

**TOWN OF RUTLAND SELECT BOARD OPEN MEETING
RUTLAND TOWN MUNICIPAL TOWN HALL
181 BUSINESS ROUTE 4, CENTER RUTLAND, VT 05736
JULY 20th, 2021**

This meeting had a virtual attendance option available for anyone to join.

- Meeting opened at 6:00 P.M. with the pledge of allegiance
- Board members present Mary Ashcroft, Sharon Russell, Joe Denardo, John Paul Faignant and Don Chioffi
- Members of the public present Theresa Kulig, Jim Scholtz, Mary Beth Poli, Karim Chapman, Keith Whitcomb, Anil Sachdev, Fred Nicholson, Lydia Flynn, Michael Sternberg, Andy McKane, Larry Dellveneri, Michael Carlson

Approval of Orders

The Board approved the orders.

Approval of Select Board Minutes for June 22nd, June 29th, and July 6th:

- Ms. Russell moved to approve the minutes for June 22nd. Mr. Chioffi seconded the motion. The motion passed 3-0. Mr. Faignant and Mr. Denardo abstained.
- Mr. Faignant moved to approve the minutes for July 6th. Ms. Russell seconded the motion. The motion passed 4-0. Mr. Chioffi abstained.
- The meeting minutes for June 29th were for the ARPA discussion, with Ms. Ashcroft and Mr. Chioffi present. They agreed there were no changes needed to the minutes.

New Business Board to Discuss C&C Fireworks

1. Ms. Ashcroft gave a summary of events, including the issuance of permits, allegation of violations, and the notice of violation, leading up to the hearing at the previous meeting.
2. After the hearing, but prior to findings being issued, a letter was received from the Attorney for C&C Fireworks notifying the board C&C would be surrendering their permit issued June 15th, 2021 and stated they would be closing their location in town and ceasing operations.

3. Mr. Denardo made a motion to accept the surrender of the permit and to not proceed further with any violation hearing. Ms. Russell seconded the motion.
 - a. Discussed not issuing a statement of findings since they were voluntarily surrendering their permit.
 - b. Mr. Faignant encouraged the group to revoke the permit for the hearing and findings to become part of the record. Were they to seek a permit in the future this could be referenced.
 - c. Based on this, Mr. Denardo withdrew his motion.
4. Ms. Russell moved to revoke the permit pursuant to the deliberations conducted. Mr. Denardo seconded the motion. The motion passed 3-0. Mr. Faignant and Mr. Chioffi abstained. Ms. Ashcroft will write the statement of findings.

Questions from the floor, public comment.

1. Theresa Kulig asked about what classes of fireworks C&C Fireworks was allowed to sell. She expressed concern about the type they were selling and said they are not the only one who sell fireworks. She is concerned residents could still go out of town to purchase fireworks. She had tried to get a permit earlier this year, but they were not available at that time.
 - a. Ms. Ashcroft said they recognize this is not just a Rutland Town issue, but rather a statewide issue. Legislation was introduced but has not passed yet and suggested Ms. Kulig reach out to her legislators.
 - b. Mr. Chioffi commented that these are people and courtesy problems and did not feel communities blaming other communities does not solve the problem.
2. Ms. Kulig also requested the Selectboard entertain adopting zoning in Rutland Town. Ms. Ashcroft said the Planning Commission is discussing that later in the meeting.
3. Mr. Denardo commented that if residents abided by the permit requirements, there would be less problems. He added that adopting zoning could help with this as well.

Mr. Denardo left the meeting at 6:22 PM.

New Business Board to meet with Anil Sachdev regarding the Holiday Inn

1. There are approximately 38 families and individuals staying at their facility, which is down from a high of about 90.
2. Most of the remaining vouchers are set to expire in early August.
3. After they are done with residents on the voucher program, they plan to bring a remodel of the facility and return to a normal hotel operation.
4. They plan to apply for a liquor license after all voucher residents leave to be able to reopen the restaurant.
5. Chief Dumas asked about their progress in evicting a problem tenant. Mr. Sachdev said he had been in contact with a variety of state agencies for assistance and as of yet there is not a solution.
6. Karim Chapman, the Executive Director for Vermont Psychiatric Survivors, spoke about how helpful the Holiday Inn staff has been during the transition.

Kari Clark Rutland Town Clerk/Treasurer:

1. Provided the board with information on new tax rate.
 - a. A special meeting has been set in the past for this purpose.
 - b. The tax rate needs to be set by August 2nd to meet printing deadlines.
 - c. A meeting will be warned for Tuesday July 27th at 5PM.
 - d. The tax bills have been updated to reflect the correct hours for the office.
2. The ARPA funds have not been received yet. We are certified to be able to receive them but are waiting to hear more.
3. Discussed signs at polling places. Ms. Ashcroft said the School Board would like to have some of their members work with us to develop a town policy. Ms. Clark, Ms. Russell, and Mr. Chioffi will participate in this group.

Barbara Noyes-Pulling Rutland Town Planning Commission Chair:

1. Discussed the idea of establishing a Conservation Commission.
 - a. Information was provided to board members.
 - b. Ms. Poli discussed how other towns use their commissions and gave examples from other communities.

- c. All of the projects this group would propose would still require Selectboard approval.
 - d. Mr. Faignant asked why this could not be something the Planning Commission does. The Commission does handle some of these currently, but this would allow a group to focus on parks, trails, and natural resources. Mr. Faignant commented on the difficulty being able to find people to serve on these groups. Ms. Pulling said this may be more appealing and enjoyable to individuals.
 - e. Mr. Chioffi said he felt the number and quality of people are already in place and does not want to create more bureaucracy
 - f. Ms. Russell said she felt too many people with input may make the Recreation Directors job more difficult.
 - g. Ms. Ashcroft said she was in favor of this, because it can bring in fresh ideas and help with finding and securing grants. This may appeal to some younger members of our community.
 - h. Mike Rowe said he is in favor of new and fresh ideas and commented on a new grant opportunity he was just made aware of. This group could be a help with developing projects and help create an even better park for current and future residents.
 - i. Mr. Chioffi said the origin of this idea for these commission came from the state, and it is an example of expanding bureaucracy and does not feel it is a good idea.
 - j. Ms. Pulling said there are 100 of these already established around the state and have flexibility to create the group they want. The commission voted to support this 7 – 0.
 - k. If the Selectboard would like to move forward, it would need to be put on the ballot to be voted on by town citizens.
2. The Planning Commission has recently talk about the idea of a zoning ordinance. The group voted at their last meeting to bring this to the board to ask if they can look at the draft documents from around 2010. The topic has come from recent issues experienced in other towns. New ordinances could also help with some of these issues as an alternative.
 - a. Mr. Faignant expressed concern with the administrative costs for implementation and execution., based on the large percentage that the town is already built out.

- b. Mr. Chioffi commented he shared the concerns expressed by Mr. Faignant.
 - c. Ms. Ashcroft said the challenges may not be as extensive as talked about, based upon her experience as a zoning administrator.
 - d. Andy McKane, who is also a member of the Planning Commission asked for the discussion not to be about whether or not to approve zoning but rather at this time just if the Planning Commission can come up with a minimal document.
 - e. Discussed using the Town Plan to address some of these concerns, but it does not have the regulatory enforcement needed.
 - f. Anything currently going on is grandfathered and would not be subject to any new zoning rules.
 - g. A majority of board members were not in favor of the commission pursuing it.
 - h. Discussed the Planning Commission looking into new ordinances. The board was in favor of this. Ms. Ashcroft asked them to start with the ones we already have.
3. The final version of the map to help residents with our Storm water regulations is ready to go online. It will tell them which parts of the ordinance apply to them. This will be posted to the Town website soon.
 4. The State allocated funds to the Regional Planning Commission to hire energy planners. A part time person will be hired for Rutland to help towns with implementing energy plans
 5. Discussed the proposed housing project off Middle Road. The developer has pulled the plans for their project. The wetlands area on the property were too extensive for their needs.

New Business Board to meet with Michael Sternberg regarding the Diamond Run Mall

1. Michael Sternberg is the property manager for the Diamond Run Mall property.
2. Mr. Sternberg will help coordinate having Joe Anthony attend a future meeting.
3. Redevelopment of the property is still planned. They are still looking for the right tenants to bring to the area. No specific business names were given.
4. They have been working with anyone who needs a site for food distribution in the meantime.

5. Discussed security on the site. The police have responded to several calls at the facility. Mr. Sternberg said when he gets notice of any issues, they react to get it taken care of.
6. Mr. Chioffi suggested they look at full time security for the property so our police officers are not tied up responding to calls there and can focus on other parts of the town. He strongly suggested they make this part of their plans and relay it to Mr. Anthony.
7. Discussed timelines for renovations. Mr. Sternberg was not able to provide a timeline.
8. Mr. Sternberg said he is on site most days and can address any issues.

Byron Hathaway Rutland Town Road Commissioner:

1. Provided a compliance form to be signed. It is an annual certification for VTrans town road and bridge standards.
 - a. Mr. Faignant moved to approve the certification. Ms. Russell seconded the motion. The motion passed 4-0.
2. Green Mountain Power would like to place a new pole on Blueberry Lane in the town right of way, at the Hathaway property. Mr. Hathaway normally signs off on this. He asked the town office do it for this case since it is on his property.
 - a. Ms. Russell moved to approve the letter. Mr. Chioffi seconded the motion. The motion passed 4-0.
3. An executive session for a personnel matter was requested.
4. Reminded anyone that would like to dig in the town right of way, a permit is required to do so.
5. Paving for the season has been done. The lines will be painted when the state truck is available.
6. The new truck has a build date and a VIN number. We do not have a firm delivery date yet.

Chris Clark Rutland Town Fire Chief:

1. The new truck is well under way and a December delivery date is anticipated. Pictures are posted on the Fire Department Facebook page when they are available.
2. Discussed the recent meeting about the new public safety building. The next meeting is planned for August 2nd.

3. The Town of Killington sent a letter thanking the department members for their help with their forest fire.

Ed Dumas Rutland Town Police Chief:

1. Recent calls for service were provided.
2. Attended a meeting recently regarding the Holiday Inn and the issues there. An improvement in call volume for the area has been noticed.
3. The new cruiser delivered to the dealership in Rutland. We expect to have the paperwork done soon to be able to take delivery and get it equipped.
4. The title issue for the old cruiser is nearly resolved so the car can be sold.
5. Discussed the need for a civil review board.
 - a. There is a new statute passed by the Vermont Legislature that says local Police Departments need local oversight and the Selectboard has been designated as the civil review board.
 - b. Mr. Faignant moved to designate the Selectboard as the Civil Review Board for the Police Department. Ms. Russell seconded the motion. The motion passed 4-0.

Mike Rowe Rutland Town Recreation Director:

1. The Senior Luncheon is Tuesday July 27th at 11AM.
2. A rec committee meeting is planned for Wednesday and expanding the park with grant funds is on the agenda.
3. Signup forms for soccer and flag football are on the website rec page

Bill Sweet Administrative Assistant to the Select Board:

1. Provided the updated meeting schedule and committee agenda items.
2. Discussed the New Business item, a sewer discharge allocation request for 300 McKinley Avenue, James Levins.
 - a. Mr. Faignant moved to approve the allocation of 45 GPD. Ms. Russell seconded the motion. The motion passed 4-0.
3. The Safety Grant application from VLCT was approved for virtually all the items requested.

4. The new office furniture is ready, and a delivery date is pending.
5. The speed limit on Randbury Road was not included in the previous discussions. It will need to be included in a revision of the ordinance to make a change.
6. Reminder of the variety of permits needed in town. Vendors, including food trucks, need a permit to operate, and it must be displayed in their window.
7. There will be 5 metal filing cabinets available in the coming weeks, as well as a large wooden table. If anyone would like them, please reach out.
8. A representative from the Dufresne Group will be at the office at 1030AM for the kickoff meeting to discuss the plans for the Route 7 North Sidewalk scoping study.
9. Robert Clark from Otter Creek Engineering is available to meet with our Water and Sewer Committee next week to discuss extending the Post Road water line. A committee meeting will be scheduled soon.
10. Provided a Certificate of Location Approval request from CoPart for the Rosen and Berger property. Mr. Fagnant moved to approve the application. Mr. Chioffi seconded the motion. The motion passed 4-0.

The Section 248 application from VLECO has been received for the North Rutland Substation if anyone would like to review it.

The Vt Council on Independent Living sent a thank you note for their appropriation.

Gianna Pezzetti sent a thank you note to the Scholarship Committee for her scholarship award.

John Paul Fagnant Rutland Town Health Officer

1. Discussed the recent issue with the Delta variant of the Covid-19 virus. People who have not had the vaccine are most at risk. Mr. Fagnant encourage people who have not received the vaccine yet to get it to protect themselves and their loved ones.

The Inter-municipal committee is working to set a date with the City of Rutland. It will be scheduled as soon as a majority of responses are received.

Ms. Ashcroft thanked VMS Construction, RK Miles and Dave Wolk for the make a wish work they did to build a deck for a young town resident.

Mr. Chioffi thanked everyone from Town Hall for the messages he received during his recovery from surgery.

Mr. Chioffi discussed a prior request for the library representatives to provide the board with a list of town residents who are members of the Rutland Free Library. Ms. Ashcroft said a reply was received from the library director that said they do not keep track by town. Mr. Chioffi felt the information is vital. Mr. Chioffi would like to have the detailed information prior to the next election cycle. Ms. Ashcroft expressed concern about requiring the list, because we do not ask this of any other organization that receives an appropriation. Mr. Chioffi suggested allocating funds be set aside to reimburse town residents who buy a library card rather than providing an appropriation to the library. Mr. Chioffi said he felt they are not making the best decisions in their spending. When asked if he had attended a library board meeting or read their minutes, he did not directly answer the question. Mr. Chioffi felt we deserve to know how many citizens participate at the library. Ms. Ashcroft said all town residents benefit from it, no matter how often it is used.

Ms. Ashcroft said there are several executive sessions needed. A personnel matter with Police Chief Ed Dumas, a personnel matter for Road Commissioner Byron Hathaway, a personnel matter with Town Lister Howard Burgess and an additional one for the board alone to discuss is needed. Mr. Faignant moved to enter executive session for these topics. Ms. Russell seconded the motion. The motion passed 4-0. The board entered executive session at 8:15 PM.

Upon leaving executive session, with no action being taken, Mr. Faignant moved to adjourn. Mr. Chioffi seconded the motion. The motion passed 4-0. The meeting was adjourned at 9:04 PM.

Respectfully submitted, Mr. Bill Sweet

Mary Ashcroft, Chair

Joseph Denardo, Clerk

John Paul Fagnant

Sharon Russell

Don Chioffi

Center Rutland, VT.