

**TOWN OF RUTLAND  
SELECT BOARD**

MINUTES: Tuesday, May 17, 2016

Board members present: Josh Terenzini, Mary Ashcroft, John Paul Fagnant, Chris Kiefer-Cioffi

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

Errors and Omissions of Board Minutes-May 3, 2016:

Mr. Fagnant moved to approve minutes from the May 3, 2016 meeting. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

Mr. Terenzini reported on the special Select Board meeting on Friday, May 13, 2016 at 8:00 A.M. to approve a \$1,000,000.00 transfer to the School District. Ms. Ashcroft moved to accept the minutes as printed. Ms. Kiefer-Cioffi made a second to the motion. Motion passed 3-1 with Mr. Fagnant abstaining.

Questions from the Floor: Public Comments:

There were no questions from the floor.

New Business

- Mr. Lyle Jepson, Executive Director of Rutland Economic Development Corporation (REDC) was present and reported on the creation of the Airport Development Committee. Mr. Jepson stated the Town may be affected positively as there is a sewer line the Town owns that runs from Clarendon Industrial Park to the City. Mr. Jepson said the Committee may ask the Board for a letter of support for a grant, feasibility study or a business plan for the project. Ms. Ashcroft said that Mr. Joseph Zingale, Jr. will be attending the next meeting to discuss the sewer line. Mr. Terenzini thanked Ms. Ashcroft for agreeing to be a member of the Committee.
- Mr. Jepson updated the Board the various committees being formed at REDC.

Town Administrator Mr. Joseph Zingale, Jr reported:

- 1) Mr. Zingale cited the document in the Select Board packet regarding storm water rate increases.
- 2) Mr. Zingale cited a permit and certificate of insurance for the annual Crowley Road Race. Mr. Fagnant moved to approve the permit. Ms. Ashcroft made a second to the motion. Motion passed unanimously.

3) Mr. Zingale presented a request from Shearer Honda to connect to the Town's 10 inch water line that crosses US Route 7 South near Seward Road. Mr. Zingale said Shearer Honda is prepared to build an 8 Inch line in the event the Town would want to install a hydrant. Mr. Zingale said that because the line would be in the State Highway R-O-W the Town would need to take ownership of the line after it is permitted and installed. Mr. Faignant moved to approve the permit. Ms. Ashcroft made a second to the motion. Motion passed unanimously.

4) Mr. Zingale told the Board that the Clarendon Industrial Park need to visually verify their waste water is reaching a Town manhole on Windcrest Road. He said to do so they will need access to the manhole 4 times a year.

Mr. Zingale said access is an issue and that to allow access on a regular basis it would require the installation of a new manhole rim and cover. Mr. Zingale cited the contract between the Town and REDC which gives REDC permission to use the line and their responsibility for maintenance. Road Commissioner Mr. Byron Hathaway cited examples of standard manhole covers. Mr. Zingale will follow up with REDC.

5) Mr. Zingale told the Board the Town should not be concerned with the Act 250 9L criterion in the historic Center Rutland district along Business Route 4 because all development is grandfathered under Act 250. He said the fact the properties are grandfathered means any development would be redevelopment and not new development.

Town Planning Commission Clerk Ms. Barbara Noyes Pulling reported:

Not present

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

Mr. Lloyd was present and did not present a report.

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

Not present

Town Clerk & Treasurer Ms. Donna Zeller reported:

- 1) Ms. Zeller said Monday, May 30, 2016 is Memorial Day and the Town Offices are closed.
- 2) Ms. Zeller presented the dog warrant for the Select Board's signature. Ms. Ashcroft asked how many dogs are on the list. Ms. Zeller said there are more dogs on the list

than usual as there is no follow up. Ms. Kiefer-Cioffi asked what transpires with the list. Ms. Zeller stated the list is given to Town Police Chief Mr. Ed Dumas and it is the responsibility of the Animal Control Officer to encourage them to license their dog. Ms. Ashcroft made a motion to approve and sign the warrant. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously. Ms. Ashcroft pointed out the warrant's language reads "to destroy unlicensed dogs" and should be taken seriously. Mr. Faignant stated it is a public health issue. Ms. Zeller said it is a state requirement to make sure all dogs are vaccinated. Motion passed unanimously.

- 3) Ms. Zeller stated tax payments that are received that do not have a valid postmark will be considered delinquent and a warrant will be given to the Town's Delinquent Tax Collector. Ms. Zeller said that currently there is \$277,706.00 in delinquent taxes Ms. Zeller said the amount is lower than last year. Ms. Zeller said there is still \$67,700.00 in delinquent taxes from last year. She said she is working with the Delinquent Tax Collector Mr. Chris Howland.
- 4) Ms. Zeller said the Town will soon be receiving the second quarter Local Options Tax which is a little more than a quarter of a million dollars. Ms. Ashcroft asked if the Town was within the budget. Ms. Zeller said the Town will have \$1,152,772.00, and the Town usually budgets \$1,500,000.00. Mr. Terenzini asked how the tax department knows the difference between businesses in the City versus the Town. Ms. Zeller stated when a tax return is filed there is a space for the business owner to indicate the City or the Town. Ms. Ashcroft asked if the state sends a list of all of the businesses in the Town. Ms. Zeller said they do not. Mr. Zingale said there have been issues in the past and cited examples of businesses not knowing which town they are in. Mr. Terenzini asked for the Finance Committee to meet on the matter and invite Ms. Zeller and Mr. Zingale.

#### Old Business:

- Mr. Faignant asked Ms. Zeller if she is aware the Board voted that it be Town policy to not strike names off nomination petitions. He also asked her if she intended to honor that policy. Ms. Zeller read a letter from Mr. Will Senning, the Director of Elections for the Secretary of State's Office. Mr. Faignant said the letter states what Mr. Senning has been saying. Mr. Faignant asked if Ms. Zeller follow the advice of the Town Attorney and the Board's new policy.
- Ms. Zeller said it puts her between a rock and a hard place asking her to follow the Town Attorney's opinion rather than the Secretary of State's opinion who writes the election laws. Mr. Faignant said the state law was moved to municipal law and that is where the confusion is. Mr. Faignant said it has been the interest of the Board to have the broadest voter participation. Ms. Zeller asked what would happen if someone challenged an election based on how Ms. Zeller handled nomination petitions according to the Town Attorney's advice. Mr. Faignant stated he would defend the Town and is comfortable doing so. Ms.

Zeller read her opinion on the matter. Ms. Zeller asked the Board to draw up the new policy in writing for filing in the Clerk's Office.

- Ms. Zeller asked the candidates for the next legislative season be notified of this new policy. Ms. Ashcroft asked if Mr. Fred Nicholson of the Regional Planning Commission would let the Vermont League of Cities and Towns (VLCT) know about this controversy. Ms. Ashcroft requested Mr. Zingale draft a letter to the Town's senators, state representatives and VLCT asking for clarification on The Town opinion and the Secretary of State's opinion.

Town Storm Water consultant Mr. Andreas Torrizo was present and showed the Board a power point presentation regarding the Town's Municipal Separate Storm Sewer Permit (MS4). Mr. Torrizo made the following statements

- The Town needs to develop a regulatory storm water program.
- The Town was designated an MS4 area based on urbanization, population and the impact of Moon Brook not meeting the state's standards of water quality.
- Mr. Torrizo said he and Mr. Zingale will be looking at bylaws to determine how to make things in place more efficient and to also meet the minimum standards to satisfy the State.
- Mr. Torrizo said there will be tests on the stream corridor and buffer setbacks to control development within the stream corridor, controlling development within the stream corridor at a certain distance.
- Mr. Torrizo said he, Mr. Zingale and Orion Planning will draft a series of regulations regarding technical standards and administrative procedures to present to the Board.
- Mr. Torrizo showed the Board a map where the impacted MS4 area is within the Town.
- Mr. Terenzini asked why Killington Avenue is in the impacted area. Mr. Torrizo explained that it is because of the water draining into Moon Brook.
- Mr. Torrizo stated the first thing the Town has to do is adopt a Storm Water Ordinance and then carry out a report on Town Management Maintenance and Enforcement Program for construction and post construction storm water control.
- Mr. Torrizo said the MS4 permit requires the Town to draft a separate twenty year Flow Restoration Plan for Moon Brook.

- Mr. Torrizzo informed the Board the steps in adopting a Storm Water Ordinance.
- Mr. Torrizzo cited the regulatory loophole regarding the conditions the Town will be asked to regulate and gave examples of what other towns have done.

Ms. Ashcroft asked if the one acre standard was chosen because of Act 250. Mr. Torrizzo explained the one acre standard was designated because the standard of a State water permit is one acre.

- Mr. Torrizzo cited information from the Low Risk Site Handbook from the State.
- Mr. Torrizzo said the Rutland Town Planning Commission and Select Board will be asked to review and decide on the following: a Storm Water Ordinance, Stream Buffer Standards, thresholds for Storm Water Management and Erosion Control, and the level of outreach to the community. Ms. Ashcroft asked if after the Board and Planning Commission complete the tasks whether the Town will be in compliance. Mr. Torrizzo stated after the tasks are completed an Ordinance will be presented with all of the information that should meet the minimum State standard of the MS4 permit.

A vendor who works with Smalley Construction was present and explained why there has been additional work at the Rutland Town Municipal Offices, and cited the Americans with Disabilities Act (ADA). The vendor will also be submitting a bid for the Town's annual fire inspection. Mr. Terenzini suggested the issue be referred to the Building Committee.

Rutland Town Road Commissioner Byron Hathaway reported:

- 1) Mr. Hathaway updated the Board regarding a FEMA Procurement workshop he attended. Mr. Hathaway stated FEMA is requiring competitive bids for any debris cleanup project over **\$150,000.00**. Mr. Hathaway suggested the Finance Committee look at the bidding process in the event the Town will need FEMA after a disaster. Mr. Hathaway suggested the Finance Committee look into an alternative procurement standard for the Town in the event of a disaster.
- 2) Mr. Hathaway told the Board that the Town bike/pedestrian path Committee received an update from the engineer doing the scoping study for the project. Mr. Hathaway said there will be a meeting on Monday, June 27th, 2016, including a walk around in the West Rutland area from 4:00P.M.-5:00P.M. and then another walk around from 5:00P.M.-6:00P.M. with the Committee, engineer, and anyone else who would like to join them. Ms. Ashcroft suggested the Rutland Town Planning Commission be notified of the meeting.

- 3) Mr. Hathaway reported Dig Safe has marked out underground utilities on the McKeon/Tuttle properties. He said they are in an area that won't affect construction after an easement is drawn up.
- 4) Mr. Hathaway reported to the Board regarding street line striping machines. Mr. Hathaway cited prices from Sherwin Williams and Franklin Paint. He said Sherwin Williams has two machines priced at \$10,750.00 and \$13,789.00. He said Franklin paint has a machine for \$14,120.00.

Ms. Ashcroft said the Highway Committee met and recommends the Board purchase the line striping equipment. Mr. Hathaway pointed out to the Board the Sherwin Williams price is under the State's bid contract. Mr. Terenzini asked if there were other Municipalities willing to share in the cost. Ms. Ashcroft said the drawback with that is if both towns needed the machine at the same time. Ms. Ashcroft asked if the purchase will be going out to bid. Mr. Hathaway cited the purchasing policy of the Town and most purchases go to bid unless they are a preferred vendor. Ms. Kiefer Cioffi asked how a business becomes a preferred vendor. Mr. Faignant made a motion to accept Sherwin Williams as a preferred vendor and authorize the Highway Committee to purchase the line striper and accessories. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

- 5) Mr. Hathaway reported School Board member Mr. Matt Branchaud is concerned regarding proposed changes to parking at the school. He has asked Mr. Hathaway to look into a center turn lane on Post Road and train parents to park side by side.
- 6) Mr. Hathaway presented the Board with a document from the University of Vermont for civil and environmental engineering project solicitation. Mr. Hathaway cited some projects he thought would be beneficial to the Town.

Town Fire Chief Mr. Francis Cioffi reported.

- 1) Mr. Cioffi asked the Board for permission to take Town fire truck #41 to Memorial Day parades in Wallingford and Brandon. Mr. Terenzini gave Mr. Cioffi permission.
- 2) Mr. Cioffi informed the Board that Rutland Town firefighter Mr. Kurt Hathaway has completed his probationary period and will now be permanent.
- 3) Mr. Cioffi stated he testified at the Public Hearing at the College of St. Joseph to make the college aware of his concerns regarding emergency vehicles being able to get through during special events.
- 4) Mr. Cioffi quoted a price for a cell phone repeater for the Town Fire Station of \$4,850.00. Mr. Cioffi stated Central Vermont Communication will be handling the work and are a preferred vendor. Mr. Faignant made a motion to approve the installation of a cell phone repeater at the Town Fire Station. Ms. Kiefer-Cioffi made a second to then motion. Motion passed unanimously.

- 5) Mr. Toby Talbot from Fire Truck manufacturer Toine was present and answered questions regarding the new fire truck contract. Mr. Faignant requested the letter from Mr. Michael Schwab be added to the contract as a specification. Ms. Kiefer-Cioffi asked that the language in the contract be changed from "Rutland Township" to "Rutland Town". Mr. Faignant made a motion for Mr. Terenzini to sign the amended contract. Ms. Ashcroft made a second to the motion. Motion passed unanimously. Mr. Cioffi cited the price of the truck is \$540,277.00. Mr. Talbot explained how the contract was drafted and will be executed. Motion passed unanimously. Mr. Faignant made a motion to authorize Town Clerk/Treasurer Ms. Zeller to issue a check in the amount of \$500,480.00 to Toine, Inc. within the next 15 days. Ms. Ashcroft made a second to the motion. Motion passed unanimously.

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

- 1) Mr. Nicholson asked about the agreement the Town of Rutland and the College of St. Joseph came to at the Public Hearing regarding the college's expansion project. Mr. Zingale informed Mr. Nicholson and the Board how on-site traffic management will be modified for special events generating significant traffic.
- 2) Mr. Nicholson reported Mr. Brad Wilson from ECOS Solar was at the last Rutland Regional Planning Commission meeting and will be submitting their application to the PSB for Otter Creek Projects One and Two.
- 3) Mr. Nicholson told the Board that the Vermont Country Store will be putting an array of 500 solar panels on top of their building.
- 4) Mr. Nicholson told the Board the Town of West Rutland will be installing a net metering project off of Route 4.

Rutland Town Police Chief Ed Dumas reported:

- 1) Mr. Dumas told the Board that Mr. Major John Sly has not received a \$7,500.00 reimbursement for his health insurance buyout. After some discussion Mr. Faignant made a motion to reimburse Major Sly retroactive to January 1, 2016 and thereafter pay him quarterly. Ms. Ashcroft made a second to the motion. Motion passed unanimously.
- 2) Mr. Dumas requested a Police Committee meeting in the near future.
- 3) Mr. Dumas informed the Board that he advised a caller that the Town is not enforcing the Town's Sex Offender Ordinance.

- 4) Mr. Terenzini asked Mr. Zingale about the vehicle stuck on Town property at the end of Park Street. Mr. Zingale reported the vehicle was removed prior to the Town Police arrived. Mr. Hathaway will repair the gate.

Rutland Town Recreation Director Mike Rowe reported:

- 1) Mr. Rowe thanked Fire Chief Cioffi and Town firefighters for pumping the water out Northwood Pool. He also thanked Mr. Byron Hathaway for the use of the Town's power washer.
- 2) Mr. Rowe told the Board that Northwood Pool will be opening Friday, June 4, 2016. Mr. Rowe said residents can start signing up for passes and/or swimming lessons on June 1<sup>st</sup> and 2<sup>nd</sup>, 2016. The pool will be officially open on June 11, 2016, and schedules and fees are on the website and in the Town Hall.
- 3) Mr. Rowe asked permission to purchase a vacuum for Northwood Pool in the amount of **\$5,800.00**. Mr. Rowe stated the Town would be purchasing the vacuum directly from the vendor which is less costly than purchasing it from the preferred vendor. Mr. Faignant moved to approve the purchase of a vacuum for Northwood Pool. Ms. Ashcroft made a second to the motion. Motion passed unanimously.
- 4) Mr. Terenzini asked if the fees for pool membership and lessons are the same as last year. Mr. Rowe said the rates have not changed since he became Recreation Director.
- 5) Mr. Dumas asked if the Mr. Rowe would consider changing the park's closing time from 9:00 P.M. to dusk. Mr. Terenzini said they will look into it at the next committee meeting.

Committee Meeting Updates:

Highway:

- Ms. Ashcroft reported the Highway Committee met on Monday, May 9, 2016 at the Town Fire Station. Ms. Ashcroft stated the Committee reviewed the Colonial Drive agreement, and Ms. Ashcroft will draft an easement.
- The Committee talked about making sure the Rutland Town Planning Commission is aware of the Town's road standards so that information can be passed along to land owners who are subdividing their property or purchasing lots.
- Ms. Ashcroft said the highway fund carry over for this year is **\$200,000.00**.
- Ms. Ashcroft told Board members that a Vermont Law School student may be interested in completing the Town's highway book.

### Finance:

- The Board reviewed the Town credit card proposal from the Finance Committee. Mr. Faignant made a motion to approve the credit card proposal. Ms. Kiefer-Cioffi made a second to the motion. After some discussion, motion passed unanimously.
- The Finance Committee is asking each department head to taking a look at a five year plan for their department to plan on future expenditures and staffing needs. Ms. Ashcroft read a schedule on creating the budget for 2016-2017. Mr. Faignant asked Mr. Zingale to get minutes of the meeting to all Select Board members.
- Mr. Terenzini said the Committee suggested having a conference call every two months with Town Attorney Mr. Kevin Brown for an update on his activities.
- The Committee discussed the Town Treasurer submitting a year in review report after all the information is available.

### Building:

- The Building Committee met with Architect Jay White and discussed ADA compliance and the renovations.

### Correspondence:

- The Board received the Smalley Construction change order for the fire alarm system.
- The Board reviewed the welcome letter to Mr. Jeff Cassarino who is opening a business in the Diamond Run Mall. Ms. Ashcroft made a motion to sign. Mr. Faignant made a second to the motion. Motion passed unanimously.
- The Board reviewed a letter from CNC Fireworks soliciting for business.
- The Board received an invitation for a renewable energy seminar on Tuesday, May 24, 2016.
- The Board received a document Mr. Zingale obtained from the Town of Pittsford regarding debris and junk on resident's property.
- Mr. Nicholson asked permission to draft a letter to be signed by the Select Board thanking Ms. Susan Schriebman who has resigned from the Rutland Regional Planning Commission.
- Mr. Faignant made a motion to move into executive session to discuss a personnel matter. Ms. Ashcroft made a second to the motion. Motion passed unanimously moving into executive session at 9:12 with Ms. Zeller joining the session.
- The Board came out of executive at 10:12 P.M. Mr. Faignant made a motion to adjourn. Ms. Kiefer-Cioffi made a second to the motion. Meeting adjourned at 10:13 P.M.

