

TOWN OF RUTLAND
SELECT BOARD

MINUTES: February 10, 2015

Board members present: Steve Hawley, Mary Ashcroft and Don Chioffi

The meeting opened at 6:40 P.M with the Pledge of Allegiance.

Board members considered the January 30, 2014 Emergency Meeting minutes. Ms. Ashcroft moved to approve the minutes as printed with a correction. Mr. Chioffi made a second to the minutes. The motion passed unanimously.

Mr. Hawley instructed Mr. Zingale to place the letter from the Town Attorney regarding the Grover Road on the next agenda.

Town Road Commissioner, Mr. Byron Hathaway and Mr. Robert Clark, of Phelps Engineering, met with the Board regarding the status of the Cold River Road sidewalk design. Mr. Clark made the following comments:

- The site survey and the preliminary design are complete.
- The 5' wide side walk would run along the north side of the Cold River Road.
- He said no storm water permit will be required and no amendment to the Town's MS4 permit will be required.
- He said the Town will need to get a permit from VTrans to work in the Road right-of- way.
- He said the paved sidewalk would be located behind the poles along the road and would be 721 feet in length.
- He said to move the project forward the Town will need to get some temporary and permeate easements.
- He said a permeate easement of 2' in width will be required with the U-Haul property owner.
- He recommended the Board get temporary construction easements from all land owners along the planned sidewalk for such things as temporary materials and equipment storage.
- Mr. Clark proposed to prepare the easement agreements for Mr. Hathaway and the Board to consider.
- He said the next step would be to talk to the landowners in order to get the required easements.

Mr. Chioffi asked if the Board has the cart before the horse. Mr. Hawley said, no. Mr. Hawley said the project is using carried over Highway Funds to fund the work to date. Mr. Chioffi said his personal opinion is that the Board is spending too much money regardless if it is overage money before the Board has approval from the voters to do the project.

He said he has been a verbal opponent of the project from the beginning until there is voter approval to do the project. He said the Board is essentially telling the voters they ought to build the sidewalk. He said it is up to the voters to tell us if they want to do it.

Ms. Ashcroft and Mr. Chioffi discussed his historic position regarding the proposed Cold River Road sidewalk. Mr. Chioffi said that two years ago he said the Board would study the proposal and bring something before the voters for consideration.

Mr. Hathaway told Mr. Chioffi that is exactly what he has done. Mr. Hathaway said the Cold River Road sidewalk study is now done and as a result there are cost estimates to take to the voters.

Mr. Chioffi said the Board should hear from the voters before talking to landowners and getting easements. Mr. Chioffi said he does not have a problem with verbal inquiries. He said the Board is responsible for the fiscal management of the Town.

Mr. Clark said the project cost would be affected if a landowner is unwilling to grant an easement. Mr. Clark said his project estimate cost is a good number to use for budgeting as the project moves forward. Mr. Clark said if a buried utility has to be moved to accommodate the project then the project cost would increase.

Mr. Clark said he needs to hire a company that can locate the utility. He said he would have a more accurate project cost once the utility is located. He said the work would cost between **\$500.00** to **\$700.00** to locate the utility. Board members told Mr. Clark to hire a company to locate the utility.

Mr. Clark said he thinks he is still on target to have a VTrans work in the R-O-W permit drafted by the end of February and to meet the April 1, 2015 RFP submittal requirement.

Town Planning Commission Chairman Mr. Andrew McKane reported:

Not present

Town Representative to the Solid Waste Alliance Communities Mr. William Matteson reported:

Not present.

Town Transportation Council representative Mr. Martin Wasserman reported:

Not present.

Town Clerk & Treasurer Ms. Donna Zeller reported:

1. Informed the Board that Blue Cross/Blue Shield has issued a letter regarding a recent security breach. Ms. Zeller said the Vermont Blue Cross/Blue Shield is totally separate from the National Blue Cross/Blue Shield and not affected by the security breach.

2. Ms. Zeller cited the work done by Ms. Ashcroft, Mr. Chioffi and Mr. Zingale assembling the Town Report. Ms. Ashcroft said Ms. Zeller also contributed to the production of the Town report.
3. Ms. Zeller said she recently updated the Town's mailing list with assistance from Ms. Susan McGee and Ms. Carol Bam. She said the new mailing list has approximately 1,300 labels verse 1,100 mailings.
4. She announced that absentee ballots are available.
5. The last date to register to vote is February 25, 2015.
6. Ms. Zeller presented seven liquor licenses for Board signature. Ms. Zeller reported that Chief Dumas reviewed and approved all of the applications.
7. The Board set April 24, 2015 as the Scholarship application deadline. Board members reviewed the application letter and added "community service and extra curriculum" activities to the letter.
8. Ms. Zeller informed the Board that her office has received requests from elderly individuals requesting snow removal help. Ms. Ashcroft said to check with Southwest Vermont Council on Aging has a volunteer program.

Mr. Chioffi moved to approve the Sandri Sunoco, Mac's Store, the East Restaurant, Hannaford's Supermarket, Kmart, Jolly Associates Shortstop and the 99 restaurant. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Town Road Commissioner Mr. Byron Hathaway reported:

1. He presented the Annual certificate of Highway Mileage for Board signature. Mr. Hawley said Class 2, Class 3 and State Highway mileage totals 57.484 miles in the Town. He said there is 1.24 miles of Class 4 roads and a Trail of 1 ½ miles in length.

Mr. Hawley said the Town does not receive any State aid for the Class 4 & Trail roads. Mr. Chioffi told Mr. Hathaway that there is a movement afoot in Montpelier to eliminate such funding. Ms. Ashcroft moved to approve and sign the certificate of Highway mileage. Mr. Chioffi made a second to the motion. The motion passed unanimously.

2. Mr. Hathaway said he will try to get Stratton Road reclassified from a Class 3 to a Class 2. He also recommended that the Board reclassify Dyer Road from a Class 3 to a Class 4. He said the Town would no longer have to plow the road if it is a Class 4.

3. He cited the electronic documents, for the Prospect Hill culvert, he had sent to Board members. Mr. Hathaway said the Town has an **\$80,000.00** structures grant which will help pay for the new culvert.
4. Mr. Hathaway questioned if Board members want to include a VTrans requirement that bidders pre-qualify with VTrans. Board members said to leave the provision in the bid documents. Mr. Hathaway said he would have one set of plans at the Town Office and that contractors would purchase a set at Green Screen Graphics.
5. He informed Board members that the kick-off meeting for the Federal Storm declaration is on February 12, 2015 at the Leahy Center at the Rutland Hospital.

Town Fire Chief Mr. Frank Cioffi reported:

1. Mr. Cioffi informed Board members that Mr. Andrew Trombetta and Ms. Abigail Lancor have been approved by the membership to join. He said Mr. Trombetta would be a junior firefighter and that Ms. Lancor would be a senior firefighter.

Mr. Cioffi said Mr. Trombetta would be assigned to the Center Rutland Station and that Ms. Lancor would be assigned to McKinley Station. Mr. Chioffi made a motion to approve the new members as presented by the Chief and approved by the department. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

2. The Chief informed Board members that the Center Rutland Station needs to purchase an OSHA approved rolling ladder. He said the ladder would cost **\$1,296.05**. Chief Cioffi said the funds would come from the Fire Station bond.

Ms. Ashcroft made a motion to purchase the ladder. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Mr. Chioffi briefed those in attendance regarding a recent meeting of the Rutland County Mutual Aid Society, held the Center Rutland Fire Station. He said the meeting was standing room only. Mr. Chioffi said it was a very informative meeting regarding State plans to close the Rutland dispatch.

Ms. Ashcroft questioned how individuals could get on the list to be notified of future meetings. Mr. Chioffi said good factual information was presented by Dispatchers. Mr. Chioffi said it is fairly obvious that closing dispatch centers can't be done with current personnel. He said a State study reported last year that all four dispatches were at maximum capacity.

Mr. Chioffi read and presented a resolution he prepared seeking to get the Governor to reconsider the decision to close the Rutland Dispatch. Ms. Ashcroft said Mr. Chioffi should add the number of jobs to be lost in the resolution.

Ms. Ashcroft moved to approve the resolution with the addition of the lost jobs language. Mr. Chioffi cited all of the State wide groups who support not making any changes to the Dispatch system. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Mr. Chioffi said Dispatch is key to Fire and Police Departments life and safety.

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

1. The Rutland Town Plan was approved by the RRPC. He said the Town planning process was also confirmed by the RRPC.
2. He said the RRPC considered the TDI New England Clean Power Link 248 application at a recent meeting. He said the RRPC approved the application with reservations. Mr. Chioffi encouraged Mr. Hunter to talk to fellow Regional Commissioners regarding imposing a franchise fee on the project.

He said with the franchise fee town would get a percentage of what is going through the cable. He said it should be part of the regional discussion. Mr. Hunter said the discussion has already taken place however he said he would bring the matter up.

Mr. Zingale informed Board members that according to the Town Attorney the owners of the DC Power Line have agreed to a 30% floor for equipment depreciation. Ms. Ashcroft said the Board needs to focus on taxable value.

3. Mr. Hunter said the RRPC also reviewed and approved an Act 250 application from Rutland Town Fire District #10. He said the application sought to allow homes within the Fire District to get off the community well and put in their own well.

Mr. Zingale said he thought the Act 250 application request had been denied by the Act 250 Commission. Mr. Hunter said it had been denied in the past but has now been approved.

4. Mr. Hunter said the RRPC also had a presentation from a State official regarding the Emerald ash borer. Mr. Fred Nicholson, Town tree Warden, said the State is encouraging Towns to have sanitation plan in place. He said ash trees near the road side should be taken down before they are killed and fall down.

Ms. Ashcroft moved to authorize the Chairman to sign the grant agreement with the RRPC for work on the Town Plan Map. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Town Police Chief Ed Dumas reported:

These are the stats of the Rutland Town Police Department for the previous two weeks:

-Calls for service within the two week period: 58

- Total calls for last year at this time: 75

_ Total call for 2015 year: 120

-Types of calls assigned

Directed patrols, 911 hang-up's, Public speaking, alarms, accidents, citizen dispute, phone problems, thefts, welfare checks, suspicious complaints, threatening complaints, motor vehicle complaints, agency assist, fire alarm, background checks, fraud and vehicle vin inspections

Closed Cases: 50

Number of Arrests: 0

What Types of Arrest:

Motor Vehicle Stops: 13

Vermont Civil Violation Complaints (6 Tickets) Issued:

Total Fine Amount: **\$ 1,850.00**

Warnings Issued: 7

Total number of Patrol Hours: 154

Chief Dumas:

Total number of Admin hours: 56

Chief Dumas cited information which he submitted to the Board regarding how Rutland City Police officers are paid when they work for private contractors. He said the information came from the City Treasurer. Mr. Chioffi said he would like to wait until Mr. Faignant is present before taking any action on the matter.

Mr. Dumas and the Board discussed revising the Town Speed Limit ordinance to include U.S. 7, U.S. 4 and VT RT 3.

Town Recreation Director Mr. Mike Rowe reported:

1. He told the Board that basketball is winding down.
2. Baseball registration has begun. Children in grades 3,4,5 or 6 need to register prior to March 30, 2015

Town Administrator Mr. Joseph Zingale Jr. reported:

1. Informed the Board of a request from the Vermont Department of Environmental Conservation to use the Town Hall basement for a public hearing scheduled for either April 1st or April 2nd for two hours. The Board will allow the State to use the basement as requested.
2. He informed the Board that Green Mountain Power has hired a company to clear cut along and under the power line located on land owned by the Town of Rutland, which is located in the Town of West Rutland. Board members and Mr. Zingale discussed the matter and it was decided Mr. Fred Nicholson will contact the company doing the cutting in order to salvage and sell saleable timber.

Ms. Ashcroft questioned if the planned tree cutting is in compliance with the Town's forest management plan, which is required by the Current Use program.

3. Informed the Board that according to Johnson Energy it would cost several thousand dollars to replace the thermostats in the building to the programmable type. Mr. Zingale will put out a RFP for doing the work requested by the Board.

Mr. Chioffi said the Board should consider installing heat pumps for each individual room rather than operate a central furnace. Mr. Chioffi said the Board also needs to make a decision regarding replacing the carpeting in the building. Board members discussed developing a list of items, regarding building upgrades and repairs.

Mr. Chioffi made a motion to purchase carpeting for the Town Hall provided the money is available. Ms. Ashcroft made a second to the motion. The motion passed unanimously. Mr. Hawley said Mr. Chioffi would order the new carpet if the funds are available.

4. Mr. Zingale told the Board that the Town has received a **\$9,000.00** check from Mr. Gregg Nutting in connection with his desire to purchase land from the Town. Mr. Hawley said the Board previously discussed the matter.

Mr. Chioffi made a motion to accept the **\$9,000.00** payment from Mr. Nutting for the 9 + or – acres of residual land adjacent to the Cheney Hill Cemetery, which wraps around Mr. Nuttings home. Ms. Ashcroft made a second to the motion. Ms. Ashcroft cited the fact that the Board had advertised the land in the newspaper to see if there was any objection. Ms. Ashcroft said no objection was lodged. The

motion passed unanimously. Mr. Chioffi made a motion to allocate the **\$9,000.00** received from the sale to the purchase of the baker property and that the Board accepts Mr. Baker's offer of **\$15,000.00** for his property.

Ms. Ashcroft cited the fact the land is adjacent to Dewey Field and some of the property could be used for parking. Mr. Chioffi said the remaining land would be a buffer for the recreation field. Ms. Ashcroft made a second to the motion.

Ms. Ashcroft made a motion for the Town attorney prepare a Purchase & Sales (P&S) agreement, subject to the review of the Cemetery Commission for boundary lines and access. Mr. Chioffi made a second to the motion.

Ms. Ashcroft moved to table the motion to sell the land until the Board gets a legal opinion regarding whether the Board needs voter approval to purchase land. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Mr. Hawley called for the vote regarding Ms. Ashcroft's motion to have the Town Attorney prepare a P&S agreement for the sale of town land. The motion passed unanimously.

Mr. Hawley opened bids for proposed manhole repair work. He said Belden Construction bid **\$59,950.00**. Mr. Hawley said a bid bond and proof of insurance was also enclosed. Fabian Earth Moving, Inc. bid **\$44,000.35**. Mr. Hawley said Fabian's also submitted a bid bond and proof of insurance.

Mr. Chioffi made a motion to select the low bid. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Mr. Zingale reported that the new pump station generator had been run under load for one hour and that everything was operating properly regarding the recent pump station construction. Mr. Zingale said the landscaping will be done in the spring.

Mr. Hawley said the final payment request for the pump station construction is **\$128,234.46**. Mr. Hawley said the contractor has done what the Board requested them to do. Ms. Ashcroft made a motion to pay the final bill. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Mr. Chioffi made a motion for Mr. Hawley to sign the heat/air pump agreement as the Town's representative. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Mr. Chioffi read a thank you letter from Michael R. McCarthy, regarding his fathers passing and the support shown by Fire and Town officials.

Mr. Hawley cited the fact that 20 Vermont Towns have signed the Town's Solar resolution. Mr. Chioffi told Mr. Zingale to forward the list of Towns to State Senator Kevin Mullin. Mr. Zingale will post the Town's Solar Resolution on the Town's Web site.

The Board reviewed Packet correspondence.

Regarding the Town's Equalization appeal denial Mr. Chioffi told Board members that Mr. Tom Vickery feels so strongly about the matter he will attend an upcoming hearing and will represent the Town at no charge. Ms. Ashcroft said the Town's attorney should also attend the hearing.

Mr. Chioffi made a motion to have the Town Attorney work with the Listers and Tom Vickery and to attend the March 17, 2015 hearing at the Tax department Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Mr. Hawley read correspondence sent to the State of Vermont seeking a waiver under the State subdivision law for the proposed land swap between the Town and the Cunninghams.

Board members discussed the articles they have written for the next Circle publication.

Mr. Chioffi asked Mr. Hawley to place the two Town policy changes on the next agenda. Mr. Chioffi said he and Mr. Dicton both have proposes changes to be considered. He said all Board members have had the two proposed changes in their possession for the past two meetings. He said they were handed out at a Budget meeting.

Ms. Ashcroft asked for clarification. Mr. Chioffi said his has to do with press releases and Mr. Dicton has a policy as to how grievances will be filled. Ms. Ashcroft said the Board should also consider adding two alternates to the Planning Commission.

Mr. Chioffi moved to close the meeting. Ms. Ashcroft made a second to the motion. The motion passed unanimously.