

TOWN OF RUTLAND
SELECT BOARD

MINUTES: January 13, 2015

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

The meeting opened at 6:36 P.M with the Pledge of Allegiance.

Mr. Faignant asked all in attendance to remain standing for a minute in silence for the memory of Mr. Ray McCarthy, the last active Fire Department Charter member who recently passed away. Mr. Faignant said Mr. McCarthy served the Town for 45 years in the Fire Department.

The Board reviewed the 12-30-4 minutes. Ms. Ashcroft moved to adopt as printed. Mr. Chioffi made a second to the motion. The motion passed unanimously.

The Board took questions from the floor. Town Lister, Mr. Howard Burgess met with the Board and urged the Board to appeal the recent State Board of Appraisers decision regarding the property valuation of the Holiday Inn. Mr. Burgess cited the letter he prepared for Board consideration.

Mr. Burgess said the Holiday Inn sale was not a valid sale because it was foreclosure and auction sale. Ms. Ashcroft cited the fact there is a two million dollar difference in the appraisal value. Mr. Chioffi made a motion to send the letter as drafted to PVR and to authorize Mr. Hawley to sign on behalf of the Select Board. Mr. Faignant made a second to the motion. The motion passed unanimously.

Mr. Burgess briefed the Board regarding an appeal to the Superior Court from Dr. Sobel regarding the former TD Bank property. Mr. Burgess requested permission to get the Town attorney involved in the appeal to the Court. Board members said Mr. Burgess should do what the Town normally does and to get the Town attorney involved.

Mr. Burgess gave the Board an update regarding the Baker property. No action was taken.

Mr. Hawley informed Mr. Burgess that the Board has received a letter from Rutland Plywood stating they cannot pay their business personal property taxes of **\$6,975.30**. Mr. Hawley said the matter should be sent to the Board of Civil Authority (BCA) for an abatement hearing. Mr. Hawley requested that Ms. Zeller schedule a BCA hearing.

Mr. Hawley reported to the Board regarding a recent site visit to inspect the unapproved section of Grover Drive. Mr. Hawley said He and Ms. Ashcroft and Mr. Hathaway as well as representatives for the owner were present.

Ms. Ashcroft asked if Mr. Brownson Spencer sent in a report of the meeting. Mr. Zingale said the document on Mr. Hawley's desk is from Mr. Spencer. Mr. Hawley read from the report. Board members reviewed a map submitted by Mr. Spencer.

Mr. Hawley said according to Mr. Spencer's letter there are run-off easements for lots # 13 & # 45 and an additional easement for the area where the road is not within the road r-o-w.

Ms. Ashcroft said that based on the site visit it was determined that in a couple of areas the shoulders need to be built-up. She said some ponding of water could occur in the areas adjacent to lots # 13 & # 45 and that the Town needs to get an easement for the possibility that water may pond outside of the road r-o-w and on private property.

Ms. Ashcroft said an area north of lot # 45 also needs to be conveyed to the Town because the as-built paved portion of the road cuts the corner sharply and does not have the required r-o-w. Ms. Ashcroft said damage to the pavement would be addressed in the spring along with the shoulder work.

Ms. Ashcroft said the Town attorney should review the proposed deed and map and that Mr. Hathaway would be getting a Letter of Credit (LOC). Mr. Hathaway said Mr. Grover has agreed to a one year **\$25,000.00** LOC. Mr. Hathaway said if drainage issues were to develop or if the shoulder work is not done there would be enough money to deal with the problems.

Mr. Faignant asked if the letter LOC is for one year or 18 months. Mr. Hathaway said the LOC should be for 18 months. Board members discussed how long the LOC should run. Mr. Red Grover said the LOC would run for six months following the one year period. Mr. Grover gave Mr. Hawley the LOC.

Ms. Ashcroft said the Board would accept the road subject to the paperwork being in order with Town council and that the road would be accepted subject to approval by Town council and subject to the completion of the items listed in the memorandum from the applicant.

Mr. Faignant said he wants to approve the road acceptance after the Town Lawyer says it is okay to accept. Ms. Ashcroft moved to send the proposed deed and associated paperwork to the Town lawyer for review. Mr. Faignant made a second to the motion. The motion passed unanimously. Mr. Hawley told Mr. Grover he would try to have an answer from the Town Attorney for the next meeting.

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. Monday was the last day to pay property taxes.
2. The pre-Town meeting will be on January 26, 2015 at 7:00 P.M.
3. Told the Board the office will be closed on Monday February 24, 2015 for Martin Luther King Day.
4. Dog tags are available.
5. Dog licenses are due April 1st
6. She informed the Board she has mailed out Liquor licenses forms for renewal.
7. She told the Board that water & sewer payments are due on January 28th
8. Petitions for the ballot are due by January 20, 2015.
9. Elected office petitions are due by January 26, 2015.
10. W2 and 1099 will be sent out at the end of January.

Mr. Chioffi made a motion that the Town Treasurer is the Collector of current taxes in perpetuity. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

11. The March Warning needs to be posted by February 1st.

Town Road Commissioner Mr. Byron Hathaway reported:

1. Told the Board he has most of the Act 250 work needed for the Highway Garage complete. Mr. Hathaway said he would be sending letter to various Town departments for their support.

He told the Board that he also prepared a construction waste management plan in connection with the Act 250 permit.

2. Mr. Hathaway informed the Board that the grant agreement with West Rutland for a bike/pedestrian path (from the Town's Park & Ride to West Rutland Park & Ride) has been submitted by West Rutland.
3. He submitted the project commitment form for signature for the Small Communities Better Connections grant with the Town of West Rutland. Mr. Chioffi made a motion for the Chairman to sign the grant. Ms. Ashcroft made a second to the motion. Ms. Ashcroft questioned what the Town's share will be in

the grant. Mr. Hathaway said the amount will be about **\$4,000.00**. The motion passed unanimously.

4. Mr. Hathaway questioned if he needs to adjust his cost of living figures in his budget. Mr. Hawley said he does not have to do so because no action has been taken. He said the Board would be meeting to finalize Budgets next week.

Mr. Hawley said the Highway department's health care has been removed from the Highway Budget and put into the General Budget.

5. Mr. Hathaway told the Board that he received less than he expected in overtime pay for the last pay period because Ms. Zeller applied a strict adherence of the Fair labor Standard Act verses the Town's past overtime practice.

He said under the Fair labor Standard Act; holidays, sick days and vacation days do not qualify for overtime pay. He said in the past if he worked Christmas day he would receive holiday pay plus overtime pay.

Mr. Hathaway said under the present system he would receive 10 hours in overtime pay if he worked 50 hours in one week. He said under the way Ms. Zeller calculates overtime he would only be paid for 2 hours of overtime.

Mr. Hathaway said the Town had been exceeding the minimum standards established by the Fair labor Standard Act. Mr. Hawley agreed with Mr. Hathaway that the Town has compensated at 10 hours overtime per Mr. Hathaway's example. Mr. Hathaway said the Town has paid double-time and a half for working on a holiday, if over 40 hours in the week.

Mr. Fagnant said he can support time and a half for holiday work. Board members and Mr. Hathaway discussed the matter further. Ms. Ashcroft moved to establish a policy to consider an hour holiday as part of the worked 40 hour week. Anything over the 40 hours is at time and a half. Sick days and vacation days are not counted. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Town Fire Chief Mr. Frank Cioffi reported:

1. He presented a list of new officers to the Board for approval. Nick Denardo, Assistant Chief McKinley Station, Chris Clark, Captain McKinley Station, Bill Sweet, Lieutenant McKinley Station, Mike Carlson, Assistant Chief Center Rutland, Dave Riccard, Captain Center Rutland, Matt Voity, lieutenant Center Rutland. Mr. Fagnant moved to accept the list of new officers. Ms. Ashcroft made a second to the motion. The motion passed unanimously.
2. He submitted a price for the removal of the underground fuel tank at the McKinley Station. Mr. Cioffi said the price might be a little cheaper after the

project is put out to bid. Mr. Hawley told Mr. Zingale to put the information submitted by Chief Cioffi in the Board's next packet. Mr. Hawley said it would be a couple of weeks before the Board can make a decision.

3. Chief Cioffi submitted a specification sheet for the new thermal imaging cameras the department wants to purchase. He said the price for the two thermal cameras is **\$ 22,500.00**. Mr. Hawley said the money would come from the department's Depreciation fund. Mr. Faignant moved to approve the purchase. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Town Recreation Director Mr. Mike Rowe reported:

1. K through 6 basketball is underway
2. Informed the Board he received a thank you letter from a Town senior for the town sponsored lunch at Swards.

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

Not present.

Town Police Chief Ed Dumas (Mr. Chioffi) reported:

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

-Calls for service within the two week period: 34

- Total calls for last year: 866

_ Total call for 2015 year: 23

-Types of calls assigned

Agency Assists, Animal Problems, Motor Vehicle Crashes, 911 Hang ups, , Theft, Traffic Hazards, Fraud, Motor Vehicle Complaints, Service of Abuse Prevention order, Directed Patrols, suspicious complaints, multiple accidents, Directed patrols, Child abuse complaint and APO service

Closed Cases: 21

Number of Arrests: 2

What Types of Arrest: retail theft

Motor Vehicle Stops: 15

Vermont Civil Violation Complaints (Tickets) Issued: 9

Total Fine Amount: **\$1,448.00**

Total number of Patrol Hours: 102.5

Chief Dumas:

Captain Washburn:

Officer Gamble:

Officer Sly:

Total number of Admin hours: 113

Chief Dumas:

Captain Washburn:

Officer Gamble:

Officer Sly:

Town Administrator Mr. Joseph Zingale Jr. reported:

1. Reminded Mr. Hawley regarding changing the next meeting date to 1-26-15 instead of 1-27-15.
2. He informed the Board that a representative from the proposed gas line would like to know if the Town plans to appoint individuals to serve on a committee sponsored by the gas line company. Board members discussed the matter and decided not to participate on the gas line committee. Mr. Zingale will inform the as line officials.
3. Mr. Zingale presented the survey map depicting the proposed land swap between the Town of Rutland and the Cunninghams on Hitzel Terrace. Mr. Zingale said the town would give the Cunninghams .18 + or – acres and that the Town will get .18 + or – acres from the Cunninghams.

Mr. Zingale said the Town would be getting land that is wet and that the Cunninghams would be getting dry land, which is adjacent to their home. Mr. Zingale said he needs to request a State subdivision waiver from the State, for the proposed land swap.

Ms. Ashcroft moved to approve the land swap with the Cunninghams. Mr. Faignant made a second to the motion. The motion passed unanimously.

Mr. Chioffi told Board members that the Police Committee has come up with a proposal regarding Chief Dumas' request for Police department officers to do outside work. Mr. Chioffi said the hourly rate would be **\$72.00** per hour.

Mr. Chioffi said the Committee is concerned with the number of total hours officers are working. Mr. Chioffi said he and Mr. Diction feel 60 hours per week is reasonable. He told Board members that Chief Dumas said he could work with in the 60 hours per week.

Mr. Chioffi said monies would be received by the Town and that the Board would decide where the money goes. Mr. Faignant said he supported the concept of the officers being allowed to do outside work provide there is no cost to the Town.

Mr. Faignant said under Committee proposal officers would be paid **\$40.00** per hour from the Town of Rutland. He said it would trigger; payroll tax, social security, retirement, worker comp and insurance. He said it could also trigger overtime pay.

Mr. Faignant said the way the policy is written the officers would be working for the Town. Mr. Faignant said he thought it was going to be outside work, outside of the scope of the Town, and that the Town would make some revenue from the vehicle and administrative fee.

Mr. Chioffi said the only way the officers can do the outside work is by the fact they are Rutland Town Police department officers. He said they would also be using Rutland Town equipment. Mr. Faignant said he is not opposed to doing what Mr. Chioffi has proposed, provided the additional expense of Town taxes is factored into the hourly rate.

Ms. Ashcroft said there should be a statement in the policy that says the outside work will not interfere with the duties of the officer and that the Chief has the right to decline any contract.

Mr. Faignant moved to table the proposed policy. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Board members discussed whether the Select Board or the School Board is paying for the 20 hour per week School Resource Officer. It was determined that the Select Board is paying for the School Resource Officer.

Board members reviewed packet correspondence.

The Board considered the two landscaping bid for the North End pump station work. Pratico's bid **\$1,900.00** and Carpenter & Coston bid **\$3,97.56**. Mr. Chioffi made a motion to accept the low bid. Mr. Faignant made a second to the motion. The motion passed unanimously.

Mr. Hawley read a solar resolution letter which will be sent to all the Select Board in the State. Mr. Hawley said the resolution attempts to form a coalition of Towns which will support reasonable legislation allowing local community input into the siting process.

Board members discussed the proposed resolution. Mr. Faignant made a motion to send the resolution to 240 chair people in the State of Vermont. Ms. Ashcroft made a second to the motion. The motion passed unanimously. Ms. Ashcroft thanked Mr. Chioffi for his work drafting the resolution letter.

Mr. Hawley cited the proposed sale of a parcel of Town land, located off US RT. 7 North. Mr. Faignant asked that a map showing the property be sent to Board members. Mr. Zingale will provide a map. Mr. Hathaway asked if the Town would maintain its r-o-w. Mr. Hawley said the Town will keep r-o-w access.

Mr. Chioffi and Mr. Faignant discussed revising the Town Speed Limit Ordinance to include US RT 4 & US RT 7. Mr. Chioffi said the Town is losing a significant amount of money by not adopting speed limits for US RT 4 & US RT 7.

Mr. Chioffi made a motion at 8:25 P.M. to go into executive session to discuss a personnel issue. Ms. Faignant made a second to the motion. The motion passed unanimously.

Mr. Hawley declared the executive session closed at 9:47 P.M. The Board took no action. Mr. Faignant moved to adjourn the meeting at 9:50 P.M. Ms. Ashcroft made a second to the motion. The motion passed unanimously.