Collision's Act 250 Application which contained highly engineered plans to deal with a variety of State applications which cost them roughly \$20,000.00 and will now sit on file with the State.
- Mr. Goss cited the issues the applicant had to deal with other than design with the architects and engineers:
  - 1) The Primary Agricultural Program in which the applicant has to have mitigated for any impact on primary agricultural soils.

- 2) The Wetlands Program in which the applicant has to preserve any wetlands on the property. He also stated that there was a concern that a corner of the property might be a historic site as at one time there were artifacts discovered there.
- 3) Criteria 9L which was intended to prevent strip development in Vermont. Mr. Goss said it makes it difficult to design a project outside a downtown area where there is no developed land to begin with and in many cases not allowed to design projects where a Town wants a project to be. Mr. Goss said a State employee and a State lawyer came to the site and expressed concern about the project because of its location. They wanted the applicant to build a sidewalk in front of the property which would have no place to connect to and a designated sidewalk in the front of the building up to the store. Mr. Goss said Vermont Agency of Transportation which ran the access program for the facility said they would never allow a sidewalk to run to nowhere. That was the breaking point for the project.
- 4) Mr. Goss said in addition to the Potable Water Supply and Wastewater Permit for water supply and restrooms the applicant had to get a transient non-community water permit which takes the position that when you have other people using your restrooms you need to administer the well providing the water as if it is a quasi-public water supply which would require multiple testing and monitoring. The cost to the testing work for the well was \$16,000.00 which was on top of all of the other fees the applicant had already had to pay. Mr. Goss stated this incident caused the applicant to decide to find another location. Mr. Goss said there are five Key Collisions in New Hampshire and this would have been the first one in Vermont.
  - Ms. Kiefer-Cioffi asked Mr. Goss is there was something the Board could have done to show support. Mr. Goss said there were support from Town residents as well as a representative from Clarendon who came to show her support. Mr. Goss said the Town definitely did show support however the 9L people came in with their guns blazing.
  - Mr. Goss suggested expressing concern to our legislature. Mr. Goss stated the feedback from 9L has been brutal from other applicants.
  - Mr. Denardo asked if the Town should look at adopting zoning to make the process easier. Mr. Goss said that zoning is more of a local concern than a state concern because you will still have to deal with the waste water and storm water programs. Mr. Goss stated that if he wanted one thing to change it would that the Agency of Natural Resources (ANR) which administers these programs adopt a default position to find a way to make a project happen if it can happen rather than stop it. Mr. Goss said he gets the impression the ANR are trying to find a way to create obstacles rather than remove them.
  - Mr. Terenzini stated he has spoken to Governor Mr. Phil Scott about these regulations and asked permission to send Mr. Goss' presentation to the Governor's office as to other legislative bodies.
  - Ms. Ashcroft asked how many people would have been employed at Key Collision. Mr. Goss stated they would have hired fifteen to eighteen people full time.

- Mr. Denardo stated the tax revenue to the Town would have been significant.
- Ms. Kiefer-Cioffi asked if any of the permit fees will be returned to the applicant. Mr. Goss stated there would be no funds returned.
- Ms. Ashcroft asked if it was possible to revive the project. Mr. Goss said he did not see that in the foreseeable future.

Town Transfer Station Manager Mr. Richard Lloyd:

- Mr. Lloyd updated the Board on the July 1, 2017 requirement that transfer stations will have to accept food scraps and on July 1, 2020 when scraps will be banned from landfills. After some discussion Mr. Lloyd will put up a sign at the transfer station informing residents of this practice and Ms. Ashcroft will write an article for the April edition of The Circle.

Rutland Town Administrator Mr. Joseph Zingale:

- 1) Mr. Zingale told the Board Mr. Torrizo said there doesn't need to be a separate web page for the MS4 information and it can be posted on the Town's webpage.
- 2) Mr. Zingale reminded the Board of the next Board meeting on Monday, March 6, 2017 at 5:30 in the conference room at the Town school.
- 3) Mr. Zingale asked the Board to consider allowing REPRO Graphics to mail the Town Reports next year.
- 4) Mr. Zingle told the Board he is working on finding past policies and procedures. Ms. Ashcroft asked Mr. Zingale to locate the Police Officer's Outside Contract Policy within the past three years.
- 5) Mr. Zingale informed the Board that the Metromail and Tractor Supply buildings have been sold.
- 6) Mr. Zingale thanked Town Administrative Assistant Ms. Patty Carbine for the work on the Town Report.
- 7) Mr. Zingale cited the preferred vendor's list he has started on Board member's desks for future approval.

- 8) Mr. Zingale informed the Board the Town's solid waste certificate will need to be amended to allow the acceptance of organics.
- 9) Mr. Zingale told the Board the Brookfield generator contract is up for renewal. Mr. Zingale will give the contract to Town Fire Chief Mr. Frank Cioffi however Mr. Cioffi is looking at another vendor.
- 10) Mr. Terenzini wished Mr. Zingale a happy birthday.

Rutland Town Planning Commission Clerk (RTPC) Mr. Dana Peterson reported:

- 1) Mr. Peterson updated the Board on the approval of two subdivisions.
- 2) Mr. Peterson informed the Board that RTPC member Mr. Howard Burgess has volunteered to serve on the new Water/Sewer Infrastructure Committee and Mr. Alan Biederman and Ms. Pulling will serve as alternates.
- 3) Mr. Peterson told the Board the RTPC will be working on the Act 174 Renewable Energy Plan when the Rutland Regional Planning Commission has the information ready.
- 4) Mr. Peterson informed the Board the next Planning Commission meetings are Thursday, March 2, 2017 and March 23, 2017 at 7:00 P.M. at the Town Municipal Building.

Town Clerk and Treasurer Ms. Kirsten Hathaway reported:

- 1) Ms. Hathaway thanked Town Clerk/Treasurer Assistant Ms. Susan McGee for her work on the mailing list for the Town Reports.
- 2) Ms. Hathaway told the Board the warnings for the March election and sample ballots have been posted at the Town hall, the Town school and the Town transfer station. Ms. Hathaway stated absentee ballots are also available.
- 3) Ms. Ashcroft read the minutes from the February 14, 2017 meeting minutes in which former Proctor Town Clerk/Treasurer Ms. Mary Dahlin was hired for the temporary Rutland Town Clerk/Treasurer while Ms. Hathaway is on maternity leave. Ms. Hathaway stated Ms. Dahlin will be starting on March 21, 2017.
- 4) Ms. Hathaway presented the Records Retention Schedule from the State of Vermont to the Board for their review and approval at the next Board meeting.

- 5) Ms. Hathaway presented the Board the application for the Town credit card. Ms. Ashcroft made a motion to approve the application for the Chair's signature. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.
- 6) Ms. Hathaway presented liquor licenses for Mama T's Country Kitchen and K-Mart Corporation for the Board's signature. Ms. Ashcroft made a motion to approve. Mr. Denardo made a second to the motion. Motion passed unanimously.

Rutland Town road Commissioner Mr. Byron Hathaway reported

- 1) Mr. Hathaway informed the Board the Town of West Rutland has asked for a joint meeting with the Select Board regarding the Bike/Ped grant on February 27, 2017 at 6:00 P.M. at the West Rutland Town Hall.
- 2) Mr. Hathaway stated one quote came back regarding the painting of the Town loader for \$18,500.00 which is \$4,000.00 more than budgeted. After some discussion Mr. Hathaway and Ms. Hathaway will meet with Town Auditor Mr. Andrew Simonds regarding budget carry-over to pay for the painting.
- 3) Mr. Hathaway informed the Board of a situation of a piece of property off of Sugarwood Hill the Town doesn't own that Town resident Mr. Marshall Fish used to plow before selling it to Town resident Mr. Pat McLaughlin. Mr. McLaughlin told Mr. Hathaway he would maintain but has since changed his mind. Mr. Hathaway will retrieve documentation to show Mr. McLaughlin maintaining the road is not the Town's responsibility.
- 4) Ms. Ashcroft said she is working with a new attorney in South Burlington named Douglas Brines who is interested in assisting with the Town Road Book. Mr. Denardo made a motion for Ms. Ashcroft to proceed with having the attorney work on the Town Road Book. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.
- 5) The Board discussed the removal of vandalism of signs in the Town.
- 6) Mr. Hathaway updated the Board on the malfunctioning boiler at the Town garage.

Rutland Town Fire Chief Mr. Frank Cioffi reported:

- 1) Mr. Cioffi requested a Fire Committee meeting regarding the new fire truck.
- 2) Mr. Cioffi informed the Board the Fire Department received the check from the solar company and it has been deposited into the equipment account. Mr. Cioffi stated he has

given the Public Service Board to allow an extension with regard to the installation of the sprinkler building on Seward Road.

- 3) Mr. Cioffi updated the Board on a malfunction of fire engine three.
- 4) Mr. Cioffi updated the Board on the specifications for the Center Rutland Fire Station roofs.
- 5) Ms. Ashcroft made a motion for the Fire Chief to purchase the hoses and nozzles with the equipment fund money mentioned above. Mr. Denardo made a second to the motion. Motion passed unanimously.
- 6) Mr. Cioffi updated the Board on the replacement lock at the McKinley Avenue Fire Station. It will be discussed at the Fire Committee meeting.

Rutland Town RRPC Representative Mr. Fred Nicholson reported:

- 1) Mr. Nicholson was not present.

Rutland Town Police Chief Mr. Ed Dumas reported:

- 1) Mr. Dumas stated the Department has responded to 171 calls at the present time.

Rutland Town Recreation Director Mr. Mike Rowe reported:

- 1) Mr. Rowe informed the Board basketball is winding down and baseball sign-ups will be available shortly.
- 2) Mr. Rowe informed the Board the maintenance person at Northwood Park Mr. John Tromblay has resigned. After some discussion an ad will be placed in the Rutland Herald and posted on the Town website.
- 3) Mr. Rowe said he has talked with the City of Rutland regarding the use of Northwood Pool and things will stay status quo.
- 4) Mr. Rowe updated the Board regarding the meeting with Rotary South and ten Rotarians will assist with the installation of the new Playground at Northwood Park on Saturday, April 22, 2017.

Committee Meeting Updates:

- Finance-Ms. Ashcroft asked Mr. Zingale to send Department Heads the draft of the new purchasing policy for review as well as the preferred vendor list. After some discussion Ms. Ashcroft will contact the Vermont League of Cities and Towns for assistance with language.

Progress of Various Projects:

- The Board reviewed the list.
- Ms. Kiefer-Cioffi made a motion to adjourn. Ms. Ashcroft made a second to the motion. Motion passed unanimously. Meeting adjourned at 9:17 P.M.





