

**TOWN OF RUTLAND  
SELECT BOARD**

MINUTES: April 22, 2014

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

The Meeting opened at 6:35 P.M.

Mr. Faignant moved to approve the 4-8-14 minutes as presented. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Board members reviewed and edited the proposed Solar Facility Siting Standards (SFSS) Town Plan amendment. Mr. Chioffi cited several drafting errors and he offered corrections. Board members agreed with the corrections.

Mr. Hawley cited the fact that Board members have been provided a copy of the historic preservation guidelines, which the State of Vermont uses and the Public Service Board may use in their conducting their reviews.

Mr. Hawley said the guidelines have more to do with placing new construction on existing buildings verses anything around a property. Mr. Hawley said there is nothing in the guidelines regarding a standard setback distance. However, Mr. Chioffi cited language in the guidelines which states the need to mitigate the massing of a project on a historic site and its environment.

Mr. Faignant moved to approve the SFSS as written. Ms. Ashcroft made a second to the motion. Ms. Ashcroft said the Board should talk with Town council regarding the proposed SFSS. Mr. Chioffi said none of what the Board is doing with the SFSS plan amendment affects the present Act 248 consideration.

Mr. Chioffi moved to table the motion before the Board. Mr. Faignant made a second to the motion. The motion passed by a vote of 4 to 0. Mr. Dicton abstained from the vote.

Mr. Hawley opened the 2014 paving bids.

Wilk paving	<b>-\$493,579.93</b>
Fuller Sand & Gravel	<b>-\$491,310.56</b>
Pike	<b>-\$497,711.59</b>

Mr. Hathaway told the Board they are considering a per ton price for hot mix asphalt in place. He said the second criteria is a per square yard price for reclaim work. He said the reclaim would be on the Cold River Road.

Mr. Hathaway said he hopes to get a State grant for some of the reclaim work. Mr. Hathaway said all bidders have worked for the Town in the past. He said the apparent low bidder is Wilk Paving.

He said when you extend the prices out for to the estimated cost of the project Fuller Sand & Gravel is the second low bidder. However, Mr. Hathaway said Fuller Sand & Gravel failed to complete all of the required submittals. He said the other two bidders did comply.

Mr. Hathaway recommended that the bid be awarded to Wilk paving. He said the difference between the Wilk and Fuller bids is **\$2,200.00**. Mr. Chioffi questioned Mr. Hathaway regarding the reclaim price versus the paving price.

Mr. Hathaway said everybody bids on the same quantities. He said there is a total of 88,027 tons of asphalt and a total of 11,012 square yards of reclaim. He said with these two numbers he came up with a total estimated cost of the entire project. Mr. Hathaway said Fuller failed to submit a brief narrative as to his quality control process.

Mr. Faignant moved to accept the Commissioners recommendation. Mr. Dicton made a second to the motion. The motion passed unanimously. Mr. Hawley said the Town would go with Wilk paving at a price of **\$493,579.93**.

Clerk & Treasurer: Ms. Marie Hyjek :

1. Informed the Board that NEMRC has entered data into the Treasurer's computer, which will be accessed by Town Delinquent tax Collector Jim Scholtz. Ms. Hyjek said Mr. Scholtz was present and has received training regarding how to enter data.
2. Ms. Hyjek asked the Board to consider purchasing a laptop computer for Mr. Scholtz's use. Ms. Hyjek said there is money available to purchase a computer. She also told the Board that she planned to discuss computer security with Mr. Larry Gold, since her PC will now be left on all the time. Ms. Ashcroft said she thinks the Town is going in the right direction by having access to data after hours.
3. Informed the Board that the VLCT payroll audit will take place on April 30<sup>th</sup>. Ms. Hyjek said that she has passed on some issues to a couple of people and that she would like answers before April 30<sup>th</sup>. She said everything looks like it is in place.
4. Told the Board that walk in's who pay their taxes on May 12<sup>th</sup> will be honored. Ms. Hyjek said postmarked dates must be May 10<sup>th</sup>. She told the Board an Add will appear in the Herald.



Mr. Dicton told Mr. Scholtz that there is a problem with one of the Board's recent tax sales. Mr. Dicton said that due to the fact the statute changed in mid-stream in made the sale null and void. Mr. Dicton said the Town has to pay back our receipt and then do it over. Mr. Dicton said he would like to take the matter up at the next meeting.

SWAC Representative: Mr. William Matteson reported

1. Told the Board that the household hazardous waste collection (HHHW) went fairly well on Saturday. Mr. Matteson said there were about thirty collections. Mr. Matteson informed Board members that the toilet at the Transfer Station does not work and he requested that the Board order that it be fixed.

Mr. Chioffi made a motion to send the matter to the Transfer Station Committee. Mr. Faignant made a second to the motion. Mr. Hawley instructed Mr. Zingale to contact Mr. Peter Andrews. The motion passed unanimously.

2. Mr. Matteson told the Board that businesses should not bring their hazardous waste to the Transfer Station collection. He said the event is a household hazardous waste collection.

Town Road Commissioner: Mr. Byron Hathaway reported

Mr. Hawley questioned Mr. Hathaway regarding the date of the next sidewalk committee meeting. Mr. Hathaway said the meeting will be Wednesday April 30th at 7:00 P.M. in the school cafeteria. Ms. Ashcroft reminded Board members that they had discussed holding a joint meeting with the School Board to discuss the project.

Fire Chief: Mr. Frank Cioffi reported

1. He told the Board that he will be meeting with the Town's insurance company at the Fire Station on Tuesday morning at 10:30 A.M. Mr. Faignant told Board members that the Town should collect on it's VLCT policy and if VLTC want to recover from the other policy, then let them go.

He said the Board does not need to get into a fight. He said the Town should collect on it's VLCT policy and get the repairs done, due to a mold concern. Mr. Chioffi said time is of the essence.

Mr. Dicton questioned Chief Cioffi as to what additional work is complete and what has yet to be done. Chief Cioffi said the furniture is all in and that the computer system is about 80% complete. The Chief said the railings are being fabricated and that the department has quotes for a work bench. Ms. Ashcroft inquired as to fixing the bubble in the sheet rock in the meeting room. Mr. Hawley said VMS will do the work.

2. The Chief told Board members that something should be put up to prevent vehicles from being able to drive into the meeting room. Mr. Chioffi suggested using the marble from the old building to build a planter along the building. Mr. Chioffi suggested putting post inside the planter for reinforced strength.
3. The Chief requested permission to purchase reels, carts and garden hose for the new station for a price of \$445.00. Mr. Fagnant said he has asked the officers to keep a running list of items that have to be done at the station. Mr. Fagnant cited the need for gable roofs over the doorways as items to be purchased and installed. He said the Chief could then go over the list.
4. Chief Cioffi submitted the names of three individuals that have been approved by the Department for membership. He requested the Board approve the applications. Mr. Cioffi said two applicants are Town residents and the other is a City resident.

Mr. Dicton moved to accept the Chief's recommendations for the new applicants for the Rutland Fire department. Mr. Chioffi made a second to the motion. The motion passed unanimously.

Planning Commission Chairman: Mr. Andrew McKane reported

1. Told the Board the Commission would begin working on updating the Town Plan on May 1<sup>st</sup>. Ms. Ashcroft informed Mr. McKane that the RRPC will be assisting the Commission with its work. Mr. Chioffi told Mr. McKane that the Commission would also shortly be receiving the revised Solar Facility Siting Standards for the Commission's review.

Police Chief: Ed Mr. Dumas reported

These are the stats of the Rutland Town Police Department within the past two week period.

-Calls for service within the two week period: 33

- Total calls year to date in 2014: 244
- Total calls year to date in 2013: 95

-Types of calls assigned

Directed Patrol, Burglary, Motor Vehicle Crash, Agency Assist, Recovered Stolen Property, Suspicious Person / Circumstances, Citizen Assist, Motor Vehicle Complaint, Residential / Commercial Burglary Alarm, Animal Problem, Property Watch, Phone Problem, Fraud, Solicitation, Welfare Check, 911 Hang up and Assault.

Closed Cases: 33

- Number of Arrests: 0



- What Types of Arrest:
- Motor Vehicle Stops: 27
- Vermont Civil Violation Complaints (Tickets) Issued: 15
- Total Fine Amount : \$2,298.00 dollars
- Total Fine Year to Date \$9,498.00 dollars
- Total number of Patrol Hours: 149.0
  1. Chief Dumas: 31
  2. Captain Washburn: 76
  3. Officer Gamble: 42

Total number of Admin hours: 18

1. Chief Dumas: 18
2. Captain Washburn: 0
3. Officer Gamble: 0

Chief Dumas informed the Board that a Town resident who lives on Post Road gave the department dates and times of speeding violations, which the resident believes is a problem. Mr. Dumas said he made his men aware of the complaint.

Mr. Dumas also informed the Board that he has received complaints regarding the abandoned home at 480 Hitzel Terrace. Mr. Dumas said the matter is a health complaint.

Town Administrator Mr. Joseph Zingale Jr., told the Board that Town Health Officer Mr. Stanley Rhodes III, is involved in the matter and that he had sent a letter to the owners giving them until May 1<sup>st</sup> to clean up the home and to secure the property.

Mr. Fagnant said based on a speed survey he did several years ago at the Post Road location, the average speed is in the mid 40's. Mr. Fagnant said when you sit in the driveway at the property in question vehicles seem to be going faster than they really going.

Mr. Dicton said it would be helpful if more people in the community would help out, such as the Post Road resident has done. Mr. Dicton cited the difference in the total number of calls the police Department received last year verses the number of calls the department has received this year. He said the increased number of calls is significant.

Mr. Chioffi read the letter submitted by Mr. William Hulse. Mr. Hulse suggested the Town would receive a financial benefit by writing more speeding tickets on the section of road near his home. Mr. Chioffi said the Board is not out to produce income from speeding violation. He said the purpose is for public safety.

Chief Dumas informed the Board the the two new cruisers have been ordered. He said the cost would be approximately \$1,000.00 less than expected. Mr. Chioffi suggested the additional money be put toward the purchase of lidar speed enforcement equipment. Mr. Dumas said he would like to hold off and see how his budget looks in the month of June. Chief Dumas said the 2000 foot range unit would cost \$1,900.00.

Two Hitzel Terrace residents questioned the Board regarding what is being done secure the property at 480 Hitzel Terrace. Mr. Zingale said the Town Health Officer has ordered the property to be cleaned up of garbage and secured by May 1<sup>st</sup>.

Mr. Hawley said if something has not happened by the next meeting the Board would consider doing something else.

Recreation Director: Mr. Mike Rowe reported

Mr. Dicton gave a report for the Recreation Director. He said maintenance has begun for the season, the water will be turned on at Northwood Park and Dewey Field later in the week. He told the Board that volunteers from Comcast will be rebuilding the dugouts at Northwood Park. Mr. Hawley asked Mr. Zingale to prepare a letter thanking Comcast for their volunteer work.

He said Mr. Rowe would like a gas card for the Recreation maintenance workers. He said Mr. Rowe said the present process of getting a check or cash at the Town Hall is dysfunctional. Ms. Hyjek said the Highway, Fire and Police Departments all have non credit gas cards. She suggested Mr. Rowe speak to Mr. Hathaway. Ms. Hyjek said the Town receives a bill for gas purchases. Mr. Hathaway said the card he has is a credit card and that it can only purchase fuel. Mr. Chioffi made a motion to allow Mr. Mike Rowe to apply for a gas card through Champlain Oil. Mr. Fagnant made a second to the motion. The motion passed unanimously.

Transportation Council Representative Mr. Martin Wasserman reported

Not Present

Regional Planning Commission Mr. Sherman Hunter reported

Not present

Town Administrator: Mr. Joseph Zingale reported

1. Presented a request for the 38<sup>th</sup> annual Crowley Brothers Memorial Road Race for Board consideration which will be held on June 8, 2014. The Board discussed the request. Mr. Zingale said the Town has been named as a certificate holder on the sponsor's insurance. Mr. Dicton moved to allow the Crowley Brother Memorial Road Race fund raising run from Proctor to Rutland to use Town roads. Ms. Ashcroft made a second to the motion. The motion passed unanimously.



2. Presented a \$6,873.00 VMS change order pertaining to the Joseph J. Denardo Fire Station construction. The Board discussed the work to be performed in the change order request.
3. Mr. Zingale presented samples of the roof slate, which Mr. Jake Helm provided regarding his proposal to replace the slate roof on the Town Hall.

Mr. Zingale told the Board that Mr. Helm would accept half payment now and the rest after July 1<sup>st</sup>. Mr. Faignant made a motion to approve the proposal for fixing the roof. Mr. Chioffi made a second to the motion. Ms. Ashcroft questioned the Board regarding salvaging useable old slate from the roof.

The Board discussed the matter and decided to invite Mr. Helm to the next meeting to discuss the Town salvaging the useable old slates from the roof.

4. Presented a request from an individual wanting to use Town meeting space. Mr. Faignant cited the fact that any meeting held in Town space is open to everyone and that no one is allowed to hold private meetings.
5. Mr. Zingale told Board members that he had spoken with representatives from; Taco Bell, Hampton Inn, The Green Mountain Plaza, Farrell Distributing and Mr. Pat Donagan, owner of the Aspen Dental building regarding contributing to Town Transportation consulting fees associated with the so-called Farrell "slip lane". Mr. Zingale said that only the Hampton Inn has confirmed they will pay their 6% share.

Mr. Zingale told Board members that he sent out donation request based on the percentages agreed too by all at a previous meeting sponsored by the Rutland Regional Planning Commission. He said the Hampton Inn's share would be \$1,195.08. He said all of the other representatives said they would get back to the Town with their answer.

Mr. Zingale said if all of the businesses contribute then the Town's share would be \$6,174.58. He said the proposed would would cost \$19,000.00.

6. Informed the Board that he had begun following up on suspected illicit water discharges to the Town's storm water collection system.

Mr. Faignant moved to adopt the NIMS standard for the Town. Ms. Ashcroft a second to the motion. The motion passed unanimously.

The Board considered the adoption of the 2014 Local Emergency Operations Plan. Mr. Hawley cited various sections in the plan. Mr. Faignant moved to approve the 2014 Local Emergency Operations Plan. Mr. Dicton made a second to the motion. Ms. Ashcroft asked if the document was fully filed in. Mr. Zingale said there is more information, which will be attached. The motion passed unanimously.

Board members reviewed packet correspondence. The Building Committee and Ms. Ashcroft will review the proposed Town meeting room use policy and report back to the full Board.

Ms. Ashcroft questioned if the Town has a policy of the use of open space such as Northwood Park. Mr. Dicton cited the fact that the Board signs an agreement with a softball league to use Northwood and Dewey Field.

Mr. Zingale cited a recent request from the Army Guard and Reserves to use Northwood Park of a family day. He said he sent the request to Mr. Mike Rowe. Mr. Zingale cited the fact that the Board has allowed the Army Guard and Reserves the use of the park for a family day, the past several years.

Mr. Chioffi asked if the Board charges the Army Guard and Reserves for the use of the park. Mr. Hawley said the Board has not been charging the Army Guard and Reserves for the use of the park.

Mr. Chioffi cited the fact that the sign for the Army Guard and Reserves facility states the facility is in "Rutland" Vermont and not "Rutland Town". Mr. Chioffi requested and Board members agreed to contact a representative for the Army Guard and Reserves facility and request the word "Town" be added to the sign.

Board members discussed the 2014 State Bridge inspections summary report from the State of Vermont. Mr. Chioffi moved to accept the report. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

Mr. Hawley cited the fact that groSolar officials had responded to questions raised by the Board. He said that according to groSolar they still do not own the property. Mr. Hawley said the Board would hold off on groSolar's curb cut request until such time groSolar owns the land. Mr. Fagnant said the Board had previously tabled the curb cut request until such time groSolar receives their permit.

Mr. Hawley read a notice regarding the proposed routing of a 1000 Mega Watt power line. He said the proposed route would pass through Rutland Town using Routes 4 & 7. Board members discussed the proposal and instructed Mr. Zingale to keep the Board informed.

Mr. Hawley read from a letter submitted to the Board from Mr. Zingale regarding Mr. Zingale being allowed to exchanged 14 vacation days for payment rather than take the time off. Mr. Fagnant said the Board should discuss the request and that any decision would apply to all employees.

Ms. Ashcroft reminded 12<sup>th</sup> grade students that the deadline for applying for a Town Scholarship is April 30, 2014. She said the applicant must have lived in Town for 2 years to be eligible.



Ms. Ashcroft announced that Mr. Norm Cohen is the Town's new Justice of the Peace. She said she resigned her seat as a Justice, since she is now on the Select Board, and that Mr. Cohen had been nominated and approved to take her place. Mr. Chioffi asked who made the appointment. Ms. Ashcroft said the Governor made the appointment after receiving Mr. Cohen's name from the Town Democratic Committee.

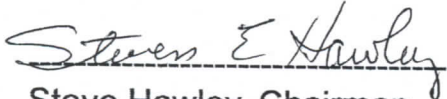
Mr. Dicton moved to go into executive session at 8:27 P.M. to discuss the personnel policy. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

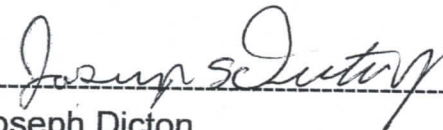
Mr. Hawley declared the executive session closed at 8:51 P.M. He said the Board is not ready to take any action. He said the Board would look at a couple of items before responding to Mr. Zingale's request. He said the Board would make a decision at the next meeting.

Mr. Faignant moved to adjourn the meeting at 8:52 P.M. Ms. Ashcroft made a second to the motion. The motion passed unanimously.

TOWN OF RUTLAND  
SELECT BOARD

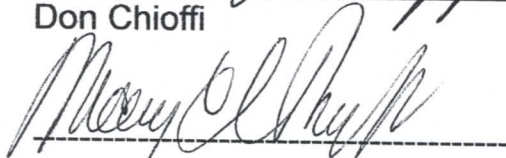
Signed May 6th 2014

  
Steve Hawley, Chairman

  
Joseph Dicton

  
John Paul Faignant

  
Don Chioffi

  
Mary Ashcroft