

**TOWN OF RUTLAND SELECTBOARD OPEN MEETING
RUTLAND TOWN MUNICIPAL TOWN HALL
181 BUSINESS ROUTE 4, CENTER RUTLAND, VT 05736
AUGUST 31st, 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, John Paul Faignant and Don Chioffi
- Members of the public present Keith Whitcomb, Lydia Flynn, Steve Wolf, Jonathan Spiro, Ed Carr, Jim Scholtz, Michael Moser

A moment of silence was held in recognition of the 13 soldiers killed recently.

Approval of Orders

The Board approved the orders.

Approval of Selectboard Minutes for August 17th:

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

New Business Board to meet with representatives from the Diamond Run Mall

1. Steve Wolf is present and is the Director of the Spartan Arena. Jonathan Spiro is present and is the President of Castleton University. Ed Carr is present speaking for BAI Rutland, the owners of the property. Mr. Carr works for A-to-Z Real Estate, and they manage the property for BAI Rutland.
2. Ms. Ashcroft gave a summary of events which lead to the need for this meeting. Additionally, our Town Attorney researched the Act 250 permit issued to the mall and it has not been amended to remove any provisions, including security.
3. Mr. Carr said after a meeting with some Town officials last week he, and their local property manager did a thorough walk through of the facility to identify gaps in security.
4. Daily checks are being done by staff.

5. A list of recommendations is being made to the property owners by Mr. Carr.
6. Mr. Wolf summarized some of the issues they have seen and efforts they have made around their property.
7. Chief Clark and Chief Dumas discussed their preferences for the mitigation of traffic, mainly around limiting access by installing concrete barriers.
8. Discussed barrier options and alternative barrier options other than concrete, and what would work best.
9. Castleton University owns the Spartan Arena building, BAI Rutland owns the land.
10. Mr. Faignant asked for a schedule of when these security measures will be in place. Mr. Carr stated he should have a plan in place within 2 to 3 weeks. He was asked to return in 2 weeks for the next board meeting to present their plan. Mr. Carr said he would work to meet this timeline. Mr. Faignant stated they are currently in violation of the Act 250 permit
11. Ms. Russell commented on the length of time to have these issues resolved as unacceptable.
12. Ms. Ashcroft reviewed some of the aspects of the Act 250 permit which remain in effect which are important to the issues being experienced.
13. Mr. Chioffi commented on the importance of the requirements laid out in the Act 250 permit.

Ed Dumas Rutland Town Police Chief:

1. Chief Dumas introduced our new Police Officer, Antje Schermerhorn. She will serve as the School Resource Officer while school is in session and is on patrol the rest of the time. She will be taking courses to become DARE (Drug Abuse Resistance Education) certified which will allow her to teach classes in the future.
2. Recent calls for service were provided.
3. Recent efforts to solve some crimes around town using social media platforms have been very effective.
4. Discussed a liquor license request for East Restaurant LLC, at 283 US Route 4 East. Chief Dumas had no objections to the request. Ms. Russell moved to approve the license.

Mr. Chioffi seconded the motion. The motion passed 3-1 with Mr. Faignant voting against the motion.

5. Jim Scholtz asked Chief Dumas to watch for motorcycles traveling at a high rate of speed on Post Road.

Chris Clark Rutland Town Fire Chief:

1. There have been 4 calls for service in the past 2 weeks.
2. Pump testing is coming up this Sunday.
3. There has been some interest in purchasing our old Engine 3. 1 person has offered a deposit and is coming to look at it soon. We hope to get \$10,000 for the truck.

Kari Clark Rutland Town Clerk and Treasurer:

1. Reminder of the September 10th tax payment deadline.

Mike Rowe Rutland Town Recreation Director:

1. The pool is now closed, and the water will be shut off soon.
2. Thanked Allen Pools and Spas for their quick help in repairing the pump.
3. Fall sports are starting.
4. Discussed the Halloween Party at the school. After some discussion, this will be added to the next agenda.

Byron Hathaway Rutland Town Road Commissioner:

1. Work continues the cleanup from paving. It should be done by next week.
2. Gleason Road is done and open to traffic.
3. The parking lot at the school is done. A grate needed to be replaced and that was installed today.
4. Roadside mowing is done on the Northeast section of Town. They are starting in Center Rutland now.
5. A grant agreement will be included in the next packet.
6. Discussed the Fuller Paving invoice, which was bought up at the last meeting. The increase was due to two roads being added to the project list. Ms. Russell moved to

approve the additional payment of \$12,502. Mr. Faignant seconded the motion. The motion passed 4-0.

7. Mr. Faignant asked about the status of moving paperwork from the Highway Garage to the Town Office. Mr. Hathaway said the work is in progress. Mr. Faignant asked the balance of physical files be moved to Town Hall.
8. Discussed the written contracts with snow plowers. Mr. Hathaway stated there are no written contracts with them. Several board members disagreed and said they recalled there were and there should be. Mr. Hathaway said he will look in his files for them and will bring them if he finds them.
9. Mr. Chioffi complimented Mr. Tripp on the quality of the mowing he has done.

Barbara Pulling Rutland Town Planning Commission Chair:

1. Family members from Thomas Dairy have been into the office to investigate previous Subdivision records. They may be coming to the Planning Commission with a new request in an effort to sell some of their land.
2. A complaint about a violation of the stormwater ordinance may be pending. Some additional information is being investigated by the complainant before it is filed. This would be the first one received.
3. Discussed the next installment for the Pocket Park grant. We need to request the next portion of the funds soon. Ms. Ashcroft and Ms. Pulling will get the request put in.

Ms. Russell moved to enter executive session for pending litigation with Town Attorney Kevin Brown attending. Ms. Russell seconded motion. The motion passed unanimously. The board entered executive session at 7:10 PM.

The board came out of executive session at 7:29 PM with no action being taken.

Bill Sweet Administrative Assistant to the Select Board:

1. Provided an updated meeting schedule and committee agenda items.
2. Provided information from VLCT regarding the process for a town to be able to opt in to allow cannabis sales in town.

- a. Mr. Fagnant commented that he felt this could be a very positive thing for the town by providing tax income. Mr. Fagnant moved to have the Town Attorney draft a ballot item to be included on the March ballot. Ms. Russell seconded the motion. The motion passed 4-0.
3. A notice was received from Allco Renewable Energy that they are putting part of their Otter Creek Solar project online.
4. A request from the Town Democratic Party was made to use the meeting room on September 21st at 6PM. Ms. Ashcroft made the request and did not participate in the decision. There was no objection to the request.
5. A copy of the Regional Public Works Mutual Aid Agreement has been received.
6. There will be some lock work done this week on the interior doors. Everyone will need new keys.
7. The air purifiers have been installed.
8. Provided an invoice to be sent to BAI Rutland for Police responses to the mall from September of 2019 through August of 2021. The total is for \$2520. Ms. Russel moved to send the invoice. Mr. Chioffi seconded the motion. The motion passed 4-0.
9. Ms. Ashcroft discussed an invoice for Police responses to the Holiday Inn which was sent to DCF in May. It has not been paid. Discussed resending it. Ms. Russell moved to resend the invoice, and to include the service charges. Mr. Chioffi seconded the motion. The motion passed 4-0.

John Paul Fagnant Town Health Officer

1. Ms. Russell moved to move from the Selectboard to the Board of Health. Mr. Chioffi seconded the motion. The motion passed 4-0.
2. Mr. Fagnant spoke on the issues being experienced with the Delta variant. Mr. Fagnant moved to require masks for anyone while in the Town Office or any other confined municipal office space, not including the Transfer Station at this time. This would go into effect September 1st. Ms. Russell seconded the motion.
 - a. This would include everyone in the building.
 - b. Mr. Chioffi asked if this is required regardless of vaccination status. Mr. Fagnant said it would apply to everyone.

- c. Mr. Chioffi said he is not in favor of it and spoke out strongly against it.
 - d. Ms. Russell spoke strongly in favor of it.
 - e. The motion passed 3-1 with Mr. Chioffi voting against it.
3. Ms. Russell moved to resume the Selectboard meeting. Mr. Chioffi seconded the motion. The motion passed 4-0.

Town Lister Howard Burgess discussed a request from the Rutland Housing Authority. They are requesting to have a PILOT payment program. Their request was reviewed by the Town Attorney. It was determined they do not qualify for this. Mr. Burgess is proposing to send an updated tax bill at the correct rate. Mr. Faignant moved to approve the process Mr. Burgess proposed. Ms. Russell seconded the motion. The RHA had grieved their assessment with the Listers Office. After further discussion, there is no action the board can take at this time. The PILOT program is only available to state owned properties, and this is not owned by the state. The motion was withdrawn.

Mr. Burgess said there is a development in town which has a third dwelling being built on it. The road needs to be named now as a “place”; this is not a town road. The location is currently unofficially called Thistle Hill. Mr. Burgess has reached out to the State 911 board for naming recommendations, but the Selectboard has the decision on naming the road. Mr. Chioffi moved to name the road Thistle Hill Place. The motion failed due to no second. Mr. Burgess will speak with the developer and relay some concerns the board has with the ease of the pronunciation of the name.

Mr. Faignant moved to adjourn. Ms. Russell seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:10 PM.

Respectfully submitted, Mr. Bill Sweet

Mary Ashcroft, Chair

Joseph Denardo, Clerk

John Paul Fagnant

Sharon Russell

Don Chioffi

Center Rutland, VT.