

Select Board, July 28th, 2014

**Town of Castleton
Select Board Meeting
Minutes of July 28th, 2014
Town Offices**

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 by Chairman J. Bruno with the Pledge of Allegiance.

Minutes for Approval-May 22nd, 2014 & July 14th, 2014

MOTION

Motion to approve the minutes of May 22nd and July 14th, 2014 by J. Hale. Seconded by B. Spaulding.

R. Combs noted that on page 5 of the July 14th meeting, the phrase "take bake" should read "take back."

VOTE ON THE MOTION

All in favor of approving the minutes as amended.

Warrants for Approval

MOTION

T. Ettori made a motion to approve warrant 0728R for \$980.92, 0728 for \$46,697.88; 0724 for \$6,124.21; 0717 for \$7,699.25; 0724P for \$14,590.25; and 0717P for \$14,476.72. Seconded by J. Hale. All in favor. So voted.

T. Ettori made a motion to approve warrant 0724.1P for \$577.22; and 0717.1P for \$594.00. Seconded by J. Hale.

VOTE ON THE MOTION

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

Listers Update

M. Miller stated that the tax bills are ready to go out. As far as the re-appraisal goes, they are focusing on the lake. They are trying to get a 90% entry rate. The listers are asking for a \$4400 increase in budget for the appraisers to take pictures of the lake frontage from a boat.

J. Hale asked about the \$2200 already included in the contract for photography. M. Miller stated that is true, so it would only be a \$2200 increase.

Chairman J. Bruno stated that the board would need a change order to consider this request.

T. Ettori asked about the number of pictures that would be taken. M. Miller stated he did not know the exact number, but that all 2200 parcels in town would be included, not just the lake.

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Chairman J. Bruno asked for an estimated percentage of lake front properties that have been visited to date. M. Miller stated he would estimate between 15-20%, but that there are many appointments coming up in August.

Town Manager Discussion

Town Manager Jacien stated that he is resigning effective January 31st, 2015 to pursue some academic endeavors. He thanked the town and the board and asked the board to agree to the severance agreement.

Chairman J. Bruno stated that he feels Town Manager Jacien has done a great job and wishes him all the best.

MOTION

Motion to accept the severance agreement between the board and the town manager by T. Ettori.
Seconded by R. Combs.

Chairman J. Bruno stated that the town will advertise for a new town manager and it would be good for the new manager to shadow Town Manager Jacien for a few months.

VOTE ON THE MOTION

All in favor. So voted.

MOTION

Motion to advertise for a new town manager as soon as possible with an application deadline of August 31st, 2014 by J. Hale. Seconded by R. Combs. All in favor. So voted.

Town Manager Jacien stated that the position will be advertised in the Rutland Herald, which will get it on Monster.com, at the town office, on the VLCT website, and the Town Website.

Highway Department-Winter Sand Bid Award

Town Manager Jacien stated that P. Eagan spoke with the low bidder and explained the town's expectations. P. Eagan has experience with the low bidder and recommends the bid be awarded to Martell Trucking.

MOTION

Motion to award the bid for winter sand to Martell Trucking by R. Combs. Seconded by B. Spaulding,

Chairman J. Bruno asked how the town pays. Town Manager Jacien stated that the town pays as the product comes in. Chairman J. Bruno asked if the town has bought from this company before. Town Manager Jacien said no. H. Goyette asked about a penalty if the company does not deliver on time. Chairman J. Bruno stated that they would look into that.

VOTE ON THE MOTION

All in favor. So voted.

Tax Sale List for Approval

MOTION

Motion by J. Hale to approve the tax sale list dated 7-23-14. Seconded by B. Spaulding.

T. Ettori asked how many were on a payment schedule already not on the tax sale list. Town Manager Jacien stated that there are roughly 80. He also suggested that it may be time to consider going to tax sale every other year as it could save significantly on labor time. He also noted that historically, the town only has 1 or 2 properties, if that, that make it to tax sale.

Chairman J. Bruno asked the board to consider removing R. Mongeur from the list. He stated that his property taxes are current as of today and there is a dispute about the sewer charges. He stated that he had told him that the sewer commission would meet with him in July but it did not come to fruition and that R. Mongeur feels he is being billed unfairly.

T. Ettori noted that this is just a 30 day notice to pay and not actually going to tax sale. He stated that the board will see another list at the end of 30 days and could decide then.

All on the board agreed to remove R. Mongeur from the list pending a meeting with the Sewer Commissioners.

VOTE ON THE MOTION

All in favor of approving the tax sale list as amended.

R. Newton asked how many parcels were on the list. T. Ettori stated there are 76.

Citizens' Concerns

T. Kearns brought up recent discussion about the commission property at Crystal Beach and the dispute about whether the property owners in that area have exclusive access or not. He stated it is in the deed to those properties. He also expressed concern that documents related to the commission meeting were taken out of the town clerk's office by someone at the town and asked when they will be returned.

Town Manager Jacien stated that they were taken to the town office for research and are currently still at the town office, as many public records are.

Chairman J. Bruno stated he would like a legal opinion on whether the commission land is exclusive or not.

B. Taggart asked for an update on paving Corey Lane. Town Manager Jacien stated that they are waiting to determine their residual budget after the Rice Willis Road and River St projects.

R. Newton asked the board to look into the proper executive session procedures. He stated it was his understanding that for each issue dealt with in executive session, the board needed to come out and state whether there was action taken before going back in.

M. Combs asked for an update on River Street. Town Manager Jacien stated it is currently patched until a long term solution is found. H. Goyette stated that they removed the stone and put in compacted black top.

L. Melendi asked when construction of the firehouse would begin. R. Combs stated possibly fall, and that it would be discussed in depth later on in the meeting.

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Town Manager's Update

Crystal Beach Alcohol: The ordinance was shared with the Commission; they will make sure all events are permitted correctly.

Belgo Road Rock: The Highway Supervisor will work with a local contractor over the next few seasons to get a portion of the ledge removed near the bend where there have been recent complaints.

Fire Department Update: The Wetlands permit has been signed and passed on the Army Corp for their review. The revised bid information will be available at the meeting.

New Road Building Lots: In anticipation of the sewer line construction, the Manager and Zoning Officer are working on a feasibility plan for the subdivision. The district forester will be at an August meeting to discuss clearing of this lot and others in the Crystal neighborhoods.

Highway Improvements: Ditching and shoulder work continues in preparation to the paving. The trench on the North Road has been patched as well as the hole at River Street. The engineer is working on a plan for a short term and long term solution for the River Street Project.

556 Main Deed Restrictions: The Town's Attorney is working on the language to include in a deed when this building is sold. Prospective buyers will be made aware of the multiple requirements at the time of the auction announcement.

J. Hale stated that he feels the board should make sure the auctioneer knows that the auction is not an absolute auction.

Chairman J. Bruno asked if the auctioneer still gets a percentage if the town chooses not to sell to the high bidder. T. Ettori stated that he would get the advertising and marketing cost only according to the contract.

T. Ettori suggested that the board decide on a minimum bid that would be acceptable. Chairman J. Bruno asked what the town is appraising the building at. Town Manager Jacien stated that the historical replacement cost is over \$600,000, but was appraised by R. Ault at between \$40,000-\$180,000.

All board members agreed to a minimum bid of \$50,000 with \$10,000 required to get a bidder's number. Town Manager Jacien stated that the listers value the building and lot at \$425,900.

Chairman J. Bruno stated that he wants clarification from the auctioneer regarding what happens if the building does not sell.

Roof over wood burner and shed: Utilizing a donated sawmill, lumber has been made for this structure. The Town Mechanic along with the crews help will have this done shortly.

Handwritten Letter from Devon Lane Resident: A resident of Devon Lane expressed concern that the town maintains Gump Road but not Devon Lane even though both are private. There are some anomalies such as this in town.

Chairman J. Bruno stated that to his knowledge, if a private road wanted the town to maintain it, the town required that the road be up to town standards, and Devon Lane is not. H. Goyette stated that he

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thought the reason the town maintains Gump Road is because the sewer line was put down the middle of it.

Chairman J. Bruno stated that the town manager should look into this issue further and get some clarification as to why certain private roads are maintained and others are not.

Other Business

Chairman J. Bruno stated that the board previously agreed to pay the treasurer the same salary she was getting the prior fiscal year. Some questions have been raised regarding the budget and whether she spends as much time doing the job as she used to. He stated that the board didn't know the budget at the time the decision was made, but he feels that she should be paid what she was told she would be and that the board should find a place in the budget to come up with the funds.

T. Etori stated that the budget was voted on by the voters and he does not feel that the board has the legal right to change it.

M. Combs stated that there is \$5,950 budgeted for the treasurer's salary this year.

Chairman J. Bruno stated that he feels the board does have the authority as the town votes on the budget as a whole, not individual line items.

MOTION

Motion to pay the treasurer the amount previously agreed upon by B. Spaulding. Seconded by R. Combs.

M. Combs asked if that means leave the salary as is from FY 13-14. Chairman J. Bruno said yes.

VOTE ON THE MOTION

B. Spaulding, R. Combs, J. Hale, and Chairman J. Bruno voted yes. T. Etori voted no saying he doesn't feel it can be legally done as the previous board tried to do it with the constables and were told they could not. Motion carries 4 to 1.

Chairman J. Bruno stated that the Carpenters signed a new lease agreement beginning August 1st, 2014 for a total of \$1000 per month that goes until July of 2016.

M. Combs asked about pay raises for the beach staff.

R. Combs asked if the beach staff was given the 3% raise in the past. Town Manager Jacien stated he thinks so for full time but not part time. T. Etori noted that the board does not usually get a line by line Rec budget.

Chairman J. Bruno stated that new hires shouldn't get the raise but any employees that have been with the town for a year should get the 3% raise.

MOTION

Motion by B. Spaulding that all part time employees, including seasonal, who work for the town more than 1 year receive a 3% raise on the first July after their one year anniversary; if they have not been

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with the town for more than 1 year, they stay at their base pay; effective at next payroll; not retroactive. Seconded by R. Combs. All in favor. So voted.

Select Board Concerns

R. Combs stated that the building committee generated a list of possible cuts and sent it out to be re-bid by all 6 contractors that had previously bid. 4 bids were returned. Millbrook is still the low bidder and the committee would like to enter into negotiations with Millbrook Construction.

MOTION

Motion by T. Etori for the building committee to enter into negotiations with Millbrook Construction and come back to the board with any changes. Seconded by B. Spaulding. All in favor. So voted.

R. Combs noted that there will be a meeting with the contractors on Thursday July 31st at 5PM at the firehouse.

T. Etori asked for an update on the Cresci project. Chairman J. Bruno stated that C. Cresci needs to be contacted and asked T. Etori to do it.

T. Etori asked when crack sealing was done on Main St. Town Manager Jacien stated that it was done a few weeks ago, but not near where construction is underway.

J. Hale asked if the town is set to receive the funds from the bond bank. Town Manager Jacien stated that per J. Facey, the account should be set up with the bank after closing.

J. Hale stated that the Planning Commission is suggesting to VTel to locate their proposed communication tower with the Fire Department tower, and that they did put in an application for interim veneers status. He asked if the board would authorize him as the pro-se representative if any proceedings come to light.

MOTION

Motion by T. Etori to appoint J. Hale as the pro-se representative for the town for the communication tower discussion. Seconded by B. Spaulding. All in favor. So voted.

J. Hale stated that the board needs to see a draft of the proposed deed restrictions at 556 Main before proceeding to auction.

B. Spaulding asked if the Lions Club could move their trailers before Sunday due to the weather. All members of the board were okay with this.

Chairman J. Bruno stated that the dumpster that needs replacing at the transfer station is not owned by the town, but by the solid waste district. He stated that the town could ask for a replacement. He did ask for a price on a new one. He suggested asking the solid waste district for a replacement and if they are not willing, to buy a new one.

MOTION

Motion by T. Etori to buy a new dumpster not to exceed \$5000 if the solid waste district would not replace it. Seconded by R. Spaulding. All in favor. So voted.

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

MOTION

Motion to enter executive session for personnel with the board only at 8:55 P.M by R. Combs. Seconded by B. Spaulding. All in favor. So voted.

MOTION

Motion to exit executive session at 9:15 pm with no action taken by R. Spaulding. Seconded by J. Hale. All voted in favor. So voted.

ADJOURN

Motion to adjourn at 9:18 pm by T. Etori. Seconded by R. Spaulding. All voted in favor. So voted.

Submitted by Brittany Gilman

Date of Approval