

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

MINUTES:
TUESDAY, MAY 30, 2017

Board members present: John 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:

The Board approved the orders.

Select Board Minutes-Tuesday, May 16, 2017

Mr. Fagnant made a motion to approve. Mr. Denardo made a second to the motion. Motion passed 3-0-2. Ms. Kiefer Cioffi and Mr. Terenzini abstained from the vote.

Questions from the floor/ Public comment:

There were no questions or comments.

New Business:

Delinquent Town Tax Collector Mr. Chris Howland was present and updated the Board on tax collections. Mr. Howland stated the current amount of delinquent taxes is **\$79,356.85**. Mr. Howland asked the Board if they have an issue of taking property owners to tax sale who are delinquent 3 years or more or owe **\$5,000.00** or more. Mr. Fagnant said Mr. Howland is an elected official and should run his department as he sees fit. Mr. Howland reported he has received his new warrant in the amount of **\$201,450.02** and will be putting it in the Rutland Herald.

Rutland Town Administrator Mr. Joseph Zingale, Jr. reported:

- 1) Mr. Zingale informed the Board the Town was awarded the grant from Vermont League of Cities and Towns (VLCT) for security cameras at the Town Hall. Mr. Zingale estimated the total cost for installation will be **\$5,200.00** and the Town's share will be **\$2,600.00**. The Board referred the issue to the Building Committee. No vote was taken.

- 2) Mr. Zingale stated he received a call from a Town resident regarding an easement across the Young property. After some discussion the Board agreed to send the issue to the Highway Committee and seek Town Counsel on the matter. No vote was taken.
- 3) Mr. Zingale asked the Board if they wanted him to move forward and speak to an engineer regarding the rail line that is blocking the Town's man hole. Mr. Zingale stated that the easement the Vermont Railway (VR) has with the Town says it is the Town's responsibility to fix the issue even though VR caused the issue. Mr. Zingale said he showed the easement to Town Attorney Mr. Kevin Brown who said the Town doesn't have a leg to stand on. Mr. Faignant said he isn't comfortable with Mr. Brown's opinion as all contracts in the State of Vermont have an underlying clause of an obligation of good faith. Ms. Ashcroft wanted to be clear that VR has not contacted the Town. After some discussion Mr. Terenzini asked Mr. Zingale to contact a representative from VR to attend the next Select Board meeting. Mr. Denardo made a motion to allow Mr. Zingale to contact an engineer to look at the property and give the Board a recommendation. Ms. Kiefer-Cioffi made second to the motion. Motion passed 4-0-1. Ms. Ashcroft voted in the negative.
- 4) Mr. Zingale cited the water line from Park Street to the Route 4 bypass which is a valuable water source identified by the town in 1990's. Mr. Zingale said he talked with Mr. Faignant who suggested the Board gather information from Town Attorney Mr. Brown regarding environmental protection of the water line as VR is parking rail cars there. After some discussion Mr. Faignant made a motion to allow Mr. Brown to research the issue. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.
- 5) Mr. Zingale updated on the Otter Creek One and Two site meeting. Mr. Faignant cited the Memoriam of Understanding (MOU) for Otter Creek Projects One and Two and suggested that on page two paragraph one the sentence read "the Board as such the town hereby agrees to support the project singular before the Board" and the remaining paragraph deleted. Mr. Faignant made a motion to approve the MOU with the changes. Mr. Denardo made a second to the motion. Motion passed unanimously.
- 6) Mr. Zingale cited the catalog of Town Reports from the Historical Society.

Rutland Town Recreation Director Mr. Mike Rowe reported:

- 1) Mr. Rowe stated baseball is in full swing.
- 2) Mr. Rowe updated the Board on the opening of Northwood Pool. Signup for pool passes and swimming lessons are available on Tuesday, June 6 and Wednesday, June 7 from 5:00P.M.-7:00 P.M.
- 3) Ms. Kiefer- Cioffi asked Mr. Rowe if the Town had little leagues. Mr. Rowe stated Rutland County has a major and minor league the Town is part of for grades three and

four and five and six. Mr. Rowe said the season starts in the spring and ends early summer. Ms. Kiefer-Cioffi asked if a team not affiliated with the Town wanted to use the ball fields. Mr. Rowe said it would have to go through him and the team provide insurance and would have to pay a fee.

Rutland Town Planning Commission (RTPC) Chair Ms. Barbara Noyes-Pulling reported:

- 1) Ms. Pulling updated the Board on the Renewable Energy Plan (REP). Ms. Pulling said the Board the Commission is looking at preferred sites for projects. Ms. Pulling informed the Board that the Public Service Department (PSD) is requiring a certified aesthetic consultant analysis if viewsheds will be used in the REP. Ms. Pulling cited different examples of the analysis.
- 2) Mr. Denardo said that when the Board voted on the Town Plan there was language in the Plan there is language stating the Town owns the viewsheds which can put the land owners in a position that they can't do what they want with their land. Mr. Zingale stated that these issues would be in an Act 250 arena and only those with standing would have a say.
- 3) After some discussion Ms. Pulling will contact the Town of Bennington to assess the cost of the analysis they are submitting to the PSD.
- 4) Ms. Pulling informed the Board the Commission has tabled the Bike/Pedestrian Path project. Ms. Pulling asked the Board if the project is connected to the Smart Growth Plan. Mr. Hathaway stated the Bike Pedestrian Path was created separately however it is mention in the Smart Growth Plan.
- 5) Ms. Pulling informed the Board that when Otter Creek Projects One and Two are complete there is very little capacity on the grid to add more power generation in that area of Town but there are other areas of Town the Commission is looking at.

Rutland Town Clerk/Treasurer Ms. Kirsten Hathaway reported:

Ms. Hathaway is on maternity leave.

Rutland Town Road Commissioner Mr. Byron Hathaway reported:

- 1) Ms. Ashcroft read the action items from the Highway Committee meeting on Friday, May 26, 2017.

- 2) Mr. Hathaway has a used generator donated by VELCO and has proposed it be repaired and mounted on a trailer for Town departments to use in an emergency. Mr. Hathaway estimates it will cost \$1,000.00 to repair the generator from his equipment fund. After some discussion the issue was referred back to the Highway Committee.
- 3) Ms. Ashcroft said the 90/10 culvert grant from the State of Vermont for to replace the culvert on Stratton Road in the amount of \$90,000.00 was reviewed by Mr. Hathaway and Mr. Denardo and approved the grant. Ms. Ashcroft made a motion for the Board to accept and sign the grant. Mr. Faignant made a second to the motion. Motion passed unanimously. Ms. Ashcroft amended her motion for the Chair to sign the grant. Mr. Faignant made a second to the motion. Motion passed unanimously.
- 4) Ms. Ashcroft informed Board of a meeting with the landowners regarding the service road on Wednesday, May 31, 2017 at 6:00 P.M. at the Holiday Inn and presented the agenda. Ms. Ashcroft stated Town business owner Mr. David Nelson would is interested in serving on the Scoping Study Advisory Committee. Ms. Ashcroft recommended appointing Davis Nelson to the Committee. Mr. Denardo made a second to the motion. Motion passed unanimously.
- 5) Mr. Hathaway updated the Board on the repairs on the Town loader.

Rutland Town Fire Chief Mr. Frank Cioffi reported:

- 1) Mr. Cioffi informed the Board the new fire truck is here.
- 2) Mr. Cioffi told the Board four Town firefighters have graduated from level one program.
- 3) Mr. Cioffi asked the Board permission to purchase a radio for the new fire truck estimating the cost at \$2,500.00. Ms. Ashcroft made a motion to approve. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.
- 4) Mr. Cioffi updated the Board on the repairs to engine three.

Rutland Regional Planning Commission Representative Mr. Fred Nicholson reported:

- 1) Mr. Nicholson cited an email on local hazard mitigation plans. Mr. Zingale will contact Town Emergency Management Director Mr. Martin Wasserman with regard to the issue.

Rutland Town Police Chief Mr. Ed Dumas reported:

- 1) Mr. Dumas read the responses from the Rutland Town Police Department for the past two weeks. Mr. Dumas stated the Department spent most of their time on patrol.

- 2) Mr. Dumas requested a Police Committee meeting for legislative issues that will be mandatory for the Department.
- 3) The Board discussed setting up a deprecation fund for the Department.
- 4) Mr. Cioffi asked if the Board is going to require permits for setting off fireworks.

Committee Meeting Updates:

Building:

- Ms. Ashcroft stated Mr. Denardo will be getting prices for a generator at the Town Hall and read the work schedule for renovations at the Town Hall.
- Ms. Ashcroft updated the Board on the information she gathered regarding a possible sale of Cheney Hill and the Rutland Town School Board. After some discussion Mr. Terenzini and Ms. Ashcroft will attend the next school board meeting to discuss the issue with them.

Celebration:

- Mr. Terenzini gave the Board an update on the Town wide celebration.

New Business:

- The Board considered future storm water enhancement funding. Mr. Zingale said he told the State the Town would ask for grants and they said that wasn't sufficient. The Board took no action.
- The Board reviewed the application for the Crowley Brother's Road Race. Mr. Faignant made a motion to approve. Ms. Ashcroft made a second to the motion. Motion passed unanimously.
- The Board considered a Town Facebook Page. Mr. Terenzini requested permission to work with Mr. Zingale on a face book page. No action was taken.
- Mr. Terenzini informed the Board tractor trailers are trying to enter the Howe Center from the Strongs Avenue entrance and are getting stuck at the trestle. The City of Rutland created a sign to instruct truckers to use the Park Street entrance. Property owner Mr. Joseph Giancola asked if the Town would post a sign near routes four and seven instructing truckers which entrance to use. Mr. Denardo made a motion to allow Mr. Giancola to post the signs in the Town pending approval from VTRANS. Ms. Kiefer-Cioffi made a second to the motion. Motion passed 4-0-1 with Mr. Faignant voting no.

Packet Correspondance:

- The Board received and filed a letter from the Audubon Society regarding the service road.
- The Board moved the A&M Peisch agreement to the next meeting.
- The Board reviewed the Warrant to Destroy Unlicensed Dogs. Mr. Faignant made a motion for the Board to sign. Ms. Ashcroft made a second to the motion. Motion passed 4-0-1 with Ms. Kiefer-Cioffi voting in the negative.
- Mr. Terenzini presented an outside consumption application for Town Resident Mr. Dave Fucci. Mr. Faignant made a motion to approve. Ms. Ashcroft made a second to the motion. Ms. Ashcroft made a motion for the Chair to sign on behalf of the Town. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

Mr. Faignant made a motion to adjourn. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously. Meeting adjourned at 8:55 P.M.

