

**TOWN OF RUTLAND
SELECT BOARD**

MINUTES: September 8, 2015

Board members present: Mary Ashcroft, Joe Dicton, Don Chioffi

The meeting opened at 6:38 P.M. with the Pledge of Allegiance.

The Board reviewed the August 24, 2015 meeting minutes. Ms. Ashcroft moved to accept the minutes with corrections. Mr. Chioffi made a second to the motion. The motion passed unanimously.

There were no questions from the floor.

Town Planning Commission Chairman Andrew McKane reported:

Not present.

Mr. Dicton instructed Mr. Zingale to inform Mr. McKane that he should have someone take his place when he cannot attend the Board's meeting.

Mr. Chioffi said the Board should advertise for alternates to the Planning Commission. Mr. Chioffi moved for the Chairman to direct a letter to the Chairman of the Planning Commission regarding having someone present at the Board's meetings. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

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

1. He told the Board that the next Household Hazardous Waste Collection day is scheduled for September 26, 2015 at the Anthony "Tony" Flory Transfer / Recycling Center.
2. He told the Board the new compactor is scheduled to be delivered on September 28, 2015

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

Not present.

Town Road Commissioner Mr. Byron Hathaway reported:

1. He submitted a synopsis for the new Town truck bids. He recommended the Board select the low bid submitted by Foster Motors. The Board took no action.
2. He told the Board his department needs to establish an alcohol and drug testing program for those in the Highway department with commercial driver's licenses. He told the Board that Deputy Chief Mr. John Sly has said he would act as the designated employee representative.

Ms. Ashcroft moved to appoint Mr. John Sly as the designated employee representative. Mr. Chioffi made a second to the motion. The motion passed unanimously.

3. Mr. Hathaway told the Board that he would soon place an order for the liner for the proposed storm water detention pond.
4. Mr. Hathaway informed the Board that the State will be doing upgrade work to the rail crossing on Route 3. Board members discussed whether traffic should be detoured to the East Proctor Road.

Mr. Hathaway will check regarding VTrans policy to not detour traffic from a state road to a local road. Mr. Chioffi made a motion to refer the matter to the Highway Committee for a recommendation. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Mr. Dicton referred the matter of selecting a color for the new Highway Garage building to the Highway Committee.

Ms. Ashcroft reviewed the 9-7-15 Highway Committee minutes.

Town Storm Water consultant Mr. Andres Torizzo met with the Board and discussed a proposed contract and the creation of a regulatory framework to achieve Town storm water goals. Mr. Torizzo's associated Ms. Juli Beth Hinds participated via phone connection.

Mr. Torizzo made the following points:

- The submittal of a plan to deal with expired storm water permits within the impacted Moon Brook watershed by October.
- The Town must come up with a plan to deal with riparian corridors and protect the Moon Brook watershed from development.
- The development and adoption of regulations to regulate construction storm water and operational storm water, which will require regulating earth work.
- The development of a plan to provide homeowners assistance with low impact development.

Ms. Hinds made the following points:

- The Town can adopt sand alone bylaws to regulate development and storm water.
- The Planning Commission may want to be consulted regarding development of storm water regulations

Mr. Torizzo:

- At a minimum the State is looking for the Town to close the so-called “regulatory loop-hole”. He said the “regulatory loop-hole” is when a project disturbs more than one acre of land but create less than one acre of impervious surface. He said the review would have to be at least as stringent as the State review.
- He said there is no specific hard date by which the Town must close the loop-hole. Mr. Torizzo said agricultural operations would be exempt from the MS4 permit requirements.
- He told the Board that it will either have to take over two expired Storm Water permits or petition the State to make the lot owners responsible for the permit requirements.

Mr. Chioffi questioned Mr. Torizzo regarding State funding to meet permit requirements. Ms. Hinds cited State Planning Grants as a possible funding source to help pay for required implementation.

Ms. Ashcroft moved to approve the **\$860.00** expenditure for the purpose of dealing with the two elapsed storm water permits. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Ms. Ashcroft made a motion for the Select Board Chairman to sign an amended contract to provide for the expired permits, task # 5. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Town Clerk & Treasurer Ms. Donna Zeller reported:

1. Taxes are due September 10, 2015.
2. The new cash register is up and running.
3. Read the election results from 8-25-15 Election.
4. September 18th is the last day to submit an article to The Circle.
5. The VLCT Town Fair will be held on October 8, 2015 in Killington.
6. Made a request on behalf of Rutland Rotary South to borrow 10 folding tables for an upcoming event. She said any table broken would be replaced. Mr. Chioffi made a motion to allow Rutland Rotary South to borrow the tables. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Ms. Ashcroft moved to designate Mr. Fred Nicholson as the Town’s voting member. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Mr. Chioffi read a letter of resignation submitted by Mr. Sherman Hunter. Mr. Hunter informed the Board that due to family matters he can no longer serve as the Town’s Representative to the Regional Planning Commission.

Mr. Chioffi moved to accept the letter with regrets. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Mr. Chioffi moved to appoint Mr. Fred Nicholson as the Town representative to the Rutland regional Planning Commission. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Ms. Ashcroft moved to appoint Mr. Alan Biederman to the Town Planning Commission. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Town representative to the Rutland Regional Planning Commission Mr. Sherman Hunter reported:

Not Present.

Town Police Deputy Chief Mr. Ed Dumas Reported:

1. There were 117 complaints in the month of August.
2. He listed the various types of complaints.
3. He told the Board the Police department conducted a radar survey on Post Road Extension in response to a citizen's concern. He said the department does not have the numbers to support the individuals claim. He said the department would continue to check speed in the area.
4. Mr. Dumas said he hopes to hear something regarding the grant for a School police Officer.
5. He told the Board that the Rutland County States Attorney Ms. Rose Kennedy plans on meeting with Select Boards regarding a new child advocacy center.

Town Recreation Director Mr. Mike Rowe reported:

1. He told the Board that the new Northwood park sign is in place.
2. He said four dog leash law signs have also been put up in the park.
3. He said soccer has begun. He said the schedule is on the Town's web site.
4. He told the Board that the pool is closed.
5. He said the Town Halloween party will be on October 30th at the Town School.

Town Fire Chief Mr. Frank Cioffi reported:

1. He told the Board that the Department is in the process of phasing out the Fire Department's Fire call number. He said calling the number defeats the purpose of dialing 911. He said the department would keep the phone line and stop publishing the number as a number to call.

Mr. Dumas told the Board that Town Police Captain Ted Washburn was unable to contact the Rockingham Dispatch Center (RDC) when he was in need of assistance. Mr. Dumas said Mr. Washburn called the RDC 3 to 4 times with no reply from the RDC.

Mr. Dumas said Mr. Washburn was involved with an individual with a weapon when he

made the calls to RDC. Mr. Dumas said local law enforcement agencies heard the call and respond. Mr. Dumas told the Board that he had filed a complaint.

The Board considered proposed Fire Department bylaw amendments. Mr. Chioffi moved to approve the Fire Department bylaw amendments. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Town Fire fighter Mr. Craig Robideau told the Board that the Open House for the new station will be held on October 3, 2015. He said the vent will run from 10:00 A.M. to 3:00 P.M.

Town Administrator Mr. Joseph Zingale Jr. reported:

1. Mr. Zingale presented a request and map from the owners of the Merchant's Bank requesting permission to change the location of their water line connection to the Town's public 16" water line in the US Route 7 right-of-way. The Board considered the request. Ms. Ashcroft moved to approve the replacement tap with the understanding that the existing tap be discontinued. Mr. Chioffi made a second to the motion. The motion passed unanimously.
2. Mr. Zingale presented a **\$700.00** proposal from the Town's Web hosting company for the development of a new web site using Word Press verses Dream Weaver. Mr. Chioffi moved to approve the proposal. Ms. Ashcroft made a second to the motion. The motion passed unanimously.
3. He questioned if the Board wants to purchase and install a new more secure computer router, which the Board previously said to purchase. Mr. Zingale said the router was listed along with the server components but was not purchased, when the server was installed recently. Board members said to place the order.

The Board reviewed packet correspondence.

Mr. Chioffi and Mr. Fagnant are to discuss the proposed building renovations and report to the Board at the next meeting.

The Board cited a letter from the City of Rutland regarding the planned repair of the Town's waterline on US Route 7 South. The letter contained an October deadline to do the repair.

Mr. Zingale explained the location of the Post Road School zone based on the description in the Speed Limit Ordinance for Post Road. Mr. Hathaway will put up two signs which will read "End of School Zone".

Town Delinquent Tax Collector Mr. Chris Howland briefed the Board regarding his collection of delinquent taxes. Mr. Howland made the following points:

- Things are going fairly well but not as well as expected.
- There is difficulty in getting the phone numbers of individuals that are delinquent.
- He told the Board he has been unable to create a mail merge which would allow him to use the values in the NEMRC program. He said he must do it with spreadsheets and by hand.
- He told the Board he is working with NEMRC to fix the accounts.
- He told the Board that he is off **61¢** for the month of June.
- Mr. Howland said there are approximately 115 delinquent accounts at the present time.
- He said there are some properties that need to go to tax sale.
- He said a total of approximately **\$145,000.00** is outstanding at the present time.
- He said 142 entries were received with the warrant.
- He told the Board he would set up a meeting with NEMRC to receive assistance.

Mr. Chioffi moved to go into executive session at 9:16 P.M. with the Town Fire Chief to discuss a matter of litigation and enforcement. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

The Board came out of executive session at _____ P.M.

_____ made a motion to close the meeting. _____ made a second to the motion. The motion passed unanimously.

