

Select Board, July 14<sup>th</sup>, 2014

**Town of Castleton  
Select Board  
Meeting of July 14, 2014  
Castleton town Office**

**MEMBERS PRESENT:** Thomas Ettori, John Hale, Richard Combs, Joe Bruno, Bob Spaulding

**MEMBERS NOT PRESENT:** None

**OTHERS PRESENT:** Charles Jacien; see attached list

Meeting called to order at 7:01 P.M. by Chairman J. Bruno with the Pledge of Allegiance.

**Minutes for Approval-June 30<sup>th</sup>, 2014**

**MOTION**

Motion to approve the minutes of June 30<sup>th</sup>, 2014 by R. Combs. Seconded by J. Hale. All in favor. So voted.

**Warrants for Approval**

**MOTION**

T. Ettori made a motion to approve warrant 0714R for \$4,946.49, 0715 for \$71,051.11; 0714 for \$38,538.82; 0710 for \$24,548.45; 0703 for \$8,149.49; 0630A for \$262.58; 0710P for \$14,831.87; 0710.2P for \$221.64 and 0703P for \$22,652.52. Seconded by J. Hale. All in favor. So voted.

T. Ettori made a motion to approve warrant 0710.1P for \$560.44; and 0703.1P for \$563.23. Seconded by J. Hale.

R. Combs abstained. All others were in favor. So voted.

R. Newton expressed concern about the towing ticket for the town manager that was paid from the warrants last meeting. He stated that he feels it is a misuse of public funds. Chairman J. Bruno stated that he spoke with the Chief of Police at the time who authorized the payment. He stated that the police have a budget and the board controls that budget. He also noted that the Chief has the authority to use up to \$500 without even coming to the board for approval.

M. Combs asked if there would be additional expenses related that incident. Chairman J. Bruno stated that he was not aware of any, but that if there were, it would be dealt with accordingly.

**Listers-Request to Addition to Appraisal Contract**

This agenda item was cancelled per the listers request.

**Highway Dept Bid Award-Paving 2014-15**

**MOTION**

Motion to award the paving bid for 2014-15 to Fuller Sand and Gravel by J. Hale. Seconded by R. Combs.

Chairman J. Bruno asked if the town had ever used Fuller Sand and Gravel before. The Town Manager stated that they had a few years ago, and that their plant was located in Danby.

T. Fuller stated that they have bid in the past but were not the low bid. He also stated that they have pre-authorization from the state, and are currently involved in a large state project in Londonderry.

All in favor. So voted.

#### **Lease Agreement Discussion/Review**

Chairman J. Bruno stated that spoke with B. Carpenter who agreed to reduce the rent to \$1000 per month.

R. Combs stated that he thought that it was \$500 for the mobile town offices and \$500 for the town clerk's office for a \$1000 total. J. Hale agreed, stating he took notes.

Chairman J. Bruno requested a contract for the board to sign for the next board meeting.

#### **Façade Easement-556 Main Street**

J. Hale stated that the continuing health and existence of 556 is dependent upon who owns it. He feels that the town should honor its stewardship to the building and offer a façade easement for the Vt Preservation Trust to protect the building. He read a testimonial of someone who purchased a building which already had an easement on it.

Chairman J. Bruno asked if that particular property was residential. J. Hale stated it was. Chairman J. Bruno stated that the situation with 556 is very different as it is a commercial property with limited access and limited land, so he does not feel it is a good comparison. J. Hale noted that it simply shows how the Preservation Trust works with people.

M. Campbell, representing the VT Preservation Land Trust, stated that they hold easements on about 100 buildings and that they do this to help communities in Vermont protect their resources. She said 2/3-3/4 of the buildings are owned by municipalities or non-profits. She also noted that the program has been running for about 20 years and is required to follow national preservation standards. Examples of properties they hold easement on are: Adams House, Ira Town Hall, Paramount Theatre, West Rutland Town Hall, and Chaffee Art Center.

Chairman J. Bruno asked if the current owners of the aforementioned buildings asked for the easements. M. Campbell stated that usually in these cases, it was a condition of grant funding. The properties have not changed hands since the easements were granted, but some of their properties have, such as some properties on Dalton Drive in Colchester.

Chairman J. Bruno asked who enforces the easements and what the penalties are. M. Campbell stated that the Preservation Trust would enforce the easements. Property owners are required by the terms of the easement to seek written approval for work outside of ordinary maintenance. She stated that there are very few violations, but that they do have legal standing to take property owners to court and make owners undo the changes.

R. Newton asked for clarification regarding the easement. J. Hale stated that if the board decided to, it could grant the Preservation Trust an easement on the façade of 556 and they would then oversee it for any subsequent owners.

C. Smith asked about porches. M. Campbell stated that they would need written approval and it would have to be compatible with the historic character of the building. C. Smith asked if that limits buyers. M. Campbell said it may or may not.

Chairman J. Bruno stated he is not in favor of putting additional restrictions on the building.

S. Farrow asked if someone could tear it down if they wanted to after buying it at this point. Chairman J. Bruno stated that as it stands now, they could. He stated nothing is set in stone, but the board could put a covenant on the building stating it couldn't be torn down. He stated he does not want to see it torn down and does not feel that is the intent of anyone on the board.

G. Trudo expressed concern about someone being hurt by falling bricks because the building is old and the liability that entails.

T. Molnar asked if the value of the building would grow with having an easement. M. Campbell stated that she cannot say 100%, but that if the Preservation Trust is overseeing the building, the likelihood of the building being in good shape in 50 years is fairly good as opposed to having no oversight.

M. Finnegan stated he felt getting an easement should be the responsibility of the future owner. He also asked if the town gets the easement and can't sell the building, are we then responsible for upkeep and maintenance of the building. Chairman J. Bruno stated that he would think so.

J. Leamy stated that he would like to get back as much money as possible in the sale of 556, so he does not want to place restrictions on it. He also suggested auctioning the old fire station at the same time as 556.

T. Ettori asked who issues the grant money that requires easements. M. Campbell stated it is largely the VT Housing and Conservation Board.

T. Ettori asked about replacement windows. M. Campbell stated that the owner would need written permission.

T. Ettori asked how they are funded. M. Campbell stated that they have many sources, including the stewardship endowment fund.

T. Ettori asked how many other places have they waived the fee for. M. Campbell stated maybe 2.

R. Combs asked for more detail on what would be allowed. M. Campbell stated that typically they don't allow modern replacement windows, but the main concern is finding a historic match.

R. Combs asked about adding a standing seam roof and something to make the entry safe. She stated they have allowed standing seam roofs in the past, and that something to make the entry safe is theoretically possible.

B. Spaulding asked if the town would have any say. M. Campbell stated the town would not.

**MOTION**

Motion by J. Hale to bring the previous motion regarding the easement of the table and call the motion. Seconded by T. Ettori.

All in favor. So voted.

J. Hale voted yes. B. Spaulding, Chairman J. Bruno, R. Combs, and T. Ettori voted no.

Motion fails.

**Appointment-Recreation Commission**

J. Hayes stated that he has two children at Castleton Elementary School. J. Gearwear stated she has two children as well and lives in Castleton.

**MOTION**

Motion to appoint J. Hayes and J. Gearwear to the Recreation Commission by B. Spaulding. Seconded by R. Combs. All in favor. SO voted.

**Citizens' Concerns**

M. McEnerny stated that she lives on Eagles Nest Rd and has a concern about VTel's proposed 90 foot tower. She stated that many cases like this have already been approved by the PSB.

Chairman J. Bruno stated this issue has not been discussed at the Select Board level, but the Planning Commissions has set up a public hearing on July 22nds with a VTel rep. He noted that the Planning Commission is not in favor of the tower.

Town Manager Jacien stated that the town could request party status or hire an attorney.

H. McEnerny stated that the property owner gave VTel 3 options as to where to place the tower, and the other 2 options could be more aesthetically pleasing. He also stated that the last day for protest is July 23<sup>rd</sup>.

L. Squire asked if the board has agreed to put restriction on what can be done to 556. Chairman J. Bruno stated that he said "we could" but nothing has been decided. He noted he is not in favor of it being torn down, but that the board has not decided what, if any restrictions would be put on 556.

D. Mayes expressed concern about the hairpin turn on Belgo Rd. Chairman J. Bruno stated that he was going to bring that up under Select Board concerns.

M. Combs asked about the status of repairs on River Street. P. Eagan stated that core samples have not been done yet. The sites are marked and they have put a little more gravel in. There is some concern about underground water. Chairman J. Bruno stated that the underlying problem hasn't been

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determined yet. M. Combs urged the board to focus on fixing the paved roads the town already has rather than paving new roads.

S. Farrow offered a public thank you to the fire department.

M. Finnegan noted that the road sign at the bottom of Applesauce Hill keeps getting stolen.

### **Town Manager's Update**

- The manager attended the Quality of Life Policy Committee Meeting last week. He brought up that municipalities should have standing in Act 248
- The manager attended the State Transportation Committee via phone on behalf of Mr. Rooney. There will be a no parking sign put up in front of the Harvey House property.
- The deadline for the Act 250 permit for the emergency service building has passed. The only permit outstanding is the wetland permit.
- The Vermont Bond bank sold their bonds last week with a tentative interest rate of 3.403%
- The board will be setting the tax rate at the next meeting. A slight increase is anticipated.
- The Recreation Commission is shopping for paddleboats and request that the money be taken out of the Recreation Reserve Fund.

### **MOTION**

B. Spaulding made a motion to proceed with the auction of 556 Main Street with Thomas Hirchock Auctions. Seconded by T. Ettori.

The manager will present a contract for review for the next meeting.

J. Hale asked if the board would ask the prospective buyers intent for the building. Chairman J. Bruno stated he does not feel that is appropriate. J. Hale suggested putting a no tear down restriction in the deed. Chairman J. Bruno and B. Spaulding agreed. Chairman J. Bruno instructed the manager to instruct the town attorney to draw up a covenant for the deed to include a no-tear down clause. J. Hale suggested adding that if the buyers tear it down, the town will take back possession of the property—a "revisionary clause." Chairman J. Bruno stated that they would need to check with the town attorney about that.

B. Spaulding rescinded his motion and T. Ettori rescinded his second.

T. Ettori asked if the board would decide on a minimum bid. Chairman J. Bruno stated that the town reserves the right to refuse any bid. J. Hale suggested getting bids first and then making the decision.

### **Other Business**

### **MOTION**

Motion to approve purchase order 035114 to Patriot Properties Incorporated for software license and support for the period 7/1/14-6/30/15 in the amount of \$2750 by B. Spaulding. Seconded by J. Hale. All in favor. So voted.

M. Combs stated that she was speaking as the town accountant and presented a memo with several attachments regarding the treasurer's pay.

**MOTION**

Motion by T. Ettori to table the discussion regarding the treasurer's salary and invite N. Trudo to be present for the discussion at the next meeting. Seconded by B. Spaulding. All in favor. So voted.

J. Hale noted that the union was not approached about the payscale, only the personnel policy.

**Select Board Concerns**

J. Hale stated that the town clerk is entitled to a 3% raise along with other union employees. T. Ettori noted that she was granted a 3% raise last year. M. Combs stated that she was able to activate the raise for the union employees because it is contractual. She stated she will work on the non-contractual employees when she has clarification from the board and the town manager.

**MOTION**

Motion to approve a 3% raise for all full-time non-union employees. Seconded by B. Spaulding. All in favor. So voted.

Chairman J. Bruno asked about Crystal Beach employees. M. Combs stated she would look into that.

M. Combs asked what about the assistant town clerk, listers, and treasurer, who all recently received substantial raises. R. Combs suggested leaving them as is for now.

J. Hale asked if the village center re-application made it in. Town Manager Jacien stated that it did.

J. Hale stated that he had contacted the State about a liquor license for the town and that if the town wants a liquor store, the board needs to write a letter stating so and also contact representative Bob Helm. Chairman J. Bruno, T. Ettori, and R. Combs all stated they were against the idea. B. Spaulding and J. Hale supported it. No motion was made.

R. Combs stated that the bids for the fire house ranged from 1.45 million to 1.7 million. The low bidder's reputation is solid. He proposed that the town enter into discussions with Millbrook Construction, the low bidder, to reduce the cost by 16%.

Chairman J. Bruno stated that he thinks it is unfair to negotiate unless Millbrook is actually awarded the bid. Instead, all bidders should have an opportunity to negotiate and rebid. He suggested the building committee decide what can be cut and rebid it.

Chairman J. Bruno stated that there have been problems with the open container ordinance at Crystal Beach. He suggested putting up signage.

Chairman J. Bruno stated that the transfer station needs a new dumpster and he would like prices on refurbished vs. new. B. Spaulding stated he got one price, which was \$1300 to refurbish. Town Manager Jacien stated it would be around \$5000 to get a new one. B. Spaulding stated he would look for more prices and volunteered his bin for use until the board decides what to do.

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Chairman J. Bruno asked about putting a mirror on Burke's Curve on Belgo Road. Town Manager Jacien stated that is not allowed by law. S. Dechen stated that they could look into chipping the ledge back and widening the road. Town Manager Jacien stated that he could get a scope of work.

Chairman J. Bruno stated that he had heard a citizen express concern with the board selling property without voter approval. He stated that the board does not need voter approval and followed state statute.

#### **EXECUTIVE SESSION**

##### **MOTION**

Motion to enter executive session with the town manager and board for real estate and personnel issues by B. Spaulding. Seconded by J. Hale. All in favor. So voted. The board entered executive session at 9:08 P.M.

##### **MOTION**

Motion of exit executive session with no action taken by T. Ettori at 10:10pm. B. Spaulding seconded. All voted in favor.

##### **Adjournment:**

B. Spaulding made a motion to Adjourn at 10:12PM. R. Combs seconded. All voted in favor

Submitted by Brittany Gilman