

**TOWN OF RUTLAND SELECT BOARD OPEN MEETING
HELD VIA PUBLICALLY ACCESSABLE CONFERENCE SYSTEM
SEPTEMBER 1st, 2020**

Out of an abundance of caution around the covid-19 virus, this meeting was held via zoom conferencing which was made publicly available for anyone to join.

- Board members present Mary Ashcroft, Sharon Russell, and John Paul Faignant
- Meeting opened at 6:00 P.M. with the Pledge of Allegiance

Approval of Orders

- The Board will approve the orders when they come into the office.

Approval of Select Board Minutes for August 4th:

- Mr. Faignant moved to approve. Ms. Russell has not seen them yet.
- Approval was tabled until September 15th, 2020.

Questions from the floor / public comment

1. Andy McKane, on behalf of Rutland Town Fire District #5, discussed a vacancy they have on their prudential committee. He stated their bylaws have a provision which allow the Town Select Board to appoint a replacement. He asked to have this added to the next agenda and will submit their bylaws to the board prior to the meeting for their review. The fire district is not able to do the appointment due to not being able to meet in person due to covid-19. Mr. McKane will provide a copy of the charter as well.

Bill Sweet Administrative Assistant to the Select Board:

1. Provided the updated meeting schedule and committee agenda items.
2. Alderman's Toyota submitted their application for an additional sewer discharge allocation of 6670 Gallons per day for a total of 9365 Gallons per day. Their application is complete and included full payment. Ms. Russell moved to approve the application. Mr. Faignant seconded the motion. The motion passed 3-0.
3. Mission City Church submitted their application for an additional sewer discharge allocation of 384 Gallons per day for a total of 585 Gallons per day. Their application is complete and included a full payment. Ms. Russell moved to approve the application. Mr. Faignant seconded the motion. The motion passed 3-0.
4. The Municipal Project Manager position for the Route 7 North sidewalk scoping study needs an official appointment from the Board. Byron and Bill volunteered for the position but needs the Board to appoint them to be official. Ms. Russel moved to appoint Bill and Byron. The motion passed 3-0.

New Business Board to meet with the Town Listers regarding the Days Inn:

1. Town Lister Howard Burgess provided information on the Days Inn and the grievance of their assessment. The Listers requested some profit and loss statements from them which did not arrive before the grand list was lodged. It was recently received, and a copy provided to the board.
 - a. The original assessment was \$3,223,400. They asked for it to be lowered to \$1,750,000. Mr. Burgess stated he worked with a consultant, Mike Keller, and they determined an assessed value of \$2,817,900. This would be used for this current year, and if the current environment improves it could be adjusted. Mr. Burgess asked for this value to be approved and used.
2. Mr. Faignant moved to approve assessing the Days Inn at \$2,817,900. Ms. Russell seconded the motion. The motion passes 3-0.

New Business Board to discuss remote access PC for the delinquent tax collector:

1. Ms. Ashcroft reviewed situation. The original PC used to access the network is not able to be used any longer. There is a spare PC available to use but will require some reconfiguration work by Vermont Digital at a cost of approximately \$125. Mr. Scholtz feels the town should be responsible for this cost.
2. Ms. Ashcroft asked if there was a motion to be made. No motion was made.
3. Ms. Russell asked about past delinquent tax collectors, and if they were responsible for their own equipment and expenses. Mr. Scholtz said they were. Ms. Scholtz said he is using the software required by the town. He supplies his own PC to connect to the town. He stated the town needs to supply a connection to him to be able to remotely access this software and pay for any software on that computer.
4. Ms. Ashcroft asked if there was a motion to be made. No motion was made.
5. Mr. Scholtz asked to make additional comments. Ms. Ashcroft stated there was no motion so there is no further discussion. Mr. Scholtz asked to speak again at the end of the meeting. Ms. Ashcroft stated he could, under any other business.

New Business Board to discuss minor Act 250 application for the Rutland Housing Authority

1. Kevin Loso and Kirsten Hathaway from the Rutland Housing Authority were present to discuss this topic with the board.
2. Police Chief Ed Dumas and Road Commissioner Byron Hathaway provided their comments on the project to the board prior to the meeting.
3. Ms. Ashcroft read the comments from the Road Commissioner. He asked the applicant to review the sidewalk for any ADA deficiencies. If none are found, he would accept it as it is. Mr. Hathaway commented on 1 utility pole which is in the path of the sidewalk and limits access around it.

4. For clarification, Ms. Hathaway asked if they were being asked to fix the sidewalk all the way up to Little Caesars. Mr. Hathaway asked that the engineer review the sidewalk from the town line to the Mobil station and identify any ADA deficiencies. If they are found, the applicant should fix them. If there are not, then it is not a problem.
 - a. Mr. Loso said VTrans made comments about adding a sidewalk for access and this was added to the project. Mr. Loso felt having to repair the sidewalk up to the Mobil station was outside of the scope of their project.
 - b. Ms. Ashcroft stated the Municipal impact Questionnaire asks for what impact this project will have on the municipality and it says the developer may be asked to contribute to impact mitigation.
 - c. Mr. Hathaway asked Mr. Loso if he felt there would be an increase in foot traffic related to this project. Mr. Loso said it would be unlikely. Mr. Hathaway asked if they would have their own personal vehicles and be driving. Mr. Loso said this would be unlikely. Some will and some will not. Mr. Loso expects a majority of the residents to be using public transportation.
5. Mr. Loso stated this project is under enormous pressure to resolve the permit or they will lose their funding and asked for leniency for approval to allow this to be submitted before the deadline.
 - a. Mr. Faignant said the timeline constraints is not justification for the board to not do its due diligence. Mr. Loso asked that due to the money being received for this are from the corona virus relief funds they request some flexibility and that correcting the sidewalk in front of the Mobil station is not a reasonable request.
 - b. Mr. Faignant said the need for repairs cannot be addressed until their engineer reviews the area. He said this is necessary to avoid the town being placed in an unexpected situation.
 - c. Ms. Ashcroft stated the town may submit their comments to the state Department Environmental Commission and they make the decision whether or not address and deficiencies found and who should pay to correct them.
6. Police Chief Ed Dumas addressed his comments on the project. He is concerned about the potential increase in call volume related to this development. Mr. Loso said the 24-hour on-site manager will be responsible for the residents. Mr. Loso said there is a wide range of families and residents which they expect to take advantage of this opportunity. Mr. Loso feels it will not be much different than a hotel except there will be on site support services.
 - a. Ms. Russell asked what type of person they have for the manager position. Mr. Loso stated they do not have anyone for this role yet but are searching and an ideal candidate would have a background in social services.
 - b. Mr. Loso asked Chief Dumas about the police interactions at the former Jen's motel. He said it depended on the manager on duty and what the situation entailed.

- c. Mr. Loso said each applicant will be reviewed and there may be some which will not be allowed to live there. Ms. Hathaway said background checks will be run on anyone applying to live there.
7. Don Chioffi asked if the Act 250 process is applicable to entities that are not the property owners. Mr. Loso said that it is. The property owner is a co-applicant
 - a. Mr. Chioffi asked if it will be a tax-exempt property. Mr. Loso said a meeting is pending with the Board of Civil Authority to discuss a lower tax rate of payment in lieu of taxes.
 - b. Mr. Chioffi asked why it should be considered a reduced tax rate property. Ms. Ashcroft asked Mr. Chioffi to bring this question up during the Board of Civil Authority meeting.
 - c. Mr. Chioffi asked about the occupancy and if it is limited to seniors and how many children will be there. Mr. Loso said it will vary depending on the occupancy of the different units. Mr. Chioffi asked about children specifically. Mr. Loso said it would be a maximum of 8. Ms. Chioffi said the educational cost aspect should be considered by the board. Mr. Loso said it is state policy to allow children to continue to allow the children to attend their last school. The sending school district is responsible for the transportation.
8. Ms. Russell asked if they would own the building. Mr. Loso stated they will own it and be responsible for the upkeep and maintenance.
9. Ms. Ashcroft asked if there was any action the board would like to take concerning communication to the District Environmental Commission. Mr. Fagnant stated he feels it warrants a discussion by the full board and requested this discussion had at the next regular board meeting.
 - a. Mr. Loso said the project is dead and funding will have to be returned if the board does not act tonight.
 - b. Ms. Ashcroft noted on their application it states that no hearing may be held and a permit may be issued unless on or before September 1st a person notifies the commission of an issue or issues requiring the presentation of evidence at a hearing or the commission sets the matter for hearing on its own motion.
 - c. Mr. Loso asked if this matter can be resolved tonight so they can move forward. He stated they came to the board early in the process to secure support and moved forward with the understanding the support would not waiver.
10. Ms. Ashcroft asked if the board wished to have any further discussion or take any action on this matter. No further action was taken. This will be added to the next agenda.

New Business Board to Discuss scholarship payment request

1. Gina Kelly is present to discuss this matter.
2. Communication history between Ms. Kelly and Ms. Ashcroft was provided to the board.

3. Ms. Ashcroft asked if the board members had the opportunity to review the communication.
4. Ms. Kelly had asked if the matter could be discussed in executive session. She would accept the discussion in the open meeting if confidentiality is maintained.
5. The board declined to enter executive session.
6. Mr. Faignant said he would defer to the Scholarship Committee for their recommendation.
7. Ms. Russell said this was an award from 2019 and the money which was not paid out went back into the general fund. There is not an account to take it from currently. It cannot be taken from the scholarship awards this year because those have already been awarded.
8. This has not been reviewed by the committee.
9. Mr. Faignant asked the discussion to be postponed until the full board can discuss it. Ms. Russell agreed.
10. Ms. Russell asked why the money was not used. Ms. Kelly said her son did not resume classes following the first semester, so no bill was submitted. He has since enrolled in a new college. Ms. Russell would like the matter discussed with the whole board.
11. Ms. Ashcroft asked Ms. Kelly why she had not communicated with the town about it. Ms. Kelly said it did not occur to her she would need to. Her son had some medical issues which needed to be addressed and he is now in the process of completing his first year of school.
12. Ms. Ashcroft thanked Ms. Kelly and asked the matter to be included on the agenda for the next meeting.

Kari Clark Rutland Town Clerk/Treasurer:

1. Reviewed the upcoming processes for the November election. The state is running the absentee ballots this time. Every registered voter in Vermont will receive an absentee ballot.
 - a. Our voter registry information has already been given to the state.
 - b. Anyone deciding to come and vote in person, a form will need to be signed stating you did not vote using the absentee ballot sent to them.

Barbara Noyes-Pulling Rutland Town Planning Commission Chair:

1. Informed the board of a solar developer who contact the Planning Commission regarding their plans to install a sizeable solar array in the town. They are looking at land owned by the Thomas family on Route 7 North behind Carey's Auto and toward the armory.

- a. No notice has been submitted yet, but they have offered to come and talk to the town. The Planning Commission would like to talk to them, and Ms. Noyes-Pulling asked if the Select Board would like to hold a joint meeting.
 - b. This is expected to be a utility scale project of a 2-megawatt array.
 - c. Mr. Faignant asked the Planning Commission to meet with them first and expressed concerns with allowing further solar development, and limiting the tax base, when the town has already met its energy goals for 2050. Ms. Russell agreed. Ms. Ashcroft said our new energy plan addresses this scenario.
2. Discussed the grant application option for a planning grant for the pocket park.
 - a. The meetings with the Planning Commission have brought some great ideas to this project.
 - b. It requires a minimum of a 10% match and the application is due October 1st.
 - c. Ms. Ashcroft commented that the planning grant is important due to the cooperation of the property owner, Green Mountain Power, and the easements that will be needed to build this park.

Mike Rowe Rutland Town Recreation Director:

1. The pool will be open through Monday September 7th.
2. Rec soccer and youth flag football is moving forward. The forms are available on the Rec page of our website.
3. Thanked the Highway Department and Chuck Hall for their work in the parks this season.

Byron Hathaway Rutland Town Road Commissioner:

1. Reported that salt prices are expected to drop significantly this year.
2. There is a Municipal Highway Storm Water Mitigation grant opportunity available now. He proposes to apply for this for the Town Line Road storm water project. This grant does not have a funding cap on it and could save us about \$90,000. The current structures grant application would need to be withdrawn and replaced with his grant. The structures grant could then be used for project on Gleason Road.
 - a. The mitigation grant could also be used to apply for funds to build a new salt shed. There is not a 1 award limit.
 - b. The current salt shed can only hold enough supply for 1/3rd of the year.
 - c. The grant for this could be a 2 to 4-year process.
 - d. Information on this will be provided at the next meeting.
 - e. Ms. Ashcroft asked if both grants were awarded would we have enough in the budget to cover the match requirements for them. Mr. Hathaway said we do not, they would need to be planned for. The Town Line Road project is 18 to 24 months away. The timeline for the award is lengthy.

3. Ms. Ashcroft reviewed the site visit held at Carmel Place.
 - a. Mr. Hathaway did recommend that the town take over the drainage areas if the road is taken over.
4. A proposal was received from Otter Creek Engineering for the work that would be needed on the shared use path. Their proposal is for \$18,000. Mr. Hathaway has not read the full proposal but will have it included in the packet for the next meeting.

Chris Clark Rutland Town Fire Chief:

1. Presented a quote for a new set of vehicle extrication tools from TNT Tools.
 - a. The cost, if prepaid, is discounted \$1700.
 - b. Mr. Faignant moved to approve the purchase for a total of \$32,564 including the discount. Ms. Russell seconded the motion.
 - c. Mr. Faignant commented that the tools currently being used are no longer serviceable and are an invaluable tool for the department.
 - d. Ms. Ashcroft asked who was looked at for cost and are they a preferred vendor.
 - e. Chief Clark said they are not a preferred vendor but there is only 1 price per vendor. Several vendors we looked at and provided demos. These tools have a lifetime guarantee, which no one else did.
 - f. The funds would come from the depreciation account, which has over \$600,000 in it currently.
 - g. These tools are going to be put on the new truck and the vendor will need to have mounting designed for our tools so they need to know early what we will use.
 - h. The motion passed 3-0.

Discussed the FEMA reimbursement grant opportunity for covid-19 related expenses

- Mr. Sweet said our spending did not meet the threshold to apply for the FEMA grant. Since we were not eligible for that, we were able to apply for a state grant which has been submitted.
- The total reimbursement applied for is \$1958.

Ed Dumas Rutland Town Police Chief:

1. Recent calls for service were provided.
2. Asked the board for an executive session at the end of the meeting to discuss a personnel matter.
3. Asked about the status of the approval to start the deferred compensation plan that was brought to the board a while ago.
 - a. Mr. Faignant said he has reviewed the program and said he is in favor of it for anyone who would like to participate.

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- b. Mr. Faignant moved to approve the plan. Ms. Russell seconded the motion.
- c. The motion passed 3-0.

Ms. Ashcroft thanked Marty and Mary Wasserman for their efforts in the garden out front of Town Hall.

The new crosswalk is almost done out front of Town Hall.

New Business Board to Discuss "The Circle"

- The regular people involved in helping to send out the circle are not able to come together so a new issue is not available yet. Mr. Terenzini had some information on this so it will be added to the agenda for the next meeting.

Mr. Scholtz asked Mr. Sweet if the estimate of \$125 he had given is expected to be accurate. Mr. Sweet said this is the expected cost for a trip by Vermont Digital to configure the PC for him but could not guarantee the final cost, which would be based on the scope of work needing to be done required by Mr. Scholtz. Mr. Scholtz asked for a discussion at a future meeting as to who would be responsible for the cost. Mr. Scholtz said he would pay the cost associated with the work if it determined he should but asked the cost to be capped at \$250. The Select Board did not take any action.

Mr. Faignant moved to enter executive session for a personnel matter with Police Chief Mr. Ed Dumas attending. Ms. Russell seconded motion. The motion passed 3-0. The board entered executive session at 7:47 PM.

Upon leaving executive session, with no action being taken, Mr. Faignant moved to adjourn. Ms. Russell seconded the motion. The motion passed 3-0. The meeting adjourned at 7:51 PM.

Respectfully submitted, Mr. Bill Sweet

9/1/2020

ABSENT

Joshua C. Terenzini, Chairman

Mary Ashcroft, Clerk

John Paul Faignant

ABSENT

Joseph Denardo

Sharon Russell

Center Rutland, VT.