

TOWN OF RUTLAND
SELECT BOARD MEETING

TUESDAY, JULY 18, 2017

PRESENT: Josh Terenzini, Mary Ashcroft, Chris Kiefer-Cioffi

The meeting opened at 6:00 P.M. with the Pledge of Allegiance.

Proposed Storm Water Regulations:

Mr. Terenzini reported thirty eight letters were sent to Town property owners who will be affected by the Storm Water Ordinance.

Storm Water Consultant Mr. Andres Torrizo presented an overview of the proposed Ordinance that are State mandated and not voluntary on the Town's part. Mr. Torrizo said the State awarded the Town with a grant to put the MS4 permit in place. Mr. Torrizo said the proposed Ordinance is the most simple while still meeting the State standards.

Ms. Ashcroft cited page twenty of the proposed Ordinance in which zoning language is used and the Town does not have zoning and requested it be changed.

Mr. Torrizo explained the application process if there is ever a project that requires a permit.

Ms. Kiefer-Cioffi asked if a new structure was being erected and is more than fifty feet away from the stream would a permit be needed. Mr. Torrizo said if the project is more than fifty feet away it would be held to the State's standards.

Ms. Kiefer-Cioffi asked about the application process and where the responsibility lies. Mr. Torrizo said that Ordinance was a requirement of the State and they leave it up to the Towns to develop the process.

Ms. Kiefer-Cioffi asked about training. Mr. Torrizo said an application needs to be developed and reviewed before visiting the properties and if the situation is complicated Mr. Torrizo can be consulted. Mr. Terenzini asked if the Planning Commission should be handling this. Mr. Zingale said that appeals would go to the Planning Commission after he and his Assistant Ms. Patty Carbine take inventory

of all the properties and review them.

Ms. Kiefer-Cioffi cited an example of a property owner who agrees to make changes to his property and then falls ill and asked how to handle that. Mr. Torrizzo did not have an answer.

Ms. Kiefer-Cioffi asked who would receive money for any fines incurred. Mr. Torrizzo said that Town or the court would receive the fees unless property owners choose to pay the waiver.

Ms. Ashcroft cited pages twenty five and twenty six that talks about inspection requirements and certifications. Ms. Ashcroft asked if there is a time frame regarding the validity of the applications and permits and if a property owner falls ill or have an event they have no control over can an extension be granted to come into compliance. Mr. Torrizzo did not have that information.

Mr. Fred Nicholson said that the Civil Division of the Superior Court is where the appeals would be handled and can allow the Town access to the property for corrective measures.

A Town resident asked if the State has an application process available. Mr. Torrizzo said they do not and it is a requirement for the Town to develop however there is an erosion application process. The resident asked if he would have to get a permit from the Town and the State. Mr. Zingale pointed out that because the State is giving the Town the task to enforce they may not play an active role. Mr. Zingale said the Board decided two years ago to cooperate and work with the State with the hope they would be less stringent with the Town and have let the Town develop their own plan.

Mr. Cohen asked when the Ordinance would go to the voters. Mr. Terenzini said the Board would adopt the Ordinance and it doesn't go to the voters. Mr. Cohen asked when the Board will be ready to adopt the Ordinance. Ms. Ashcroft asked when the Ordinance has to be in place. Mr. Torrizzo said there is no specific date however the Town is required to report annually on the MS4 and so far has been happy with the progress and suggested it be adopted by the end of the year.

Mr. Terenzini asked Ms. Pulling if the Commission would review the Ordinance and present to the Board with any suggestions or comments.

A Town resident asked if he would be responsible for damage done by Green Mountain Power (GMP). Mr. Zingale stated the permits from GMP are sent to the Town so we would be aware.

Ms. Kiefer-Cioffi asked if the Ordinance would apply to only the Moon Brook area. Mr. Torrizzo stated the Board's decision to apply to only the regulated MS4 area. Mr. Terenzini said the Board wanted to regulate the least amount of properties as necessary.

Ms. Ashcroft cited page six asked for the definition to include holders of leases or rights of way.

Ms. Kiefer-Cioffi asked how many Towns are already enacting the MS4 Permit. Mr. Torrizzo stated all towns in Chittenden County have been participating for ten years and the City and Town of St. Albans are working on adopting their Ordinance. Rutland Town Planning Commission Chair Ms. Barbara Noyes Pulling asked if the Board appointing the Planning Commission the Storm Water Commission is up for discussion. Mr. Zingale said that when he talked with Town Attorney Mr. Kevin Brown he asked if a new body should be created or if the Town should use the Planning Commission. Mr. Zingale said the Planning Commission although he didn't speak with them directly. Ms. Pulling expressed her concern about the enforcement of the Ordinance. Ms. Ashcroft said that enforcement of this Ordinance is a parallel of the subdivision process.

Mr. Cohen expressed his concern about the detail required, the process of that, and access to counsel if necessary. Mr. Terenzini said after the meeting tonight he believes the amount of permits will be minimal.

Mr. Peterson said he wished the Planning Commission had time to review the Ordinance. Ms. Ashcroft pointed out the Board has not adopted it and would like to see Ordinances of other towns to compare. Ms. Ashcroft said if the Planning Commission doesn't want the task of enforcing the Ordinance the Board will look into other options.

Petrone Property:

Mr. Torrizzo informed the Board he visited Mr. Petrone's property with Road Commissioner Mr. Byron Hathaway and determined the water funneling down

to his property is a function of the terrain. Mr. Torrizzo said that when Sunset Drive is paved there could be some minor improvements with curbing.

Building Committee:

Ms. Ashcroft reported on a Building Committee meeting on July 17, 2017 regarding replacing the windows in the Town Hall. Ms. Ashcroft made a motion to accept the Invitation to Bid for placement in the Rutland Herald on behalf of the Building Committee. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

- Ms. Ashcroft informed the Board on a joint Police and Finance Committee meeting Thursday, July 20, 2017 at 5:00 P.M.
- Ms. Ashcroft updated the Board on the setting of the tax rate and there may have to have a special meeting when the numbers are ready.
- Mr. Terenzini announced he will be absent for the August 8, 2017 meeting.
- Ms. Kiefer-Cioffi made a motion to adjourn. Ms. Ashcroft seconded the motion. Motion passed unanimously. Meeting adjourned at 7:20 P.M.