

**TOWN OF RUTLAND SELECTBOARD SPECIAL MEETING
RUTLAND TOWN MUNICIPAL TOWN HALL
181 BUSINESS ROUTE 4, CENTER RUTLAND, VT 05736
JULY 19th, 2022**

- The hearing opened at 5:30 P.M.
- Board members present Don Chioffi, Mary Ashcroft, Sharon Russell, and Kurt Hathaway
- Members of the Public Present Doug Feldman, Thomas Martin, Gaye Martin

Selectboard Chairman Chioffi opened the hearing by reviewing the circumstances of the issue. The hearing was called for the purpose of discussing the report given to the board by Town 2nd Constable John Paul Faignant regarding the parcel at 282 Perkins Road owned by James Lertola.

Chairman Chioffi read the report from the 2nd Constable.

2nd Constable Faignant discussed with the Board his efforts to get the property cleaned up. The property appeared to have gotten worse in the past 18 months. The property does constitute a public nuisance and the structure is in a state of partial collapse. There is evidence of water damage and risk of further collapse. Due to its condition, it cannot be occupied. Mr. Lertola called Constable Faignant on July 18th and told him the property was being cleaned up. A visit was made the afternoon of July 19th by Constable Faignant. Photographs were provided to the Board of its current condition. It does show some progress but a substantial amount of debris remains. Constable Faignant stated Mr. Lertola would not commit to a timeline to get it cleaned up. Due to the size of some of the debris it appears some heavy machines may be needed in order to clear it out. Mr. Lertola indicated he would not hire any machines to do the work. Board members expressed their concerns about the condition of the property and the attractive nuisance it presents. The report and photos are being presented as evidence for the hearing.

Thomas and Gaye Martin discussed the condition of the property in question and the effect it has on their parcel. The lot in question has been needing to be cleaned up for quite some time. Selectwoman Ashcroft asked their address. They live on South Main Street but use the parcel for recreational activities. Selectwoman Ashcroft asked if they have noticed animals or rodents around the property. They could not say they noticed anything specific. Selectwoman Ashcroft asked if they noticed anyone living on the property. Mr. Martin said there is no one there they know of. Selectwoman Ashcroft asked if the condition of the property causes detraction from the use, enjoyment, or value of their property. Mr. Martin said it does affect value but has no direct impact on their use or enjoyment. Selectwoman Ashcroft asked if there is any fencing to prevent children from going onto the property. Mr. Martin said there is not. Mrs. Martin said a lot of items end up in the brook

adjacent to the property when there is a large rainstorm. Neighbors retrieve the items, so it does not impact their properties.

Doug Feldman discussed the condition of the property in question and the effect it has on his parcel. Selectwoman Ashcroft asked his address. Mr. Feldman lives at 405 Perkins Road. Selectwoman Ashcroft asked if he abuts the Lertola property, and Mr. Feldman said he does. Selectwoman Ashcroft asked if he knew if anyone was living on the property. Mr. Feldman said he has never seen anyone living there, but there has been electricity at the property. Selectwoman Ashcroft asked if anything on the Lertola property affects the value, use or enjoyment of his property. Mr. Feldman said it does affect the enjoyment and value because it is right at the beginning of their section of the road and has given negative visual impression to visitors.

James Lertola joined the hearing at 5:50PM.

Mr. Lertola stated he has been cleaning the property up over the last several weeks. Chairman Chioffi discussed the concern of Constable Faignant regarding the lack of desire to hire equipment nor provide a timeline as to when it will be cleaned up. Chairman Chioffi expressed his concern about the lack of the timeline and stated it should be done sooner rather than later. Chairman Chioffi said the trailer itself represents an attractive nuisance. Mr. Lertola said it is being used as a storage unit. Selectwoman Russell stated her concerns about the condition of the property. Selectwoman Ashcroft shared the photos with Mr. Lertola and asked if they were from today. He stated they were, and this does represent what is remaining on the property. Mr. Lertola said a lot of it will be cleaned up by the end of the month, except for the trailer. Mr. Lertola said he has removed a lot of the garbage and metal. Selectwoman Ashcroft asked if he had received money for the metal. Mr. Lertola answered he did. Selectwoman Ashcroft asked if he has any fencing to surround or secure the area to prohibit trespass. Mr. Lertola said there is not. Selectwoman Ashcroft asked if the mobile home is secure. Mr. Lertola said it is now, but it has been broken into on more than one occasion. He said there is no way to stop someone if they want to get in. Chairman Chioffi asked why the property has been let go. Mr. Lertola said he had intended to use much of what is there, but his deteriorating health conditions have prevented him from being able to.

Constable Faignant said Mr. Lertola did not tell him he would have it cleaned up by the end of the month when they spoke recently. Mr. Lertola said it may be the end of next month since this month is almost over and his ability to clean is weather and health dependent. Mr. Lertola said he had hired someone to do it but they took a lot of scrap metal and left the rest.

Chairman Chioffi said this matter will need to be discussed in a deliberative session and the disposition will be communicated to him.

Doug Feldman stated he has been hoping this property would be cleaned up for several years now and that Mr. Lertola has been aware of this for a very long time and expressed his concern about it not being cleaned up prior to winter.

Chairman Chioffi closed the hearing at 6:03 PM and stated the deliberative session will take place at the end of the regular Selectboard meeting and a decision will be communicated to all interested parties.

Don Chioffi, Chair

ABSENT

Joseph Denardo, Clerk

Mary Ashcroft

Sharon Russell

Kurt Hathaway

Center Rutland, VT.