

**TOWN OF RUTLAND SELECT BOARD OPEN MEETING
RUTLAND TOWN MUNICIPAL TOWN HALL
181 BUSINESS ROUTE 4, CENTER RUTLAND, VT 05736
JULY 6th, 2021**

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

- Meeting opened at 6:00 P.M. with the pledge of allegiance
- Board members present Mary Ashcroft, Sharon Russell, Joe Denardo, and John Paul Faignant
- Members of the public present – Lydia Flynn, Craig Hahn, Fred Nicholson, Chip Greeno, Chuck Greeno, Attorney Joe O’Rourke, Jim Sabatano, Emon Mulligan

A moment of silence was observed for Charley Brothers who recently passed away. He was a former chair of our Planning Commission and a long-time public servant.

Approval of Orders

The Board approved the orders.

Approval of Select Board Minutes for June 8th, June 22nd and June 29th:

- Ms. Faignant moved to approve the minutes of June 8th; Mr. Denardo seconded the motion. The motion passed 3-0. Ms. Russell abstained
- The minutes of June 22nd could not be approved.
- The minutes of the June 29th informational meeting could not be approved.

New Business Board to hold the hearing on the Notice of Violation to C&C Fireworks

1. Ms. Ashcroft gave a summary of the reason for the hearing and reviewed the notice.
2. Ms. Ashcroft swore in Chip Greeno, Craig Hahn and John Paul Faignant as witnesses.
3. John Paul Faignant, Town of Rutland 2nd Constable, discussed his June 30th, 2021, report.
 - a. Mr. Faignant conducted surveillance of the business and requested to see copies of the public display permits for fireworks that were sold to Vermont residents. After watching several vehicles, 5 with Vermont registrations, he approached Mr.

Hahn and identified himself and asked to see the public display permits, pursuant to the permit issued.

- b. Mr. Hahn did not cooperate and would not answer any questions. Mr. Hahn contacted the owner. Chip Greeno came and said they do not have copies of those permits. They do not take copies and do not keep copies. This was reported to the board by Mr. Faignant.
- c. A follow up investigation was done on June 30th. 5 sales were observed, 2 with Vermont registrations and others with out of state registrations. Ms. Ashcroft asked if Mr. Faignant had the permit issued by the Select Board allowing them to sell fireworks in mind. Mr. Faignant answered he did and stated condition 6 and 7 required C&C to keep a copy of any public display permits for sale to Vermont residents. Mr. Faignant said Chip said they do not do that.
4. Mr. Greeno said he did not have any Vermont issued permits at the time Mr. Faignant approached and asked for them because nobody from Vermont had purchased any fireworks. At that time, Mr. Greeno said no one had asked him to keep track of out of state sales. After that they took pictures of every ID with a sales agreement, and this represents a majority of the sales they had. Mr. Greeno said while they were in cars with Vermont plates, they had out of state ID. Mr. Greeno said since Mr. Faignant left, they documented every single transaction and that he has not sold to Vermonters.
5. Mr. Greeno presented 1 sale with an attached permit and stated all of the other sales were to people from out of state. Mr. Greeno said this proves that Vermonters can have out of state IDs and live out of state, or know someone from out of state, or have friends from out of state.
6. Mr. Greeno provided copies of the permit and sales to the board as exhibits.
7. Mr. Greeno said the busy time is over for sales.
8. Mr. O'Rourke asked Mr. Greeno if he felt he was allowed to sell to out of staters. Mr. Greeno said he did, 100%, and this was never brought up.
9. Mr. O'Rourke asked Mr. Greeno if he ever intended to violate the permit. Mr. Greeno stated he did not.
10. Ms. Ashcroft reviewed the meeting where they received the permit and said they and their attorney reviewed the permit prior to it being issued, including the conditions and

did not ask for clarification. Mr. Greeno said this was clear, that Vermonters could not buy without a permit.

11. Mr. Faignant asked if we were to contact each of the 8 Vermont plates observed purchasing at their facility that they would all verify they have ID from another state that they presented to him to purchase fireworks. Mr. Greeno said he believed so. Mr. Faignant stated he did not see them checking ID, even after his visit on the 29th. Mr. Greeno said he checked every ID. Mr. Faignant asked if he took pictures of their license plates. Mr. Greeno said he did not.
12. Mr. Faignant stated there was information received that a Rutland Town resident was sold fireworks and they were not asked for anything. Mr. Greeno said he did not believe that to be true.
13. Ms. Ashcroft asked if there were any receipts for sales included that are prior to the visit from Mr. Faignant. Mr. Greeno said there are not because he was not asked to keep them. Mr. Greeno stated that as soon as he was asked to keep them, he did. Mr. Faignant stated the permit clearly requires them to be kept. Mr. Greeno said yes, but only from Vermont residents, which he did. Ms. Ashcroft said the conditions do not say that. Mr. Greeno said he assumed out of staters are not what they were talking about.
14. Ms. Ashcroft said the permit conditions do not speak to out of state residents and that [conditions #5] "C&C shall not sell any fireworks to any person unless the purchaser produces to C&C at the time of sale a supervised public display permit issued by the fire chief of Rutland Town" and condition #6 states "C&C shall not sell any fireworks to any person unless the purchaser produces to C&C at the time of sale a permit from the fire chief or Selectboard of the municipality in which the display is located." Mr. Greeno said he had read that. Condition #7 states "C&C shall maintain copies of the supervised public display permits and the sales receipts attached thereto for no less than 3 years from the date." Ms. Ashcroft said he produced ones from June 29th on but nothing before that. Mr. Greeno said he did not because he did not sell to any Vermonters with permits before that. Ms. Ashcroft confirmed that he felt it was ok to sell to out of staters. Mr. Greeno said that is correct. Ms. Ashcroft asked Attorney O'Rourke if he had any authority for that. Attorney O'Rourke said he did not.

15. Ms. Russell said her stepson recently visited from another town in Vermont. He came to Rutland to purchase fireworks from them and had a Vermont license and Vermont plates. He went there and made a purchase and was not asked for anything.
16. Mr. Denardo asked to clarify that the permit conditions do not distinguish between in state or out of state. Ms. Ashcroft said they do not.
17. Mr. O'Rourke asked Mr. Greeno who Craig Hahn is. Mr. Greeno said he is a friend of his who does stuff for him all the time and that he is a fireworks enthusiast. He allows him to run errands and stands in when he is not there.
18. Ms. Ashcroft said they will find a time to go through the exhibits to make a decision.
19. Mr. Greeno said there is no ATF or federal licensing involved in what he sells.

New Business Board to meet with MSK Engineering regarding the Pocket Park survey

1. Barbara Pulling reviewed the need for this agreement, in regard to the Pocket Park project.
2. A work authorization form and a short form agreement were provided to the board. Ms. Pulling said some minor changes need to be made to the short form agreement. Specifically, the property owner and the payment arrangements.
3. Emon Mulligan, Chief Surveyor, from MSK Engineering was present and said the proposed changes are fine and requested a copy with the changes needed included and sent to them so they can update it.
4. Mr. Mulligan expects to begin next week with deed research and field work the following week.
5. Discussed signing the work authorization now and updating the language in the contract so it is accurate for approval at a future meeting.
6. Mr. Faignant moved to approve the work authorization, and to authorize Ms. Ashcroft to sign on behalf of the board. Ms. Russell seconded the motion. The motion passed 4-0.
7. Ms. Ashcroft and Ms. Pulling will work on the correct language.

Ms. Ashcroft commented on a call from Rutland City Mayor Dave Allaire regarding the latest pedestrian fatality on Route 7 South. The mayor would like to have representatives from both communities get together to discuss the issue any talk about solutions to improve pedestrian safety. Mr. Denardo said enforcement of speed limits in the area could help to reduce accidents.

Kari Clark Rutland Town Clerk/Treasurer:

1. The ARPA funds have not been received yet. We do not have a timeline.

New Business Board to review for approval, the unlicensed dog warrant

1. The list of 55 dogs has been given to the Town Police.
2. Ms. Ashcroft asked any residents which have not licensed their dogs to contact the Town Clerk's office as soon as possible.
3. Ms. Clark commented that a dog was found recently, and the owner was able to be reunited because the dog had a town license on it and we were able to provide contact info for the owner.
4. Mr. Faignant moved to approve the warrant. Ms. Russell seconded the motion. The motion passed 4-0.

Barbara Noyes-Pulling Rutland Town Planning Commission Chair:

1. The Wynnemere MS4 stormwater project is moving along. Andres Torizzo from Watershed Consulting is doing a design and met with Byron Hathaway, herself, and some of the homeowners to go over some preliminary ideas.
2. The existing pond needs to be enlarged due to construction in the area. A pond can be added on to what is already there. The group discussed the future of the development to ensure any expansion needs would be met by future construction.
3. Discussed the possibility of using ARPA funds to be able to fund this project. This will be researched for a future discussion.

Byron Hathaway Rutland Town Road Commissioner:

1. Presented the board with 3 grant agreements for approval.
 - a. Gleason Road culvert project. This has a 50% match requirement and is \$47,000 total. Mr. Faignant moved to approve and authorize the chair to sign on behalf of the board. Ms. Russell seconded the motion. The motion passed 4-0.
 - b. Town Line Road culvert replacement. This has a 10% match and is up to \$200,000 in total. Mr. Faignant moved to approve signing the agreement and to

authorize the chair to sign on behalf of the board. Ms. Russell seconded the motion. The motion passed 4-0

- c. Class 2 road paving grant for Town Line Road. This has a 20% match requirement and is up to \$200,000 total. Mr. Faignant moved to approve signing the agreement and to authorize the chair to sign on behalf of the board. Ms. Russell seconded the motion. The motion passed 4-0
2. Roadside mowing should resume soon. The repair to the mower is almost complete. As soon as it is done someone will be in it full time.
3. One of the highway employees was injured today and is expected to be out for a few days but should be okay.
4. Clean up work on McKinley Avenue from the paving is starting tomorrow and should resolve any issues relating to the work.

Chris Clark Rutland Town Fire Chief:

1. Fireworks at Northwood Park went well.
2. Discussed the state of the current Engine 3, which has now been taken out of service. The truck is expected to be parted out as much as possible. Discussed selling the truck as a non-road worthy vehicle. Mr. Denardo suggested selling as-is and where-is and to ask for offers.

Ed Dumas Rutland Town Police Chief:

1. Recent calls for service were provided.
2. Met last week regarding the Holiday Inn. There was a short extension for a limited number of people staying there. Occupancy has decreased significantly.
3. Discussed the recent pedestrian accidents on Route 7 South.
4. The new police cruiser has been built and is expected to be received soon. The oldest cruiser was sold to the Rutland County Sheriff Department for \$5000. The other cruiser is in for repairs.
5. Mr. Denardo thanked Chief Dumas for his help with a lost dog recently.
6. Chief Dumas clarified that the language on the dog warrants, they want to inform residents of the need to keep their dog registered and they do not intend to destroy dogs.

Mike Rowe Rutland Town Recreation Director:

1. The fireworks went well.
2. Swim lessons have gone well, the next session starts soon.
3. The pool has been very popular lately.
4. The next senior lunch is planned for July 27th at 1130 at the pool. Byron will be cooking. This will be rain or shine.
5. Discussed compensation for lifeguards due to recent changes in minimum wage. This will be discussed at a future recreation meeting.
6. Some intentional damage has been found to the slate trail signs at Northwood Park. The signs are special as they were hand painted and a lot of time and effort went into these. Mr. Rowe asked people to respect the signs and the park.

New Business Board to review for approval, reimbursement request for storage barn construction

1. The total reimbursement to the highway department for the work would be \$3822.46.
2. The money will come from the rec department share of the timber fund.
3. Mr. Faignant moved to approve the request. Ms. Russell seconded the motion. The motion passed 4-0.

Bill Sweet Administrative Assistant to the Select Board:

1. The current meeting schedule and pending committee agenda items was reviewed.
2. A letter from the Chamber and Economic Development of the Rutland Region was received asking for the Town to submit dues for the coming year in the amount of \$3700.
 - a. Mr. Faignant moved to approve the payment. Ms. Russell seconded the motion. The motion passed 4-0.
3. Joe Anthony has confirmed he will attend the July 20th Board meeting to discuss the Diamond Run Mall property.
4. We are still waiting to hear back on our Safety Grant application from VLCT.
5. Met recently with Frank Heald from the Alpine Pipeline to discuss the relationship between them, the City, and our Town.
6. A new calendar tool has been added to the home page of our website. This brings together all town events, meetings, and important dates.

New Business Board to Review for Approval the winter heating contract with Johnson Energy

1. Johnson Energy is a preferred vendor for the town.
2. They are proposing to deliver #2 fuel oil to the town office from September 1, 2021, through May 31st, 2022, for \$0.35 per gallon over Johnson Energy cost on day of delivery with a maximum capped rate of \$2.799 for the contract period.
3. Ms. Russell moved to accept the contract and to authorize the Chair to sign on behalf of the Board. Mr. Denardo seconded the motion. The motion passed 4-0.

New Business Board to Certify the Vehicles and Traffic Ordinance

1. Town of Rutland Second Constable John Paul Faignant discussed the need for this ordinance to be certified. A recent traffic court hearing revealed a judge ruling against a citation because a certified copy was not on file. A certified copy must be filed on the first day of the month when a hearing is scheduled.
2. A copy will be filed with the judicial bureau each month a hearing is scheduled.
3. It will only need to be recertified if the ordinance is changed.
4. Mr. Faignant moved to certify the ordinance. Ms. Russell seconded the motion. Discussed some of the speed limits listed in the ordinance. The board discussed updating some of the limits. This is on committee agenda lists to review. The motion passed 4-0.

New Business Board to Appoint a Town Health Officer

1. The current Health Officer 3-year term expires at the end of August 2021.
2. Ms. Russell moved to reappoint John Paul Faignant and to authorize the Chair to sign on behalf of the Board of Health. Mr. Denardo seconded the motion.
3. Ms. Ashcroft stated Mr. Faignant will make a good health officer because he has a proven track record, of diligence and attention to detail as exhibited by his work on the Holiday Inn complaints. Additionally, he was an excellent resource for keeping Town's people safe and informed during the Covid-19 crisis. The town is very satisfied with his service and recommends him highly.
4. The motion passed 3-0 with Mr. Faignant abstaining.

Committee meeting updates:

1. A meeting of the Water and Sewer committee is planned for this week.

Project List update

The Act 250 application for our shared use path is in process.

A committee meeting for the replacement of the McKinley Avenue Fire Station has not been scheduled but will be soon. Mr. Denardo asked for the meeting to be scheduled on a night other than a board meeting night.

New Business Board to discuss contents of Selectboard Meeting Minutes

1. The board discussed what should be included in the meeting minutes.
2. The content should be limited to basic facts and motions made and any other pertinent information.

Old Business Board to discuss the purchase of air purifiers for Town Hall

1. No decision has been made yet.
2. Another vendor has reached out with a proposal.
3. This will be referred to the building committee for review and to make a recommendation.

Old Business Board to discuss establishing a policy for political signs on Town owned property

1. Ms. Ashcroft recently attended a School Board meeting and spoke with some School Board members about this topic.
2. They would like to work with the Selectboard to develop a joint set of rules.
3. Town Clerk Kari Clark would like to be on this committee. Sharon Russell will join the committee and Don Chioffi was suggested as a member as well.

Mr. Faignant moved to enter executive session for a personnel matter with Police Chief Ed Dumas attending and a second for a personnel matter with Road Commissioner Byron Hathaway attending. Mr. Denardo seconded motion. The motion passed unanimously. The board entered executive session at 7:33 PM.

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Upon leaving executive session at 7:51 PM Mr. Faignant moved to compensate all the Town Police Officers on an hourly basis. Ms. Russell seconded the motion. The motion passed 4-0.

Mr. Faignant moved to adjourn. Ms. Russell seconded the motion. The motion passed unanimously. The meeting was adjourned at 7:52 PM.

Respectfully submitted, Mr. Bill Sweet

7/6/2021

Mary Ashcroft, Chair

Joseph Denardo, Clerk

John Paul Faignant

Sharon Russell

ABSENT

Don Chioffi

Center Rutland, VT.