

**TOWN OF RUTLAND SELECTBOARD OPEN MEETING  
RUTLAND TOWN MUNICIPAL TOWN HALL  
181 BUSINESS ROUTE 4, CENTER RUTLAND, VT 05736  
SEPTEMBER 28<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, Sharon Russell, John Paul Faignant and Don Chioffi
- Members of the public present Dick Bailey, Marty Wasserman, Mary Wasserman, Lydia Flynn, Mike Guay, Ed Skwira, Norm Cohen, Ron Pulcer, Kirsten Hathaway, Matt Getty, Sherman Hunter, Chris Howland, Joe Kraus, Al Wakefield, Jen Philo, Howard Burgess, Morey Clark, Robyn Sweet, Larry Dellveneri, Keith Whitcomb, Tyler Richardson, Pat Hunter, Collin Fingon, Will Jones, Ted Gillen, Kim McKirryher, Russ Beckner, Olivia Lyons

Selectman Faignant moved to suspend the agenda to allow the board to address an important matter. Selectwoman Russell seconded the motion. The motion passed 5-0. Selectman Faignant read the following

“The Town of Rutland Selectboard has previously declined to adopt a Declaration of Inclusion as not necessary based on its prior written commitments to these principles, and it’s viewed the Towns conduct in treating everyone the same spoke louder than any words. However, recent words written by Selectmen Don Chioffi require the Selectboard to revisit this issue and adopt the following.

It has always been the practice of the Town of Rutland to welcome all persons regardless of race, color, religion, natural origin, sex, gender, gender identity, sexual orientation, age, or disability, and to treat all persons with respect and dignity.”

The Town of Rutland has been and will continue to be a place where individuals can live free from discrimination in any of its forms.

Selectman Faignant moved to adopt this Declaration of Inclusion. Selectwoman Russell seconded the motion.

Selectwoman Russell spoke about her feelings on the importance of treating everyone equally.

Selectman Chioffi spoke to his objections to the statement being read and the manner to which it was presented to the board and the public in attendance. Selectman Chioffi stated he felt the process is out of order and the Declaration is being brought up by the same minority who advocated for it previously.

Selectman Denardo spoke to his disappointment regarding the comments Selectman Chioffi made on social media and the previous discussion on the Declaration of Inclusion.

Selectman Chioffi stated his comments made on Facebook have been taken out of context due to the lack of the entire conversation being made available. Selectman Chioffi said the conversation regarded the change in the Rutland High School mascot. Selectman Chioffi referenced comments he made to a specific individual, Wullister Jones. Mr. Jones was present in the audience.

Selectman Chioffi said his statements were political and not racial. Selectman Chioffi apologized to Mr. Jones.

Selectman Faignant referenced other posts on social media made by Selectman Chioffi, specifically a derogatory post regarding Breonna Taylor. Selectman Faignant stated the majority must respect the minority, no matter how small, in any situation.

Mr. Jones questioned Selectman Chioffi as to why his opinion did not matter to him. Selectman Chioffi stated it was because the disputes are settled through the elective process, but that he would respect his opinion on any other matter.

Michael Guay commented on his feelings regarding the comments made on social media.

Marty Wasserman commented about his disappointment on the board not signing the Declaration of Inclusion when it was first brought up and encouraged the board to sign it tonight.

Ron Pulcer read a statement about the importance of family.

Pat Hunter spoke about an article Selectman Chioffi wrote in Sam's Good News in 2016 where he wrote some negative comments regarding immigrant groups. Ms. Hunter thanked the board for looking at this to affirm the positive values of the town.

Joe Kraus spoke in favor of the board adopting the Declaration of Inclusion.

Kirsten Hathaway asked Mr. Chioffi about the ethics of the election results since his wife was a poll worker in the location where he won by a small margin. Selectman Chioffi said he did not see the relevance of this.

Selectman Chioffi said he felt the comments tonight are designed to curtail freedom of speech because they don't like something someone says. Selectman Chioffi commented on instances of civil unrest in other areas of the country

The motion to adopt the Declaration of Inclusion passed 5-0.

Selectman Faignant stated based on the way Selectman Chioffi treated Mr. Jones and the postings previously cited, Selectman Faignant moved the board censure Selectman Chioffi and remove him from his committee assignments. Selectman Denardo seconded the motion.

Selectwoman Russell spoke on the comments Selectman Chioffi continued to make and her perspective on the civil unrest Selectman Chioffi spoke about.

Selectman Chioffi stated he felt the participants listening to him tonight did not understand what he was saying and that the action being taken are based on a misunderstanding of the comments he made. Selectman Chioffi asked Selectman Faignant why he felt the board has the right discipline a member. Selectman Faignant stated Selectman Chioffi is free to challenge it however he like and he would move to remove him from the board if a method existed.

The motion to censure Selectman Chioffi and to remove him from his committee assignments passed 4 - 0 with Selectman Chioffi abstaining from the vote.

The published agenda resumed.

#### Approval of Orders

The Board approved the orders.

Approval of Selectboard Minutes for September 14<sup>th</sup>:

- Selectman Fagnant moved to approve the minutes. Selectwoman Russell seconded the motion. The motion passed 4 – 0 with Selectman Denardo abstaining.

Public Comment

- Ed Skwira thanked the Town Police Department for their efforts on controlling speed on Post Road. Mr. Skwira asked about the possibility of having an ordinance which would allow for the Town Police to charge properties which are consuming many resources for their services. The board reviewed the ordinances currently available and discussed options for future enforcement.
- Dick Bailey discussed his concerns about the speed limit on Route 7 North and discussed some of his close calls. The board reviewed its efforts to have the speed limits reduced and the sidewalk that is in the planning process now.

New Business Board to discuss approving the CEDRR maintenance request

1. Tyler Richardson provided plans for their stormwater mitigation.
2. The plans were reviewed and discussed.
3. Discussed a catch basin in the loading dock. The water collects and is pumped out into the grass area. Road Commissioner Byron Hathaway asked to clarify the water is not discharged into the sanitary sewer system. Mr. Richardson stated he would look into it.
4. Selectman Fagnant moved to table the discussion pending the result of that research. Selectwoman Russell seconded the motion. The motion passed 5 - 0.
5. This topic will be added to the next agenda.

Byron Hathaway Rutland Town Road Commissioner:

1. Provided a copy of the annual financial plan for review and approval. This is a state requirement. The document details the amount of money received and being spent by mile.
  - It is projected we will receive \$988,178.88.
  - It is projected we will spend \$988,178.88 on all related projects.

- The minimum allowed to be spent per mile is \$300. We have 48 miles of road in the town. We are well above the minimum.
  - Selectman Faignant moved to accept and certify the document. Selectman Denardo seconded the motion. The motion passed 5 - 0.
2. Discussed the invoice from Mendon Trucking and Excavating for the recent Gleason Road culvert project. There was an additional \$3800 bill due to a construction change made at the preconstruction meeting. This was due to additional material needing to be excavated. We received a grant for this project and half of the cost will be covered.
    - Selectwoman Russell moved to approve the total project bill with the additional expense. Selectman Faignant seconded the motion. The motion passed 5 - 0.
  3. Met recently with representatives from VT Railway. They have determined the manhole with the leak in it is outside their right of way, so no special permit is required. A flagger will be needed while the project is going on. This should be done in the next few days.
  4. Discussed a manhole off Cold River Road. It has been located but is buried approximately 2 feet underground. VTR asked for it not to be raised due to concern about it being hit by railway equipment. It is marked and can be easily located in an emergency.
  5. Meeting with the RPC next week to work on the road erosion inventory. This is required to be done every 3 years. An estimate from them is expected after that meeting.
  6. Pricing on salt for this winter has not been received yet. We have approximately 300 ton on hand now which is about a quarter of what we use. A shortage is not anticipated
  7. Discussed the Certificate of Substantial Completion for the Randbury Road waterline.
    - After reviewing it, Commissioner Hathaway recommended approving it.
    - Selectman Faignant moved to approve the document and to authorize the Chair to sign on behalf of the board. Selectwoman Russell seconded the motion. The motion passed 5 – 0.
  8. Discussed the recent copy of the personnel policy that was received. Commissioner Hathaway said none of the Highway employees were happy with it. They had concerns with the language stating it can be changed at any time, and the change to the number of benefit days which could be retained. The previous policy allowed up to 30 days, the new copy states 20 days. Selectwoman Ashcroft asked for approximate dates when this was discussed so meeting minutes can be researched. Selectman Faignant reinforced that the

acknowledgement page needs to be signed, acknowledging they have received the policy. It is not a contract they have to agree to, just that they have read it.

9. Selectman Denardo asked if Commissioner Hathaway could visit Mrs. Baird, who lives on McKinley Avenue. She has some issues on her property due to the repaving. Selectman Chioffi also asked Commissioner Hathaway to address the transition from the West side of McKinley Avenue onto Grove Street. Commissioner Hathaway said they will rework that side of the road to make the transition easier.
10. Selectman Faignant asked about getting signs ordered for Rec regarding parking in Northwood Park.
11. Commissioner Hathaway presented a letter announcing his retirement at the end of this year to Selectwoman Ashcroft. The board congratulated Commissioner Hathaway on his retirement and thanked him for all of the years of work he dedicated to the town.

Barbara Pulling Rutland Town Planning Commission Chair:

1. Ms. Pulling began her comments by thanking the board for adopting the resolution and stated as a gay member of the community it meant a lot to her.
2. The Commission met recently with a representative of the Thomas family. They are in the process of liquidating their property and asked the Commission for some clarifications on future requests.
3. A meeting of the historical stakeholders was held recently for the Pocket Park. Some additional archaeological work was done by GMP in the area of the planned park. A report is not complete yet. Selectwoman Ashcroft asked for the notes of the meetings held so far be circulated to the full board.

Old Business Board to meet with Representatives of the Diamond Run Mall

1. Ed Carr and Michael Sternberg were present to discuss their progress on securing their property.
2. Mr. Carr reported there have been no new intrusions into the property. Regular patrols of the property are being done.
3. No trespassing signs have been installed recently.
4. A security firm has been contracted to provide 24 /7 surveillance on the property.

5. Discussed the plans to close the south entrance to the property. They are discussing this still but are concerned about restricting some of the allowed public uses they have authorized.
6. Discussed the backup law enforcement response if needed. Mr. Carr said they have contracted with a security company to respond initially. If there is something occurring they are not able to handle, they plan to contact the State Police. Selectman Chioffi asked about the response times expected by VSP if they were needed. Mr. Carr said he did not know.
7. The board asked Mr. Carr to come back in about a month to update the board again.

Kari Clark Rutland Town Clerk and Treasurer:

1. The annual audit has started. The auditors have been in for a few days and plan to return in October.
2. Selectwoman Ashcroft asked Ms. Clark if she has had the chance to review the contract received from the Department of Children and Families. The contract received from them, in response to the invoice we sent, is for Police services at the Holiday Inn.
3. Selectman Faignant moved to table the topic. Selectwoman Russell seconded the motion. The motion passed 5 – 0.

Ed Dumas Rutland Town Police Chief:

1. Recent calls for service were provided.
2. Asked for a Police Committee meeting soon. An exact date could not be set during this meeting. Committee members will work to coordinate a date to meet.

Selectwoman Ashcroft reminded all contributors to The Circle that articles are due by October 1<sup>st</sup>. Please get them to Janelle Faignant by then.

Additionally, please start thinking about budget planning for next year.

Chris Clark Rutland Town Fire Chief:

1. Chief Clark asked the board to approve a new member, Chris Morell. He lives in the City of Rutland and there is an available city slot for him. Selectman Faignant moved to approve the new member. Selectwoman seconded the motion. The motion passed 5 – 0.

Mike Rowe Rutland Town Recreation Director:

1. Mowing is almost done at the parks.
2. The Halloween party this year will be a walk along the trail system at the school to allow for social distancing. It will be on Friday October 29<sup>th</sup> starting at 5PM.
3. Selectman Faignant discussed a recent issue of cars being parked in Northwood Park after dusk, which is considered after it is dark enough to need headlights.
  - a. Some cars have been towed after this time has passed, due to the park needing to be secured.
  - b. Discussed ordering and placing additional no parking signs, with a tow warning notice on it.

Bill Sweet Administrative Assistant to the Select Board:

1. Discussed the letter to VT AOT requesting reimbursement for our scoping study costs. We received a bill from the Dufresne Group for \$3500 for their initial work. Selectman Faignant moved to approve the request. Selectwoman Russell seconded the motion. The motion passed 5 - 0.
2. Discussed the renewal packet from the Vermont League of Cities and Towns. We have almost all the information back from department heads regarding their assets. The renewal is due by October 8<sup>th</sup>. Once all the information is received, the renewal packet will be sent back to VLCT.

Selectwoman Russell left the meeting at 8:00 PM.



John Paul Fagnant Town Health Officer

Selectman Fagnant moved to refer the list of question presented by Selectman Chioffi to the Personnel Committee. Selectman Denardo seconded the motion. Selectman Chioffi asked the questions be answered by the board and not the committee. The motion passed 3 – 1 with Selectman Chioffi voting against the motion.

Committee meeting updates:

1. There were no recent committee meetings.
2. Selectman Fagnant asked for a meeting for the new Public Safety Building Committee be scheduled before the next board meeting.

Selectman Chioffi asked about the status of the residential septic system permit for a new house off of Colonial Drive. Administrative Assistant Bill Sweet has been in touch with several individuals with the local office of ANR. Selectman Fagnant has an additional contact we can discuss the matter with.

Selectman Chioffi moved to enter executive session for pending litigation and for a security matter with Bill Sweet participating. Selectman Fagnant seconded motion. The motion passed 4 – 0. The board entered executive session at 8:09 PM.

Upon leaving executive session, with no action being taken, Selectman Fagnant moved to adjourn. Selectman Denardo seconded the motion. The motion passed 4 - 0. The meeting was adjourned at 8:23 PM.

Respectfully submitted, Mr. Bill Sweet

9/28/2021

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Mary Ashcroft, Chair

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Joseph Denardo, Clerk

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John Paul Faignant

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Sharon Russell

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Don Chioffi

Center Rutland, VT.