

## TOWN OF RUTLAND

### SELECT BOARD

**MINUTES: August 16, 2011**

**Board members present: Stanley Rhodes III, Joe Dicton, Joshua Terenzini, Steve Hawley and James Hall**

The Meeting opened at 6:48 P.M. with the pledge of allegiance.

Mr. Terenzini moved to accept the August 2, 2011 minutes with corrections. Mr. Dicton made a second to the motion. The motion passed by a vote of 4 to 0. Mr. Hawley abstained from the vote.

Town Clerk & Treasurer: Ms. Marie Hyjek reported:

1. Informed the Board the State has started its downloads for adjusted tax bills
2. Said September 1<sup>st</sup> is the last day people can make changes to their homestead declaration
3. Told the Board there is approximately **\$5,000.00** left in the **\$125,000.00** pool account
4. Told the Board that in the future she will bring in a few accounts for the Board to delete from the Grand List under Lister errors and omissions.
5. Said four tax appeals will go to the BCA. She said she plans to schedule a BCA meeting in early fall

Mr. Rhodes read the Liquor license request from East Restaurant LLC. Mr. Rhodes said the application had been reviewed by Chief John Sly and didn't find any reason to deny the application. Mr. Hawley moved to approve the Liquor license for East Restaurant LLC. Mr. Hall made a second to the motion. Mr. Dicton questioned if the restaurant planned to sell cigarettes since the application is for both alcohol and cigarettes. Ms. Hyjek said the new forms from the State have both Alcohol and cigarettes on the same application. The motion passed unanimously.

Planning Commission: Mr. William Matteson reported:

1. Informed the Board that the Planning Commission (PC) had done a site visit at the Decandio property and have come to the conclusion there should not be another curb cut. Mr. Matteson said the PC told Mr. Decandio he could move his

existing driveway to the location of his request and share it but that a second access should not be allowed.

Mr. Rhodes told Mr. Matteson that 4 of the 5 board members attended the Zoning meeting with Mr. Mark Blucher the previous week. Mr. Rhodes said the meeting was informative and that no decision had been made as to whether there should be a ZBA (Zoning Board of Adjustment) or DRB (Development Review Board).

Mr. Matteson said the PC has a grant and would proceed and prepare something that will be similar to the last time. Mr. Rhodes asked Board members if they want the PC to continue as suggested by Mr. Matteson.

Mr. Diction said the system the Town has is not broke and he does not want to fix something that is not broke. Mr. Diction said what the Town has in place works very well. Mr. Matteson said there is nothing in place. Mr. Terenzini said it works well because there are no regulations. Mr. Matteson said the townspeople want zoning.

Mr. Diction said the Board does not know what type of zoning the people want. Mr. Matteson said an overwhelming number of townspeople want zoning according to the vote.

Mr. Rhodes said 38% want moderate zoning, 20.7 want minimal, 18.4 want restrictive and 22.7 no zoning. Mr. Diction said the results don't tell him anything and is only a straw poll. Mr. Diction said if the Board had something specific it would be different.

Mr. Diction said the Board would be introducing more cost to people who are trying to build and do things in our town. He said such actions would not be conducive to our economy at this point. He said he does not want to break the wheel and make something different, when it is working. He said he has not heard from people saying we need this or we don't need this.

Mr. Rhodes said the Board should have probably just asked a yes or no question. Mr. Matteson said 78% of the people want some form of zoning. Mr. Diction said no member of the public attended the informative meeting, which the Board had called for the people to come and voice their opinion. Mr. Rhodes said two people attended that were against zoning.

Mr. Matteson said if all the Board members are against zoning then they need to say so. He said the Board should not blame the lack of action on zoning on the people. Mr. Terenzini said he is against zoning. Mr. Diction said he made his position know. Mr. Hawley told Mr. Matteson that he looks at the poll results a little different than Mr. Matteson does. Mr. Hawley said it is not an easy "yes" or "no" thing, referring to the ballot question.

Mr. Hawley said someone that wants minimal zoning probably doesn't want him putting up a garage on the property line. He said common respect and neighborly goodwill and

all that stuff needs to come into play somewhere. Mr. Hawley questioned if the Town has gotten to the point where it has to dictate to people. Mr. Hall said he has not had one person in town ask him about zoning since the poll was taken. Mr. Hall said he is neither for nor against zoning and that he just doesn't know.

Mr. Hall said the Board needs to table zoning for a while. He said eventually word would get out that we had these discussions and maybe then we would have something to hang our hat on. Mr. Dicton said the PC should work on getting the Town Plan up to snuff.

Mr. Matteson said the Town Plan was readopted two years ago. Mr. Dicton suggested the PC spend time annually reviewing the Town Plan. Mr. Matteson said the PC reviews the Town Plan every five years. Mr. Terenzini said he is against added cost and micro managing residents in the town.

Mr. Mark Blucher, Executive Director of the Rutland Regional Planning Commission, told the Board that the zoning grant was primarily for holding public meeting. Mr. Blucher said the PC could send a zoning document to the Board and the Board could simply send it on to the voters for a vote. Mr. Blucher said the vote of the public would be binding.

Mr. Rhodes said the Board is either going to adopt nothing or something that makes them happy. Mr. Rhodes said he would like to let the people decide. The matter was discussed further.

Mr. Hall made a motion to table the process. The motion died due to lack of second. Mr. Terenzini moved to inform the Planning Commission not proceed with the zoning document indefinitely. Mr. Dicton made a second to the motion. The motion passed by a vote of 3 to 2. Mr. Rhodes and Mr. Hawley voted in the negative.

Mr. Blucher said the Town would have to return the planning grant it was awarded.

Attorney Carl Anderson was in attendance regarding the Liquor license request for his client, East Restaurant LLC. Mr. Rhodes informed Mr. Anderson that the Board had approved the request.

Solid Waste Alliance Communities & Rutland Transportation Council: Mr. Shields reported:

Mr. Shields took the opportunity to tell the Board that he supports Zoning and that he would have called Board members and told them so had he knew they wanted to hear from the public. Mr. Shields said it has been the same thing for the past 15 to 20 years. A document is presented then is sent back. Mr. Shields said zoning is moving forward and throwing out the grant is not progress.

Mr. Dicton asked Mr. Shields what is broken in the system. Mr. Shields said rules and regulation are progress and a leveling of the field for everybody in town. Mr. Shields said he is part of the 78 % that wants zoning and that the Board is telling him they will not listen to him.

Town Administrator Mr. Joseph Zingale Jr. said that if the Board is for local control, zoning is how the Town gets local control. Mr. Zingale cited an example of a Town business that has been denied a sign by VTrans. He said Vtrans made the decision because the Town does not have zoning regulations.

Mr. Zingale said the town would have made the decision whether the business got a new sign not VTrans, if the Town has zoning regulations. Mr. Zingale said the Town would get local control with zoning and has no control without zoning. Mr. Zingale said the Town officials and the administrator would decide whether a business gets a sign.

Regional Planning Commission Mr. Fred Nicholson reported:

Mr. Nicholson took the opportunity to tell the Board he was remiss not to call board members and tell them he is in favor of minimal zoning regulations. Mr. Nicholson said zoning doesn't need to be restrictive or add a lot of cost to building.

Mr. Nicholson said minimal zoning would save money for developers in town due to the fact that any commercial project now over one acre has to get an Act 250 permit. Mr. Nicholson said with minimal zoning the acreage goes to 10 acres and would avoid the Act 250 process.

Mr. Nicholson said if the Board waits until zoning is needed it would be too late. Mr. Nicholson gave the example of the Reggae Fest that had been planned for the Town. He said in the end the event went belly-up, but that had it moved forward anything the Town might have adopted would have been too late to stop the event.

Town Road Commissioner: Mr. Byron Hathaway reported:

1. Reported there a couple more days of paving work to complete.
2. Informed the Board he removed Seward Road from the list to be paved when he recently learned there would be a force main installed along Seward Road for the new Credit Union. Mr. Hathaway said he would do the lower half of Hitzel Terrace instead.
3. Informed the Board that he was approached by a Randbury Road Business owner that is in favor of a new service road tying Randbury Road into Cold River Road. Mr. Hathaway said the business owner has two customers that refuse to do business with him due to the poor access to his business on Randbury Road.

Mr. Hathaway cited the fact there is a lot of tax money coming from the area of town in question. He cited real estate, personal property and Local option taxes coming from the south end of Town.

Mr. Rhodes asked Mr. Hathaway if he had a chance to talk to the owners of Mr. Twitters regarding the water runoff from their property. Mr. Hathaway said he had not let spoken with the property owners.

Mr. Blucher and Mr. Jamie Stewart, Executive Director of the Rutland Economic Development Corporation, met with the Board regarding participation in a Route 4 Center Rutland Corridor study to determine the best way to provide water and sewer service to the corridor.

Mr. Stewart said he has heard consistently for the past three years that something has to be done with the Center Rutland corridor. Mr. Stewart said the lack of municipal services is the main reason the corridor has not seen new development. He said the existing businesses were built prior to any wastewater rules and that if they want to change anything they cannot due to lack of access to public sewer.

Mr. Stewart said he previous began talks with West Rutland, Rutland Town and the City of Rutland regarding the project. He said a scope of work would look at: (1) What are the viable resources available today for providing water and wastewater service, (2) What would be the cost to provide the services. He said the total study would cost about **\$15,000.00.**

Mr. Rhodes questioned if the City of Rutland would be involved. Mr. Stewart said that at this point the City is not prepared to be involved. Mr. Stewart said West Rutland officials are participating and believe they have the sewer capacity for the project. Mr. Stewart said that ideally he would like the City of Rutland involved in the study. Mr. Hall questioned Mr. Stewart regarding the geographic area of the study area.

Mr. Stewart said the goal of the project is to bring water and sewer services to the corridor to provide for redevelopment and new development. Mr. Rhodes questioned Mr. Stewart regarding affordable housing and the planned project. Mr. Stewart said there is a requirement within Community Development Block Grants that requires applicants to show there is the potential support for low and moderate income Vermonters.

Mr. Stewart said typically firemen and EMT's fall under the moderate-income status. Mr. Blucher said the Rutland Town Plan contains the types of residential districts that would allow the inclusion of affordable housing units. Mr. Blucher said the Town would not be mandated to have a certain percentage of affordable housing. Mr. Stewart said such requirements would not apply to the proposed study, since the study is very basic and is focused on what would it take to bring water and wastewater to the corridor.

Mr. Stewart said the study would position the Town to apply for Federal funds to construct the project should the Town decide to move forward and if the funds are available.

Mr. Stewart said the total local match would be **\$3,750.00** and would be reduced even further by local in-kind contributions. Mr. Terenzini said it would be well worth the Town's time and money to participate in the study. Mr. Rhodes said the Board should get input from the School Board regarding the affordable housing component.

Mr. Hall moved to move forward with the Center Rutland Corridor concept Mr. Blucher and Mr. Stewart have presented. Mr. Terenzini made a second to the motion. The motion passed unanimously.

Recreation Director: Mike Rowe:

1. Reported the pool will close on August 27
2. Told the Board soccer registration would be on August 23, 24 and 25 at the pool
3. Mr. Rowe informed the Board he spent **\$2,200.00** for an automated pool vacuum. Mr. Rowe discussed other planned improvements with the Board.

Mr. Hall questioned Mr. Rowe as to the location of the back-up pump. Mr. Rowe said the pump had been moved to a different location.

Mr. Rhodes told Mr. Rowe that he needs to inform the Board prior to any group or individual putting on a program at Northwood Park. Mr. Rhodes said by doing so the Board could ensure there are no scheduling conflicts and make sure proper insurance is in place.

Mr. Rhodes told Mr. Rowe that individuals have told him that Mr. Rowe is doing a good job.

Fire Chief: Joseph Denardo reported:

1. Suggested the Board name the Dingee Machine Company as a preferred vendor for fire apparatus bodies. Mr. Rhodes question such a designation given the fact the Board could have two new members in March.

Mr. Denardo said he made the suggestion because it allows the Town Firemen to pick Mr. Dingee's brain a little more and would have him (Mr. Dingee) involved with the truck right from the start. Mr. Denardo said over the past 20 years all of the Town's trucks have been made by Mr. Dingee with the exception of the truck, which was made in South Dakota.

Mr. Denardo said Mr. Dingee is uneasy about the amount of his time he is putting into the Town truck process. Mr. Denardo said Mr. Dingee attended up to three

meeting and helped design the most recent truck. Mr. Denardo told the Board that there have only been two bids per truck going back to the year 2000. Mr. Denardo said Mr. Dingee has either been the low bidder or the only bidder to meet the specifications and that he had received the last four truck contracts.

Mr. Denardo said that in 1988 he was against awarding a truck contract to Dingee Machine. Mr. Denardo said he gave Mr. Dingee a hard time until he (Mr. Dingee) built the truck and convinced Mr. Denardo he could build trucks.

Mr. Denardo said Engine # 4 is scheduled to be replaced in 2013. Mr. Denardo said beginning in August a five member Truck Committee will meet to plan for the construction of a new pumper / tanker. Mr. Denardo said Dingee Machine is an honest reputable dealer that builds quality trucks he will stand behind. Mr. Denardo said Mr. Dingee would work on a truck he sold the Town 22 years ago and not charge the Town for the repair.

Mr. Denardo said the Board needs to take into consideration: (1) getting what you want when we spend **\$350,000.00** and (2) getting good quality equipment. Mr. Denardo said he has a very good working relationship with Mr. Dingee.

Mr. Denardo said Mr. Dingee would get involved with engine # 4. Mr. Denardo said Mr. Dingee has information and a computer program he will share with the Town developing the specifications for the new truck. Mr. Denardo said he (Mr. Dingee) would do this regardless of whether he gets the bid.

Mr. Dicton suggested the Town pay Mr. Dingee a consulting fee for the time he is putting into the Town's truck selection process. Mr. Dicton said he has a problem doing an exclusive bid for the kind of money involved. Mr. Denardo said if the Town were to pay Mr. Dingee other companies might not want to bid.

Board members discussed the matter further with Mr. Denardo and took no action.

Mr. Rhodes said he had received enough complaints regarding dogs at Northwood Park he decided to bring the matter to the Board's attention. Mr. Rhodes cited a letter submitted by a Town resident in which the resident said she and others would talk to people about not letting their dogs run loose and picking up after their dogs in Northwood Park.

Mr. Aston Hart told the Board that he walks his dog regularly in Northwood Park and that he sees people unleashing their dogs when they get to the pipeline. He said he also sees some dogs loose in the Park area. He said the Town needs to police loose dogs in the park. Mr. Hart said the owners that are allowing their dogs to run loose in the Park need to be told it is not allowed. Mr. Hart said most of the people walking along the pipeline seem responsible.

Mr. Rhodes said that according to Captain John Faignant, people have reported dogs jumping on them while they were walking in the park. Mr. Rhodes cited a letter from town resident Ms. Maryann Goulette, stating she walks her dog in the Park and that she is against banning dogs from the park.

Mr. Rhodes said people need to patrol themselves and understand there is a leash law in town. Mr. Rhodes said the Board would not be taking any action at this time.

Ms. Gretchen Hubbard told the Board that she and others can help police the park by telling people to keep their dogs on a leash and to pick up after their dogs. Mr. Hathaway will put up more "pick up after your dog" signs at Northwood Park.

Town Administrator: Mr. Joseph Zingale reported:

1. Presented a price quote of **\$1,703.00** from the Hubbard Brothers to repair the door to the compactor. Mr. Rhodes said Mr. Zingale should get a price from Earl's Truck repair. Mr. Rhodes said he knows Earl's has certified welders and he said he did not know if the Hubbard's use a certified welder.
2. Informed the Board that according to the Historic Preservation Grant Manual, roof repairs would be easier to fund than repairing the chimney. The Board discussed the matter and took no action.
3. Informed the Board he is attempting to recover **\$2,125.00** in expenses the Town incurred as a result of a Health Officer action in Center Rutland.
4. Briefed the Board regarding the status of the Security Lighting project.

The Board discussed the Basic Emergency Operations Plan. Mr. Hall said there is a lot of stuff in the plan. Mr. Hall suggested the Board's Fire Committee and Chief Denardo review the plan at a meeting. Mr. Denardo said he believes what is in the plan is accurate since Mr. Mike Barron was involved in compiling the information. Mr. Hawley had several questions as to the roles of the Select Board and LEPC in the Operations Plan.

Mr. Nicholson said the Board needs to adopt something or else the Town will not be eligible for FEMA Funds. The Fire Committee scheduled a meeting on Thursday August 18, at 3:00 PM.

Chief Denardo and the Board discussed possible improvements to the Center Rutland Fire Station. Mr. Denardo told the Board that the Center Rutland Station is 44 years old and has been neglected. He said the station is very cramped and inadequate. Mr. Denardo said Center Station needs a new roof.

Mr. Denardo said he chose Nimitz, Barryhill and Figiel (NBF) as architects because they designed the Fire Stations for the Towns of West Rutland and Brandon. Mr. Denardo



said that based on good reviews he asked Mr. Barryhill if he would be interested in the Town's project. Mr. Denardo said the next step would be to have an architect develop a conceptual plan. Mr. Rhodes read from the letter submitted by NBF, which addressed what would be done.

Mr. Denardo said the Department would go before the voters in March seeking approval of **\$9,000.00** to begin the Conceptual Plan. Mr. Denardo said the next step after the Conceptual Plan would be to develop a drawing of the building, how it will set on the lot, how tall it will be and would also determine the cost of a new building. Mr. Denardo said the cost could be as much as **\$850,000.00**.

Mr. Rhodes said the Department needs to set up a steering committee, which would do needs assessment. Mr. Rhodes said he could not support the project if a police force or housing for a police force has anything to do with the proposal.

The matter was discussed further and no action was taken.

The Board reviewed packet correspondence.

Mr. Hawley moved to close the meeting. Mr. Terenzini made a second to the motion. The motion passed unanimously