

**TOWN OF RUTLAND SELECT BOARD OPEN MEETING
HELD VIA PUBLICALLY ACCESSABLE CONFERENCE CALL LINE
MAY 25th, 2021**

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.

- Meeting opened at 6:00 P.M.
- Board members present Mary Ashcroft, Joe Denardo, John Paul Faignant, Sharon Russell, and Don Chioffi
- Members of the public present Betsy Bloomer, Marcia Chioffi, Jim Scholtz, Steve Dardeck, Karen Rogers, Lydia Flynn, Marc Breirre, Marsha Cassel, Nick John, Steve Schindler, Pat Hunter, Matt Getty, Sherman Hunter, John and Diane Liccardi, Larry Dellveneri, Karen Prescott, Andy McMillan, Baxter Holland, Sandy Fogg, Doug Best, Donna Bauer, Shana Lousielle, Dennis Moser, Joe and Peg Kraus, Marla Thomas, James Levins, Ron Pulcer

Approval of Orders

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

Approval of Select Board Minutes for March 11th Special Meeting

- Ms. Russell moved to approve the minutes; Mr. Faignant seconded the motion. The motion passed 4-0. Mr. Denardo abstained.

Approval of Select Board Minutes for March 11th Regular Meeting

- Mr. Chioffi moved to approve the minutes; Mr. Faignant seconded the motion. The motion passed 5-0.

New Business Board to meet with Town residents requesting the town adopt a Declaration of Inclusion.

Town resident Steve Dardeck was present to discuss the Declaration of Inclusion. He read the declaration aloud and commented on the importance of this. This was adopted unanimously by the City of Rutland. Many towns around Rutland and the state support it as well as many Rutland organizations. Mr. Dardeck asked for it to be supported unanimously. Marsha Cassel spoke and encouraged all Select Board members to support this. Steven Schindler spoke and described a story where he witnessed racism firsthand. John Liccardi spoke, and he and his wife gave their support and asked the board to support this unanimously. Matt Getty spoke and gave his support for the declaration and how it supports our community. Joe Kraus spoke and gave his support for this and how he felt it is very important for our community to make this statement. Mr. Kraus asked the board to support it unanimously. Karen Prescott spoke to the importance of this and how it sends a positive message to children.

Mr. Chioffi asked to deliver some comments and prefaced that this was tough for him, and that he respects all the members of the public he sees in attendance tonight and that his remarks are not meant in a personal fashion. Mr. Chioffi stated he has heard the stories and agrees with almost everything said, with the exception of the very few instances of any kind of need for this. He has not heard any accusation of racism or discrimination in the Town of Rutland of any type for any of the protected classes by any governing body or department, and sincerely asks anyone

to correct him if he is wrong. Mr. Chioffi stated he has lived in town since 1970 and has participated in its governance since that time and has never seen an offense which necessitates this kind of resolution. Mr. Chioffi stated he does not feel there is any need for this type of resolution and that it is a resolution in search of a crime, and no such crime has been identified. This resolutions' title implies there is some guilt of exclusion on the part of our town. Mr. Chioffi stated there is legal obligation included in the oath of office. Mr. Chioffi read the Vermont Oath of Allegiance and the Oath of Office. Mr. Chioffi read state statute where a violation of the oath shall be considered perjury and the guilty party shall be imprisoned, fined or both. Mr. Chioffi further stated the Vermont Constitution embodies each of the protections mentioned in the resolution and gave an example of how in 2007 Vermont became the 3rd State in New England to explicitly prohibit discrimination on the basis of gender identity. Mr. Chioffi commented on his marriage vows, from 55 years ago, and that he takes all his oaths very seriously. Mr. Chioffi summarized by saying the resolution has no purpose, as it declares inclusion when there is no evidence of exclusion. Additionally, there is no legal standing as there is no enforcement provision. It is grossly subservient to the required legally binding oath of allegiance of office, which carries power and pain of perjury.

Mr. Chioffi respectfully moved to object to considering the resolution at this time.

Mr. Faignant replied to Mr. Chioffi's comments by first correcting a statement by reminding him that he himself had used a derogatory comment in the past at a Police Committee meeting and pointed this out as an example of racism occurring in the Town. Mr. Faignant commented on requests from other groups requesting the Town take similar action [stating agreement with a position] in the past. The most recent event was a petition presented to the board with over 275 signatures, requesting the board oppose any Syrian refugees being settled in Rutland Town. Mr.

Faignant explained, at the time, that he doesn't see that it is the boards job to support one current thought over another current though. The business of the board is to run the town. If the board were to approve this, it could open it up to a number of additional issues. These issues are well established in practices already. Mr. Faignant objects to this on a procedural basis, as he feels it is not the job of local government. Mr. Faignant seconded the motion.

Ms. Russell spoke and said she initially supported this but after hearing the comments from Mr. Faignant stated she gave a history of her feelings. Ms. Russell discussed times in her past where she has been a victim of racist comments. Ms. Russell feels that a statement will not change anything, it's the acts of people that need to change. Ms. Russell will support the motion and had changed her mind after the discussion tonight.

Mr. Denardo spoke and felt that a public declaration does not need to be made on how people are treated in Rutland Town. He shares similar concerns as Mr. Chioffi, Mr. Faignant and Ms. Russell and worries that "the other side" could come with a similar request. Mr. Denardo supports the job of running the town and not getting involved in social issues. He feels the town is run in a fair and honest basis. He also feels it is an answer looking for a problem that does not exist.

Ms. Ashcroft commented that she has been looking at the Town of Rutland seal on the letter head, which says the town was formed September 7th, 1761, and that last year, in 2020, was the first time a woman was elected as Chair of the Select Board, as a possible example of exclusion. Ms. Ashcroft she is voting against the motion as this was appropriately brought before the board by the townspeople and the board deserves to affirm the values of the town.

Mr. Chioffi spoke to the comments made by Mr. Faignant and that he does not recall these comments and asked Mr. Faignant to refresh his memory at a later date. He does not know the instance or context of this comment and does not recall saying it and does not believe he would say it publicly or in what context, if it was said, what context it was said in. He recalls making statements in the past about what other people have said, in terms of using that particular term. He is irritated that you cannot use that term in any context whatsoever, even if it is to define it, or to talk about it being in a book or a quote. The only ones that can use it are the people that it refers to and they can use it freely with no problem. He feels context is important and that he has shown no animosity to any creed, race, or color in any office he has held in this town. He has friends and respects every single one of our Planning Commission members.

Ms. Ashcroft reviewed the motion. The motion is to not consider the resolution at this time.

The motion passed 4-1 with Ms. Ashcroft voting against it.

New Business Board to meet with Doug Best from VELCO regarding their Post Road project

1. Mr. Best, from VELCO, was present and discussed their project, near Post Road and Route 7 North.
2. Mr. Best shared a presentation showing the project area. Some new equipment will be installed in conjunction with an expansion of the facility.
3. The original building was built in 1958.
4. Mr. Chioffi asked what the estimated cost was for the improvement. It is projected to be up to \$14 million but may come in lower.

5. Mr. Hathaway asked about the plans for sewer connections. Mr. Best said they plan to connect to town sewer and will not need a large allocation since it is not occupied on a regular basis. They expect no more than 60 gallons per day to be needed.
6. Mr. Best said a letter of support may be needed in the future and will reach out if they need it.

There were no members of the public who wished to speak, that were not already on the agenda.

Bill Sweet Administrative Assistant to the Select Board:

1. Reviewed the packet items and the items emailed to board members.
 - a. Provided the updated meeting schedule and committee agenda items.
 - b. All other items will be handled by the appropriate department head.

Kari Clark Rutland Town Clerk/Treasurer:

1. Discussed the results of the last installment for tax collection.
 - a. The delinquent list has been turned over to the delinquent tax collector.
 - b. 98% of taxes have been collected for the entire year.
2. Mary Dahlin, who has helped in the office for a while, finished last Friday.
3. Ms. Clark shared some statistics for land record recordings. Approximately 354 pages per month have been recorded in the last 14 months. Typically, going back to 2014, it was only as high as 220 pages per month. The land records work is now current.
4. Discussed the budget status sheets, there are no big concerns.
 - a. Ms. Ashcroft commented on the increased in revenue from filing fees.
 - b. Discussed the 1% local option tax. It is behind by a small amount. Ms. Clark will see if there are any deposits to be applied to this account.

5. Ms. Ashcroft thanked Mary Dahlin for her work.

Barbara Noyes-Pulling Rutland Town Planning Commission Chair:

1. VTrans will need permits from us for sign work around the Pocket Park. There should be no issue with trails leading down to the river in the VTrans right of way, as long as the access begins on Simons Avenue.
 - a. The takeout for canoes in Proctor is being worked on.
 - b. A meeting with the historic stake holders is coming. Proctor Marble, GMP and other groups will be involved.
 - c. The residents from Simons Avenue will be included in the discussion as well.
2. The bids for the survey work were due May 21st.
 - a. Two types of bids were asked for. One for just survey lines and one to include survey lines, natural features, and other structures.
 - b. One bidder, TDH Surveying, and Design sent their bid by email.
 - c. The second bid, from MSK Engineers, was delivered in sealed envelopes.
 - i. The Boundary only survey not to exceed \$4835.
 - ii. Boundary survey with natural features and structures \$5570
 - d. Discussed the bid from TDH surveying.
 - i. Boundary survey only \$7200 inclusive of expenses
 - ii. Boundary survey with natural features and structures \$11,600 inclusive of expenses
 - e. Mr. Denardo moved to send the bids to the Regional Planning Commission to review and report to the board with a recommendation. Ms. Russell seconded the motion. The motion passed 4-1 with Mr. Chioffi voting against the motion. Mr.

Chioffi did not understand why the Regional Planning Commission is reviewing the project. Ms. Pulling said they are helping to administer the grant, and they submitted the grant. Mr. Chioffi changed his vote, the motion passes 5-0.

3. Work on an ordinance for helipads and airstrips is ongoing. Ms. Ashcroft asked Ms. Pulling to bring it to the board for review before sending it to town counsel.

Mike Rowe Rutland Town Recreation Director:

1. The pool will be ready soon to open for the season.
2. A proposal was brought to the rec committee members where we would not charge town residents this year, same as last year.
 - a. Discussed not charging residents for pool passes again this year.
 - b. Non-residents would still have a fee.
 - c. Swim lessons participant limit will be reduced by half.
 - d. If residents would like swim lessons, they would need to pay for their pass to be fair to nonresidents.
 - e. Mr. Denardo moved to accept the proposal. Ms. Russell seconded the motion. The motion passed 5-0.
3. There are lots of kids playing baseball and Mr. Rowe encouraged everyone to go and watch a game.
4. Pool sign up days are next Wednesday and Thursday at the pool. All the information is on the website.

Byron Hathaway Rutland Town Road Commissioner:

1. The Better Back Roads grant for the Gleason Road culvert project was approved. This will save us approximately \$40,000.
2. A letter of support and commitment is needed for the grant application for the Post Road sidewalk.
 - a. There is a signature page needing to be signed. It will be at the office this Friday.
 - b. The letter of support has not been drafted. A simple letter expressing support for the project, and should include a commitment to maintain the project after it is constructed.
 - c. Ms. Russell moved to provide a letter of support, to approve the application, and to authorize Ms. Ashcroft to sign on behalf of the board. Mr. Denardo seconded the motion. The motion passed 5-0.
3. The contract for Mendon Trucking and Excavating is missing. Mr. Denardo has it and will bring it to the office on Wednesday.
4. Mark, from the Graphic Edge called Mr. Hathaway today regarding the storm water discharge into the sanitary sewer system. They are asking for access to manholes for storm water. They also asked if the Town would take back some of their allocation for sewer discharge. These topics will be referred to the water and sewer committee.
5. Discussed when paving will be done. The contractor had some equipment issues, and an exact start date is not yet known.

Chris Clark Rutland Town Fire Chief:

1. Reported on recent calls, and the repeated trips to Killington to help with a forest fire.

2. Asked if Bergeron Fire Gear could be added to the preferred vendor list. Mr. Denardo moved to approve. Mr. Chioffi seconded the motion. The motion passed 5-0.
3. Mr. Denardo asked if any of the fire in Killington was on state property. Chief Clark said the fire was entirely on private property. If they are on state owned property, costs can be reimbursed.
4. Ms. Ashcroft discussed a topic from the committee meeting, the replacement of the McKinley Avenue Fire Station.
 - a. Ms. Ashcroft asked if the board agreed the station needed work. The board agreed.
 - b. Ms. Ashcroft asked if the board felt a new facility was appropriate. Mr. Denardo said that is appropriate and the department has outgrown the current facility.
 - c. Ms. Ashcroft asked if it was appropriate to reform a committee for this discussion. The board felt this was appropriate.
 - d. Ms. Ashcroft asked if this discussion should include looking at a combined public safety facility. The board agreed.
 - e. A committee will be formed consisting of the Police Chief, The Fire Chief and the respective deputy and assistant Chiefs, the Select Board Chair and Select Board members who are on the respective committees.
 - f. Discussed making it a committee of the whole board.
 - g. An online poll will be sent to all the members to determine a time to start.
5. Discussed fireworks and fireworks permits.
 - a. The Town Fire Department does not have the authority to issue permits for private individuals who wish to do a private display. There will not be a list of

displays/permits available on our website. This is a result of the Vermont Supreme Court ruling last August.

- b. Discussed how this applies to the sale of fireworks. Without a valid permit, fireworks cannot be sold. There has not been any corrective legislation since the court ruling.
- c. Discussed whether the operating permit for C&C Fireworks should be revoked.
- d. With these rules, there is no way to legally set off fireworks privately.
- e. Mr. Faignant moved to revoke the permit for C&C Fireworks on Woodstock Avenue based on the Supreme Court decision. Mr. Denardo seconded the motion. The motion passed 5-0. A letter will be sent to them.

Ed Dumas Rutland Town Police Chief:

1. Recent calls for service were discussed. There were 32 in the last 2 weeks. Only 10 were related to the Holiday / Quality Inn. Private security has been hired and seems to be working well.
2. The new cruiser is coming soon.
3. A Police Committee is planned for this Thursday.
4. Ms. Ashcroft reported the state is putting in wrap around services for the Holiday Inn, among other facilities in the state.
5. Mr. Denardo suggested contacting the Holiday Inn corporate office and ask if the name should be removed from the facility since it does not function as a hotel. They only accept vouchers at this time and is not open to outside guests. No decision was made.

John Paul Fagnant Town Health Officer

A comprehensive inspection of the facility was recently completed. The facility met most of the requirements for life safety. They corrected some issues during the inspection. The facility is greatly improved over what has been seen in the past.

- a. There are plans over the next 12 to 15 months for refurbishing the facility.
 - b. Regular guests, outside of ones with vouchers, have begun to stay there.
2. The state mask mandate has been revised. Mr. Fagnant moved to convene as the Board of Health to discuss options. Ms. Russell seconded the motion. The motion passed 5-0.
- a. There is a limit of 1 unvaccinated person per 50 square feet, and they must wear a mask. This relies on people to be truthful. There is no limit on the number of vaccinated individuals.
 - b. Discussed opening the office to the public, but still require masks. The 50 square foot requirement for unvaccinated individuals applies even while wearing a mask.
 - c. There has not been a ruling from the state on the ability to ask people about their vaccination status. Universal guidance of social distancing and wearing a mask if you are unsure of people around you is still in place.
 - d. Discussed asking people to show proof of vaccination to be allowed access to the building. Ms. Clark commented she is in favor of allowing people back in but is concerned about people being in the office just to socialize, outside of town business.
 - e. 8:00 PM, Ms. Russell had to leave the meeting.
 - f. Discussed allowing the public to come into the office, but still requiring the masks. Mr. Chioffi objected to the mask requirement. Mr. Chioffi stated there is

no proof fully vaccinated individuals can still carry the covid-19 virus and spread it to others.

- g. Discussed requiring a mask unless proof of vaccination is shown. The board members were in favor of this. Ms. Clark was in favor of this as well.
- h. Mr. Faignant moved to reopen Town Hall, and all other town buildings, with a provision that people coming in wear a mask unless proof of vaccination is provided, based on space limitations for Town Hall. Mr. Denardo seconded the motion. The motion passed 4-0.
- i. Mr. Denardo moved to resume the regular Select Board meeting. Mr. Faignant seconded the motion. The motion passed 4-0.

Committee meeting updates:

- 1. The water and sewer committee met and discussed expanding the municipal water line on Post Road. The committee discussed contacting Otter Creek Engineering to work on this project. Mr. Chioffi moved to retain Otter Creek Engineering services. Mr. Denardo seconded the motion. The motion passed 4-0.
- 2. Mr. Chioffi discussed the possibility of a Town Wide Celebration occurring this year. Mr. Chioffi felt there should be an event, Ms. Russell, who is also on the committee, is not in favor of it. Mr. Chioffi would like to have some kind of event where we have at least a cookout and contact Mark Foley for his ice cream truck. The board has discussed this in the past and had decided against the event. No motion was made for action.

The Select Board project list was reviewed. Several topics are moving forward, and some are close to being done.

New Business Board to discuss Lister extension request for the Grand List

1. Town Lister Howard Burgess has asked for a 15-day extension to lodge the Grant List. It will not affect the tax bills going out.
2. Mr. Denardo moved to approve the extension and authorize Ms. Ashcroft to sign the request on behalf of the board. Mr. Faignant seconded the motion. The motion passed 3-0 with Mr. Chioffi abstaining.

Mr. Burgess asked about using the meeting room downstairs for a fire district meeting. Based on the new guidelines, this is allowable as long as the rules for people in person are followed.

New Business Board to review for approval the 2021 VLCT Safety Grant

1. Reviewed the items being applied for by the different departments. They include upgrades to the camera system, an ID printer, new boots for the fire department, a door lock for the Police office and a back up camera for the new highway truck.
2. Mr. Denardo moved to apply for the grant and authorize the chair to sign on behalf of the board. Mr. Chioffi seconded the motion. The motion passed 4-0.

New Business Board to review the deadline for articles to be submitted to The Circle

1. The next due date for articles is June 7th.
2. A reminder will be sent to the town department heads.

New Business Board to Discusses the Expected Funds from the American Rescue Plan Act

1. We are expecting approximately \$406,000, in 2 installments. There may be additional funds coming from the county level, but it is not entirely known yet. The money must be obligated by 12/31/2024 and spent in full by 12/31/2026.

2. There are several areas where the funds can be spent, all expenditures must meet criteria and be tracked. VLCT suggested soliciting input from the public, and town departments, and schedule listening sessions to discuss ideas. Ms. Ashcroft asked for permission to schedule these sessions. They could take place right before a Select Board meeting. The rest of the board was in favor of this. Some resources will be made available for people to review in order to form suggestions. Once received, the funds should be kept in their own account.

Discussed an estimate received from Aerus of Rutland for 6 Guardian Air purifiers, for a total cost of \$9000. Mr. Chioffi asked for these to be acquired, ahead of the funds being received. Mr. Chioffi felt it was a good idea to have them in as soon as possible, since the building will be opened up. We could take delivery of 4 units initially, and they would be placed in the hallway, the Clerks office, the Listers office and the 4th could go in either the Police office or Bill's office. Once the federal funds are received, and the total balance is paid, 2 additional units would be delivered, 1 for the Board room and the other for the last office without it. After some discussion, the board asked for additional information be sent to them and it will be discussed at the next meeting.

Mr. Denardo moved to adjourn.

Mr. Chioffi asked about the status from the request from the library as to how many members we have and the list of them. Nothing has been received from the library. Ms. Ashcroft asked Mr. Sweet to follow up with our representatives.

Mr. Chioffi seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:47 PM.

5/25/2021

Respectfully submitted, Mr. Bill Sweet

Mary Ashcroft, Chair

Joseph Denardo, Clerk

John Paul Faignant

Sharon Russell

Don Chioffi

Center Rutland, VT.