

Select board, March 25th, 2013

**Town of Castleton  
Select Board Meeting  
Meeting of March 25<sup>th</sup>, 2013  
Castleton Town Offices**

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

**MEMBERS NOT PRESENT:** None

**OTHERS PRESENT:** Charles Jacien, town manager; see attached list

Meeting called to order at 7:00 by Chairman T. Etti with the Pledge of Allegiance.

**Minutes for Approval- March 11<sup>th</sup>, 2013, Regular Meeting and Public Hearing**

**MOTION**

C. Smith made a motion to approve the minutes from March 11<sup>th</sup>, 2013, Regular Meeting and Public Hearing. E. O'Shea seconded. All in favor. So voted.

**Warrants for Approval**

**MOTION**

C. Smith made a motion to approve warrant 0314 for \$6,070.55; 0321 for \$1,492,447.18; 0325 for \$97,409.52, 0314P for \$12,288.60; 0314.1P for \$1,108.20; 0314.2P for \$923.50; 0314.2P for \$923.50; 0314.3P for \$923.50; 0314.4P for \$923.50; and 3021P for \$12,547.52. E. O'Shea seconded.

In related discussion, C. Smith asked about the charge of \$806 for excavator parts. Town Manager Jacien stated these are for replacement parts.

C. Smith asked about the tax sale research. Town Manager Jacien stated this is the only charge, and the research is complete.

E. O'Shea asked about overtime for the sewer plant. Town Manager Jacien stated it was for a call-out. There is no longer built in overtime for the sewer plant.

All were in favor of approving the warrants. So voted.

**Annual Appointments**

Town Manager Jacien stated that all on the list have been asked to continue and are happy to do so with the exception of the Town Attorney, J. Liccardi, who is retiring.

**MOTION**

C. Smith made a motion to approve the list of annual appointments as presented for 2013-2014 with the exception of J. Liccardi, Town Attorney. E. O'Shea seconded. All in favor. So voted.

**Fair Haven Union High School Project Graduation Donation Request**

Town Manager Jacien stated that the town donated in 2008 in the amount of \$50, which is the only payment on record. C. Smith stated she thought the board donated \$100 last year. M. Combs stated there is no record of this.

Select board, March 25th, 2013

**MOTION**

Motion to donate \$100 to Fair Haven Union High School Project Graduation by C. Smith. Seconded by J. Hale. All in favor. So voted.

**Petition to Bond Discussion - Castleton Volunteer Fire Dept.**

Chairman T. Ettori stated that there are the required amount of signatures to move forward. C. Smith read the petition aloud.

**MOTION**

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

**JAMAC property discussion: Sales Agreement, Curb Cut Permit, Wetlands delineation contract, Act 250 application**

Chairman T. Ettori stated that the goal is to get something in writing stating that the property will be held for a period of time to apply for the curb cut. He stated that it is \$1200 to have the wetland delineation part of the project done, which could answer questions about the status of the back 3 acres. He also stated that more inquiry needed to be made regarding the Act 250 application, and whether it would be a major or minor amendment, which would assist in solidifying cost estimation.

**MOTION**

C. Smith made a motion to spend \$1200 for wetland delineation. J. Hale seconded. All in favor. So voted.

J. Hale asked if there was a sales agreement. Town Manager Jacien stated there is not, just an agreement to hold the property for an additional 60 days.

C. Smith asked about the time frame for delineation. Town Manager Jacien stated the delineation would take 1-2 days once the snow was off the ground.

J. Hale asked about scheduling the vote on the petition. Chairman T. Ettori stated that it would be best to wait for further information. He also stated there would be a special vote, and it would not wait until November.

M. Jakubowski stated that she feels the emergency services building should include the Police Department as well.

H. Goyette stated that when the bond was initially put together, it was based off Berryhill's original plans, which had the Police Department separated. He stated that the fire department would be happy to have the police department as part of the emergency services building, but that it should be a board decision.

Chairman T. Ettori stated that adding the Police Department would add a cost of approximately \$96,000 according to J. Berryhill.

R. Combs stated that no one is opposed on the fire department to adding a separate article for the police department, and let the voters decide.

Select board, March 25th, 2013

E. O'Shea asked about the possibility of a two way curb cut. Town Manager Jacien stated that the specialist he spoke with at the state level indicated that the town does have a right to apply for it, but would be more likely to be granted an exit only.

G. Kupferer suggested looking into prime ag soil issues, which the medical center encountered.

**556 Main Discussion: Asbestos, Lead and Mold testing**

Chairman T. Ettori stated that he spoke with J. Berryhill about who he had used in the past for these types of tests, and J. Berryhill gave him a referral to Claypoint. He stated that the asbestos testing would cost \$1,075, lead paint \$975, and mold \$400. This is for the initial inspection only, not remediation or removal.

B. Potter asked about testing the foundation and bricks for mold. Chairman T. Ettori stated he did not know whether this would be included initially or not.

J. Hale stated it feels it is a good idea to move forward. E. O'Shea stated that the mold testing is indoor air quality only.

**MOTION**

J. Hale made a motion to engage Claypoint for \$2450 for lead paint, asbestos, and mold testing. C. Smith seconded. All in favor. So voted.

Chairman T. Ettori stated that J. Berryhill estimated \$8,000 for a preliminary design.

**MOTION**

J. Hale made a motion that the town contract with NBF Architects, Center Street, Rutland VT (i.e. John Berryhill) to perform the architectural and engineering work necessary for the renovation of 556 Main Street, at the quoted price of 8% of construction costs, which contract is now projected to cost about \$80,000; and that this NBF Architects contract be executed by this Friday, March 29<sup>th</sup> for immediate effect. Seconded by C. Smith.

In related discussion, J. Hale stated the he feels it is important to move forward. Town Manager Jacien stated that the town has missed the deadline for application to the bond bank, so the funds would have to come from the USDA, which has both pros and cons. He also stated he would like to discuss retaining NBF with the USDA lenders, who do have control over it. He also suggested thinking about the timeline with the Fire Department petition.

E. O'Shea expressed concern about spending \$80,000 and finding a lot of problems. He stated it would be better to get testing done first, and then commit.

W. Rehlen stated that he would like more than preliminary plans in order to go to bid.

Chairman T. Ettori stated that he would call J. Berryhill and ask what each component entails. He stated that he feels J. Berryhill will be able to do the preliminary Plans and the Design without much more commitment. J. Hale stated that he wanted to be sure the roof structure was evaluated, and also employee input was considered.

Select board, March 25th, 2013

R. Combs pointed out that even though votes to build new have gone down in the past that does not indicate that the majority of the town wants to renovate, just that they did not want to do the project at hand.

Chairman T. Ettori stated that it would likely cost around \$20,000 to get a solid cost estimate.

G. Trudo stated that moving forward with the design without mold and asbestos testing is not prudent, and does not make sense.

Chairman T. Ettori stated that if the police department is going to move with the fire department, it could affect the layout of the building, and need for certain things such as an elevator. E. O'Shea stated that an elevator would probably be necessary because of square footage.

S. Stevens reminded the board about compliance with the communication system NIVERS, and its requirements.

J. Hale withdrew his motion. He stated that he feared that the board is not committed to the project.

#### MOTION

Motion by C. Smith to make Chairman T. Ettori the spokesperson to J. Berryhill. Seconded by E. O'Shea. All in favor. So voted.

J. Hale stated that he has not presented himself as the spokesperson in the past. E. O'Shea stated that it is important to move forward as a board, not as individuals.

#### **Request for Liquor License Renewal with Outside Consumption Edgewater, Inc./dba Trak In Steak House**

C. Smith made a motion to approve the request for liquor license with outside consumption for Edgewater, Inc./dba Trak In Steak House. Seconded by J. Hale. All in favor. So voted

#### **Other Business**

J. Ahern with the LBA reminded the board about the shoreline protection legislation coming down from Montpelier.

#### **Citizen's Concerns**

M. Combs asked about the board changing polling locations. Chairman T. Ettori stated that would have to come by petitions, or the board could decide to put it to vote. M. Combs asked why the BCA can't consider it in light of safety concerns. K. Thornblade stated the Board of Abatement will meet April 8<sup>th</sup>, and it will be discussed if there is time.

R. Combs stated that there is a letter being circulated in the Rutland Herald and around town, and that if anyone had questions about it, he would be happy to speak with them.

S. Seguin thanked the police department for assistance at fire scenes.

Select board, March 25th, 2013

M. Combs expressed concern about potential conflicts of interest with J. Hale. Chairman T. Ettori stated that they had received a letter from the VLCT stating it only affects J. Hale appointing himself to a board. Voting on Planning Commission and Development Review Board issues is acceptable per the VLCT.

B. Potter asked if any investigating had been done regarding the quantity of votes on the bond. Chairman T. Ettori stated that is just the way it happened.

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

Tax Sales: There are 26 properties scheduled for April 11<sup>th</sup> at 10:00 am sale. Of the 26, 10 are condominiums units with one owner.

Month 8 Report: Things seem to be doing ok, with no surprises. We should end the year on budget. Spring highway work is being planned, based on the remaining allocated funds.

Dewey Field Entrance: The phone poles used for a guardrail will soon be replaced with capped 6x6s. This project is scheduled for the highway department.

Fire District #1: Thanks once again go out the district for their donation of 25 cords of delivered firewood. The Manager gave the Districts contractor (Belden) permission to stage equipment and materials on the Sand Hill property. This area will be restored when they are complete sometime in May.

Wellness Program Kickoff: A general staff meeting kicked off the year's programs that include the walking and weight off challenge. The proposed statewide health care program was also discussed. The manager and someone from each department will attend the upcoming informational sessions on the proposal.

Upcoming Major Projects: Union Negotiations, Castleton Corners, South Street Sidewalks, Crystal Heights and maybe beyond sewer extension, Cresci/Farrow Storm water system and Grady Bridge.

E. O'Shea asked if any attention was going to be given to Barker Hill. Town Manager Jacien stated that some trees will be removed as a start.

### **Select Board Concerns**

E. O'Shea asked if the town had paid the bill from J. Facey. Town Manager Jacien stated it had not been paid. The 1/10<sup>th</sup> of an hour billed to a Select Board member will be billed directly to that member. He stated there are still issues concerning a conversation with an elected official and the related charges.

C. Smith asked if there is a policy that officials should have to go through the manager to speak with anyone that will incur expense to the town. Town Manager Jacien stated he would look into a policy regarding contact with professionals.

### **Executive Session**

#### **MOTION**

Motion to enter Executive Session by C. Smith to include the Town Manager for Personnel, Legal & Real Estate. Seconded by E. O'Shea. All in favor. So voted. The board entered Executive Session at 8:45 pm.

Select board, March 25th, 2013

**MOTION**

C. Smith made a motion to exit Executive Session at 9:45pm with not action required. E. O'Shea seconded. All voted in favor. So voted.

**Adjourn**

**MOTION**

C. Smith made a motion to adjourn at 9:46pm. Seconded by E. O'Shea. All voted in favor. So voted.

Submitted by Brittany Gilman

---

Edward O'Shea, Clerk

---

Date of Approval

DRAFT