

**TOWN OF RUTLAND SELECT BOARD OPEN MEETING  
HELD VIA PUBLICALLY ACCESSABLE CONFERENCE CALL LINE  
OCTOBER 27<sup>th</sup>, 2020**

Out of an abundance of caution around the covid-19 virus, this meeting was held via a conference call line which was made publicly available for anyone to call into.

- Board members present Joshua Terenzini, Mary Ashcroft, Sharon Russell, Joe Denardo, and John Paul Faignant
- Meeting opened at 6:00 P.M.

Approval of Orders

The Board will approve the orders as they come into the office and review them.

Approval of Select Board Minutes for October 13th:

- Mr. Denardo moved to approve the minutes. Ms. Ashcroft seconded the motion. The motion passed 5-0.

Questions from the floor / Public comment:

1. Town Lister, Howard Burgess, discussed with the board the request from the Town of Pittsford to name a section of road to the North of Blueberry Lane which goes into the Town of Pittsford. The suggestion given was Blueberry Lane Extension Pvt. They are asking the Board to approve this.
  - Mr. Burgess said it is approximately 1900', and the area around it is not suitable for development and would only serve to link to the road in Pittsford.
  - This would be considered a private road. All the private road in the town currently end with Place.
  - Town Road Commissioner Byron Hathaway commented that he felt this could cause confusion being named an extension but be classified as a private road. He would prefer to have it meet the same designation as existing private town roads. It could be considered a private driveway currently since there is only 1 house, although there is a plan for more.
  - Mr. Faignant asked if an alternate name could be established.
  - Ms. Noyes-Pulling said there are 5 lots, 2 have been sold. There are utilities already in place. The Planning Commission discussed the name and didn't see any issues with it, although it was the only one presented for consideration. They did note that the town should not be responsible for any maintenance or services on the private road.
  - Mr. Hathaway said regardless of the name he would like it to never be considered a town road because it was a poorly built road.

- Mr. Terenzini asked Mr. Burgess if the Town of Pittsford would be open to another name. Mr. Burgess said he would contact the state 911 board and the Town of Pittsford.
- Mr. Hathaway said if it were to be named Blueberry Lane Extension it should include PVT.
- Ms. Ashcroft moved to table this issue until the next meeting so Mr. Burgess can follow up with the 911 board. Ms. Russell seconded the motion. The motion passed 5-0.

Mr. Terenzini asked for a moment of silence in recognition of the passing of Gene Hathaway who is the brother of Byron Hathaway, he was also a former Select Board member and a past member of our Fire Department.

New Business Board to review for approval, contract for the purchase of a new fire truck

- Mr. Terenzini reviewed the reason for this truck coming up for replacement sooner than expected, due to the current truck not able to pass inspection in 2021. This accelerated the timeline for replacement. A committee was formed, designed a truck, sent it to bid, reviewed the bids after they were opened by the board and has selected a vendor based upon the best fit for the town at the best price. Some bids were rejected by the committee because they did not meet the specification. The fire committee met with Chief Clark and members of the truck replacement committee. They reviewed the recommendation to purchase a truck from Rosenbauer. The contract from Rosenbauer was provided to all board members and a representative from the company attended the meeting.
- Mr. Terenzini discussed a variety of options for the purchase of the truck. The option the committee felt was the best for all parties was to pay 90% up front, taking \$569,041.00 from the fire department equipment depreciation account and paying the balance with \$100,000 from the town's cash to open account. Mr. Terenzini has spoken with Andrew from A.M. Peisch, the town's auditing firm, and was informed this is allowed and within the legal right of the town to do. Paying the 90% up front provides the town with a \$22,000 discount.
- Ms. Ashcroft asked if there were bids received that did meet the spec, in addition to this bid, which were not rejected. Chief Clark said that of the bids that were not rejected the Rosenbauer bid fit exactly what the committee was looking for. Ms. Ashcroft asked if the bids of the others were higher or lower. Chief Clark stated there was one higher and one lower. Ms. Ashcroft asked the cost difference between the lower bid and the Rosenbauer bid. Chief Clark did not have the exact figure but said it was only a few thousand dollars difference.
- Ms. Ashcroft asked Mr. Faignant if he was satisfied with the contract. Mr. Faignant stated he had asked for one change, that the contract be construed under Vermont law and Vermont be the venue for any dispute, and the vendor made these changes. Ms. Ashcroft asked if he was okay with not sending it to town council and asked if we wait would we lose any discount offered. Mr. Terenzini said we would not lose a discount, but it will delay the delivery of the new truck. The estimated delivery schedule is 395 after the receipt and delivery of the contract.

- Ms. Ashcroft moved to approve the purchase with the understanding it goes to town council for review. Mr. Denardo seconded the motion.
- During discussion, Mr. Denardo asked the vendor representative, Joseph Bevilacqua, if he had any objections to us having our council review the contract. Mr. Bevilacqua first recognized the effort of the town people involved in putting this truck together. He had no objection to the review but did clarify order acceptance and pre-construction meetings would be delayed until the signed contract is received. No discount would be lost, nor any cost added for that process. Mr. Bevilacqua clarified the delivery time in that the 395-day delivery time is when the representatives from the Fire Department travel with him to Minnesota for the final inspection. It will take a few more weeks past that for transportation, tool mounting, etc. before the delivery to the station. It could take as long as 16 months. Mr. Denardo asked if there was any chance it would be built faster. Mr. Bevilacqua said it is unlikely and would not want to say it is possible due to a variety of factors including lead times for components from vendors.
- With no other questions, the motion passed 5-0.
- Ms. Ashcroft moved to fund the purchase with the option presented by Mr. Terenzini. Mr. Denardo seconded the motion. The motion passed 5-0.

Chris Clark Rutland Town Fire Chief:

1. Chief Clark thanked the board for approving the contract.
2. The department trained recently with the new set of battery power extrication tools that were purchased and thanked the board for approving that as well.
3. Mr. Denardo asked if he had the grant paperwork from the State department of Forest and Parks which provides a 50% grant for wildland fire equipment. Chief Clark said he did and is going to use it.
4. Mr. Denardo discussed the level the depreciation fund is being replenished. The last 2 trucks have been replaced early and expressed concern at its level being sufficient to fund the replacement of the next truck when it is due. Mr. Terenzini said he has already planned to have this part of the budget planning discussion at the November 17<sup>th</sup> meeting.
5. Mr. Terenzini reviewed the recent fire committee meeting where the next budget was discussed and highlighted that it proposed an approximately \$3000 decrease over the last budget.

Bill Sweet Administrative Assistant to the Select Board:

1. Provided the updated meeting schedule and committee agenda items.
2. Provided a professional services agreement from Town Attorney Kevin Brown for Kepler Consulting to be used to assist with the rail spur / sewer line lawsuit.
  - a. Mr. Denardo moved to authorize to sign on behalf of the town. Mr. Faignant seconded the motion.

- b. Ms. Ashcroft asked what the total expenditure would be for this agreement. Mr. Terenzini said it specified a 4-hour minimum. Ms. Ashcroft expressed concern that there was no limit stated and no option to review the expense.
  - c. Mr. Terenzini said Kevin Brown could be asked to come to a meeting to discuss it. Ms. Ashcroft said a limit could be set, suggesting \$5000 or \$10,000 as an example for not to exceed without further authorization.
  - d. Ms. Ashcroft asked if there was urgency. Mr. Terenzini said there was, Kevin had asked for it to be signed last week.
  - e. Mr. Terenzini said this was expected to include a site visit.
  - f. Ms. Ashcroft asked where this expense would come from. There is a line item for legal services and professional services. Mr. Sweet said that past practice for this lawsuit has been to bill these expenses to the sewer account. Ms. Ashcroft said the expert fee would likely come from this as well.
  - g. Ms. Ashcroft would like language to be included limiting the expense without further board approval
  - h. Mr. Denardo amended his motion to authorize Mr. Terenzini to sign on behalf of the board with the stipulation that when the total reaches \$10,000, they contact the board for approval before going any further. Ms. Ashcroft seconded the motion. Ms. Russell asked Mr. Faignant what his objection to the limit was. Mr. Faignant stated he feels since the board voted unanimously to pursue this lawsuit it should move forward without the limitation and that nothing presented tonight has changed his position. The motion failed with Ms. Ashcroft voting for the motion.
  - i. Mr. Faignant moved to authorize Mr. Terenzini to sign the contract for the expert. Ms. Russell seconded the motion. Ms. Ashcroft asked how much the board is willing to spend. Mr. Terenzini stated that if the motion passes, he will request Kevin Brown attend the next meeting to discuss the total expected cost. The motion passed 4-1 with Ms. Ashcroft voting against the motion.
3. Provided two Act 250 notices, one from VELCO for a fence project and one for Key Honda requesting an extension on their construction deadline for the expansion of their building.
  4. Provided minutes from the recent fire and building committee meeting.
  5. Presented a quote from Vermont Correctional Industries for 2 new desks and 2 new filing cabinets for the Listers office. The total price is \$4664.00. Mr. Terenzini commented on how nice the new furniture is in the Board room and the Clerks office that was made by them. Mr. Denardo moved to approve the purchase. Mr. Faignant seconded the motion. Ms. Ashcroft where the funds will be taken from. Mr. Terenzini said, based on figures discussed in the building committee meeting, there is enough in the building maintenance account to cover it. The motion passed 5-0.

6. Mr. Terenzini reviewed some other projects that need to be done at the office. The water fountain needs to be replaced. Mr. Terenzini asked Chris Clark if he would be able to source and install a new one. Mr. Clark said he would look into it for us. Mr. Denardo said the repainting the hallway should be done after. Mr. Terenzini let the board know an exterminator is being hired to keep the bugs and mice seen around in check.
7. Julia Van Lith, from PNW Solar, would like to speak to the board at the next meeting. They have already spoken to the Planning Commission regarding a proposed solar array on Route 7 North between Careys Auto and the Armory on Post Road. They will be included on the next agenda.

Kari Clark Rutland Town Clerk/Treasurer:

1. Over 1300 absentee ballots have already been received back. Ms. Clark said the ballots received are not opened until election day when the ballot clerks open them and feed them into the tabulator. They are secured in the vault until then.
2. Ballots can be accepted up until 7PM at the 2 polling locations. If you would like to vote in person, you can bring your ballot and put it in the tabulator yourself or sign an affidavit that you have not used your absentee ballot and can vote in person at the polling locations.
3. Mr. Denardo asked if all the Clerks understood the safety guidelines for the day. Ms. Clark said there are precautions in place and the poll workers are aware of what needs to be in place. Ms. Clark said the school will have remote learning for Election Day to limit the people there. Mr. Denardo asked what process is in place if someone refused to wear a mask. Ms. Clark said there are several options and will be handled on a case by case basis.

Barbara Noyes-Pulling Rutland Town Planning Commission Chair:

1. A subdivision is currently in process at the corner of Post Road and Post Road Extension. It will be divided into 3 lots, and do not require any municipal services. It will be discussed at the meeting on the 29<sup>th</sup>.
  - a. Mr. Hathaway asked if any of the new lots have access issues onto the road. Ms. Noyes-Pulling said it is on their list to review.

Mike Rowe Rutland Town Recreation Director:

1. The draft budget sheets are ready for the committee to meet and review.
2. Guidelines are coming out for winter sports; the fall sports program went great.
3. There is no Halloween party this year but will plan to have a big party next year.

Byron Hathaway Rutland Town Road Commissioner:

1. Provided 3 items for approval and signature.
  - a. First is a Grants in Aid program for Simons Avenue. This needs to be signed by a majority of board members by the 30<sup>th</sup>.
  - b. The other 2 are for culvert projects which had already been sent onto the State, but he was informed they have lost the paperwork, so this is to send them back a duplicate copy.
  - c. Ms. Ashcroft moved to approve the Grants in Aid paperwork. Mr. Denardo seconded the motion. The motion passed 5-0.
  - d. Ms. Ashcroft moved to re-authorize Mr. Terenzini to sign on behalf of the board, the other 2 applications noting they were previously submitted. Ms. Russell seconded the motion. The motion passed 5-0.
2. His draft budget is ready for the committee to review.
3. A request for bids was emailed to the board members for the engineering of the shared use path for Northwood Park. He asked the board to review it before it is published. There is no deadline for this. It will go to the Highway Committee.
4. The Randbury Road water line has passed its bacteriological testing and is ready for use. The paving of driveways needs to be completed and is expected to be done next week. There were some areas washed out that were noted because of the hydrant flushing. It will be taken care of during the prep for repaving.
5. Mr. Denardo discussed reducing the speed limit on the section of McKinley Avenue west of North Grove Street. He would like it changed on that section only, and not affect the section that connects North Grove Street to Route 7 North. Mr. Hathaway said the section between Route 7 North and North Grove is a Class 2 road while the dead-end section is a Class 3 road. This may be able to help with the designation.
  - a. Mr. Denardo moved to post the dead-end section of McKinley Avenue at 25 MPH. Ms. Ashcroft seconded the motion. Mr. Sweet will review the process used previously and will start the process. The motion passed 4-0. [Mr. Faignant left the meeting]
6. Mr. Terenzini asked Mr. Hathaway about doing some maintenance on the parking lot at Town Hall. He recommended putting it out to bid for a full crack repair and resealing of the entire driveway.

Ed Dumas Rutland Town Police Chief:

1. Recent calls for service were provided.
2. A new speed cart report is available and will be posted on the Town website from East Pittsford Road.
3. Reported on an incident at Northwood Park and recommended a No Trespass order be signed by the board and served on the individual involved. Ms. Russell moved to

approve signing the order. Mr. Denardo seconded the motion. The motion passed 3-0 with Ms. Ashcroft abstaining.

4. Deputy Chief Washburn updated the board on the efforts started to start a K9 program for our Police Department. A link has been started on the Vermont K9 association to begin accepting donations to the program. It is on the Police Department page on our website and is shared on social media. Some donations have already been received.

Committee meeting updates:

1. The Fire and Building Committee met recently and has already been covered in the meeting

Mr. Terenzini discussed the renewed effort to refurbish / renew the war memorial at Town Hall. Several options were discussed at the Building Committee meeting and as information is received it will be reviewed by the committee. Ms. Ashcroft said former board member Chris Kiefer-Cioffi was interested in being a part of this project. She will be included when a discussion is ready.

Mr. Denardo moved to adjourn. Ms. Ashcroft seconded the motion. The motion passed unanimously. The meeting was adjourned at 7:35 PM.

Respectfully submitted, Mr. Bill Sweet

10/27/2020

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Joshua C. Terenzini, Chairman

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Mary Ashcroft, Clerk

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John Paul Fignant

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Joseph Denardo

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Sharon Russell

Center Rutland, VT.