

TOWN OF RUTLAND
SELECT BOARD

MINUTES: June 17, 2014

Board members present: Steve Hawley, Joe Dicton, Don Chioffi and John Paul Faignant

The meeting opened at 6:46 P.M. with the pledge of allegiance.

The Board reviewed the minutes of June 3, 2014. Mr. Hawley added to the minutes a motion made by Ms. Ashcroft following the Board coming out of executive session. Mr. Chioffi moved to amend the minutes based on the Chairman's comments. Mr. Dicton made a second to the motion passed by a vote of 3 to 0. Mr. Faignant abstained from the vote. Mr. Chioffi moved to accept the minute as amended. Mr. Dicton made a second to the motion. The motion passed by a vote of 3 to 0. Mr. Faignant abstained from the vote.

The Board took questions from the floor. Ms. Sue Ross introduced herself to the Board. Ms. Ross has written to Board members expressing her desire to be appointed as Town Clerk & Treasurer.

Mr. Hawley said the Board has received a letter of resignation from Ms. Hyjek. Mr. Hawley said the resignation is effective as of August 1st.

Mr. Hawley said the Board needs to advertise to fill the Clerk / Treasurer vacancy. Ms. Hyjek will place an advertisement in the newspaper seeking candidates to apply by June 25th. The letter will state that the individual must be a Town of Rutland voter.

Mr. Hawley opened Town Financial audit proposals from the A.M. Peisch company and Mr. Jeff Bradley, C.P.A. Mr. Bradley proposed to do the work for \$9,500.00 and A.M. Peisch proposed to do the work for \$12,975.00 Mr. said Mr. Bradley's audit would require to have all information on-line. Ms. Hyjek said she does not understand what the requirement means.

Ms. Hyjek said everything would have to be paperless. She said Mr. Bradley would have to come to the Town Office and do a quick overview and everything would have to be sent to Mr. Bradley, paperless. She said he would then request what he needs to see.

Ms. Hyjek cited the fact that she had written down her concerns with Mr. Bradley's proposal. Ms. Hyjek reviewed her concerns with the Board:

1. Said she does not know what Mr. Bradley means by "paperless technology"

2. Said his proposal is quite clear that it could change. If he found there was more work involved.
3. Said the A.M. Peisch would not change.
4. Said she is concerned with the Bradley proposal because there is no proposed billing schedule as to when payments need to be made. She said Peisch has clearly stated their billing cycle.
5. Said she is leary having to deal with a one person firm rather than a firm doing the audit.
6. Said the Bradley proposal does not address additional resources. She said she knows A.M. Peisch has resources they can check before they give the Town their recommendations.
7. Said the Bradley proposal does not contain a completion date. She said the Audit would start in a month and must be done in a timely manner in order to keep the cost at a certain amount.
8. Said there is nothing noted regarding file security in the Bradley proposal. Ms. Hyjek said A.M. Peisch does not take anything from the building when doing the Town audit. She said they leave everything as it is.
9. Said Peisch has been doing the Town audit for a long time. Ms. Hyjek said Peisch does a real good job doing the audit.
10. Said there is no mention of findings and improvements for the town in Mr. Bradley proposal.
11. Said she does not know how much additional time Mr. Bradley would require verses the time it takes A.M. Peisch.

Mr. Faignant inquired whether A.M. Peisch is a preferred vendor. Mr. Zingale said that A.M. Peisch could have been designated a preferred vendor at some point in the past but that he had not researched the subject.

Mr. Faignant made a motion to name A.M. Peisch a preferred vendor. There was no second. Mr. Chioffi said he would second a motion for the purpose of discussion. Mr. Hawley said the motion had been seconded.

Mr. Chioffi said he does not understand why the Board would designate A.M. Peisch a preferred vendor when any competent CPA firm having experience with governmental audits would be able to bid. He said the audit does not seem like a unique thing.

Mr. Chioffi asked Mr. Faignant under what criteria AM Peisch would be named a preferred vendor. Mr. Faignant said the A.M. Peisch is in a unique position because the firm has done the Town audit for as long as they have.

He said A.M. Peisch has been exceptionally responsive when the Board has requested information. Mr. Faignant said he never saw a charge for the service which the firm provided to the Town.

Mr. Faignant said especially with the change of guard there needs to be continuity and historical perspective for the audit to be done. Mr. Chioffi said he did not disagree with Mr. Faignant. Mr. Chioffi said he prefers not to name a company a preferred vendor because it would keep any firm on their toes, if they knew they have to bid.

Mr. Dicton said he would probably not participate in the vote due to the fact he has prior dealings with one of the two bidders. Mr. Dicton said Mr. Bradley's resume is also quite extensive.

Mr. Hawley called for the vote. The motion failed by a vote of 2 to 1. Mr. Chioffi voted in the negative and Mr. Dicton abstained from the vote. Mr. Faignant moved to approve A.M. Peisch. Mr. Chioffi made a second to the motion. The motion passed by a vote of 3 to 0. Mr. Dicton abstained from the vote.

Town Clerk & Treasurer Ms. Marie Hyjek reported:

1. The new delinquent tax software seems to be serving the Town's needs.
2. Told the Board she received her first turn-over from the Delinquent Tax Collector last week. She said all of the administrative task were completed and the money was deposited. She told the Board that past due notice will be sent out soon.
3. Gave the Board an Election update regarding voting machine readiness. She told the Board that she has scheduled an election class for August 10th at the Town Office.
4. The School line of credit was awarded on June 13th. She said the rate is 0.95%
5. Told the Board fuel and propane bids will be received next month.
6. All bills should be submitted to her office by June 27th
7. Informed the Board that the Town and not the State would be providing information which will be included in tax bills.
8. Fire works are scheduled for July 4th at dusk. She said the back up date will be July 6th.

9. Requested the Board to sign the A.M. Peisch engagement letter. Mr. Hawley signed the letter

Town SWAC Representative Mr. William Matteson reported:

1. He briefed the Board regarding the new State requirement that haulers collect food waste from residential home and businesses. Mr. Matteson said the Town will be required to enforce the new rules. The Board discussed the matter and took no action.

Town Road Commissioner Mr. Byron Hathaway reported:

1. Presented the 90/10 (funding) Post Road Bicycle Pedestrian grant application for consideration. Mr. Hathaway cited item # 7 regarding the "cost sheet" and explained how Broadreach Consulting came up with the projected cost \$768,581.00. Mr. Hathaway told the Board he thinks the \$300,000.00 price tag for the Chasanna Drive shared use path is high.

Mr. Hathaway told the Board he had checked off the box indicating the Town would accept less than the full grant amount. Mr. Hathaway said if the grant is denied the he would apply to a different funding source at VTrans. Mr. Hathaway said it would be 2.5 years before the Bicycle Pedestrian would be complete, if the grant is approved.

Mr. Hathaway cited the various letters of support he plans to receive to submit with the grant application. Mr. Fagnant moved to authorize the Road Commissioner to move forward with the grant. Mr. Dicton made a second to the motion.

Mr. Dicton questioned who came up with the cost estimates in item # 9. Mr. Hathaway said the Broadreach consultant produced the estimate. Mr. Hathaway said he used the unit price to come up with a total project cost.

Mr. Chioffi questioned Mr. Hathaway regarding the fact that project oversight is set at 5 % in the full grant award and at 3 % if less than the full grant amount is awarded. Mr. Hathaway said there would be less physical cost with the reduced grant amount.

Mr. Hawley asked Mr. Hathaway if the Town could use services rather than cash for the Town's 10 % share. Mr. Hathaway said the State prefers cash. He said there would be a lot of hoops to jump through to use in-kind-services. Mr. Hathaway said the Town might consider a gravel path verses a paved path to reduce the project cost. The motion passed unanimously.

Mr. Hawley opened the Public meeting for the proposed Post Road sidewalk project. Mr. Hathaway explained the various alternatives considered in the Post

Road sidewalk project feasibility study done by Broadreach Associates.

Mr. Hathaway said the project would connect Northwood Park to the Town School. Mr. Hathaway said some alternates were ruled out due to rights-of-way issues. He said the preferred alignment would go from the Town School to Northwood Park via Chasanna Drive and existing trails in Northwood Park. He said the sidewalk would be 5 feet wide with a small green space between the Post Road and the sidewalk. He said Chasanna Drive would be lined striped with a fog line on both sides of the road. He said there would be a two foot shoulder for pedestrian use.

He said the path would change to a shared use path at Sanborn Place. He said it would be 8 to 10 feet wide to accommodate bikes and pedestrians. Mr. Hathaway said the Town would need to acquire an easement from a private property owner to get into Northwood Park.

He said because of ADA compliance the trail would maintain a slope across Northwood Park and would end at the gravel parking lot at the back ball field. Mr. Hathaway said the Board will be applying for a grant to do the construction.

He said the total cost would be about \$768,000.00. Mr. Hathaway said the short segment in front of the school will not be constructed until such time the School addresses a pick up / drop off parking problem .

There were no questions from the public. Mr. Chioffi questioned Mr. Hathaway regarding who would have to issue an easement to the Town. Mr. Hathaway said the Town would need an easement from the Vaughns on Chasanna Drive. Mr. Hathaway said if the Vaughn property were unavailable the other way into the Park would be through the Helen Willis property.

Town Representative Mr. Tom Terenzini, who lives on Chasanna Drive told the Board that on a daily bases teachers and children are at risk because they are walking on Post Road without a sidewalk. Mr. Terenzini said he backs the project. Mr. Dicton inquired as to the Town's share of the project cost.

Mr. Hathaway said the Town share would either be 10 % or 20 % depending on which grant program makes an award. Mr. Chioffi said the electric line people have said they would certainly consider help the Town pay for its share. Mr. Chioffi complemented Mr. Hathaway for his work on the project. Mr. Hawley declared the public meeting closed.

2. Mr. Hathaway told the Board that he will have winter sand and top soil bids to open.
3. Mr. Hathaway informed the Board that he plans to apply for a storm water permit in preparation for the construction of a town highway garage. Mr. Hathaway said that a storm water permit was not

received earlier because no permit was required when the State reviewed the plans a number of years ago. Mr. Hathaway told the Board that Stantec will come up with an estimated cost to receive a storm water permit.

4. Mr. Hathaway explained several options for addressing the Pennington storm water problem. He said the most expensive option would be to change the direction of the flow from the west side of the road to the east side of the road, to put the water in a culvert for the entire length of Hitzel Terrace. He said the option could take of to 700 feet of culvert and numerous catch basins to construct. He said the water would discharge to the Town property at the bottom of Hitzel Terrace. He estimated the cost as between \$27,000.00 to \$30,000.00 to build.

He said a second option would be to upgrade the culverts under the; Barnhart Driveway, community well lot, under Farnham Lane and associated stone ditching down to the Town property at the bottom of Hitzel Terrace. He said this option would cost about \$12,000.00

He said a third option would be to leave everything the way it is and do some minor tree cutting and ditching with a small excavator along the Pennington / Carey property lines, in order to get the storm water out to the VELCO Power line.he said the estimated cost would be \$3,000.00 to \$4,000.00.

Mr. Hawley suggested Mr. Zingale check to see whether the Town would be credited through the MS4 permit for addressing the Hitzel Terrace run off problem. Mr. Hathaway cited the fact the culvert has been in place since the subdivision was developed prior to the Penningtons moving into their home.

Mr. Chioffi said he does not want to make policy based on a 150 year event. He said everyone in Town will want the same treatment based on an anomaly. The Board scheduled a site visit for 6-23-14 at 6:00 P.M.

5. Mr. Hathaway told the Board that the furnace in the building is running due to two old heaters that are still connected to the plumbing. Ms. Hyjek will contact Johnson Energy to look into the matter.

Town Fire Chief Mr. Frank Cioffi reported:

1. The Fire Station ceiling in the bay area has been sheet rocked and painted.

2. Informed the Board that he had attended the Clifford "Kip" Young memorial service.
3. The chief requested permission to purchase a \$3,765.00 hose nozzle and to also make the business a preferred vendor. He said the business is the Municipal Emergency Supply company. Chief Cioffi said he has the money to make the purchase. Mr. Cioffi and Board discussed several Fire Station construction items still to be resolved. Items remaining to be resolved include the Johnson Energy catch basin problem and final paving.

Chief Ed Dumas presented the following two week Police Report:

- Calls for service within the two week period: 36
- Total calls year to date in 2014: 396
- Total calls year to date in 2013: 132
- Types of calls assigned

Vagrancy, Theft, Motor Vehicle Crash, Animal Problem, Agency Assist, Family Fight, Suspicious Person / Circumstances, Juvenile Problem, 911 Hang Up, Welfare Check, DUI, Missing Person, Citizen Dispute, Found Property, and Background Checks.
Closed Cases: 35

- Number of Arrests: 1
- What Types of Arrest: Driving Under the Influence (DUI).
- Motor Vehicle Stops: 14
- Vermont Civil Violation Complaints (Tickets) Issued: 7
- Total Fine Amount : \$990.00 dollars
- Total Fine Year to Date \$14,725.00 dollars
- Total number of Patrol Hours: 133.75
 1. Chief Dumas: 23.75
 2. Captain Washburn: 80
 3. Officer Gamble: 30

Total number of Admin hours: 28.25

1. Chief Dumas: 28.25
2. Captain Washburn: 0
3. Officer Gamble: 0

Mr. Dumas discussed purchasing a lidar laser unit for speed enforcement. Mr. Chioffi said the item should be purchased within the current year budget. Mr. Dicton questioned if the two new cruisers are still on schedule. Mr. Dumas said he does not know what the build-time would be for manufacturing the two new all wheel drive vehicles.

Mr. Hathaway informed Chief Dumas that the flashing lights at the school would be turned off for the summer the following day.

Town Recreation Director, Mr. Mike Rowe, reported:

1. Not present

Mr. Martin Wasserman Town TAC representative reported:

1. Not present

Mr. Joseph Zingale Jr. Town Administrator reported:

1. That changes to the open meeting law will require the Town to have public meeting minutes on the Town's internet Homepage no later than 5 days from the date of a meeting. He told the Board that VLCT has recommended that Towns deactivate their internet Homepages if they can not comply with the 5 day requirement. Mr. Zingale said the change in the law would allow an individual to file a claim against the Town if the minutes are not posted within 5 days.

Board members discussed the matter with Mr. Zingale. Mr. Zingale suggested the Board post minutes that reflect, who was present, who participated in the discussion and what actions were taken and leave out the long narrative explanations and discussions.

Mr. Hawley suggested Mr. Zingale check to see whether posting a video of the meeting within 5 days of the meeting would fulfill the Town posting requirement. Mr. Faignant said he wants to continue to post the style minutes the Town is producing. He said he would like Mr. Zingale to make the effort to have the minutes ready within the 5 day requirement.

Mr. Zingale also informed the Board that he will now be required to post the Board's agenda prior to the meeting on the Town's homepage. Mr. Zingale said he has been posting the agenda for some time on the Town's homepage. Mr. Chioffi made a motion to designate the Town Clerk's office, the hallway and the bulletin Board on the out side of the building at the Town hall be designated as the location to post town agendas. Mr. Dicton made a second to the motion. The motion passed unanimously.

2. Informed the Board that the Post Road electrical panel relocation is set to begin on August 14, 2014.

3. informed the Board of that a North Grove Street resident would like more speed enforcement on N. Grove Street due to the large number of vehicles exceeding the speed limit.
4. Informed the Board he would be meeting with representatives from Carris Reels and Green Mountain Power regarding their addressing the collapsing wall between their two properties located off Old Falls Road.

Mr. Zingale said the plan is to pile material up against the wall to support the wall from collapsing. Mr. Zingale said he would report back to the Board following the meeting.

Mr. Chioffi questioned Chief Cioffi as to whether he advertised bid specification for the Fire Station Planter construction. Chief Cioffi said he did not include specifications since the only specifications he has were submitted by one of the companies bidding to do the work.

Mr. Cioffi said he and Mr. Zingale felt it would be improper to use the specifications submitted by one of the bidders. Mr. Cioffi said the notice instructed individuals to call him if they had any questions. Mr. Chioffi asked if the any bidders had a chance to view the specifications submitted by another company.

Chief Cioffi said no bidders were shown the specifications submitted by another company. Mr. Hawley said the Chief is requesting a proposal rather than a bid, base on a scope of work. Mr. Chioffi said he does not think the matter was handled right and is embarrassing to the Town. Mr. Chioffi and Chief Cioffi discussed the matter further and no action was taken.

5. Board members reviewed a request from VTel to place a new pole on the Cold River Road. Mr. Zingale told the Board that according to a Vtel official the pole has nothing to do with the proposed solar farm on the Cold River Road. Mr. Chioffi made a motion to approve the pole placement as requested. Mr. Dicton made a second to the motion. The motion passed unanimously.

The Board reviewed packet correspondence.

Mr. Faignant moved to close the meeting at 8:50 P.M. Mr. Dicton made a second to the motion. The motion passed unanimously.

Stuen & Hawley

Donald Q. Christie
Admission Judgment

Signed this 1st day of July 2014
Center Rutland, VT.