

**Town of Castleton
Special Select Board Meeting
Minutes of February 10, 2014
Castleton Town Offices**

MEMBERS PRESENT: Thomas Etori, John Hale, Wenger Rehlen, Ed O'Shea, Christine Smith

MEMBERS NOT PRESENT:

OTHERS PRESENT: Charles Jacien, Town Manager; see attached list

The meeting was called to order at 5:30 pm by Chairman T. Etori with the Pledge of Allegiance.

G. Trudo asked for a Point of Order and T. Etori acknowledged him. G. Trudo continued asking the board if they were operating under Robert Rules of Order and T. Etori responded it is true. G. Trudo quoted from Roberts Rules of Order "an assembly has an inherent right to make and enforce its own laws and punish offenders, the most extreme penalty it may impose however, is expelling a member from its own body. If the assembly is a permanent society, it may, give public notice that the offender is no longer a member of its organization. An assembly has the right to decide who may be present during a session, when an assembly decides by rule or vote that someone may not remain in the room, the chair has to enforce that rule or order using whatever force is necessary to remove that person, when someone must be taken out of a meeting the chair can direct other members to remove that person without calling the police. Since an assembly has the right to expel someone, it also has the right to investigate the character of its members, it can require that a member must testify in a case or upon refusal to do so, may be expelled."

G. Trudo continued saying that with that being said, "I make the motion that one John Hale and one Wenger Rehlen be removed from this meeting and a counsel be put together to determine what the outcome should be and they cannot come back until a decision is made. The motion was seconded.

G. Trudo then address chair again saying "Mr. Chairman, the motion has been made and seconded. All Vermont men please rise to take your vote. All ladies please rise to support your men."

J. Mark asked if this was appropriate. T. Etori stated he did not know this was his first experience of this type.

G. Trudo counted the votes at 18. T. Etori stated he was not sure how to proceed and that he would talk to legal counsel. G. Trudo and this point asked to approach the board.

MOTION

C. Smith made a motion to recess the meeting at 5:35 pm. J. Hale seconded. All voted in favor. So voted.

MOTION

C. Smith made a motion to reconvene the meeting at 6:00 pm. E. O'Shea seconded. All voted in favor. So voted.

MOTION

C. Smith made a motion to recess the Select Board meeting at 6:05 pm to Tuesday, February 11th at 5:30 pm. Seconded by J. Hale. All voted in favor. So voted.

Reconvened Meeting - Tuesday, February 11, 2014 - 5:30 pm

T. Etori reconvened the meeting at 5:34 pm with the Pledge of Allegiance.

T. Etori stated that after getting opinions from VLCT, he is going to rule G. Trudo out of order and continue the meeting.

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J. Bruno stated the first amendment which states "congress will make no law respecting an establishment of religion, or abridging of freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. He felt that G. Trudo was right in what he did and ruling him out of order is not right. We have the right to assemble, we are the assembly.

T. Ettori state that his comments are on the record.

G. Trudo stated that with all due respect he came here with his freedom of speech, and under Roberts Rules of Order nobody had anything to say. He had no choice but to ask that all Green Mountain men stand and ladies stand, and asked to vote. I took the vote and it carried to have the 2 people removed. He continued by saying he didn't think he was "out of order."

T. Ettori responded saying that he received a response from VLCT "no for so many reasons. It was a select board meeting not a town meeting. There is no provision in state statute to remove select board members."

He also read a statement 'when an action is brought against a select board person, or any appointed or elected municipal official, it is brought in the name of the town, not the individual."

That being said, he continued with the meeting.

SELECT BOARD CONCERNS

T. Ettori suggested that this item be moved to later in the meeting. There was no objection.

Minutes for Approval - January 13 & 27, 2014

C. Smith made a motion to approve the minutes of January 13 and 27, 2014. J. Hale asked that the 1/13/14 minutes reflect that RAVNAH exemption be for one year and they will have to come back before the board. J. Hale seconded. All voted in favor. So voted

Warrants for Approval

MOTION

C. Smith made a motion to approve warrants #0201R in the amount of \$8,684.10; #0201 in the amount of \$76,232.97; #0206 in the amount of \$14,265.68; #0131 in the amount of \$4,858.13; #0206P in the amount of \$16,236.18; #0130P in the amount of \$12,185.32. E. O'Shea seconded.

W Rehlen asked about the R & D Auto invoice for the 2007 Dodge. S. Dechen stated it was for repair to the ball joints, etc.

J. Hale asked if the Aldrich & Elliott payment was for the sidewalks. T. Ettori responded that it was for the sewer line extension at Crystal Heights.

VOTE ON THE MOTION

All voted in favor. So voted.

RECESS MEETING

MOTION

W. Rehlen made a motion to recess the Select Board meeting at 5:45 pm. E. O'Shea seconded. All voted in favor. So voted.

Select Board meeting was reconvened at 6:35 pm

CPA REVIEW OF YEAR END AUDIT

Item was tabled to a later date.

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Request of Use of Crystal Beach - Fair Haven Rotary

E. O'Shea made a motion to approve the request. C. Smith seconded. All voted in favor. So voted.

J. Bruno asked that the parking area at Crystal Beach be left open for ice fishermen to park.

Appointment - Green Up Coordinator

MOTION

C. Smith made a motion to appoint Julie Finnegan as Green Up Coordinator. E. O'Shea seconded. All voted in favor. So voted.

Stone Valley Byway Presentation

Item was tabled to a later date.

Annual Highway Mileage Certification

MOTION

C. Smith made a motion to approve the Annual Highway Mileage Certification pending any potential changes. J. Hale seconded. All voted in favor. So voted.

Certificate of Compliance - Codes & Standards for Town Roads & Bridges

MOTION

C. Smith made a motion to approve the Codes & Standards for Town Roads & Bridges. J. Hale seconded. All voted in favor. So voted.

Ratification of Union Contract for 2013 - 16

MOTION

J. Hale made a motion to ratify the Union Contract. C. Smith seconded.

E. O'Shea stated he had concerns about signing a 3-year contract with the unknown in the Vt. Health Connect or should it be only a one year contract. T. Ettori stated he thought that they could review that portion of the contract yearly. J. Hale could not answer that question.

M. Combs stated that if there was a change in the health insurance by statute the union would have to make adjustments the contract.

J. Leamy asked what the impact the 3% raise would have on the taxpayer? J. Hale responded that the impact would be about \$1000 per year. The negotiators felt that this was a reasonable amount for the employees.

J. Leamy state that the 3% figure would be about a \$24,000 times the 3 years which would be about \$72,000. He continued that he didn't think that monies were put in the budget this year ending June 30. And, that VLCT recommended that the towns no sign contract for more than one year due to the uncertainties of the health care. This is locking one into 3 years, and wondered if there were any openers for renegotiation.

VOTE ON THE MOTION

All voted in favor. So voted.

Citizen's Concerns

V. Waldron asked W. Rehlen if he was going to apologize to the lady and to the town for his actions and requested the apology go to Ms. Smith before his apology to the public.

T. Ettori responded that it is up to Mr. Rehlen to make that decision and her thoughts are on the record.

S. Day stated she had three (3) items that she thought it was unethical for town employees to write letters

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indicating which way to vote, and that the board have a Parliamentary at the meetings, and there should be term limits.

S. Seguin stated he had in the past voted absentee and the Clerk didn't call him to ask if he wanted a ballot and was asked by an election official as he was exiting the polls whether he was eligible to vote in Town because he made a post on FPF that he would be moving out of town. He asked for an explanation. The Clerk declined

J. Bruno stated he understood there was no state statute on removal of a board member, but town's operating under Roberts Rules of Order does have a provision on the removal. He asked if the board was going to take action. T. Ettori responded that as stated earlier, from VLCT there is no way a member can be removed from the board.

E. O'Shea stated he had read the section in Robert Rules and it referred to 'deliberative assembly' and he felt that it meant the select board. He continued saying that at Town Meeting the motion can be voted on.

K. Thornblade stated she wanted to clarify a point, Robert Rules begins in its introduction with a definition of terms; the assembly- this term is used for the deliberative assembly which should be placed in motion, etc. by the proper name of the body, such as a club, a church, a board or a convention. She continued saying a deliberative assembly is the group that is assembling for the purposes of deliberating and voting on matters for which it is organized.

B. Potter again asked who was going to pay the \$100,000 that has been spent on 556, is it all the tax payers? T. Ettori responded yes.

G. Trudo quoted the Town Charter "that the same and hereby is incorporated into a township by the name of Castleton, any inhabitants that do or shall inhabit the said township are hereby declared to be in franchised with and entitled to all and every privileges and immunities that every other town within our providence by law exercise and enjoy." With that being said we have the right to govern, this board adopted Roberts Rules of Order, although the state has its statutes, the fact of the matter is that state law cannot be interpreted as a higher authority than the town charter.

He continued saying that he has a problem with the money spent at 556. This town received a permit from the DRB on 8/30/13. On 8/ /13 the board of selectmen held a meeting and you were informed that I had appealed to Environmental Court. When a permit is issued according to our regulations, it states that if a permit is issued, "it does not take effect until the expiration of 15 day, in the event that a notice of appeal is properly filed, such permit shall not take effect until adjudication of said appeal." "No site work or building shall occur until effective date of that permit." Motion was made that night even though I asked that you wait the 15 days. If the town lost in Environmental Court, then there would be no money lost. A motion was made by J. Hale to proceed with the renovation to 556 Main Street working from the latest plans generated by the architect at a cost of up to \$990,000. This motion was seconded by W. Rehlen.

We asked not to move forward for 15 days, you hired the architect and paid him \$40,000 and agreed to spend another \$40,000 for the bid process. I think we are in a mess.

M. Combs asked what the status of the fire station and monies spent on 556 renovations bond, is it going to come from unallocated reserve fund or do we have a way of recouping that monies. T. Ettori stated that he thinks there is a way to recoup the money.

W. Rehlen asked G. Trudo why if he felt strongly why it was not brought up. G. Trudo responded that he had asked for the 15 days and that was not done.

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W. Rehlen continued saying that there has been a lot gone on between them. I apologize for using the profanity that evening to all. I would like to move on.

L. Sheren there has been stuff going on. There needs to be a lot of apologies all around.

L. Melendi stated he has been to a lot of meetings and Mr. Rehlen was set up. Ms. Smith is an arrogant person. T. Ettori closed his comment time.

W. Pike stated that last night the meeting was run by Roberts Rules and you answered yes, tonight you said that it didn't count. T. Ettori stated that he rules him 'out of order'.

T. Keller stated that there was a misuse of public funds.

Town Managers Update

Fire Department USDA Bond: NBF is preparing the plans for Act 250 review a proposed site plan will be available for the Monday meeting. Bid plans should be ready sometime in the fall.

T. Ettori read a letter from J. Berryhill on the status of the Fire Station.

556 Main Street: The contractors will expect some sort of direction before March 13, which is the last day for the bid prices to be secure.

Exit 5 Park and Ride: Dan Grey has been contracted to install three solar powered lights. The Town recently received a \$31,000 grant for this improvement. We are awaiting a state permit before the delivery of the fixtures. The Town crew will prepare the foundations.

Municipal Planning Grant: The Town was notified that we were awarded a \$15,000 grant for the review of the Rte. 30 N corridor. RRPC will be contracted to do a majority of this work.

Recreation Director: Amy Clapp has been hired by the commission to be the director. The commission in upcoming meetings will further define her actual duties. This is a year round position at an annual salary of \$10,000.

T. Ettori requested that she come before the board at the next meeting.

Financial Situation: It looks like we will end the year just about even and maybe a deficit of \$13,000; this is because of very tight budgeting, and some unexpected expenses. The project tax rate is about .44 about seven cents higher than last year.

Winter Storms: The Highway crew is doing a great job in keeping up, additional sand and salt has been delivered.

Town Reports: Once again, our town report is complete thanks to the work of Maryann Jakubowski, who made sure all of us had our reports to her in time for her to draft and compile the 500 reports. All work is done in-house at a great savings.

Frank Taggart Petition: This petition and an opinion from the VLCT were emailed to you. The Select Board should acknowledge the receipt of the petition, and possibly act on its request.

T. Ettori stated that the board is acknowledging the receipt and they will take up the issue in March.

Executive Session:

Chief of Police & Patrol Officer: Applications are in for the Chief's position and will be shared on

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Monday along with Bruce's evaluation of the candidates. A process for hiring needs to be established. As you may know in the past, the chief was hired by the Town Manager, and then approved by the Select Board. The patrol officer position is still open; the applicants to date are not acceptable to Bruce or me.

T. Etori asked that a letter to the candidates be sent indicating that they will start the interview process in March.

Elected Officials and other salary: Please review the financial situation above: The Town Clerk is requesting that Lydia, her daughter, be given a raise of \$2 from \$10.50 to \$12.50 an hour. The other assistant clerk Debbie Rosmus is paid \$10.50 an hour. The Listers are requesting a raise from \$11.56 an hour to \$14. Remember that our Part Time police only make \$14 an hour.

If the elected officials were given a midyear raise, I would ask for similar raises for nonunion office employees and the part time police officers.

T. Etori asked if the board wanted to discuss in open session. There was no objection.

C. Smith stated the lister's are saying that all the lister's will go from \$11.56 to \$14.00 and Lydia is going from \$10.50 to \$12.50 while the other asst. clerk stats at \$10.50.

K. Thornblade stated the Lydia has been an assistant for 5 years and can take over for me when I am gone. Debbie Rosmus is not capable of doing that. Lydia will be trained for the ACS program and will be equal with herself.

The discussion continued but there was no motion to change the rate of pay for the Asst. Clerk even though J. Hale & W. Rehlen seconded and the vote was called.

M. Combs asked for clarification that all public officials can spend their budget as they wish so long as they don't overspend. T. Etori stated that they cannot overspend their budget, the Constables will be told that they have \$\$ left and they cannot spend any more than that. M. Combs asked if they were limiting that to the elected official's budget, any other budget has to stick within their line items. T. Etori said correct.

M. Combs continued by saying that if elected officials are allowed to spend their money on their pay rate or for things that they did not budget for, it makes it difficult to find equity. Whether the Select Board determines their standing is in the relationship needs clarification.

C. Smith withdrew the motion. J. Hale & W. Rehlen withdrew their second.

T. Etori will check into clarification.

R. Flood asked that the clarification was an official ruling by statute or judge and not a lawyer's opinion.

Review of Town Clerk Assistant, Listers & Non-Union Office Staff Salary

Tabled

Other Business

F. Taggart explained the petition he submitted and the reason for it.

Select Board Concerns

W. Rehlen asked if the Highway can remove the snow banks from the corners in village because it is hard to see.

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MOTION

C. Smith made a motion that we offer to the Historical Society 556 Main Street for \$1 (one dollar). E. O'Shea seconded.

E. O'Shea state that this was a good deal. Maybe they could still obtain the \$240,000 from the Donchian Foundation or through private donations. If everyone who voted for the renovation of 556 then the Historical Society would have \$600,000. That amount of money would renovate the down stairs.

J. Hale thinks it is premature to think about divesting ourselves of the ownership of the property at this stage. We don't where we are going or what is next. It would be premature to dump that thing to get it out of our ownership.

E. O'Shea asked why premature did he think we were going back there. J. Hale didn't think that. It would be more beneficial for the town to own it instead of putting the burden of it on someone else.

W. Rehlen also agreed that it was premature to sell the building.

C. Smith clarified that this was an offer. J. Hale stated that the Town ownership would make it easier to fit into the state funding.

F. Taggart suggested that the building be put on the market so we can start getting tax money again.

J. Bruno reminded the board that that building was a museum from 1960-73.

G. Trudo suggested that they read the deed that if the building is not used that it has to be sold in a court of law.

C. Smith rescinded her motion. E. O'Shea rescinded his second.

Executive Session - Legal, Personnel, Real Estate (if necessary)

None

Adjourn

C. Smith made a motion to adjourn. E. O'Shea seconded. All voted in favor. So voted.

Date of Approval