

TOWN OF RUTLAND
SELECT BOARD

MINUTES: February 24, 2015

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

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

Mr. Chioffi informed those in attendance that the meeting would be Mr. Hawley's last meeting as Chairman of the Board. Those in attendance rose to their feet and applauded Mr. Hawley.

The Board reviewed the 1-13-15 minutes. Mr. Chioffi cited a correction in the minutes. Ms. Ashcroft moved to approve as corrected. Mr. Chioffi made a second to the motion. The motion passed by a vote of 3 to 0. Mr. Dicton abstained from the vote.

The Board reviewed the 1-14-15 minutes. Mr. Chioffi cited corrections to the minutes and the Board said to attach the BJ's handout to the minutes. Ms. Ashcroft moved to accept the 1-14-15 minutes with changes. Mr. Chioffi made a second to the motion. The motion passed unanimously.

The Board reviewed the 1-29-15 minutes. Ms. Ashcroft said the statement "to ask the voters" needs to be included in all the ballot item motions by Mr. Faignant and Mr. Chioffi. Mr. Chioffi corrected the minutes to read "a meeting of the whole" not a meeting of the whole Board". He said he made the clarification at the 1-29-15 meeting because it was not a regular Select Board meeting. He said it was an additional Select Board meeting for billing purposes. He said the Board met as a Committee of the whole. He said the Board was not meeting as a regular Select Board night meeting. He said the minutes should read "the meeting is a meeting of the committee as a whole."

Mr. Chioffi also cited missing words and spelling corrections on page 2, 3 and 5 that need to be added and corrected. Ms. Ashcroft moved to accept the minutes as amended. Mr. Dicton made a second to the motion. The motion passed unanimously.

Mr. Hawley gave Ms. Ashcroft and Mr. Dicton the Town resolution regarding proposed changes to the Regional Dispatch service to sign. Mr. Hawley also sought Board approval to sign a **\$44,035.00** manhole repair agreement with Fabian Earth Moving, which was previously approved by the Board.

Ms. Ashcroft made a motion of the Chairman to sign the agreement. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Mr. Red Grover met with the Board regarding the status of the Town's consideration to accept the unaccepted section of Grover Drive. Town Administrator, Mr. Joseph Zingale Jr. reported that Mr. Pete Andrews had inspected the road the previous day and has discussed the road with Mr. Hathaway.

Mr. Hawley asked Mr. Hathaway if Mr. Andrews had any concerns following the site visit. Mr. Hathaway said he did not think Mr. Andrews had any major concerns. He told the Board that Mr. Andrews took notes and reviewed plans.

Mr. Hathaway said Mr. Andrews said there could be a drainage problem in the future at the "T" intersection. He said a couple of culverts would take care of any drainage problems. He said if there is going to be a problem it would happen at the end of March or early April. Mr. Hathaway said the Board would receive a report from Mr. Andrews.

Ms. Ashcroft asked if the Town had received a certification letter from Mr. Brownson Spencer. Mr. Zingale said Mr. Spencer has not submitted a certification letter. Mr. Zingale said Mr. Spencer has submitted information as to the road construction.

Mr. Dicton said he is not in favor of signing off on the road until the Board receives a certification. Mr. Hathaway said the map submitted to the Town only shows the location of one culvert. He requested a map which shows the location of all culverts.

Mr. Hawley said the applicant needs to submit a road certification and a corrected map showing all culvert locations. He said the Board will also receive a report from Mr. Pete Andrews. Ms. Ashcroft said Mr. Spencer could issue a certification with qualifications tied into the map.

Mr. Dicton made a motion to go into a brief executive session in regards to two items, one being with the Fire Chief for personnel matters and the second for a scheduling of a time and a date for personnel notice complaint against the Town Administrator. Mr. Chioffi made a second to the motion. The Board decided to include Mike Carlson in the executive session with the Town Fire Chief. The motion passed unanimously.

Planning Commission Chairman Mr. Andrew McKane reported:
Not present

Town Representative to the Solid Waste Alliance Communities Mr. William Matteson reported:
Not present.

Town Clerk & Treasurer Ms. Donna Zeller reported:

1. Told the Board that the majority of the Town Reports have been mailed and that she put the Town Warning in the Rutland Herald to run on Thursday.
2. She thanked Carol Bam and Theresa Kulig for their assistance with the Town mailing list. Mr. Chioffi said Mr. Sam Bellomo should also be thanked because he changed his schedule and worked over the weekend to do the Town's order.
3. She told the Board residents will be voting for 27 articles.
4. Told the Board that tomorrow at 5:00 will be the last time to register to vote.

5. She said the voter list would be finalized on Thursday and then sent to the BCA.
6. Ms. Zeller told the Board she has a full slate of poll workers. She said if anyone else wants to help she will not say, no. She said the schedule was e-mailed to everyone earlier in the day.
7. Ms. Zeller said the Town meeting would be at the Town School the following Monday night at 7:00 P.M. to discuss all of the articles.
8. She said the polls would be open the following day from 7:00 AM to 7:00 PM for voting. Ms. Zeller said residents that live on the east side of RT 7 vote at the Elementary School on post Road and that resident that live west of RT 7 vote at the Town Hall.
9. Ms. Zeller informed the Board that Mr. Burgess and Mr. Tom Vickery are working on the Town's CLA appeal. Ms. Zeller read correspondence from Mr. Burgess.
10. She informed the Board that the flagpole light is not working. The Board instructed Mr. Zingale to contact Rob Stubbins to look at the light.
11. She informed the Board that the Town Service Officer's appointment is set to expire.
12. Ms. Zeller told the Board that a check from the Holiday Inn in the amount of **\$45,802.19** for water & sewer use was returned due to insufficient funds. Mr. Chioffi made a motion to have the Town Administrator send a delinquent notice to the owners of the Holiday Inn. Mr. Dicton made a second to the motion. The motion passed unanimously.
13. Ms. Zeller said there is still a problem with the Rutland Town emails and she cited the fact the web site was recently down. She said it makes it really difficult for her to do her job. She told the Board that Mr. Zingale is in the process of getting permission to move the email accounts to a different server. Ms. Zeller said it will not cost anything to switch the email and create 10 email accounts.

Ms. Zeller requested permission from the Board to move Town email accounts to the google server. She told the Board there would be no fee involved. Ms. Zeller said she did such work when she worked at Marble Valley Engineering.

Ms. Ashcroft moved to have Ms. Zeller work with Mr. Zingale to get the password necessary to transfer the email accounts over to google and to keep the web platform in place. Mr. Dicton made a second to the motion. The motion passed unanimously.

Mr. Chioffi told Ms. Zeller that his wife, Marcia, could work at the Town Office polls in the afternoon.

Town Road Commissioner Mr. Byron Hathaway reported:

1. Cited the debris management plan he emailed to the Board. Mr. Hathaway said having the plan in place could benefit the Town with the most recent FEMA disaster decoration. Ms. Ashcroft moved to adopt the debris management plan as circulated by the Road Commissioner. Mr. Chioffi made a second to the motion. The motion passed unanimously.
2. He requested permission to submit the Town Highway Garage Act 250 application. Mr. Hathaway cited the fact that he had emailed the application without attachments to Board members.

Mr. Chioffi moved to table the matter until after the election. He said something as important as the proposal should have a full Board. Ms. Ashcroft said the application is to amend the existing Act 250 permit to allow for the construction of a Highway Garage.

Ms. Ashcroft said the garage was first proposed in 2004 and that many of the permits are in place for construction. Ms. Ashcroft said she would not second the motion to table. Mr. Dicton asked if Board members had received all information. Mr. Hathaway said he send Board members everything except the large map.

Mr. Hathaway told Board members that Act 250 Coordinator, Mr. Bill Burke, requested a new map, which has been submitted. He said Mr. Burke also requested a sketch of the proposed building.

Mr. Dicton made a second to the motion. Mr. Chioffi said he is not trying to put the project off rather he said he wants a deliberative discussion with everyone at the table. He said he does not think Town residents have seen the proposed garage plans.

Mr. Chioffi said there has not been a Town wide meeting with Town residents. He said the Board is doing all this stuff as if it is going to be built. He said the Board has not taken any formal votes to build the garage.

Ms. Ashcroft told Mr. Chioffi it shouldn't be a big surprise since the Board has been working on the project for the past 11 years. Ms. Ashcroft said if the Board get the Act 250 permit it will have the opportunity to build the garage. She said the Town would not be required to build the garage but would have permission.

Ms. Ashcroft cited the fact that a number of permits have been received and that the Act 250 application is the next step. Ms. Ashcroft said the Board is not doing an end run on the voters rather the Board is getting everything set up for

construction. Mr. Chioffi said there has not been a lot of discussion of the project. Mr. Chioffi said he would like to include Mr. Clifford in the discussion from the start. The motion passed by a vote of 3 to 1. Ms. Ashcroft voted in the negative.

3. Mr. Hathaway asked Town Police to monitor for individual plowing snow across Town roads. He said the snow left on the payment freezes and can create an unsafe condition.
4. Mr. Hathaway told the Board that there is a couple of hundred tons of road salt in the shed at this time. He said it should get the Town through the month of March.

Town Fire Chief Mr. Frank Cioffi reported:

1. He informed the Board that there will be a meeting at the State Fire Academy in Pittsford the following night at 6:00 P.M. regarding the Rutland dispatch. Mr. Diction requested Mr. Cioffi to give an overview of possible impacts if the dispatch center is relocated.

Mr. Cioffi said under the plan the Rutland dispatch would be switched to Rockingham, Vermont. Chief Cioffi said phone lines would have to be run between Rutland and the Rockingham dispatch. Mr. Cioffi said a big problem is the fact the Rockingham dispatchers do not know the Rutland area.

Mr. Diction asked Mr. Cioffi if the Town could have its own dispatch and not participate in the proposed change. Mr. Cioffi said the Town could operate its own dispatch but that it would be a lot more expensive than the current dispatch.

Town Transportation Council representative Mr. Martin Wasserman reported:

1. He told the Board that his next meeting is in two days and the topic will be speed limits in the Town of Pittsford and Rutland City. Mr. Wasserman said if there is anything which the Board would like him to bring up at his meeting, then just let him know.

2. Mr. Wasserman informed the Board that both Chief Cioffi and former Chief Joe Denardo have requested that he take the Town Emergency Manager Director position. Mr. Wasserman told the Board he would be attending a meeting the following evening regarding proposed changes to the Rutland dispatch system.

Mr. Wasserman said he needs to know more about what is involved before he makes a decision whether to take the position. Mr. Wasserman requested he be sent an agenda via email instead of a mailed letter. Mr. Chioffi said all Town officials and employees should have Rutland Town emails.

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

1. He told the Board that the RRPC reviewed an Act 250 permit application for gravel extraction from the Elnicki gravel pit in Clarendon and Shrewsbury. He said the gravel is for a project at the Rutland airport. Mr. Hunter said the application was approved with some concerns.

2. Mr. Hunter informed the Board that the Town could receive additional funding from the State of Vermont, following a federally declared disaster, provided the Town has met certain guidelines. He said the RRPC could help the Town meet the guideline requirements. He said the Town could receive up to 17% more in disaster relief funds. He said the Town needs to understand the guidelines and follow the process. Mr. Hunter will let the Board know if the RRPC has a working templet.

Town Police Chief Mr. 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: 43

- Total calls for last year at this time: 107

_ Total call for 2015 year: 170

-Types of calls assigned

Directed patrols, 911 hang-up's, Public speaking, Alarms, Accidents, Property damage, Accidents, personal injury, Citizen disputes, Suspicious, Motor vehicle complaints, Agency assists, Fire alarm, Background checks, Fraud, Vehicle VIN inspections, Animal problems, Service of abuse prevention order, Citizen assists, Parking problems and Abandoned vehicles.

Closed Cases: 38

Number of Arrests: 1

What Types of Arrest:

Motor Vehicle Stops: 7

Vermont Civil Violation Complaints (Tickets) Issued: 5

Total Fine Amount: **\$716.00**

Warnings Issued: 2

Total number of Patrol Hours: 138.75

Chief Dumas: 16

Captain Washburn: 68.75

Officer Gamble: 42

Officer Sly: 12

Total number of Admin hours: 52.75

Chief Dumas: 19.5

Captain Washburn: 3.2

Officer Gamble: 2

Officer Sly: 28

Mr. Dicton asked Chief Dumas the same question he asked Chief Cioffi regarding the possible relocation of the Rutland dispatch to the Town of Rockingham. Chief Dumas said he has been told it will be a seamless transition. He said we will not know until it happens.

Chief Dumas said he has concerns for his safety and the people who work in law enforcement. Mr. Dumas said he is considering having a different agency dispatch the Town police Department. He said he would discuss the matter with the Police Commission.

The Chief said he is also looking into a phone system, which would require a new phone and a voice forwarding system. Mr. Dicton questioned how Chief Dumas would obtain a warrant if the dispatch is moved to Rockingham.

Chief Dumas said the City of Rutland might be the holders of various orders. He said if so, then he would go to the City rather than to the St. Police barracks. He said if the orders were not available in Rutland then he would have to go to Rockingham or he might have the orders sent to Rutland via a fax or email. Mr. Dicton informed the Chief that he would like to hold a monthly Police Committee.

Chief Dumas informed the Board that possibly next year the Town may be charged for dispatch services. Mr. Chioffi said it would not happen.

Town Recreation Director Mr. Mike Rowe reported:

1. He told the Board that basketball is essentially over. Mr. Rowe thanked a list of individuals for their time assisting with the K through 6 basketball program.
2. Baseball and Softball registrations are open through March 20th

Mr. Chioffi asked Mr. Rowe if there is **\$6,000.00** in the recreation budget to put toward a land acquisition. Mr. Rowe said he would make it work.

Town Administrator Mr. Joseph Zingale Jr. reported:

1. He informed the Board that Efficiency Vermont will pay 100% of the cost to convert all Town street lighting to LED lights. Mr. Zingale said the Town spent **\$17,500.00** over the previous 12 months for streets lights. He said the Town would pay approximately **\$13,000.00** a year for LED lights.

Mr. Chioffi questioned if the Town might place lights on every other pole verses replacing all of the existing lights. Mr. Dicton said the Town should replace light for light because the spans are too far apart. Ms. Ashcroft agreed.

Mr. Chioffi made a motion to authorize the Chairman to sign the agreement with Efficiency Vermont for the LED upgrades to Town street lighting and to have the check sent directly to GMP. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

2. He reported that the Town will not be required to enforce State Solid Waste laws as a result to changes to the solid waste law. Mr. Zingale said that according to the Town's attorney, State law says Towns "may" enforce State solid waste laws and not "shall".

3. Mr. Zingale told the Board that Town Attorney Mr. Kevin Brown is attending a PSB public hearing in Fair Haven regarding New England Clean Power Link's proposal to bury a D.C. power line through a portion of Rutland Town.

4. Mr. Zingale cited a proposed Purchase and Sale agreement between the Town of Rutland and Mr. Gregg Nutting. Ms. Ashcroft inquired as to the width and type of access the Town will retain.

Mr. Zingale said the under the proposed agreement Mr. Nutting would own the driveway and the Town would have a Right-of-Way (R-O-W) over Mr. Nutting. Ms. Ashcroft said the proposed easement is vague. She said the proposed easement would not give the Town permission to place a water line in the road (R-O-W).

Mr. Zingale said he would have the agreement revised to give the Town the right to place public utilities with the road R-O-W. Ms. Ashcroft said the road width must be specified to be 50 feet wide and the Board needs to know whether the Town will own the road in fee or through an easement.

5. Mr. Zingale cited a questionnaire regarding funds for bridge repair work. Mr. Hathaway said the Town does not have any bridges that need work.

6. He informed the Board of a request from an individual seeking permission to land a helicopter at Northwood Park. Mr. Zingale said the individual won a helicopter ride to and from her upcoming wedding. He said a minimum of 5000 sq. ft. and no trees or power lines is required for landing.

Board members discussed the request and told Mr. Zingale to have the individual contact School officials since the location in Northwood Park is on the portion owned by the Town School Board and not the Town Select Board.

Board members discussed the recent Stantec landfill monitoring report. Mr. Dicton made a motion to accept the proposed Stantec landfill monitoring agreement and

for the Chair to sign on behalf of the Board. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

The Board reviewed Packet correspondence.

Mr. Hawley informed Board members that the Town of Killington has signed and returned the Town's Solar Resolution.

Mr. Dicton made a motion to reappoint Mr. Chioffi to the Regional Ambulance Service. Ms. Ashcroft made a second to the motion. The motion passed by a vote of 3 to 0. Mr. Chioffi abstained from the vote. Mr. Chioffi thanked Board members.

Mr. Chioffi cited an opinion from the Town attorney stating the Board does not have to have a public vote to purchase real estate provided the funds are available and no money is borrowed to pay for the purchase.

Mr. Chioffi cited **\$6,000.00** available in the Recreation Budget and said the Board would get **\$9,000.00** from the land sale to Mr. Nutting. Mr. Chioffi made a motion to proceed and to authorize the Board Administrator to proceed with Mr. Baker on the property, at the price it was offered to the Town. A price of **\$15,000.00**, he said.

Mr. Chioffi said **\$15,000.00** was the agreed upon price between the real Estate Agent and Mr. Baker and the Town at this time. Mr. Dicton made a second to the motion.

Mr. Dicton asked if there is a **\$15,000.00** proposal in writing. Mr. Zingale said he believes Mr. Burgess last offered **\$9,000.00** to Mr. Baker for the property. Mr. Chioffi said if the Town is purchasing the land then it is incumbent on the Town to make an offer. He said it is incumbent on the owner to accept the offer or not.

Mr. Chioffi said he is making the proposal that the Town offer **\$15,000.00**. Ms. Ashcroft said the Board should wait to hear back from Mr. Burgess who has been negotiating for the Town before moving forward. Mr. Chioffi said Mr. Burgess is not a member of the Board of Selectmen. Mr. Dicton questioned who has been negotiating for the Town. Mr. Hawley said Mr. Burgess has been negotiating for the Town.

Mr. Chioffi said if the Town stands at **\$9,000.00** and does not give the man what he wants then one of four interested individuals will purchase the land. Mr. Chioffi said time is of the essence. Ms. Ashcroft cited the fact that Mr. Faignant had previously had some thoughts on the matter and that he was not present.

Mr. Chioffi said he does not want the property to be lost because the Board is frittering around over **\$6,000.00**. Mr. Dicton said he agrees with Mr. Chioffi but that he needs to see a document which states how much Mr. Baker is requesting.

Mr. Chioffi withdrew his motion. Mr. Chioffi made a motion to authorize the Town Administrator and Mr. Burgess to contact Mr. Baker and get the lowest price he will

accept from the Town. Mr. Dicton made a second to the motion. The Board discussed the matter further. The motion passed unanimously.

Ms. Ashcroft moved to close the meeting at 9:25 P.M. Mr. Dicton made a second to the motion. The motion passed unanimously.