

**TOWN OF RUTLAND SELECTBOARD OPEN MEETING
RUTLAND TOWN MUNICIPAL TOWN HALL
181 BUSINESS ROUTE 4, CENTER RUTLAND, VT 05736
FEBRUARY 28th, 2022**

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, Sharon Russell, John Paul Fagnant and Don Chioffi
- Members of the public present Howard Burgess, Marcia Chioffi, Danielle Bradtmiller, Jim Scholtz, Keith Whitcomb, Andres Torizzo, Kirsten Hathaway, Lydia Flynn, Larry Dell Veneri, Irene Hathaway, Ben Hogan

Approval of Orders

The Board approved the orders.

Approval of Selectboard Minutes for February 15th:

Selectman Chioffi moved to approve the minutes. Selectman Fagnant seconded the motion. The motion passed 5 – 0

Questions from the Floor, Public Comment

No public comment

New Business Board to meet with Andres Torizzo to discuss the Wynnmere Stormwater Project

1. Andres Torizzo from Watershed Consulting and Barbara Pulling representing the Regional Planning Commission were present to discuss the project. Noone from the Wynnmere HOA was present.
2. A meeting between all the parties was held recently to discuss updating the stormwater management area. There is not a commitment from the HOA on the project.
3. The agency providing grant funding for this project has withdrawn the funding and asked the project to be stopped at this stage with the preliminary design. They cited continued delays as the reason. They have asked for a letter of commitment from the HOA, the developer and the Selectboard giving firm commitment to move forward with the project and has said a new grant application would need to be submitted. The developer has already agreed.
4. The HOA has not agreed yet to sign on, because they have not been provided the letter.
5. Selectman Chioffi felt no action should be taken on signing the letter since the HOA has not seen it yet. Mr. Torizzo said it would be ok to wait until after the HOA is notified.
6. There is a pending Act 250 application to be completed related to this project.

7. Selectwoman Ashcroft asked what would happen if the HOA does not agree to this. Mr. Torizzo replied it would be the end of the project. But cautioned it should be done to help satisfy the Town MS4 requirements.
8. No action will be taken on the Act 250 permit at this time.
9. Selectwoman Ashcroft stated there have been conversations with the HOA in the past about the Town taking over their road, which would include maintenance and stormwater management. No agreements have been reached on this.
10. Selectman Chioffi asked what responsibility the HOA has for the drainage and the roads related to our MS4 responsibility. Mr. Torizzo said it is not exactly clear as this scenario has not come up yet. The Town has accepted it into our MS4 projects and if the HOA resists the project the state may be required to step in and direct them to complete the project. This is allowed under the rules, as a residual designation authority.
11. Selectman Denardo commented on the last time this topic was brought up and the developer and the HOA President expressed their objections to the need for this project. Selectman Denardo said he was unsure if the HOA understood the ramifications of not doing the project and that we are obligated under our permit to meet certain requirements.
12. Selectwoman Ashcroft asked for a brief summary from Mr. Torizzo about the origin of the project, where we are and what we need to do and other pertinent details be sent to the HOA.
13. Selectwoman Russell suggested Mr. Torizzo meet with a large group of the HOA to have a direct discussion with them to ensure there is understanding. Selectwoman Ashcroft agrees but feel a message in writing is important. After some discussion, Mr. Torizzo will draft a letter to be made available to the entire community in the Wynnmere Development covering project information and giving them the option for a group meeting.

Mike Rowe Rutland Town Recreation Director:

1. The basketball season ended recently. It went very well.
2. The ice-skating rink is still available despite recent warm temperatures.
3. Sign up forms for baseball are available on the rec page of the town website. The tentative start date will be during the second week of April with games beginning in May.

Ed Dumas Rutland Town Police Chief and Ted Washburn Rutland Town Deputy Police Chief

1. Recent calls for service were provided.
2. There are over 200 people currently at the Cortina Inn. The increase is due to a City of Rutland establishment being closed and people having to be moved. Chief Dumas said the services being provided by state agencies has made an impact in the problems they have seen in the past.
3. A homeland security grant application is being prepared by the Sheriff's Department in order to acquire 6 new dispatch consoles to support the future planned dispatch center. The grant request is over \$400,000 and is for Rutland County. The Sheriff requested the Town sign a letter supporting the

grant which would be included with the application. Chief Dumas asked the Board to approve the letter. Selectwoman Ashcroft asked for copies to be sent to all Board members. Chief Dumas sent a copy of the letter to all board members not attending in person so it can be discussed later in the meeting.

Walter Tripp and Jason Bathalon Rutland Town Highway Crew:

1. There have been several storms this winter season and the winter maintenance contractors have reached the traditional 42 call out limit. Each additional call out for the balance of the season will be at an increased rate, based on a per mile rate.
2. A paving plan has been put together and is planned for discussion at an upcoming Highway Committee meeting on Thursday.
3. Work on a frozen culvert is on-going and they hope to have it resolved soon, depending on the weather.
4. The salt supply is low, but new deliveries are planned soon.

Kari Clark Rutland Town Clerk and Treasurer:

1. Preparations for voting tomorrow are done. Polls are open from 7AM to 7PM on both sides of town. Masks are required for everyone coming in to vote and the Town School.

Barbara Pulling Rutland Town Planning Commission Chair:

1. A public meeting for the Pocket Park will take place this coming Thursday at 6PM. There is no in-person option for this meeting.
2. Ordinance work continues, focusing on better building and construction notification.
3. The energy sub-committee of the Planning Commission is ready to meet with the Selectboard Energy Committee any time to review the draft survey they proposed.

Chris Clark Rutland Town Fire Chief:

1. There have been 6 calls for service in the last 2 weeks.

Bill Sweet Administrative Assistant to the Selectboard:

1. Provided 4 draft letters addressed to town sewer users who exceeded their allocation for sewer discharge for the 2021 billing period.
 - a. There were some users who requested we not obligate them to apply for additional allocation in 2021 based on their 2020 usage due to maintenance issues. Those users did not show up on the overage calculation this year.
 - b. Two of the users on this list were also over last year and did not respond. The water and sewer committee will need to discuss how to proceed if they fail to respond again.

2. Selectman Denardo moved to approve the letters. Selectman Faignant seconded the motion. The motion passed 5- 0.

New Business Board to review for approval, contract for Town Line Road culvert replacement

1. The bid was approved and awarded to Fabian Excavating. The Notice of Award was approved and signed. A contract for the work has been prepared by Otter Creek Engineering and is now ready to be signed.
2. Selectwoman Russell moved to approve the contract and to authorize the Chair to sign on behalf of the Board. Selectman Chioffi seconded the motion. The motion passed 5 – 0.

New Business Board to ratify the mask rule

1. Town Health Officer John Paul Faignant moved, based on declining numbers, the mask order be rescinded for the town with the exception of voting on March 1st.
2. Selectman Chioffi moved to recess the Selectboard meeting and to convene as the Board of Health. Selectman Denardo seconded the motion. The motion passed 5 – 0.
3. Selectwoman Russell seconded the motion to rescind the mask rule.
4. Selectman Denardo said he had concerns of dropping the rule and that the decline in cases has come as a result of the masks being worn and he hoped this would not reverse the trend.
5. Selectman Chioffi expressed his concern about the school board having the authority to keep their order in place despite the recommendation of the Health Officer.
6. After some discussion the motion was amended to only require masks at the school based upon the school board rule in effect. Masks would not be required at Town Hall.
7. The motion passed 5 – 0.
8. Selectman Denardo moved to come out as the Board of Health and resume the regular Board meeting. Selectman Faignant seconded the motion. The motion passed 5 – 0.

Committee meeting updates:

1. There were no recent committee meetings.

New Business Board to Review Reapportionment Proposal

1. The current proposal has Rutland Town being split into 2 districts, no longer having its own legislative district.
2. A section of the Northeast of Town will go into Rutland City and the balance of Town would be put into a district comprised of parts of West Rutland, Clarendon and Wallingford making it a 2-member representative district.
3. An email was sent to our Town Clerk from Legislative Counsel for the Governmental Operations Committee asking for her to confirm the correct description of how the Town will be divided up, and that it is time sensitive.

4. Board members expressed their frustration about the process and how all of their efforts to express their objections to the committee had gone unrecognized.
5. After some discussion, it was suggested the inter-municipal committees of the Town and City of Rutland meet to discuss this topic and to see if a joint effort can be made.

The letter of support proposed to be provided to the Sheriff's Department for the grant application was made available to all Board members. The letter was read. Selectman Fagnant moved to approve the letter and to authorize Chief Dumas to sign on behalf of the Town. Selectman Denardo seconded the motion. The motion passed 5 – 0.

A liquor license renewal for Hannaford Supermarket was presented. The Police Chief had no objection. Selectman Chioffi moved to approve the application. Selectman Denardo seconded the motion. The motion passed 5 – 0.

A liquor license renewal for Mall Mobil Mart was presented. The Police Chief had no objection. Selectman Denardo moved to approve the application. Selectman Fagnant seconded the motion. The motion passed 5 – 0.

Selectman Chioffi expressed his support for the people involved in the conflict overseas.

Selectman Denardo moved to adjourn. Selectwoman Russell seconded the motion. The motion passed unanimously. The meeting was adjourned at 6:13 PM.

Respectfully submitted, Mr. Bill Sweet

Mary Ashcroft, Chair

Joseph Denardo, Clerk

John Paul Fagnant

Sharon Russell

Don Chioffi

Center Rutland, VT.