

**West Rutland Select Board Minutes
September 22, 2014**

Present: Mitch Frankenberg, John Harvey, Chet Brown, Sean Barrows, Peter Bianchi, Mary Ann Goulette.

Call to order: John Harvey called the meeting to order with the Pledge of Allegiance at 6:03 p.m.

Others Present: Mike Moser, Mike Gintof, John Gay, Randy Dapron

Approval of Agenda: Chet made a motion to approve the agenda with adding real estate to the executive session. Sean seconded and motion carried unanimously.

Minutes: Motion to approve the minutes of September 22, 2014 by Chet and a second by Sean. Unanimously approved.

Public Concerns: None

Discussion Items:

- 1. Casella recertification request:** Representatives from Casella presented and discussed the site plan. Solid waste requires re-permitting at minimum every five years. The application is for another ten years. There have been no changes other than adding the food processing component. Casella submitted this application in August. The food processing addition is because of the new universal waste laws coming into effect. Organic materials will not be allowed in a landfill in the future. It will be implemented in stages with the largest users first. Next year if you produce 1 ton of organic material it will not be able to go in the trash. This proposed project is small. A couple of trucks per day, food waste truck and tip into roll off container and then to an auger. There is a machine that pulverizes the refuse and water is added to change it to slurry. The slurry will go to a farm in Middlebury. Casella has a grant to help fund the project. By 2017, all recyclables including food waste will have to be accepted. The process will all be enclosed will be covered by a carbon filter and the machines will be kept clean.

The hours of operation of the recycling plant will be the same 5:00 a.m. to 7:00 p.m., Monday through Friday and 5:00 a.m. to 5:00 p.m. on Saturday and Sunday.

A member of the public asked if the property location is industrial zoning. He heard it was light industrial. The Development Review Board should be consulted about the type of zoning. The gentleman also questioned any smells that may occur.

DRB is holding a site inspection on Wednesday at 6:30.

- 2. Inter-municipal agreement for water and waste water service:** Board reviewed the first draft of what the agreement might look like. Mary Ann is meeting with Mark from Otter Creek Engineering and town attorney. Maintenance issues are a concern. Discussion around billing but there is time to figure this out. It was noted that from this side of the bridge, they will be WR customers. We will bill the Rutland Town Fire District in one lump sum. Town lawyer will give advice on the current issues.
- 3. Town Manager's report**
 - a. Sheriff's patrol** – Update – angry people from out of town about patrolling Clarendon Avenue. Mary Ann said there were 19 tickets given out. Sheriff's department has one deputy doing radar between four towns based on problem areas.
 - b. Request a break in the limited access highway: Boardman** Met with state regarding opening an access on Boardman Hill to the recreation area. They did question the access across the road, Mary Ann will let them know that the Fire Department no longer needs it as they now use the hydrant.

Action Items:

- a. Authorize bid on tax sales – Mary Ann needs authorization to bid on 6 tax sales for delinquent taxes. Chet made a motion to authorize Mary Ann to bid on the six tax sale properties on behalf of town. Second by Peter. Unanimously approved.
- b. Adopt cell phone policy – Beginning on Oct. 1st there will be a fine for cell phone use while driving. On a motion by Sean and a second by Peter, this policy action was tabled for the next meeting. Motion was unanimously approved.
- c. Renewal of snowplowing contract: fire station - We currently pay Fabian \$2,000 a year for three years. Chet made a motion to award the snowplowing and sanding contract for the firehouse to Fabian for three years at \$2,200 a year with a \$200 price increase due to the rising cost of salt. Second by Sean and unanimously approved.

Board Member Concerns:

Chet: Park and Ride lights. Ribbon is gone and vehicles were in there. Also questioned when Fabian is going to start work on Sheldon Avenue. Butch Shaw said he would take care of fixing the lights, will call him again.

Sean: Nothing

John: Noted the street light at bottom of Crescent Street is not working.

Peter: Is someone checking our water lines? Yes, it's the state for leak detection. What is the story with Carris's new art sculpture?

Mitch: Mitch questioned if Carris art sculpture is a violation. Jane Pratt has done a site review. Mary Ann said that Carris did check with zoning before starting the art park.

Mitch requested his following questions and concerns be noted in the minutes.

1. Did Jane do a site visit?
2. Was there any paperwork between Bonnie Lucas and Carris prior to the public park?
3. Was State notified for a right of way on the state road?
4. Was fire department aware of the fact that the road to the public park is a single lane road with no public parking?
5. Is the Town aware that the people who participate are using adjacent land for parking?
6. Is the Town aware that the Zoning regulations restrict public parks to only municipality owned parks?
7. Is the Town aware that an artist studio is a non-permitted use in this residential area?
8. Is the Town aware that there is a restricted height on structures in town?
9. Is the Town aware that Bill Carris built a house in back of his property that has no permitting?
10. Is the Town aware that Jane Pratt, the zoning officer, told Mitch that a structure built with four truckloads of concrete is not a structure.
11. Is the town aware that Carris has excavated directly on the property of the Inn and left massive holes 5 or 6 feet? Some holes are 60 feet wide and 5 feet deep and are unmarked.
12. Is the town aware that zoning regulations require that any public park that may invite people requires adequacy upon site circulation, parking and loading facilities with parking? There is a need for attention to safety.
13. Is town aware the park is promoted as a park open to public which is a non-permitted use and the town has a liability for children climbing on rusted out massive train?
14. Is the town aware that Jane Pratt, having made a site visit rendered a verbal statement that there are no zoning infractions. However, the setback to the Inn property is less than one foot from the pin and goes over onto the Inn property in another.
15. Is the town aware that Jane Pratt informed me that the 50 something foot structure is not a structure? She also said it is not a sign. The definition of a sign according to our zoning reads as follows: A sign means any ... display ... representation which is designed ... to call attention to anything or activity of

any kind whatsoever and is intended to be visible from a public thoroughfare. Height restrictions for signs is 15' and 35' for structures. Note Page 42 of zoning regulations regarding adequacy and landscaping and screening.

16. Is town aware that collection of scrap metal is a prohibited use except for approved recycling facility? See Page 46. He worries that some kid will get hurt on that pile of rusted junk.

At this point in the meeting, the Board asked Mitch to recuse himself. A question was asked as to who owns the property on the north side of Casella. North side border is owned by Baginski – south side is owned by Mitch. Town map was reviewed.

Mitch said that holes in the ground are a massive liability if the town wants to take action.

Mitch pointed to Mike Moser that he knows he is on the DRB. Mike Moser accused Mitch of past lies. The discussion was shut down by the Board chair.

The Board stated that a trespassing issue is the sheriff's department.

Approve Orders: The board approved the orders.

Executive Session: The board entered executive session at 7:50 pm. for a real estate discussion on a motion by Peter and a second by Chet. Motion passed.

Pete made a motion to exit executive session at 8:08 pm seconded by Chet. Motion passed.

Action: Chet made a motion to seek legal advice and if needed to bid on the lot at 72 Marble Street at the tax sale with a cap of \$25,000. Seconded by Mitch. Approved unanimously.

Adjournment: Pete made a motion at 8:10 pm to adjourn the meeting. Seconded by Sean. Motion passed.

Respectfully submitted:
Charleen Bowen