

**Town of Castleton
Select Board
Meeting of June 24th, 2013
Castleton Town Offices**

MEMBERS PRESENT: Thomas Ettori, Cristine Smith, John Hale, Wenger Rehlen, Ed O'Shea

MEMBERS NOT PRESENT: None

OTHERS PRESENT: Charles Jacien; see attached list

Meeting called to order at 7:01 by Chairman T. Ettori with the Pledge of Allegiance

Bid Award- Reappraisal

N. Trudo stated that the listers sent RFP's to 12 vendors and received 2 responses. She recommended the bid from New England Municipal Consultants, who performed the 2004 and 2006 reappraisals. She stated she is not familiar with the other bidder, and the bid was \$150,000 with the listers entering all the data. New England Municipal Consultant's bid was \$167,000 and the company will enter all the data.

Chairman T. Ettori asked how much was in the budget for this purpose. N. Trudo stated that there is over \$150,000, and by 2015, there would be close to \$200,000.

Chairman T. Ettori asked about the payment schedule. B. Krajewski of New England Municipal Consulting stated that the payments would be spread accordingly so that the annual state payments will cover the project. He stated the billing would be monthly, and the town would hold back 10% to ensure the work is done properly.

C. Smith asked who would be responsible for mistakes and corrections. B. Krajewski stated that his company would be responsible for the accuracy of the data.

J. Hale asked about the difference between the COD and CLA. B. Krajewski stated that the CLA is a median ratio, and the COD is a measurement of equity.

J. Hale asked if the company would be performing the reappraisal for other towns at the same time. B. Krajewski stated he did not know since this is a 2015 job.

J. Hale asked how many people would be working on the reappraisal. B. Krajewski stated he expects two staff and himself.

W. Rehlen asked if there would be repercussions if the reappraisal is put off for a year. N. Trudo stated there would not be, but the money is already set aside for this purpose, and that the listers feel that the COD indicates it is time to get a head start on the reappraisal. K. Miller stated that if the reappraisal is delayed, there is a chance that the desired company will not be available.

Chairman T. Ettori asked if the company puts individual values on state properties. B. Krajewski stated that they do, but the State of Vermont ultimately decides the value.

E. O'Shea asked about the possibility of the grand list going down. B. Krajewski stated that the change is slim, and that he expects an increase.

C. Smith stated she feels it is important to be proactive.

MOTION

C. Smith made a motion to award the bid for reappraisal to New England Municipal Consulting for \$167,000. Seconded by W. Rehlen. All in favor. So voted.

556 Main Street Discussion

J. Berryhill stated that the current plans and estimates reflect an elevator instead of a lula, an indoor vestibule, and increased meeting room space. It also includes a new vault and a sprinkler system. He stated that the bottom line estimate is \$995,329.

C. Smith asked if the estimate includes the removal of the underground oil tank. J. Berryhill stated that it does not. Chairman T. Ettori stated that the bids for the removal of the tank will be discussed later in the meeting.

J. Berryhill stated that the estimate also includes the roof over the ramp.

J. Hale asked if the plans reflect the front porch along the full face of the building. J. Berryhill stated that it does not. J. Hale stated he feels the building should have a full porch so as to be sensitive to the aesthetics of the historic building.

R. Cameron stated that he made his estimate from the plans given to him by J. Berryhill, and that he did not have any awareness of a specific budget number.

C. Smith asked if safety factors for the Police Department are included, such as the evidence locker. J. Berryhill stated that the ventilation for the evidence locker is included. He stated that the next phase is Design Development, which would involve putting in more safety features. Basic safety features, such as sturdy doors are included, but no bulletproofing, etc. is currently included.

Chairman T. Ettori asked what flooring would be used. R. Cameron stated that it would be VCT throughout, and would be vinyl based.

J. Berryhill stated that leveling the first floor is also included.

J. Hale pointed out that there could be an overlap between the \$75,000 in the budget for mold abatement and the \$60,000-\$80,000 quote given by Claypoint.

Chairman T. Ettori asked if J. Berryhill would recommend the environmental company or a general contractor performing the demo and abatement. J. Berryhill stated that it would likely cost less for Claypoint to work directly for the town and have the demo completed before the general contractor begins work.

E. O'Shea asked how strong J. Berryhill felt the estimates are. J. Berryhill stated that he can't make a guarantee, but feels confident that the numbers are solid and will work hard to stay within the estimates.

S. Stevens asked how much it would cost to send the plans out to bid. J. Berryhill stated that it would cost around \$40,000.

S. Stevens asked if any concrete would be poured around the old footings. J. Berryhill stated that some areas will be reinforced, and that a slab will be poured in the basement. The crawl space will be left dirt with a vapor barrier.

J. Potter asked about egress from the upstairs in case of a fire/emergency. J. Berryhill stated that by code, only one way is needed, and there is only one egress. He stated that the stairwell will be fire rated.

L. Melendi asked if the estimates include union or non union labor. J. Berryhill stated they assume non union labor.

S. Day suggested writing a "not to exceed" figure in the contract.

E. O'Shea expressed concern about future growth, stating that he worries there is not enough space in 556 Main.

H. Hitchcock asked about the status of the grant for the elevator. Chairman T. Ettori stated it would likely not be needed to move forward. There is a timing issue since it would be October before the town would be eligible, and the project cannot be started when the grant is applied for. The application would also trigger Bacon David wages.

E. O'Shea asked what the yearly maintenance on a full elevator would be. J. Berryhill stated that he did not know, but would estimate between \$2000-\$3000.

C. Smith asked about parking in the back. J. Berryhill stated that the worst case scenario would be the Police Department having only 1 space to park in the back.

J. Leamy asked what had been spent on the project since March 1st. Chairman T. Ettori stated that it was about \$9600.

J. Leamy asked who would be responsible should mold reoccur. Chairman T. Ettori stated there are too many unknowns for a company to guarantee mold would not reoccur.

J. Leamy stated that spending the money to renovate the old town office should be voted on. E. O'Shea agreed.

J. Master asked what the cost per square foot is. R. Cameron stated that is about \$250/square foot.

S. Stevens asked about the status of the Donchian Grant. Chairman T. Ettori stated that it is still available.

R. Combs asked what would happen to the trim on the outside of the window. R. Cameron stated that they would try to save it. R. Combs stated that he feels the price for refurbishment of the doors is underestimated.

M. Combs stated that she feels the layout of the second floor is dysfunctional, and that the Select Board should sit down with the town employees to discuss the layout. Chairman T. Ettori stated that an executive session was requested for this reason, but it does not qualify for executive session. He asked if M. Combs had concern about the layout of the offices or the whole second floor. M. Combs stated that she is concerns about the whole layout. She stated that herself and M. Jakubowski created revised plans with suggestions, but feels they were blown off.

C. Smith stated that the employees should have had an opportunity to speak with J. Berryhill after the second set of plans were given out.

B. Potter stated that he agrees the town should vote on the spending toward 556 Main. He also stated he feels the town office and fire department should be combined for cost savings.

Chairman T. Ettori asked M. Combs for copies of their proposed layout to take under advisement. J. Hale stated that the Board must consider everyone's input.

M. Combs asked how large the elevator is. J. Berryhill stated that it is large enough to meet ADA requirements. He stated it would carry 4-5 people. A stretcher will not fit in the elevator.

MOTION

J. Hale made a motion to engage J. Berryhill for the Design Development Phase for \$12,000. W. Rehlen seconded.

Chairman T. Ettori asked what is included in this phase. J. Berryhill stated that drawings will be developed, and the preliminary plan will be refined. The mechanical systems and duct work will be located, and the cost includes any additional meetings and updated construction costs. He stated it would take about a month. Construction documents would be an additional 6-8 weeks.

J. Leamy asked about the zoning issues. Chairman T. Ettori stated that the town would need to go to the DRB for a variance. E. O'Shea suggested going to the DRB first.

C. Smith and E. O'Shea voted against the motion. J. Hale, W. Rehlen, and Chairman T. Ettori voted in favor of the motion. Motion carries.

Town Manager Jacien stated he would prepare an application to present to the DRB.

MOTION

J. Hale made a motion to engage Claypoint for \$2500 to develop plans for asbestos abatement and bid documents. W. Rehlen seconded.

W. Rehlen, J. Hale, C. Smith, and E. O'Shea voted in favor. Chairman T. Ettori voted against. Motion carries.

MOTION

J. Hale made a motion to take \$9691.50 from the unallocated funds (reserve fund) account to pay for costs related to 556 Main Street. C. Smith seconded. All in favor. So voted.

Vtel Wireless Telecommunications Facility Discussion

E. Kohler from Downs Rachlin and Martin PLLC representing Vtel Wireless made a presentation regarding the proposal for the wireless communications tower. She stated the project is in its beginning stages, which involves notifying the town, landowners, and abutting land owners. She stated they are asking for a recommendation from the Select Board and Planning Commission as well as Rutland Regional Planning Commission. She stated they will not file an application to the Public Service Board until after July 18th, which is the end of the 45-Day advance notice and request for recommendation. She indicated that Vtel approached the Hydeville church because it was good for the church and community. Initially, Vtel wanted to place the tower inside the steeple of the church, which had been done successfully in other churches. However, the shape and openness of the steeple of the church would not allow it. The proposed project is a 90 foot pole, non-reflective gray to be placed.

W. Rehlen asked about making the pole look like a tree. E. Kohler stated that could be evaluated, but that it may stand out more than the pole since there isn't a natural backdrop.

Chairman T. Ettori asked if there would be any additional equipment. E. Kohler stated that the pole is not designed to support additional equipment. Chairman T. Ettori asked if there was any other area that would have worked for this. E. Kohler stated that she couldn't speak definitively to that, but stated it can be difficult to find willing landowners.

E. O'Shea asked how far the tower could be moved. E. Kohler stated that the engineer would have to determine that.

W. Rehlen asked about safety concerns. E. Kohler stated that Vtel is under strict state regulations regarding radio wavelengths, etc.

J. Hale stated that broadband services are already available. E. Kohler stated that is true, but they are not offered through Vtel Wireless. She also stated that the focus is on mobile services. .

Several members of the public expressed concerns about the pole falling during a storm. E. Kohler stated that the pole is rated for 90 mph winds.

Chairman T. Ettori stated that more information would be needed before the Board could make a decision about recommendation for the project.

J. Hale asked about Vtel being open to additional sites. E. Kohler stated she would pass along any information to Vtel. J. Hale presented her with some suggestions for additional sites.

Town Manager Jacien asked how much weight the recommendation or non-recommendation of the Board carries. E. Kohler stated that the Public Service Board will consider this, but they do not always follow an adverse recommendation.

C. Smith asked about tree clearing. E. Kohler stated that they do not anticipate having to do any.

Several audience members expressed concerns about parking at the church, stating it is already limited, which creates safety hazards when people park on the road, particularly in the winter.

Appointments- Rutland Regional Planning Commissioner, Development Review Board, Planning Commission, Acknowledgement of Board/Commission Resignations

MOTION

J. Hale made a motion to appoint S. Seguin to the Rutland Regional Planning Commission. C. Smith seconded. All in favor. So voted.

MOTION

C. Smith made a motion to accept the resignation of F. Giannini from Rutland Regional Planning Commission effective immediately. Seconded by E. O'Shea. All in favor. So voted.

MOTION

C. Smith made a motion to appoint G. Chader, J. Hale, and J. Mark to the Development Review Board. Seconded by E. O'Shea. All in favor. So voted. (J. Hale did not vote on this motion).

C. Smith asked B. Steele why he was interested in coming on the Planning Commission. B. Steele stated that he wanted to be more involved in town politics and try to ensure the well-being of the town in the future. He cited growth of the town and expansion of the college as topics of interest.

E. O'Shea asked B. Steele about the impact of his impending Environmental Court hearing on his position there. B. Steele stated it would not affect it at all. He stated that the Planning Commission involves future planning of the town, and the situation in the Environmental Court is not related to that. C. Smith stated that the perception may be negative regarding this, stating she feels it may be a conflict of interest. E. O'Shea stated that he feels it may be better to wait until the issue in Environmental Court is resolved.

E. O'Shea asked J. Hale if he felt being a member of all 3 boards is a conflict of interest. J. Hale stated that he did not feel it was, and that he can add value to the Planning Commission, citing several projects he is quite involved in at this time. E. O'Shea stated that he has had members of the public question him regarding J. Hale being on all 3 boards.

C. Smith stated that she admires J. Hale's energy, but also sees being on all 3 boards as a potential issue. She stated she has also heard negative comments from the public regarding the perception of his involvement.

MOTION

C. Smith made a motion to appoint J. Bruno to the Planning Commission. Seconded by E. O'Shea. All in favor. So voted.

MOTION

W. Rehlen made a motion to appoint J. Hale to the Planning Commission. Seconded by C. Smith.

W. Rehlen and Chairman T. Ettori were in favor. E. O'Shea and C. Smith were opposed. J. Hale abstained from voting. Motion fails.

MOTION

Motion to appoint J. Master to the Planning Commission by C. Smith. Seconded by E. O'Shea. All in favor. So voted.

MOTION

J. Hale made a motion to appoint B. Steele to the Planning Commission. Seconded by C. Smith.

J. Hale stated he did not feel there would be a conflict of interest, and that many people have gone through the zoning process. He stated he doesn't feel it has any bearing on planning.

C. Smith stated she felt it would be better for the Environmental Court issue to be resolved before B. Steele comes on board the Planning Commission.

J. Hale expressed concern about Planning not having a full board.

J. Hale and Chairman T. Ettori voted in favor. W. Rehlen, C. Smith, and E. O'Shea voted against. Motion fails.

Request for Use of Town Land- Lake Bomoseen Association

MOTION

C. Smith made a motion to approve the request for use of the north side of Crystal Beach July 4th, 2013. Seconded by J. Hale. All in favor. So voted.

Stormwater Culvert Replacement- Main Street Project

Town Manager Jacien stated that the engineering is complete, with about \$30,000 spent. He stated that it was sent out to bid, but could not come into an agreement regarding easements with Mr. Cresci. Adjacent property owners have expressed concern that the project is not done. He stated that Castleton State College has agreed to be 50% invested in the project. He stated that Mr. Cresci wanted the town to compensate him for his attorney time and engineer time to review the project. He also stated there had never been an agreement made about the guarantee of the existing plantings (flowers and trees getting damaged).

E. O'Shea asked Mr. Cresci what his concerns were. Mr. Cresci stated that he had a list of concerns at home he could provide to the Board. E. O'Shea asked if he thought an agreement could be made. Mr. Cresci stated that he felt it could be resolved.

W. Rehlen asked what Mr. Cresci's biggest concern is. He stated there are a number of them. He stated that he had a concern about liability and who is responsible is something were to happen to his home.

Town Manager Jacien stated that the agreement would have to be with the Select Board.

Chairman T. Ettori stated that he would sit down with the Cresci's to see if something could be worked out.

Set Dates for Public Hearings on Changes to Town Plan

J. Potter stated that the Planning Commission adopted the changes to the town plan June 17th, and two public hearings of the Select Board must be set. J. Hale stated it is regarding ridgelines.

The first public hearing will be held July 22nd, 2013 at 6:00, and the second public hearing will be August 12th, 2013 at 6:00.

Citizens Concerns

T. Kearns asked for an update on the removal of abandoned property and who is supposed to be mowing the commission property (town land). Town Manager Jacien stated that someone was hired last year to remove the abandoned property. He stated that there were problems with it, and that personal property can't be removed from the land without knowing who it is. Chairman T. Ettori stated that they would look into it.

Town Manager's Update

C. Smith made a motion to approve the purchase of the Bobcat for \$25,000. Seconded by E. O'Shea. All in favor. So voted.

Select Board Concerns

W. Rehlen stated that he read an article about the Rutland Select Board going digital. He wondered about the gentleman coming to make a presentation to the Board. Town Manager Jacien stated that it could be done, but the initial cost of the I-Pad can be hefty. He stated it is not in the budget right now, but it could be considered for the future.

W. Rehlen asked about the island between the sidewalk and the road on Main Street. He asked who mows it—whether it is individual homeowners or lawns. Town Manager Jacien stated that it is homeowners.

J. Hale asked about Float Bridge. Town Manager Jacien stated that they are working with permits and designs right now.

J. Hale stated that he had spoken with A. Friedman of VLCT about reviewing the zoning ordinance for state compliance. She stated she would let the town know how much it would cost to review the zoning ordinance for compliance.

J. Hale stated that Castleton State College is planning on putting up 3 small windmills, which went through Rutland Regional Planning Commission.

J. Hale stated that he was not satisfied about the response from VTrans regarding cutting down town trees.

J. Hale stated that he spoke with S. Day about the Town Employee Picnic. He stated it would be worked on for next year.

Other Business-Bid Awards

MOTION

Motion to award the bid for installation of 6 culverts on Creek Road to Fabian Earth Moving for \$20,905 by C. Smith. Seconded by E. O'Shea. All in favor. So voted.

MOTION

Motion to award the bid for the removal of thousand gallon fuel tank at 556 Main Street to Frank Taggart and Sons for \$5000 by C. Smith. Seconded by J. Hale. All in favor. So voted.

Minutes for Approval- June 6 & 10, 2013

MOTION

C. Smith made a motion to approve the minutes from June 6th and 10th, 2013. Seconded by E. O'Shea. All in favor. So voted.

Warrants for Approval

MOTION

C. Smith made a motion to approve warrant 0701 for \$67,734.74, 0624 for \$204,843.29; 0620 for \$1,438,865.44; 0613 for \$7,317.42; 0620P for \$14,489.70; and 0613P for \$18,902.79. E. O'Shea seconded. All in favor. So voted.

Executive Session - Union Contract, Personnel & Legal

MOTION

Motion to enter executive session by C. Smith with the Board and the Town Manager regarding Union Contract, Personnel, and Legal. Seconded by J. Hale. All in favor. So voted.

MOTION

Motion to exit executive session by C. Smith with no action taken. Seconded by E. O'Shea. All in favor. So voted.

Adjournment:

C. Smith made a motion to adjourn at 11:00 pm. E. O'Shea seconded, so voted.

The meeting was adjourned at 11:00 P.M.

Submitted by Brittany Gilman

Date of Approval