

**TOWN OF RUTLAND
SELECT BOARD MEETING-OPEN MEETING
RUTLAND TOWN MUNICIPAL BUILDING
181 US BUSINESS ROUTE 4, CENTER RUTLAND, VT 05736
OCTOBER 30th, 2018**

- Board members present: Josh Terenzini, Mary Ashcroft, Sharon Russell, Joe Denardo, JP Faignant
- Meeting opened at 6:00 P.M. with the Pledge of Allegiance

Approval of Orders

The Board approved the orders

Approval of Select Board Minutes for 10/2/18 & 10/18/18:

- Meeting minutes for 10/2; Ms. Russell moved to approve the minutes. Mr. Denardo made a second to the motion. The motion passed 3-0 with 1 abstention. Ms. Ashcroft was absent for the vote.
- Meeting minutes for 10/18; Mr. Faignant moved to approve the minutes. Ms. Russell made a second to the motion. The motion passed 3-0 with 1 abstention. Ms. Ashcroft was absent for the vote.

New Business; Board to meet with TAC alternate representative Jim Hall:

- Mr. Hall provided the board with an update from recent meetings he attended.

Old Business; Board to discuss dog barking complaint:

- Ms. Brittany Gilman of West Proctor Road was present for the hearing regarding the dog barking complaint she had filed. She spoke to the board about the history of the complaint and what brought her to this point.
- Town Police Chief Ed Dumas reviewed with the board details of their investigation.
- Barbara and Crystal Krystofik of West Proctor Road were present for the hearing. They spoke to the board regarding their side of the issue and provided information on the kennel operation, reasons for their dogs barking and steps taken to reduce the barking. Barbara stated they currently have 11 dogs. Crystal stated the dogs can bark for up to 15 minutes when visitors come to the house. Barbara admitted the dogs bark but didn't feel it was extreme.
 - The board asked what they felt was a good compromise to help curb the dog barking. Barbara's suggestion was to wait until the dogs passed away, which she felt would be within the next year. The board didn't feel this was satisfactory.

- Barbara stated she is keeping them confined between 6PM and 8AM to reduce the barking. Crystal stated she is coming to the house later to reduce the barking.
- Ms. Ashcroft suggested a possible solution of keeping the dogs inside from 6PM until 730AM. Barbara stated this was reasonable.
- Mr. Faignant moved to enter executive session to deliberate on the information provided. Ms. Russell made a second to the motion. The board entered executive session at 6:34PM.
- The board came out of executive session at 6:40PM. Upon leaving executive session Mr. Faignant, based on information provided by all parties he moved the board find the dogs have created a nuisance by excessive barking and the board condition penalty for violation of the ordinance on the owner being willing to purchase bark collars by December 1st 2018 to ensure the dogs do not bark. The board felt confining the dogs inside the kennels would be sufficient. Ms. Russell made a second to the motion. The motion passed 5-0.
- The board asked The Gilman's to continue to monitor the barking.

New Business; Board to meet with Town Emergency Management Director Marty Wasserman:

- Mr. Wasserman presented to the board the 2018 Local Emergency Operations Plan for the board to adopt. Mr. Faignant was designated as the signee due to his Incident Command System training. Mr. Faignant moved to approve. Ms. Russell made a second to the motion. The motion passed 5-0.
- Provided the board with information from recent meetings regarding plans if the Chittenden dam has a catastrophic failure.
- A meeting is set for November 8th at Town Hall regarding the town hazard mitigation plan
- Updated the board on plans to make Town Hall an emergency response center. Central Vermont Communications is working on a proposal to install a radio at Town Hall to use in a town wide emergency. The radio would be installed in the Admin office. This topic will be referred to the Fire Committee for further discussion.

Kirsten Hathaway Rutland Town Clerk/Treasurer:

- Ms. Hathaway was absent, Mr. Terenzini read items from her for discussion
- Reminder of voting this coming Tuesday, November 6th. Polls open 7AM to 7PM. Early voting is available at the Clerk's office until 430PM November 5th. 329 absentee ballots requested so far.
- Town Hall will be closed November 12th for Veterans Day.
- Need to reschedule a Select Board meeting currently falling on Christmas. The meeting will be rescheduled for December 27th.

Bill Sweet Administrative Assistant to the Select Board:

- Reviewed items from the packet
- Discussion of the purchasing policy reviewed by the finance committee.
 - Ms. Ashcroft reviewed changes proposed by the committee.
 - Ms. Ashcroft moved to adopt the updated purchasing policy. Mr. Faignant made a second to the motion. The motion passed 5-0.
- Reviewed Health Officer documentation, provided by Town Health Officer, Mr. Faignant
 - He detailed the process of notification and hearing requirements.
- Reviewed draft of a letter to be given to property owners with anything in the right of way, provided by Mr. Faignant. This is being done in preparation for snow plowing. Discussion of limiting basketball hoops in roadway for winter or year round.
 - A revised letter will be provided for next board meeting.
- Provided the board with an amendment to the speed limit ordinance lowering speed limits on 40 town roads. Mr. Denardo moved to approve the amendment as printed. Mr. Faignant made a second to the motion. After discussion the motion passed 5-0.
- Provided the board with communication from the ACLU requesting the town repeal its aggressive panhandling ordinance. Mr. Faignant moved to repeal the ordinance. Ms. Ashcroft made a second to the motion. After discussion the motion passed 5-0.
 - Reviewed where a bulk of the issues occur, which is the Green Mountain Plaza and what steps can be taken to reduce and eliminate the panhandling.
- Reviewed a recent meeting he had with Andres from Watershed Consulting and Byron. There was discussion on MS4 priorities for the town. He wants to address the board in December or January.
- Provided the board with updated letters regarding notifying the 4 fire districts currently a part of the town insurance plan that they will be removed. Town Attorney Kevin Brown advised us if we intend to remove them at our renewal the letters need to be out this week.
 - Mr. Faignant moved to approve the letters and mail them out. Ms. Ashcroft made a second to the motion. After discussion the motion passed 5-0.
- Discussion of approval for Bill to become a notary. A check for \$30 will need to be provided to go along with the application. Ms. Ashcroft moved to approve a check for \$30 to be paid to Vermont Superior Court, Rutland unit, civil division. Ms. Russell made a second to the motion. The motion passed 5-0.

Barbara Noyes-Pulling Rutland Town Planning Commission Chair:

- Presented the board with the recommendations from the studies for the Business Route 4 studies which were scored and reviewed by the Planning Commission. Reviewed the process used to review them and discussed the results.
- Passed along thanks from the Planning Commission to Bill for the work done to redo several Planning Commission forms.

Mike Rowe Rutland Town Recreation Director:

- Mr. Terenzini announced Mr. Rowe was recently awarded the Vermont middle school physical education teacher of the year.
- Reported on the Halloween party which had just occurred saying it was a great event and very well attended.
- Basketball signups are underway. Season will start after Thanksgiving.
- Reviewed his responses given to VLCT regarding recommendations from them for safety improvements at Northwood Park and Dewey Field.
- Reviewed cost estimates to repair/replace parking lot and tennis courts at Dewey Field.
 - Discussed changes to the configuration of the courts and parking lot.
 - This topic will be added to the next board meeting for further discussion.
 - Ms. Ashcroft asked for Mr. Rowe to get a price to separate the basketball and tennis courts if they were to be put next to each other.
- Discussed the balance of the recreation depreciation fund and expected projects for the future.

Byron Hathaway Rutland Town Road Commissioner:

- Presented the board with a better roads grant form to be signed for approval. Ms. Ashcroft moved to approve and authorize the chair to sign. Mr. Denardo made a second to the motion. The motion passed 5-0.
- Copies of the proposed budget for FY 19 have been provided to the highway committee members. A meeting needs to be scheduled to discuss.
- Letters have been sent out to town residents in regards to the need for them to apply for a second driveway access on their property, since they have installed one without approval.
- A meeting is planned with town plowing contractors to discuss routes and plans for the upcoming winter season
- Relayed communication from the logging contractor who will be working in Northwood Park that they intend to move in next week.

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- Found a letter signed by the owner of Denny's agreeing to the cost sharing of cleaning the manhole.

Frank Cioffi Rutland Town Fire Chief:

- Reported on the recent calls the department has responded to. Several calls for mutual aid were received.
- The new foam has been received and is on the trucks. Still waiting for the state contractor to pick up the old foam for disposal.
- Mr. Terenzini received a call from city officials thanking us for the help the town FD has provided at some recent building fires in the city.
- Mr. Terenzini recapped the fire committee meeting which was held prior to the board meeting.

Ed Dumas Rutland Town Police Chief:

- Mr. Dumas provided the board with recent calls for service.
- Updated the board on a recent denial for a grant the PD had applied for

Committee meeting updates:

- Shared Use Path; Ms. Ashcroft, Mr. Denardo and Mr. Hathaway met with a landowner on Chasanna Drive regarding using a portion of their land for the shared use path, granting the town an easement. The landowner seems to be in favor of this.
- Ms. Ashcroft recapped the art exhibit on display at Town Hall with art from Town students.

New Business; Board to discuss conflict of interest policy:

- Mr. Terenzini requested this topic be referred to the personnel committee for review.

New Business; Board to discuss pay rate increases:

- Discussion of pay rate increases to be used for FY 2019 budgets.
- Cost of living is expected to increase by 2.8%.
- FY 2018 budgets included a 3% raise
- Mr. Denardo moved to increase payroll by 3% for FY 2019. Ms. Russell made a second to the motion. The motion passed 5-0.

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Old Business; Board to discuss Electric Vehicle charging station grant:

- A preliminary survey has been filled out. The application to be considered for the grant is due by November 30th. More information will be gathered for consideration.

Old Business; board to discuss slip lane:

- Mr. Denardo located a copy of the traffic study, it will be provided to the board for the next meeting.
- A copy of the State Transportation Board permit and associated conditions will be researched for this as well.
- Research into which businesses contributed to traffic study will be done.

Old Business; Board to Discuss GRCSU reimbursement for Kirsten:

- The supervisory Union is requesting a 25% reduction in the reimbursement amount paid to the town. The requested reduction would result in \$5238.20 less coming from the SU to the Town.
- The SU will be requesting a reduction in the reimbursement for future budget years to a total of \$3000.
- Reducing the amount will not cause a deficit due to the 1% local sales tax income being stronger than anticipated.
- Mr. Denardo moved to reduce the reimbursement amount from the supervisory union from \$15,480.14 by \$5238.20 giving a new reimbursement amount of \$10,241.94. Ms. Ashcroft made a second to the motion. After discussion the motion passed 3-0 with Mr. Fagnant and Ms. Russell abstaining.

Ms. Russell moved to enter executive session for pending litigation and advice of counsel. Ms. Ashcroft made a second to the motion. The motion passed unanimously. The board entered executive session at 8:02 PM.

Upon leaving executive session, with no action being taken, Ms. Russell made a motion to adjourn. Mr. Denardo made a second to the motion. The motion passed unanimously. The meeting was adjourned at 8:28 PM.

Respectfully submitted, Mr. Bill Sweet

10/30/2018

Joshua Terenzini, Chairman

Mary Ashcroft, Clerk

John Paul Fignant

Sharon Russell

Joe Denardo

Center Rutland, VT.