

**TOWN OF RUTLAND
SELECT BOARD**

MINUTES: Tuesday, April 19, 2016

Board members present: Josh Terenzini, Mary Ashcroft, John Paul Faignant, Chris Kiefer-Cioffi, Joe Denardo

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

Errors and Omissions of Board Minutes-April 5, 2016:

Ms. Ashcroft moved to approve the minutes with corrections. Mr. Faignant made a second to the motion. Motion passed unanimously.

Questions from the Floor:Public Comments:

Mr. Red Grover asked Ms. Ashcroft for an update regarding the Grover Drive road acceptance. Ms. Ashcroft gave an overview of the progress made to date. In an unrelated matter Mr. Grover told the Board that a dry hydrant installed in the Grover development.

Mr. Grover asked if the Board has the authority to supersede the Town Attorney authority. Mr. Terenzini said the Board and but that it would be ill-advised on their part.

Town Administrator Mr. Joseph Zingle, Jr reported:

- 1) Mr. Zingale informed the Board they will have to name a private road located off the Post Road. He told the Board that according to the 911 ordinance, a private drive with three or more homes must be named for 911 purposes.

He told the Board that there are presently two houses on the road and that two more are proposed to be constructed. He said previous Boards have allowed the home owner to name the road if the proposed name is acceptable to the Board. He told the Board that all non-approved town roads end in the suffix "Place".

Ms. Ashcroft asked if the owners will be going through the Town subdivision process. Mr. Zingale said both homes are proposed for the same parcel of land and that there is no proposed subdivision. Town Fire Chief Mr. Frank Cioffi will be meeting with the Planning Commission on Thursday, April 21, 2016 to discuss considering not approving roads that don't meet Town specifications, according to Mr. Zingale.

- 2) Mr. Zingale asked the Board to ratify a change order regarding renovations at the Town office. Ms. Ashcroft made a motion to approve. Mr. Faignant made a second to the motion. Motion passed unanimously.

- 3) Mr. Zingale informed the Board that the office renovations are ongoing and that the work should be done in a couple of weeks. Mr. Terenzini asked about the ceiling repairs. Mr. Zingale stated the Town would be repairing the ceiling.
- 4) Ms. Kiefer-Cioffi thanked Mr. Zingale for sending the Board packets via email.

Town Planning Commission Clerk Mr. Dana Peterson:

- 1) Mr. Peterson presented the amended Town Plan to the Board for consideration
- 2) Mr. Terenzini asked how the view shed amendment would be enforced. Mr. Peterson stated the language in the proposed Town Plan is to address large structures that would impact a view shed. Mr. Zingale said Act 250 and not the Town would enforce the View Shed criterion. Mr. Peterson said the revisions to the Town Plan were made to bring cohesion to the Act 250 and 248 permit processes.
- 3) Ms. Kiefer-Cioffi asked Mr. Peterson why the Commission amended Plan. Mr. Peterson said because the Select Board requested the development of solar sighting standards for the Town Plan. In addition, he said the Commission wanted to revise the land use map.
- 4) Ms. Ashcroft asked Mr. Zingale what would be the next step in the adoption process. Mr. Peterson said the Commission had a public hearing on March 3, 2016.
- 5) Mr. Denardo asked the meeting would be a regular Select Board meeting or a meeting to specifically discuss the proposed Plan. Mr. Denardo made a motion to hold a special meeting to discuss the proposed Plan with members of Planning Commission. Mr. Faignant made a second to the motion. Motion passed unanimously. There will be a meeting on Tuesday, April 26, 2016 at 6:30 P.M. to discuss Town Plan revisions.

Town SWAC & Transfer Station Representative Mr. Richard Lloyd reported:

- 1) Mr. Lloyd reported the April 9, 2016 household hazardous waste collection was successful.
- 2) Mr. Lloyd informed the Board that Saturday, May 7, 2016 is green up day. Mr. Lloyd said bags are available at the Transfer Station and the Town Hall.
- 3) Mr. Denardo said the roll off boxes need maintenance. Mr. Lloyd said he will contact the Hubbard's to inspect the rollers.
- 4) Mr. Hathaway told the Board that the cardboard dumpster is rotted and needs to be replaced. Mr. Lloyd said he will use another dumpster until a new one can be purchased.

- 5) Mr. Terenzini appointed Mr. Denardo and Mr. Fagnant to the Transfer Station Committee.

Town Emergency Management Director and Transportation Council Representative Mr. Martin Wasserman reported:

Not present

Town Clerk & Treasurer Ms. Donna Zeller reported:

- 1) Ms. Zeller was absent. Ms. Ashcroft read Ms. Zeller's report.
- 2) Rutland Town Scholarships applications are due Friday, April 22, 2016. Ms. Ashcroft stated 10 have been received.
- 3) The Town Hall will be closed on Wednesday, April 27, 2016 for the Town Officers Education Conference.
- 4) Ms. Ashcroft asked the Board sign a check, not to exceed **\$123,267.03**, for sewer payment to the Rutland City Treasurer.
- 5) Final tax payments are due on Tuesday, May 10, 2016. Late payments will include an 8% penalty as well as monthly accumulated interest.
- 6) Ms. Zeller has not received correct cash receipt reports from Delinquent Tax Collector.

Rutland Town Road Commissioner Byron Hathaway reported:

- 1) Mr. Hathaway asked Mr. Zingale to research whether a speed limit has been adopted for Blue Ridge Drive. Mr. Zingale will look into the matter and report back to Mr. Hathaway.
- 2) Mr. Hathaway presented the Highway Budget, as of the last ledger sheet he received from Ms. Zeller. He explained that although it looks like there is a **\$597,984.00** deficit, there is a May tax payment of **\$228,650.00**, and 4th quarter state aid payment of **\$27,587.00**. The ledger doesn't show the \$700,000.00 credit for the Highway Garage. The carryover from last year is **\$227,862.00**, making the total current budget of **\$646,114.00**. Mr. Hathaway stated the monthly operating expenses are **\$50,000.00**. There are some Town roads that will need construction in preparation for paving which will be **\$60,000.00**.
- 3) Mr. Hathaway gave the Board an update regarding the new Highway Garage.
- 4) Mr. Hathaway requested a Complete Streets Committee meeting with the Select Board regarding the committee's progress.

- 5) Mr. Hathaway told the Board that only one bid was received for line striping and intersection marking. The total is \$16,500.00, and \$10,000.00 was budgeted. Mr. Hathaway suggested rejecting the bid and come up with an alternative with the Highway Committee. Ms. Ashcroft made a motion to accept Mr. Hathaway's suggestion. Mr. Faignant made a second to the motion. Motion passed unanimously.
- 6) Mr. Hathaway presented a 50/50 equipment grant for Vermont League of Cities and Towns (VLCT) totaling \$8,119.00. Ms. Ashcroft made a motion to approve the grant and for the Chair to sign. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

Town Fire Chief Mr. Francis Cioffi reported.

- 1) Mr. Cioffi stated he and Mr. Denardo are in the process of installing a dry hydrant off Grover Drive.
- 2) Mr. Cioffi told the Board that he has received the engineer's report regarding the HVAC system. He said he is in the process of getting prices for the proposed work.
- 3) Mr. Terenzini read the April 15, 2016 Fire Committee report. After some discussion, Mr. Faignant made a motion to approve the purchase of the Town fire truck in the amount of \$540,574.00 with the provision in the bond and the contract be changed so Vermont law will apply and be the forum state. Ms. Ashcroft made a second to the motion. Motion passed unanimously.
- 4) Mr. Cioffi told the Board that he will be attending the next Planning Commission meeting to address the quality of non-approved Town roads. Mr. Denardo said that most of the private roads will support a cement truck.
- 5) Mr. Denardo inquired as to whether fire hydrants will be installed on the south side of Business Route 4. Mr. Zingale will look into the matter and report back.

Town Representative to the Rutland Planning Commission Mr. Fred Nicholson reported:

Not present.

Rutland Town Police Chief Ed Dumas reported:

- 1) Mr. Dumas presented a liquor license application for Cass incorporated at 46 Diamond Run Mall. Mr. Zingale informed the Board that the Town Attorney is in the process of contacting the Diamond Run Mall attorney.

Mr. Terenzini read an email from Mr. Steven Benard to Chief Dumas, which stated: "As of tomorrow, April 19, 2016 at 22 hundred hours, we'll be cutting back our patrol coverage at the Diamond Run Mall. We will be working Friday, April 22, 2016 from 17 to 22 hundred hours, Saturday, April 23, 2016 from 1,000 hours to 22 hundred hours, and Sunday, April 24, 2016 from 1100 hours to 1700 hours. We will continue those hours each Friday, Saturday and Sunday along with the expanded coverage for Black Friday and Christmas until further notice. We will not be providing on call services for the hours the mall is open and we are not working there. We will also no longer be providing after hour alarm responses or any after hour calls for service. Please call with questions, Steven Benard."

- 2) Mr. Faignant made a motion to table the liquor license on the grounds there is no law enforcement to deal with issues that may come up connected to the liquor license. Ms. Ashcroft made a second to the motion. Motion passed unanimously.

- 3) Mr. Dumas read the stats from the Town Police Report:

Rutland Town Police Department

Monthly Activity Report

For the Month of: March 2016

Activity Data	Assigned Calls:	90
	Assigned Assists:	6
	Criminal Arrests / Lodging	0
	Criminal Arrests / Citation:	0
	Number of Traffic Stops:	41
	Number of VCVCs Issued:	17
	Total Waiver Fines:	\$2,539.00
	Number of Warnings:	26
Time Data	Total Hours Spent on Call Assignments:	36.25
	Total Hours Spent on Assigned Assists:	2.75
	Total Hours Spent on Directed Patrol: (S.R.O. Assignment / Speed Enforcement / General Traffic Offenses)	168.25
	Total Hours Spent on Case Reports: (Report Preparation / Not Investigation)	28.25
	Total Hours Spent in Court: (Traffic Court / Criminal Trial / Deposition)	0.00
	Total Hours Spent on Administrative Duties:	80.00
	Total Hours Spent in Training:	9.25
	Total Hours Spent on Vehicle Maintenance: (Routine Service / Repairs / Maintenance / Cleaning)	13.25
	Total Hours Spent on General Patrol / Other:	68.00

- 4) Mr. Denardo asked why the Police Department is submitting a monthly report. Mr. Faignant said because the records must be produced and because they are available. Mr. Faignant inquired about the 80 administrative hours worked by the department. Chief Dumas said Captain Mr. Ted Washburn is working on a grant for Major Mr. John Sly, who is working at the Rutland Town School. Ms. Ashcroft asked Mr. Dumas to make a separate category for the SRO Officer Mr. John Sly on the report.

- 5) Mr. Dumas asked the Board to consider contracting out with an animal control agency. Mr. Faignant asked Mr. Dumas to contract the City of Rutland and ask how much they would charge as an on call basis.
- 6) Mr. Dumas asked about the speed limit on Post Road. Ms. Ashcroft gave an overview of the last Complete Streets meeting. She said there is an option to place a "road hump" which is less rough on cars but will still slow them down. This is in the discussion state and there will have to be more meetings with the Select Board and the Planning Commission.
- 7) Mr. Dumas told the Board that Mr. Sly is receiving SRO training in Maine.

Rutland Town Recreation Director Mike Rowe reported:

- 1) Mr. Rowe told the Board that all of Rutland Town's parks are up and running. He told the Board that Mr. Chuck Hall is the new maintenance employee.
- 2) He told the Board that Baseball, Softball and T Ball will begin the week of April 25, 2016.
- 3) He said the water will soon be pumped out of Northwood Pool and that cleaning the pool would begin.

Committee Meeting Updates:

Finance:

Ms. Ashcroft reported that Captain Mr. Ted Washburn presented a pay scale proposal for the Police Department. She said the Committee asked Mr. Washburn to gather additional information regarding Police Departments in smaller towns and towns that are not unionized, and to address increased training.

Ms. Ashcroft read the guidelines for a Town credit card which the Committee would be comfortable with. She said the Committee discussed who would be allowed to use the card.

Ms. Ashcroft said that A&M Peisch will be submitting information from smaller towns that may have a credit card policy. Ms. Ashcroft will gather information from the Vermont League of Cities and Towns and will create a proposal.

She reported that the Committee also discussed each Department and a five year look ahead for major expenditures.

She said the Committee would like to start the budget process earlier this year.

Complete Streets:

Ms. Ashcroft reported that West Proctor Road and East Pittsford Road will be re-paved this year.

Ms. Ashcroft cited the Complete Streets guidelines for rebuilding roads. The Committee performed a survey and will report to the Select Board and Planning Commission.

The Committee will be checking on speeds on roads that will be line striped and see what affect it has.

Ms. Kiefer-Cioffi asked about the issue of the Town Police Department working on holidays. Mr. Terenzini said that would fall under personnel.

New Busines

- Delinquent Tax Collector Mr. Chris Howland was present and reported he met with Ms. Donna Zeller and turned in eight corrected reports, one that hasn't been delivered yet, and four that need work. Mr. Howland said the amount of uncollected taxes is \$68,819.80. One taxpayers rate will be reduced to \$475.00.00 due to issues with NEMRC. Mr. Faignant asked how much Mr. Howland has collected in taxes.

Mr. Howland stated \$362,000.00, although \$22,000.00 was abated for Rutland Plywood. Mr. Faignant asked again the amount of taxes collected in the fiscal year. Mr. Howland stated it is \$362,000.00 minus \$68,00.00, which is \$293,200.00. Mr. Faignant said he was under the impression Mr. Howland would be bringing the total amount of the collected taxes and the total amount of uncollected taxes for the last fiscal year. Mr. Faignant cited the report from Ms. Zeller saying she has not received corrected cash receipts from Mr. Howland.

Mr. Howland said he met with Ms. Zeller after she had submitted her report. Mr. Faignant asked if there is a reason reports are not being sent contemporaneously. Mr. Howland explained the process of how the reports were processed and the errors with NEMRC that are being resolved. Ms. Ashcroft asked how a person researching a property for sale can get the information on delinquent taxes promptly to go to closing, clear the debt and get the payment to the Town. Mr. Howland explained that Ms. Zeller has the numbers, or he can be contacted directly.

Ms. Ashcroft asked how long the town around time would be. Mr. Howland stated the longest has been two days. Ms. Ashcroft stated the pace of real estate closings is picking up. Mr. Faignant asked if Mr. Howland has been taking his fees out of the amounts he's recovered. Mr. Howland said he has not received fees for anything that has been submitted incorrectly, totaling less than \$10,000.00. Mr. Faignant asked when Mr. Howland would be concluding his work.

Mr. Howland said it should be Monday, April 25, 2016 providing there are no other errors. Ms. Kiefer-Cioffi asked about if Mr. Howland the reports are compatible with reporting. Mr. Howland explained the process of how he receives the tax information and processes it. It was not compatible with NEMRC because it was not customized with how the Town processes delinquent taxes. Mr. Howland stated there are some

delinquent taxpayers with an amount of \$1.00 or less. Mr. Howland said he would be paying those bills himself. Ms. Ashcroft strongly advised Mr. Howland not to pay those small amounts, rather go through the correct procedure of pre-election/Board of Civil Authority meeting. Mr. Howland will come back to the next Select Board meeting with a report on his progress.

- The Board considered a letter of support for Rutland City regarding a proposed Combine Sewer Overflow (CSO) rule change that would prohibit new connections to the Rutland Waste Water Treatment Plant.

Mr. Zingale told the Board that the City would like to continue under their present permit, which seeks compliance through fixes to the plant and storm water mitigation. Ms. Ashcroft asked how much it would cost the City of Rutland to separate storm water and sewer. Mr. Zingale stated the Depart of Public Work's Commissioner Mr. Jeff Wennberg has said it would cost \$125,000,000.00.

Ms. Ashcroft asked what percentage of the City has been separated by storm was and sewer. Mr. Zingale said about 25% has been separated. Mr. Faignant stated that during a normal rain event the City is processing storm water to the point the storm water is cleaner than the water in the creek. He said only in extraordinary rain events does the City discharge directly to the creek.

Mr. Faignant made a motion to amend the letter to add the fact that the proposed Vermont State Police barracks on Route 103 would not be allowed to connect to public sewer if the new rule were in effect and the City was in violation and for the Chair to sign the letter. Ms. Ashcroft made a second to the motion. Motion passed unanimously.

- The Board considered a Hoosick Hydro, LLC. Proposal. The Board received and filed the letter.
- Ms. Ashcroft moved to approve the following appointments:

Mr. Byron Hathaway-	Inspector of wood
Mr. Israel Mac-	Weigher of coal
Mr. Paul Williams-	Poundkeeper
Mr. Fred Nicholson, Mr. Charlie Hemenway and Mr. Steve Russell-Fence Viewers	
Mr. Fred Nicholson-	Town Tree Warden

Mr. Faignant made a second to the motion. Motion passed unanimously.

Old Business:

- The Board discussed Town Clerk Ms. Zeller striking names off nomination petitions. Mr. Faignant stated he learned about this at the last election and that he obtained an opinion on the matter from Town Attorney Mr. Kevin Brown. He said according to Mr. Brown's it is not appropriate to strike a voter's name from a nomination petition. He said additionally and any registered Town voter can sign as many petitions as there are

candidates for office.

Mr. Faignant made a motion to adopt the policy allowing Town registered voters to sign petitions for as many candidates as are running for office. Ms. Ashcroft gave her interpretation of the Secretary of the State's opinion, and said she doesn't feel comfortable setting policy for the Town until the Supreme Court or the Legislature rule on the issue.

Ms. Ashcroft suggested a declaratory ruling. Mr. Faignant stated the Secretary of State will not represent Ms. Zeller in a declaratory judgement ruling. Mr. Denardo made a second to the motion. Mr. Denardo cited a statement made by Ms. Zeller regarding signing multiple petitions.

- Ms. Ashcroft moved to table the motion. Mr. Faignant reiterated the motion. Joe Denardo made a second to the motion. Motion passed 3-2. Ms. Ashcroft and Mr. Denardo voted in the negative.
- The Board discussed Town Clerk/Treasurer's office hours. Mr. Faignant cited the office hours of the former Town Clerk/Treasurer, and said the office should be open Monday through Friday 8:00 A.M. to 4:30 P.M. Ms. Kiefer-Cioffi told Board members that she has received complaints regarding the Town Clerk/Treasurer's office and that she is very concerned.

Mr. Terenzini cited the fact there are two full time employees who would be able to cover lunches. Mr. Terenzini expressed concern the Town Office is closed on Friday afternoons. Ms. Ashcroft agreed there could be staggered lunches in the Town Clerk/Treasurer's office.

Ms. Ashcroft suggested Ms. Zeller give the Board a date certain in which the office will be open on Friday afternoons. Mr. Faignant made a motion for the Town Clerk/Treasurer's office be open Monday-Friday 8:00A.M.-4:30 P.M. Mr. Dumas told the Board there were times the Clerks felt uncomfortable when certain people are in their office and consider it a security issue.

Ms. Kiefer-Cioffi asked why it is an issue when there was only one Clerk there while the other was on vacation. Ms. Kiefer-Cioffi made a second to the motion. Ms. Ashcroft requested one other person be in the building when the Town Clerk/Treasurer's office employees take their lunches. Mr. Faignant made an amendment to his motion to include two people will be in the Town Hall Building during the day. Ms. Kiefer-Cioffi made a second to the motion. The motion passed unanimously.

- Mr. Terenzini recognized Town resident and Eagle Scout Mr. Cody Tarmy. Ms. Ashcroft read a letter of congratulations from the Select Board to Mr. Tarmy. Ms. Ashcroft made a motion to adopt the letter from the Board. Mr. Faignant made a motion to approve. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

Correspondance:

- The Board reviewed the change order from Smalley Construction regarding the Town Hall renovations.
- The Board reviewed the welcome letter from the Administrator's Office. Mr. Terenzini requested a letter to Ashley Home Furniture at the next meeting for the Board to sign.
- The Board reviewed the letter from Mr. Zingale to Mr. David Pasco regarding the Rutland Town School parking lot.
- Ms. Kiefer-Cioffi stated the Rutland Town Police are enforcing the 25 mph speed limit.
- Mr. Terenzini made a motion to move into executive session. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.
- The Select Board went into executive session at 9:10 P.M. to discuss personnel matters. The Select Board came out of executive session at 9:19 P.M. Mr. Faignant moved that the payroll check #15-21 be approved with the exception of Carolyn Zeller's time slip which is denied for lack of detail. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously. Meeting adjourned at 9:21 P.M.

