

**DRAFT  
TOWN OF RUTLAND  
SELECT BOARD**

MINUTES:  
JUNE 14, 2016

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

Meeting opened at 6:35 P.M. with the Pledge of Allegiance

Errors and Omissions of Board Minutes-May 31, 2016

Mr. Faignant moved to approve the May 31, 2016 meeting minutes. Mr. Denardo made a second to the motion. Mr. Denardo proposed to the Board to strike pages seven and eight as they are duplicate text from the May 17, 2016 meeting. Motion passed unanimously.

Questions from the floor/public comment:

Town residents Gerald and Desiree Trapana were present and asked the Board for assistance in controlling the speed in their neighborhood of Flory Heights. Town Road Commissioner Mr. Byron Hathaway stated the speed limit in the area of Barrett Hill is 25mph and didn't believe the State would allow for anything lower than 25mph. Mr. Hathaway said that VTRANS has advised against posting "children at play" signs as it legitimizes children playing in the roadway and can subject one to liability.

Ms. Trapana said law enforcement is not an option and cited an incident over the weekend when there was no Town Police Officer. Ms. Ashcroft stated there are three issues before the Board: the 35mph speed limit, signage and enforcement. Mr. Faignant made a motion to reduce the speed limit to 25mph in Flory Heights. Mr. Denardo made a second to the motion. Motion passed unanimously.

Mr. Denardo asked if there are pedestrian signs that can be placed in the area. Mr. Hathaway will look into which signs are appropriate.

Town resident Mr. Don Chioffi was present and read a statement regarding the refugee petition he submitted on May 31, 2016. Mr. Chioffi stated the reason for the petition is to give the people's right to have the maximum amount of information regarding an issue that will affect the Town. Mr. Chioffi stated Rutland City Mayor Mr. Chris Louras invited the Select Board to his meeting because he knew refugees can be placed within a 50 mile radius of Rutland City, and if there are ties to a refugee, then the radius is 100 miles.

Mr. Chioffi said it has been known for refugees to relocate in the states in which the government benefit is the most lucrative and cited untold social, medical, educational, housing and law enforcement challenges and costs. Mr. Chioffi stated the Town taxpayers are the second greatest single revenue source to the City of Rutland, contributing millions of dollars to the stability and financial solvency to the City.

Mr. Chioffi stated special education can cost up to **\$50,000.00** per year for an individual. Mr. Chioffi stated an abstract outlining the refugee resettlement that has not been produced by Mr.

Louras, although there has been a Freedom of Information Act (FOIA) request. Mr. Chioffi said the only way to combat the secrecy of the program is to delay it so that those who are paying for it can get answers to the questions they have.

Town resident Mike Shahan was present and expressed his concerns about the refugee resettlement program. Mr. Shahan cited potential special education costs, medical liabilities, and that the director of the FBI said there is no way the agency could effectively vet all who come into this country. Mr. Shahan said the potential for more terrorist attacks is very high.

Mr. Chioffi cited two letters from former Select Board members. The Board agreed to receive and file.

Town Administrator Mr. Joseph Zingale, Jr. reported:

- 1) Mr. Zingale informed the Board of a change in the final agreement the between the Town and the Town of West Rutland. Town attorney Mr. Kevin Brown is reviewing the change, and West Rutland would like the final agreement to be signed by June 30, 2016, as the water line will be operational very soon. Mr. Zingale said he would present the document to the Board at the next meeting.
- 2) Mr. Zingale cited the two documents from Green Mountain Power (GMP) requesting a stream operation permit to work on the aqueduct and a storm water discharge permit. Mr. Zingale said the Town will have to be co-applicants on both permits. GMP has an easement only for the location of the aqueduct, not the land. Mr. Zingale suggested GMP create a temporary construction easement for the work, and permitted easement for the Board to consider. Mr. Faignant made a motion for Ms. Ashcroft to sign the documents. Ms. Kiefer-Cioffi made a second to the motion. After discovering the information from GMP was incomplete, Mr. Faignant made a motion to table the issue. Mr. Denardo made a second to the motion. Motion passes unanimously. Mr. Zingale will gather information for the next meeting.

Town Planning Commission Chair Person Ms. Barbara Noyes Pulling reported:

- 1) Mr. Pulling was not present and Mr. Zingale updated the Board on Williams' Farm subdivision.
- 2) Mr. Zingale informed the Board of the proposed amendment to a previously issued permit on the Thomas property which has turned into a proposal of a new entrance that has not been approved by the Planning Commission.
- 3) Mr. Zingale told the Board the Planning Commission considered the changes to the McLaughlin's parcel designation change request, and voted 6-1 to leave the designation as is.

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

Not present

Town Clerk & Treasurer Ms. Donna Zeller reported:

- 1) Ms. Zeller requested the Department Heads have all outstanding invoices and time sheets to the Treasurer's office by Friday, June 24, 2016.
- 2) Ms. Zeller stated the Town Clerk/Treasurer's office will be closed for webinar training on Wednesday, June 22, from 9:00 A.M. to 10:30 A.M. on how to close out the year on the NEMRC system.
- 3) Ms. Zeller said that Town Offices will be closed on Monday, July 4, 2016. She said fireworks will start at dusk at Northwood Park and that the rain date is Tuesday July 5, 2016.
- 4) Ms. Zeller said Tuesday, August 9, 2016 is the state primary election. The polls will be open at the Town Office and the Town School from 7:00 A.M.-7:00 P.M. A meeting with the Board of Civil Authority will be scheduled the week before the election to combine abatements from the delinquent tax collector.
- 5) Mr. Zeller said the last day to register to vote is Wednesday August 3, 2016, and absentee ballots are in the office thirty days prior to the election. Ms. Zeller explained since this is a primary, a voter will get a ballot for each party, but can vote only one and all must be returned.
- 6) Mr. Zeller informed the Board of tabulator training at the Town Hall on Wednesday July 6, 2016 from 10:00 A.M.-12:00 P.M. and 1:00 P.M.-3:00 P.M.
- 7) Ms. Zeller informed the Board the Secretary of State's Office will be at the Town hall on Wednesday July 27, 2016 from 6:00 P.M to 8:00 P.M. for Clerk and Treasurer training, and BCA members should attend.

Rutland Town Road Commissioner Byron Hathaway reported:

- 1) Mr. Hathaway reminded the Board of the Tuttle easement.
- 2) Mr. Hathaway informed the Board of a phone call from Town resident Ms. Marlene Burke, a member of the local garden club asking for permission to plant flowers at the intersection of Prospect Hill and East Pittsford Road. The Board gave permission and asked Mr. Hathaway to thank them.

- 3) Mr. Hathaway updated the Board on the Town Highway Garage.
- 4) Mr. Hathaway informed the Board the Town has been awarded a 100% no match Ecosystem grant of \$17,500.00 to cover the cost of engineering for storm water improvements at the Town School as well as paving. Mr. Hathaway met with School Board President Mr. Matt Branchaud, SRO Officer Major John Sly and Town Principal Mr. Arron Boynton regarding the original drawing, and explained to the Board the minor changes made at their suggestions. Ms. Ashcroft inquired about the time line. Mr. Hathaway stated the engineering of the project will be done this year, and the grant will be administered by the Conservation District. Mr. Hathaway asked if there could be a representative to assist with the grant. After some discussion it was decided Mr. Hathaway would be the Select Board representative for the project. Ms. Kiefer-Cioffi made a motion to accept the grant. Mr. Denardo made a second to the motion. Motion passed unanimously.
- 5) Mr. Hathaway presented the Board a letter from The University of Vermont's (UVM) college of civil and environmental engineering looking for projects for their students. Mr. Hathaway asked permission from the Board to contact UVM inquiring if a student would be interested in designing a shared use path from the ball field at Northwood Park to Chasanna drive. Mr. Hathaway will gather more information for the next Board meeting.

Town Fire Chief Frank Cioffi:

- 1) Mr. Cioffi updated the Board on his negotiations on the Seward Road Solar Project. Mr. Cioffi said that the solar company who was originally going to take actions to allow the Fire Department access to the back of the building is in bankruptcy. Mr. Cioffi requested permission from the Board to write a letter to the Public Service Board (PSB) seeking enforcement action. Mr. Fagnant made a motion for the Chief to write the letter to the PSB. Mr. Denardo made a second to the motion. Motion passed unanimously.
- 2) Mr. Cioffi asked the Board to permission to approve Mr. Nathan Hudson as a probationary member of the Town Fire Department. Mr. Fagnant made a motion to approve. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

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

- 1) Mr. Nicholson was not present but informed Mr. Zingale he recently attended a hearing on the storm water ordinance at the Rutland Regional Planning Commission which

reported managing storm water would be Town wide. The Commission will be walking the stream getting assessments.

Rutland Town Police Chief Ed Dumas reported:

- 1) Mr. Dumas gave the Board the activity report for the month of May.

<b>Monthly Activity Report</b>		<b>For the Month of:</b>	April 2016
<b>Activity Data</b>	Assigned Calls:		71
	Assigned Assists:		6
	Criminal Arrests / Lodging		0
	Criminal Arrests / Citation:		2
	Number of Traffic Stops:		21
	Number of VCVCs Issued:		8
	Total Waiver Fines:		\$1,312.00
	Number of Warnings:		18
<b>Time Data</b>	Total Hours Spent on Call Assignments:		53.50
	Total Hours Spent on Assigned Assists:		4.50
	Total Hours Spent on Directed Patrol: (S.R.O. Assignment / Speed Enforcement / General Traffic Offenses)		115.25
	Total Hours Spent on Case Reports: (Report Preparation / Not Investigation)		39.00
	Total Hours Spent in Court: (Traffic Court / Criminal Trial / Deposition)		0.50
	Total Hours Spent on Administrative Duties:		62.75
	Total Hours Spent in Training:		45.00
	Total Hours Spent on Vehicle Maintenance: (Routine Service / Repairs / Maintenance / Cleaning)		13.00
	Total Hours Spent on General Patrol / Other:		92.75

- 2) Mr. Dumas requested purchasing two filing cabinets, chairs, and phones for the Police Department. Mr. Dumas said he estimates these items will cost less than **\$3,000.00** to purchase. Mr. Dumas presented the Board three quotes for a copier/scanner/printer/fax machine to the Board. Ms. Zeller stated the Town has three RICOH machines at a government rate and pay less for all three machines than the Police Department would be paying for one. After some discussion it was decided Mr. Dumas gather more information on pricing.

Mr. Faignant made a motion to approve the purchase of two filing cabinets, two chairs and three phones for the Police Department. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

Rutland Town Recreation Director Mike Rowe reported:

- 1) Mr. Faignant read the dedication from the Town of 2016 eighth grade graduating calss who dedicated their year book to Mr. Rowe.
- 2) Mr. Rowe reported Northwood Pool is open and lessons start the week of the June 13, 2016.
- 3) Mr. Rowe thanked the people who helped with the kindergarten through sixth grade baseball program.
- 4) Mr. Rowe updated the Board on small project going on at Northwood Pool and thanked Mr. Byron Hathaway and Mr. Walt Tripp for their help.
- 5) Mr. Rowe informed the Board he is applying for a 50/50 match grant to put a playground at Northwood Pool in the amount of **\$15,000.00**. Mr. Zingale suggested Mr. Rowe look into whether or not there has to be a public hearing.
- 6) Mr. Rowe thanked Captain Mr. Ted Washburn for assisting him in replacing the battery for the AED machine at Northwood Pool.
- 7) Mr. Rowe thanked Garden Time for donating flowers and pots for Northwood Park.
- 8) Mr. Rowe said there may be a chance the Town can obtain some free fill for the Dewey Park makeover to add more parking in the front of the field. Mr. Faignant suggested referring the issue to the Recreation Committee for further study.

### Committee Meeting Updates:

- Building:

Mr. Denardo read the Building Committee minutes dated Tuesday, June 7, 2016. After some discussion, Mr. Fagnant made a motion for an electrician to assess the wiring situation in the Town Hall attic. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

- Scholarship:

Ms. Kiefer-Cioffi updated the Board on the scholarships that were given out at various graduations. Ms. Ashcroft noted the list of recipients will be available in The Circle.

### New Business:

- Board to consider placing ballot items on August 2016 primary ballot:

Mr. Fagnant read a statement regarding the two petitions in question and what municipal government can and cannot do.

#### The Refugee Resettlement Project:

Mr. Fagnant stated the Rutland Town Select Board and Town voters have no authority on where a person can or cannot live.

#### The Route 4 West Business Corridor Project:

Mr. Fagnant stated the Select Board can't place the item on how many lanes there are on Us Business Route 4 West as the petition item misstates the project is a proposal of the Department of Transportation and it is not.

Mr. Fagnant made a motion the petition items not be placed on the ballot. Mr. Denardo made a second to the motion. Ms. Kiefer-Cioffi asked how the other towns are coming to the conclusion they have a say in the matter of the refugee resettlement project. Mr. Fagnant stated this is a discretionary item, and cited an example of the City of Rutland when they refused to put a particular item on a ballot, it went to the Supreme Court who deemed it was appropriate to deny it be placed in the ballot. Mr. Fagnant said neither the Board nor the voters have the power to bind anyone through this vote, and would be all for not. Ms. Ashcroft called for the vote. Motion passed unanimously.

- Board to ratify wall repair work:

Ms. Ashcroft read a letter from Smalley Construction to Mr. Zingale regarding the **\$225.00** cost of the wall repair work on the north corner wall where the air conditioning unit was before the renovations at the Town Hall. Mr. Denardo made a motion to ratify the work. Mr. Fagnant made a second to the motion. Motion passed unanimously.

- Board to consider naming unnamed Town roads:

Mr. Zingale told the Board when doing his annual 911 review he discovered two roads that are extensions of East Proctor Road and Park Street. Mr. Zingale stated they are now named Town Highway numbers 85 and 84, and thinks for responders it would be better if they were named. Mr. Faignant made a motion to move the issue to the Highway Committee. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.

#### Old Business:

- Board to consider fire alarm back up battery proposal:

Ms. Ashcroft reported the Building Committee is looking into a less expensive way than the original proposal.

- Renovations:

Mr. Zingale informed the Board of the progress Smalley Construction has made on the final punch list and the issues that still need to be addressed. Ms. Ashcroft said the Building Committee will meet again and address what needs to be completed.

#### Correspondance:

- Irrevocable letter of credit for Grover Drive.

Mr. Zingale updated the Board on the status of the project. Ms. Zeller said she has received some of the easement deeds, however Mr. Grover's attorney Mr. Karl Anderson has been into the office to make some minor changes. Mr. Faignant asked Ms. Zeller to send the corrected deeds to Town Attorney Mr. Kevin Brown.

- Letter from the Secretary of Transportation

Ms. Ashcroft cited the Farrell Slip Lane in which the Board is requesting limited access coming across Route 7 south to the Farrell property in back of the Green Mountain Plaza. Mr. Zingale told the Board he received an email he forwarded to the Board regarding a hearing in August 2016 after a sight visit for the Town to make their case.

- Letter from Smalley Construction  
Information only pending the completion of the punch list from the renovations.
- Memorandum from Mr. Ed Bove of the Rutland Regional Planning Commission  
Information only

Ms. Kiefer-Cioffi asked the progress of the Town obtaining a credit card for small purchases. Ms. Ashcroft told Ms. Zeller when she is ready she can obtain the card.

Mr. Denardo asked if a meeting has been scheduled with the Barnhart's. Mr. Zingale said a meeting is in the process of being scheduled.

Mr. Faignant made a motion to adjourn. Mr. Denardo made a second to the motion. Motion passed unanimously. Meeting adjourned at 8:30 P.M.