

**TOWN OF RUTLAND
SELECT BOARD**

MINUTES: June 16, 2015

Board members present: Mary Ashcroft, Paul Clifford, Don Chioffi and John Paul Fagnant

The meeting opened at 6:30 P.M. with the Pledge of Allegiance.

Mr. Clifford moved to approve the June 2, 2015 minutes. Mr. Fagnant made a second to the motion. The motion passed unanimously.

Mr. Chioffi informed those in attendance that he is filling in for Mr. Diction who has a recurring medical issue. Mr. Chioffi said the Board wishes his the best and a speedy solution to his sinus problem.

Mr. Red Grover and his attorney Mr. Karl Anderson met with the Board regarding the status of the road acceptance of Grove Drive. Mr. Fagnant said the Board should give Mr. Grover a copy of attorney Kevin Brown's most recent letter to the Board regarding the Town acceptance of Grover Drive.

Mr. Fagnant said he would be satisfied, as to accepting the road, provided Mr. Anderson incorporates what Mr. Brown says the Town needs in order to accept Grover Drive. Mr. Zingale gave Mr. Anderson's a copy of Mr. Brown's letter.

Mr. Fagnant said if Mr. Brownson Spence and Mr. Pete Andrews walk the road together they should be able to reach a consensus as to what needs to be done regarding drainage.

Ms. Ashcroft asked Mr. Anderson if he has shown the Town attorney the Act 250 sign-off. Mr. Anderson said he does not think he has shown the correspondence to Mr. Brown. Mr. Anderson said he would do so. Mr. Grover told the Board that there was no water in the proposed road right of way in the spring.

Town Planning Commission Chairman Andrew McKane reported:

Not present.

Town SWAC Representative Mr. Richard Lloyd reported:

1. Mr. Lloyd cited the new transfer Station rate schedule, which was included in the Board's packet. Mr. Fagnant moved to approve the rate schedule. Mr. Clifford made a second to the motion. The motion passed unanimously. Mr. Lloyd said copies will be available at the Transfer Station and at the Town Hall. Board members discussed mailing the new rates to all town residents.

2. Mr. Lloyd suggested the Board put a fresh coat of stain on the east side of the Transfer Station prior to putting the new lettering to the building. Mr. Lloyd will get someone to apply the stain to the building.
3. Mr. Lloyd reviewed two price quotes for repairing the doors at the Transfer Station with Board members. He said Overhead Door bid \$1,820.00 and Ski Door bid \$1,559.20. Mr. Lloyd said the original doors were from overhead door.

Mr. Chioffi cited the fact that Mr. Lloyd had not solicited bids for the two prices. Mr. Faignant moved to accept the Ski Door price of \$1,559.20. Mr. Clifford made a second to the motion. The motion passed unanimously.

4. Mr. Lloyd said the Board should consider replacing the compactor after July 1st.

Mr. Clifford made a motion for the Chair to sign the SWAC so called "Hauler" letter on behalf of the Town. Mr. Faignant made a second to the motion. Ms. Ashcroft said Mr. Chioffi should cross out the word applicant and write in "For the Town of Rutland" The motion passed unanimously.

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

1. He informed the Board that he had missed the last Transportation Council meeting but that he received a briefing.
2. Mr. Wasserman told the Board that he would be meeting with the School Superintendent on Friday to write a Memorandum of Understanding between School officials and Town officials regarding Town use of the Town School as an Emergency Shelter.
3. Mr. Wasserman requested that all Town Department Heads provide him with cell phone and email addresses for his files, to be use in an emergency. He said the information could be left in his mailbox at the Town Clerk's Office. Ms. Zeller said she has much of the Department Heads information which Mr. Wasserman would like to get. Ms. Zeller will provide Mr. Wasserman with what she has.
4. Mr. Wasserman suggested Board members consider taking a nation incident command class so that they would be prepared during an emergency should they have to be involved with making command decisions.

Town Clerk & Treasurer Ms. Donna Zeller reported:

1. She requested all timesheets be submitted by June 26, 2015.

2. Ms. Zeller informed the Board that she and Mr. Zingale met with a NEMRC representative and have worked out what hardware the Town should purchase for the planned new server. She told the Board that the NEMRC representative recommended that the Town add a second power supply to the server as well as extend the warranty to 5 years.

Ms. Zeller told the Board that she, Mr. Zingale and NEMRC are good regarding the proposed hardware purchase. She encouraged the Board to move forward with the purchase. Ms. Zeller told Board members that the installation of the server will required new lines being strung with in the Town Hall.

Ms. Zeller told Board members that the photo copier will be connected to the new network. This will allow anyone on the network to print directly to the copier in her office. Ms. Zeller said she is also getting prices on replacing the photo copier.

Ms. Zeller inquired if she needs to place a new copier lease out to bid. She said the lease would be for less than \$1000.00 per year. Mr. Chioffi said Ms. Zeller should take the money from her budget.

Ms. Ashcroft questioned the location of the various Board policies. Mr. Zingale said the red Town codification book contains Town ordinances and not Town policies. Mr. Zingale said the Board relies on practice verses policies to the best of his knowledge.

Mr. Clifford moved for Ms. Zeller to place a notice for bids in the newspaper. Mr. Faignant made a second to the motion. The motion passed unanimously.

3. Ms. Zeller informed Board members that Assistant Town Clerk & Treasurer Ms. Susan McGee will be on vacation from June 18 through June 23.

4. Ms. Zeller thanked Mr. Lloyd for his inquiry into the metal recycling payments to the Town. She told the Board that the Town recently received a check in the amount of \$600.00 for the metal box from the Hubbard Brothers. Mr. Lloyd said Mr. Zingale had contacted the Hubbard Brothers regarding the revenue payments to the Town.

5. Ms. Zeller informed the Board that she has received an audit proposal from AM Peisch. Ms. Zeller will send the Peisch proposal out in the next Board packet.

6. Ms. Zeller informed Board members that Town Police Chief Mr. Ed. Dumas has been voted the Best of the Best in a Rutland Herald competition. Ms. Zeller said Mr. Dumas was voted the best "heart of Vermont Town officer".

7. Ms. Zeller told Board members that she has been getting a lot of calls regarding issues involving the Town Delinquent Tax Collector. Board members

said the matter would be discussed in executive session at the end of the meeting.

Town Road Commissioner Mr. Byron Hathaway reported:

1. Mr. Hathaway thanked Ms. Zeller and her staff for all of their assistance in preparing various FEMA correspondence and scanning documents for his office.
2. Mr. Hathaway said the proposed highway garage will not have a cafeteria as was reported in the Rutland Herald. Mr. Hathaway said the new garage will have a small lunch room with a shelf a sink and a table and chairs.
3. He told the Board that Fuller Sand & Gravel would resume town street paving the following day.
4. Mr. Hathaway told the Board he had received a request for a sign alerting motorist as to a deaf person, who walks along Gleason Road. The Board said Mr. Hathaway should place the requested sign on Gleason Road.
5. He told the Board the Prospect Hill Road culvert construction will begin on June 22, 2015. Mr. Hathaway said Prospect Hill Road will be closed to traffic on June 22, 23, 24, and 25.
6. Mr. Hathaway informed Board members that Town resident Mr. Brad Lafaso would like to have the Town Highway Department take away stumps and rocks he plans to remove from his property, which borders the East Pittsford Road. Board members discussed the request.

Mr. Hathaway said to do the work would be a bad precedence. Mr. Chioffi asked if there would be any improvements from the proposed work. Mr. Chioffi said removing the large stumps would be an improvement. He cited the possibility of a vehicle hitting a stump along the edge of the road. Mr. Hathaway said there are similar situations with rocks and trees along the edge of Town road throughout town.

Mr. Hathaway said he can't see any public good in the Town hauling material from the Lafaso's property. Mr. Hathaway said it would be best for Mr. Lafaso to get a permit to work in the Road r-o-w and take care of the matter himself.

Mr. Clifford said he would prefer Mr. Lafaso do the work himself and not use the Road Commissioner's time and money. Ms. Ashcroft cited the fact that there are trees, rocks and rock walls all within road rights of way, all over town.

Mr. Hathaway said the proposed would take a day to do. Mr. Chioffi informed Board members that he had called Mr. Lafaso and requested use of his bucket truck in order to put the new lettering on the Transfer Station. Mr. Chioffi said Mr.

Lafaso has agreed to donate his bucket truck and a man to do the lettering on the Transfer Station.

Mr. Chioffi said Mr. Lafaso would most likely donate his truck for using painting the building. Mr. Chioffi said Mr. Lafaso has been a pretty cooperative town citizen, citing his equipment donation to the Town.

Ms. Ashcroft said she still believes it would not be good precedence if the Town starts sending the Highway Department to clean up those things that are within the right of way.

Mr. Chioffi questioned if the Town would give Mr. Lafaso permission to dispose the stumps in the Town stump dump. Mr. Hathaway and Mr. Zingale said the Town's permit allowing stumps is for municipal debris.

Mr. Clifford made a motion that Mr. Lafaso apply for a permit to work in the road right of way, to do the work. Ms. Ashcroft made a second to the motion. The motion passed by a vote of 3 to 0. Mr. Faignant abstained from the vote.

7. Mr. Hathaway told the Board that the design of the Highway Garage storm water detention pond is complete. He told the Board the State has received the application for review.
8. Mr. Hathaway informed Board members that there would be an additional charge for having Stantec lay-out and inspects the waste water disposal system. He said a section of line will require pressure testing.

Ms. Ashcroft suggested Mr. Hathaway schedule a meeting with Stantec to discuss the inspection work and inform the Highway Committee when he has a date and time. Mr. Hathaway said Stantec would like to have the meeting at their South Burlington office.

It was decided Mr. Hathaway will attend a meeting with Stantec when he is in Burlington inspecting the Town's new truck. Ms. Ashcroft said the Board needs to receive the final Highway Garage construction figures by the next meeting. Mr. Hathaway said he will have the information for the next meeting.

Town Fire Chief Mr. Frank Cioffi reported:

Not present.

Mr. Chioffi informed Board members that Chief Cioffi has communicated with the owners of the solar project on Seward Road regarding access, firefighting and safety issues pertaining to the structure.

Mr. Chioffi said the Fire Committee recommends that the Fire Chief be authorized to correspond and work with the owners to achieve an acceptable solution to the access problem and to obtain the proper releases from the State concerning any agreed upon resolution.

Mr. Faignant moved to authorize the Chief to correspond and work with the owners to achieve an acceptable solution to the access problem and to obtain the proper releases from the State concerning any agreed upon resolution. Mr. Clifford made a second to the motion.

Ms. Ashcroft asked if the developer would have to move any panels. Mr. Chioffi said that no panels will have to be moved. Mr. Chioffi said the Chief is exploring the installation of mountable decks for the placement of deck guns.

Mr. Chioffi said Chief Cioffi is pretty sure he can get the developer to provide the decks at their expense. Mr. Chioffi said the installation of the decks would resolve the problem. Ms. Ashcroft said she would vote for the motion as long as the Chief reports the final resolution to the Board. Messrs.

Faignant and Clifford said they would accept Ms. Ashcroft's amendment. The motion passed unanimously.

Mr. Faignant made a motion to allow the Fire Department to send a truck to a parade in Salem, N.Y. and to require two firefighters accompany the truck. Mr. Clifford made a second to the motion. The motion passed unanimously.

Ms. Ashcroft made a motion to approve Mr. Chris Henderson as a regular member of the department and Mr. Tyler Robideau as a cadet member. Mr. Clifford made a second to the motion. The motion passed unanimously.

Board members discussed the proposed dedication plaque for the Joseph J. Denardo Fire Station. Mr. Chioffi said the Fire Committee will have Mr. John Socinski make the plaque.

Mr. Faignant moved to approve the dedication plaque. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Mr. Clifford inquired as to whether the Fire Committee has discussed the purchase of a ladder truck. Mr. Chioffi said the Committee asked the chief to do some more research and report back to the Board. Mr. Chioffi said the Chief would state why the department wants the truck when he has additional information to report.

Mr. Chioffi said the Chief has a full year to do his research since the Committee does not want to purchase a truck in the current calendar year.

Mr. Chioffi said the chief looked at an older truck in Maine that is priced in the \$20,000.00 range. He said the Committee would like the Department to purchase a newer truck than the one available in Maine.

Mr. Clifford questioned the need for a ladder truck, when the Town has mutual aid agreements with other towns. Mr. Chioffi said the issue was discussed by the committee. The motion passed unanimously.

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

Not present.

Town Police Chief Mr. Ed Dumas Reported:

1. As of Saturday, the department is just over 600 calls to date
2. Chief Dumas said the department has received all types of calls from 911 calls to hang-ups.
3. No recent break-ins.
4. The department is working on previous break-ins.
5. He informed the Board that the funding for the Cops Grant for the Town School Resource Officer has changes. He said under the new grant the Town will have to contribute to the cost of the office beginning in year one through year three, when the Town would have to pick up the total cost.

Mr. Dumas said he does not know how much the Town will have to pay per year. He said it would be less than 50% for the first three years. Mr. Dumas said Deputy Chief John Sly has expressed a desire to be the Resource Officer. Mr. Dumas said he can cover the Resource Officer's salary from the money budgeted for Mr. Sly's salary. Mr. Dumas said he will also be seeking funding from the School Board.

6. Mr. Dumas informed the Board that he planned to purchase new rear deck lights for Town police cruisers. He said the new light would make the vehicles more visible to motorist.

Mr. Chioffi told Mr. Dumas that Mr. Diction would like the department to shift hours so that there is more coverage on the weekend.

Town Recreation Director Mr. Mike Rowe reported:

1. Pool temperature is 74 degrees.

2. He told the Board he is working out the final details with the swim team.
3. Mr. Rowe presented the adult softball league contract for consideration. He said the league plays at Northwood Park in the spring and at Dewey Field, once town Little League is finished for the season.

Mr. Rowe told the Board that he increased the amount the League will pay the Town. Mr. Rowe said the price increase will cover the lighting cost associated with the softball league.

Mr. Faignant moved to authorize the Chairman to sign the agreement upon proof of insurance. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

4. Mr. Rowe told the Board that he would like to use depreciation funds to purchase a loader for the new tractor. Mr. Faignant said if the loader saves one injury claim, it would be worth it. Mr. Rowe said the loader would cost \$3,000.00.

Mr. Faignant moved to approve the purchase. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Town Administrator Mr. Joseph Zingale Jr. reported:

1. He informed the Board that Act 250 has issued a draft permit to Alderman's GM dealership for the construction of a new small showroom. He said the permit will become effective in 30 days, if the draft is not appealed.
2. Mr. Faignant moved to approve a 60 gallon per day (g.p.d.) wastewater allocation for Mr. Philip Alderman's Chevrolet property. Mr. Clifford made a second to the motion. The motion passed unanimously.
3. Mr. Zingale informed the Board that the town of West Rutland has received an Agency of Natural Resources permit to construct water and sewer lines from West Rutland to Center Rutland along Business RT 4.
4. Mr. Faignant moved to purchase a new meter-reader gun with money from the depreciation fund. Ms. Ashcroft made a second to the motion. The motion passed unanimously.
5. Mr. Zingale told the Board that it appears that birds are entering the Town Hall from a hole in the building near the roof. Board members told Mr. Zingale to take care of the matter.
6. Mr. Zingale informed Board members that attorney Kevin Brown has been receiving phone calls from the Boston Globe and the Rutland Herald seeking

comments regarding the Town's intervener status in the proposed DC Power line hearing. The Board said Mr. Brown should direct such calls to Mr. Dicton.

7. He informed the Board that the Town of Brighton has adopted the Town's solar resolution.
8. Mr. Zingale briefed the Board regarding a meeting earlier in the day with the Town's storm water consultant, Mr. Andres Torizzo, and Mr. Hathaway.

Mr. Zingale said the Board needs to:

- Adopt two expired storm water permits. He said the State wants the Town to take over the Hitzel Terrace / LaVictorie permit and the Windmere permit. Mr. Zingale cited the fact that the Town does not own the road in the Windmere development. Mr. Zingale said the Town has until October to acquire the two permits.
- He said the Town must provide storm water technical assistance to individuals seeking such assistance. Mr. Zingale said the Town should partner with Ms. Nancy Maguire's organization to provide the technical assistance such as; constructing rain gardens and disconnecting roof drains. Mr. Hathaway said he had contacted Ms. Maguire and she will get back to him after she discussed the matter with her Board.
- Mr. Zingale said the Town must also develop a stream corridor protection plan. He suggested amending the Town Flood Hazard regulations to address providing stream buffers. He cited a possible problem with incorporating buffer requirements in the Flood Hazard regulations.
- He told the Board the Town must also adopt a local site disturbance ordinance. He said the Planning Commission must inform applicants with projects disturbing less than 1 acre, that they must follow the low impact development manual. He said if an applicant is disturbing more than 1 acre they would need a permit from the State of Vermont.

Mr. Zingale informed Board members that the so-called Clark-Solar farm, located off Seward Road, is on its third owner since receiving a Public Service Board permit earlier in the year.

Mr. Faignant moved to approve the Baker land purchase and for the Chairman to sign the documents necessary to purchase the Baker property. Mr. Clifford made a second to motion. The motion passed unanimously.

The Board reviewed packet items.

Mr. Clifford informed Board members that he has accepted a new job and that as a result of increased time outside of the Rutland area he must resign his position on the Select Board.

Mr. Clifford thanked Town residents for the opportunity to serve as a Select Board member. Board members congratulated Mr. Clifford on his new position and Mr. Chioffi said he will be sad to see Mr. Clifford go.

Mr. Clifford said he would submit a letter. He said he plans to attend the next meeting.

Mr. Clifford moved to go into executive session at 8:17 P.M. to discuss the Police outside work contract, legal matters and the request from the Town Clerk to discuss delinquent tax collection operations. Ms. Ashcroft said the items have to do with personnel matters and confidential communications with Town council and made a second to the motion. The motion passed unanimously.

Mr. Faignant moved exit the executive session at 8:52 P.M. Mr. Clifford made a second to the motion. The motion passed unanimously.

Mr. Faignant made a motion to have Mr. Diction contact attorney Kevin Brown on pursuing VLCT endorsement & coverage under police outside detail contract. Mr. Clifford made a second to the motion. The motion passed unanimously.

Meeting adjourned at 8:53 P.M.