

**TOWN OF RUTLAND SELECTBOARD OPEN MEETING  
RUTLAND TOWN MUNICIPAL TOWN HALL  
181 BUSINESS ROUTE 4, CENTER RUTLAND, VT 05736  
OCTOBER 12<sup>th</sup>, 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, Joe Denardo, and Don Chioffi
- Members of the public present Lydia Flynn, Chris Howland, Jim Scholtz, Keith Whitcomb, Lori Wood, Andrew Wood, Tyler Richardson

Approval of Orders

The Board approved the orders.

Approval of Selectboard Minutes for September 28<sup>th</sup>:

Selectman Denardo moved to approve the minutes. Selectman Chioffi seconded the motion for discussion purposes.

Selectman Chioffi read a prepared statement.

“Madam Chair

I object to the inclusion of any of the remarks offered by Mr. Faignant in an illegal maneuver designed to avoid the transparency required of our long-standing policies for operation of our board, and I will explain the factual reasons for my objection.

First, there being no urgency for any of his actions, Mr. Faignant clearly breached the rule of publishing any action item on an agenda required for prior consideration by our board, thereby short circuiting the deliberative process that is clearly intended by the publishing and dissemination of an agenda and supporting documents prior to any meeting at which they would be discussed.

Secondly, since his motion to suspend the formal agenda was allowed by you, Madam chair, there was, in fact, no meeting at all, since the entire published purpose of the meeting was the published agenda, which was then no longer on the table.

Thirdly, Madam Chair, you allowed Mr. Faignant to utter clearly false, misleading, defamatory statements about a fellow board member intended to harm the reputation of that member. That action constitutes slander and your duty as chair at the very minimum is not to let that conduct take place at our meetings. Your prior knowledge of the posting in question, and my specific reply to your concerns expressed in correspondence to you prior to this meeting should have been made available as a preface to ruling Mr. Faignant out of order. Further, by allowing these remarks to be published here, and/or approved, you will be furthering an act of Libel

Fourthly, Madam Chair, both actions of this board, censure and removal from committees are clearly not legal nor appropriate, are a clear violation of both my constitutional and statutory rights of free speech and representative government under the laws of the United States and the State of Vermont and must be voided and expunged from the records of Rutland Town, whose citizens have been insulted and violated by such extreme and illegal actions. Our citizens certainly do deserve better, and at the very least, deserve to be represented by the 5 members that they have duly elected to do so.

In conclusion, Madam Chair, and in response to Mr. Faignant's directive to me to "do whatever You have to do", I am informing you and this board that as of Friday, October 8, 2021, I lodged 3 formal complaints-----first with the Vermont Secretary of State, second with the Vermont Attorney General's Office, and third with the Professional Conduct Board of the Vermont Bar Association.

I want my rightful elected position restored and my equal rights with every other board member restored as you have no legal authority to discriminate against me as a minority member of this board."

The motion failed 2 - 1 with Selectman Chioffi voting no. The approval will be tabled until the October 26<sup>th</sup> meeting.

Questions from the floor, public comment:

Lori and Andrew Wood of Simons Avenue in Center Rutland were present to discuss the area of the proposed Pocket Park. Mr. and Mrs. Wood expressed concern about the activity they have seen in the area. They are concerned about the future planned Pocket Park due to the illicit activities. Additionally, the speed limit sign on Simons Avenue is missing. They do not know how long it's been missing but vehicles are driving at a high rate of speed. Barbara Pulling discussed the efforts being taken in the planning for the park. Security and safety are part of the planning and invited them to attend the public input meetings once they are set. Mr. Wood said he had cut back some of the vegetation to make it less private. They asked about a flood light for the area. This will be discussed as part of the planning process. Commissioner Hathaway said he was unaware the speed limit sign was missing and would have it replaced the next day. Selectman Chioffi thanked them for coming in and for their help with the area and discussed some of the possible security measures that could be put in.

Chris Howland discussed some calls he has received about neighbors burning leaves. He is unsure as to what to do with the information. Selectman Denardo, who also serves as the Town Forest Fire Warden, discussed the specifics of allowable burning. Town Fire Chief Chris Clark and Assistant Fire Chief Mike Carlson can issue burn permits in addition to the Forest Fire Warden. Selectman Denardo said open burning is not permitted to create a nuisance. Mr. Howland will pass the word along.

Byron Hathaway Rutland Town Road Commissioner:

1. Discussed the small truck which is in the process of being replaced. The current inspection sticker runs out in October. New tires would be needed in order for it to pass again. After discussion, new tires would be purchased so it can pass inspection. This would assist with selling it and also make it available for winter maintenance.
2. A summary of tasks by month was provided to the board to assist with the selection and hiring of the next road commissioner.

Barbara Pulling Rutland Town Planning Commission Chair:

1. A set of meeting procedure rules are being developed. A model set was obtained from VLCT and is being used as a guide.
2. Some subdivisions approved in the past for the Thomas family are being reviewed to ensure the parcels are correctly labeled.
3. A boundary line adjustment will have its hearing on October 28<sup>th</sup>.
4. Work continues on ordinances. They are looking at a variety of them including flood hazard and subdivisions. New ordinances being considered focus on noise, helipads, target practice and shooting ranges and others. VLCT will be consulted for model policies and possibly legal work. Discussed the need for legal review of drafted ordinances and the associated fees. Selectwoman Ashcroft asked for them to put together a budget request based approximately on the fees for each review.
5. The notes from the stake holders meeting for the Pocket Park have been forwarded to the board members and discussed the future meetings.

Kari Clark Rutland Town Clerk and Treasurer:

1. Discussed the contract received from Cott for digitizing the land records.
  - a. There is a discounted rate in this agreement, which expires at the end of the month.
  - b. Discussed who would be receiving the revenue from the deed research. The Town gets a large portion of it. There are additional details in the contract.
  - c. Only one vendor has given us a contract proposal, Ms. Clark will be contacting others.
  - d. Several towns around us use this same system.

Ed Dumas Rutland Town Police Chief:

1. Recent calls for service were provided.
2. A Police Committee meeting was held last week, but the minutes are not available. The main topics of the meeting will be discussed at the next meeting.

Chris Clark Rutland Town Fire Chief:

1. Chief Clark was not present but sent along a report.
2. Calls for service have increased lately. There have been 9 calls in the last 2 weeks.
3. Provided an application for a new junior member, Braden Clark. The background checks are complete. Selectman Chioffi moved to approve the application. Selectman Denardo seconded the motion. The motion passed 3-0.
4. An offer was received for the Fire Engine for sale. The asking price has been \$10,000. It has been for sale for approximately 6 weeks. We were offered \$7500. Selectman Chioffi moved to approve the offer. Selectman Denardo seconded the motion. The motion passed 3 - 0.

Mike Rowe Rutland Town Recreation Director:

1. The grant application for a large-scale improvement to Northwood Park was not successful. There were 104 applications with a total of \$20 million in requests, only \$5 million was available. Mr. Rowe would like to schedule a Rec Committee meeting prior to the next board meeting to discuss other funding options.
2. The Halloween party for school kids on October 29<sup>th</sup> is planned and ready.
3. Mowing is wrapping up and the buildings will be winterized soon. The baseball fields are being prepared now and will be ready to go in the spring.
4. The no parking signs have been ordered. There are 4 signs and will be placed at strategic locations in the park.
5. The soccer program ended recently. It went very well.
6. Discussed locking the access gate to Dewey Field this week. There is a small parking area still available if anyone wants to use the park. The board gave their approval.
7. Discussed when the gate to Northwood Park would remain unlocked overnight. November 1<sup>st</sup> is typically the date this happens. After some discussion, this is the date which will be used this year.
8. Discussed allowing horses in Northwood Park. Currently horses are not allowed within the park. This can be discussed for feasibility in the future.

Bill Sweet Administrative Assistant to the Selectboard:

1. Provided an updated contact from the State of Vermont, DCF. This is to allow us to be paid for the invoice we sent for police responses. The board chair was added to be able to sign the contract. Ms. Clark is still on there to satisfy payment process requirements.
  - a. Discussed if it is cost effective to have our Town Attorney review it.
  - b. Selectwoman Ashcroft will discuss it with our Town Counsel.
2. All of the emergency backup generators will be serviced tomorrow.
3. Tyler Richardson from CEDRR was able to confirm their storm water pump discharges water into their yard and not into any public systems. Selectman Denardo moved to approve the request made by CEDRR to repave their parking lot, which contains a portion of a Town Right of Way. Selectman Chioffi seconded the motion. The motion passed 3 – 0.
4. Discussed a building maintenance request. A quote was received for \$1000 from Blaine’s Seamless Gutters to inspect and clean the gutters and to also replace and secure the downspouts. Selectman Chioffi moved to approve the work. Selectman Denardo seconded the motion. The motion passed 3 - 0.

New Business Board to review for Approval a Water Connection and Sewer Discharge Request

1. Randbury Associates at 132 Randbury Road are requesting a 75 GPD water connection and a 75 GPD sewer discharge allocation.
2. Both applications are complete, and the permit fees are paid.
3. Selectman Denardo moved to approve both requests. Selectman Chioffi seconded the motion. The motion passed 3-0.
4. Notice will be sent to the property owners.

There was further discussion on the digitizing of land records. The board agreed a competitive bid is needed to be able to make comparisons and be compliant with the purchasing policy. After at least one more is received a decision can be made on moving forward.

Selectman Chioffi discussed an article in the Rutland Hearld about the Vermont Governor not mandating masks at this time, due to no state of emergency in place. Selectman Chioffi would ask Selectman Faignant to reevaluate his position on the Town mask mandate.

Committee meeting updates:

1. Discussed the recent Highway / Personnel Committee meeting.
  - a. The committee agreed the maintenance schedule in place should be followed going forward.
  - b. The committee discussed the opportunity to move the position to an appointed position by the board.
  - c. Selectman Chioffi commented on not changing the elective process. There was a significant discussion about the process, options, benefits, and drawbacks of filling the position.
  - d. It was decided a special meeting should be held to discuss this matter on Tuesday October 19<sup>th</sup> at 6PM.
  - e. The personnel topics will be discussed at the meeting on the 26<sup>th</sup>.

Discussed establishing a Social Media Policy. Information will be included in the next packet.

Selectman Chioffi moved to adjourn. Selectman Denardo seconded the motion. The motion passed unanimously. The meeting adjourned at 7:46 PM.

Respectfully submitted, Mr. Bill Sweet

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Mary Ashcroft, Chair

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Joseph Denardo, Clerk

**ABSENT**

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John Paul Faignant

**ABSENT**

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Sharon Russell

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Don Chioffi