

**TOWN OF CASTLETON  
SELECT BOARD MINUTES  
Monday, March 11, 2019 at 7:00pm  
Castleton Town Offices  
263 VT – 30  
Bomoseen, VT 05732**

**PRESENT:** Jim Leamy, Select Board Chair; Richard Combs, Select Board Vice Chair; Zack Holzworth, Select Board Secretary; Joe Mark, Select Board Parliamentarian; Robert Spaulding Select Board Member; Michael Jones, Town Manager; Eliza LeBrun, Recording Secretary; Robert Ward, Town Mechanic; Janet Currie, Planning Commission Chair; Joe Bruno, Shawn Gallipo, Mike Bruno, Tim Gilbert, Scott Welch,

**CALL MEETING TO ORDER**

The meeting was called to order by Town Manager, Mike Jones at 7:00p.m.

**PLEDGE OF ALLEGIANCE**

Mr. Jones led the Pledge of Allegiance.

Mr. Jones wanted to share with the Board that Jay Luebke would no longer be filming the Select Board meetings for PegTV. Mr. Jones would like to send a letter from the Town thanking him for his service over the years.

**APPROVAL OF AGENDA**

**Mr. Holzworth made a motion to accept the Agenda. Mr. Combs seconded the motion.**

**Mr. Holzworth made a motion to add an Award between Adoption of Select Board Officers and Adopt Resolution of Day & Time for Meetings on the Agenda. Mr. Combs seconded the motion. All were in favor of, the motion carried.**

Mr. Jones called the question of the original motion.

**All were in favor of, the motion carried.**

**ADOPT ELECTION OF SELECT BOARD OFFICERS**

**Mr. Spaulding nominated Mr. Leamy to be the Select Board Chair. Mr. Combs seconded the motion. Mr. Leamy abstained from the vote, the remaining four (4) Board members were in favor, the motion carried.** Mr. Leamy accepted the position and thanked the Board. Mr. Leamy welcomed the newest Board member, Mr. Joe Mark.

**Mr. Holzworth nominated Mr. Combs to be the Select Board Vice Chair. Mr. Spaulding seconded the motion. Mr. Combs abstained from the vote, the remaining four (4) Board members were in favor, the motion carried.** Mr. Combs accepted the position and thanked the Board.

**Mr. Combs nominated Mr. Holzworth to be the Select Board Clerk. Mr. Spaulding seconded the motion. Mr. Holzworth abstained from the vote, the remaining four (4) Board members were in favor, the motion carried.** Mr. Holzworth accepted the position and thanked the Board.

**Mr. Combs nominated Mr. Mark to be the Select Board Parliamentarian. Mr. Spaulding seconded the motion.** The position is to interpret the rules if there are any questions. **Mr. Mark abstained from the**

vote, the remaining four (4) Board members were in favor, the motion carried. Mr. Mark accepted the position and thanked the Board.

#### **AWARD**

Mr. Leamy called Joe Bruno forward and presented him with a commemorative gavel for his eleven (11) years of service on the Castleton Select Board.

#### **ADOPT RESOLUTION OF DAY & TIME FOR MMEETINGS**

Mr. Combs made a motion to adopt a resolution that the regular meetings of the Select Board of the Town of Castleton will be held on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Monday of the month at 7:00pm in the Municipal Offices unless otherwise posted. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

#### **ADOPT RULES OF PROCEDURE**

Mr. Holzworth made a motion to adopt rules of procedure as presented. Mr. Spaulding seconded the motion. All were in favor, the motion carried.

Mr. Spaulding pointed out that the Town Offices are not located in the Town of Castleton, as the mailing address is Bomoseen. There was discussion between Mr. Spaulding and Mr. Combs. Mr. Spaulding will research whether Bomoseen is considered a municipality or not.

#### **REVIEW CONFLICT OF INTEREST POLICY**

Mr. Combs made a motion to accept the conflict of interest policy dated April 27, 2015. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

#### **APPOINT TOWN OFFICERS**

Mr. Leamy asked Mr. Jones if he had contacted all the current Town Officers to verify their intentions for the coming year. Mr. Jones did contact them all. Mr. Finnegan had reported to Mr. Jones that he had not realized that he was a Fence Viewer and was unsure what was involved. Mr. Bruno stated that he had only been called out three (3) or four (4) times over the last ten (10) to fifteen (15) years. Mr. Combs suggested that Mr. Finnegan be appointed as he was not able to attend this meeting and if he does not want to keep the position, he can resign later. Mr. Bruno recalled that several of the listed positions were eliminated by VLCT previously. Mr. Jones will double check.

Mr. Combs made a motion to appoint Mr. Jones as the Emergency Management Director for one (1) year. Mr. Spaulding seconded the motion. All were in favor, the motion carried.

Mr. Combs made a motion to appoint Mr. Joseph F. Bruno, Jr. and Mr. Michael Finnegan as two (2) of three (3) Fence Viewers for one (1) year. Mr. Mark seconded the motion. All were in favor, the motion carried.

Mr. Combs made a motion to appoint Mr. Thomas Ettori as the Lumber/Shingle and Wood Inspector for one (1) year. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

Mr. Combs made a motion to appoint Mr. Ray Ladd, Mr. Kenneth Flowers, and Mr. Jon Pintello as the Overseers of Historic Cemeteries for one (1) year. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

Mr. Combs made a motion to appoint Mr. Timothy Gilbert as a Representative to the Rutland County Solid Waste District for one (1) year. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

Mr. Holzworth made a motion to appoint Mr. Robert Spaulding as a Representative to the Rutland County Solid Waste District for one (1) year. Mr. Mark seconded the motion. Mr. Spaulding abstained, the four (4) remaining members were in favor, the motion carried.

Mr. Combs made a motion to appoint Mr. Theodore Parisi, Lois Vandenberg Baldwin, Paul Gilles and Ryan Smith & Carbine, Charles Romeo as Town Attorneys for one (1) year. Mr. Spaulding seconded the motion. Ms. Currie shared with the Board that she believed that Mr. Paul Gilles was retiring. Mr. Jones will verify this. All were in favor, the motion carried.

Mr. Combs made a motion to appoint Mr. Scott Welch as the Tree Warden for one (1) year. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

Mr. Combs made a motion to appoint Mr. Chris Forrest as the Deputy Tree Warden for one (1) year. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

Mr. Combs made a motion to appoint Mr. Bob Steele as the Weigher of Coal for one (1) year. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

Mr. Combs made a motion to appoint People's United Bank as the Bank Designation for one (1) year. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

Mr. Combs made a motion to designate the Rutland Herald and Lakes Region Free Press as the Newspaper Designations for one (1) year. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

Mr. Combs made a motion to appoint Ms. Aleda Dutton as the Rutland Regional Ambulance Service Representative for one (1) year. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

#### **MINUTES FOR APPROVAL – February 18, 2019 & February 25, 2019**

Mr. Combs made a motion to approve the meeting minutes of February 18, 2019. Mr. Holzworth seconded the motion.

Mr. Combs and Mr. Spaulding identified that there was a Version 1 and a Version 2, all of the following changes were made to Version 1.

1. Page 2, last paragraph at bottom of page, change the first sentence to read; "Mr. Combs asked for clarification on whether *there were* 4 hazardous waste collection events held in the county or would they *be in each Town*."
2. Page 2 second paragraph from the bottom, leave the last sentence.
3. Page 6, eighth paragraph from the top, change the word installing to *holding*.
4. Page 7, under Select Board Comments, third paragraph, last sentence, change to include "Ms. Clapp reminded the Board that (*for SWAC*) there is..."
5. Page 7, second paragraph, second sentence, change residents to *voters*.

**Mr. Combs made a motion to approve the meeting minutes of February 18, 2019 with the listed changes. Mr. Holzworth seconded the motion. All were in favor and the motion carried.**

**Mr. Holzworth made a motion to approve the meeting minutes of February 25, 2019. Mr. Combs seconded the motion.**

Mr. Combs and Mr. Spaulding identified the following issue:

1. Page 2, first sentence, insert *accidents* between damage and appeared.
2. Page 2, second paragraph from the bottom, last sentence, insert *oil* between stainless and pan.
3. Page 6, seventh paragraph third and fourth sentences, correct Camarra to read Camara.

**Mr. Holzworth made a motion to approve the meeting minutes of February 25, 2019 with the listed changes. Mr. Combs seconded the motion. All were in favor and the motion carried.**

Mr. Bruno asked to make sure that the Rotary Club is identified as a contributor in the minutes of February 11, 2019, when Mr. Bruno read an article in the Lakes Region Free Press about the minutes, the Rotary Club was excluded. Mr. Jones also wants to make sure that Charlie Brown is mentioned as he donated slate. Mr. Bruno reminded the Board that he asked for a plaque to recognize the donations made by RMG, Charlie Brown and Camara's. Mr. Mark recommended that the Lakes Region Free Press be contacted and asked to run a correction. Mr. Combs suggested that before the plaques are printed, that perhaps Mr. Bruno should review them to make sure they list everyone.

#### **REQUEST FOR LIQUOR LICENSES APPROVAL – SECOND CLASS LICENSE:**

**Mr. Combs made a motion to approve the Second-Class License to Sell Malt and Vinous Beverages for DG Retail, LLC d.b.a. Dollar General #16871. Mr. Holzworth seconded the motion. All were in favor, the motion carried.**

There were no other motions or discussions held regarding liquor licenses.

#### **COIN DROP POLICY REVIEW & DISCUSS: *Requests will be discussed at 3/25 meeting***

Mr. Jones opened the discussion by sharing with the Select Board that he had already received three (3) requests for coin drops, one request was for two (2) separate events. Mr. Jones noted that the Policy did not specify a limit per group.

The current policy states the following:

*The Town will allow only four (4) coin drops to be held between Memorial Day and end of October of any one year.*

*All requests for permission to hold a coin drop shall be delivered to the Town Manager's Office, in writing, on or before April 30<sup>th</sup> of the proposed year the coin drop will take place. Permission will be granted by lottery.*

Mr. Jones would like the Select Board to consider adding two (2) additional coin drops during the year. Not to be held during any large events at the University (like graduation.)

There was discussion amongst the Select Board regarding granting the Coin Drops on a first come first serve basis or waiting until April 30<sup>th</sup> as the policy states, then having a lottery.

**Mr. Spaulding made a motion to allow only one (1) coin drop per group per year. Mr. Holzworth seconded the motion. All were in favor and the motion carried.**

**Mr. Combs made a motion to not approve any coin drops until April 30<sup>th</sup> then to hold a lottery with the first six (6) applicants reserving their dates. Mr. Mark seconded the motion.**

There was concern that the Village School uses the Coin Drop as a way to raise money for their annual 8<sup>th</sup> Grade Class trip and it would be difficult to see them lose an opportunity. There was also concern that the Fire Department utilizes this as a fundraiser as well.

Mr. Combs withdrew his prior motion.

**Mr. Combs made a motion to amend the policy on coin drops to give preference to the Fire Department and 8<sup>th</sup> Grade for coin drops, then to consider any other applicants (up to 4) by lottery. All were in favor and the motion carried.**

Mr. Mark asked if wearing reflective vests was enforced. Mr. Jones confirmed that reflective vest and proper signage are enforced and that if a group does not have these, there may be items available through the Fire Department.

Mr. Spaulding pointed out that there was no reference to underage children being in the road.

Mr. Mark found a typo under #6 of the SAFETY CONDITIONS FOR CONDUCTING A SOLICITATION ON TOWN HIGHWAYS, the word "is" should be replaced with the word "in."

#### **HIGHWAY DEPARTMENT: TRUCK PURCHASE APPROVAL**

Mr. Jones presented a late bid from Foster Motors for the small truck to the Select Board for consideration. This was added to the already received bids. Discussion was held regarding whether the two (2) trucks in question needed to be replaced. The small truck to be replaced is a 2005 with approximately 90,000 miles. It was determined that the plow wing quoted to be purchased with the smaller truck could potentially replace the single axel truck in the future. The trucks being replaced will be leaving the Town, they will not remain as usable vehicles. Mr. Leamy voiced his concern over the cost of the new vehicles.

The purchase of the new trucks will be thru a five (5) year lease purchase program, the Town Manager will work to find the best interest rate for the lease purchase. Currently the Town has no vehicle payments. There is money in the budget for the leases.

Based on the recommendation given by the Town Mechanic, the following motions were made;

**Mr. Combs made a motion to approve the purchase of a 2019 Dodge Ram 5500 4x4 with the Viking stainless steel oil pan package from Goss Dodge Chrysler for a total cost of \$114,373.00. Mr. Spaulding seconded the motion. All were in favor and the motion passed.**

**Mr. Combs made a motion to approve the purchase of a 2020 International Model HV613 with the Viking package from Delurey Sales and Service Inc for \$188,495.00. Mr. Holzworth seconded the motion.**

Mr. Spaulding asked why an International was chosen. The Town Mechanic explained that it is easier to get the parts and the service is very good at Delurey.

Mr. Spaulding also asked why the Town did not purchase through the State of Vermont bid. It was explained that the specifications which the Town were looking for did not match the bid set by the State and the prices would not have been available.

The question was called.

**All were in favor and the motion carried.**

#### **APPROVE POSTED ROADS ANNUAL LIST**

**Mr. Combs made a motion to approve the Town of Castleton Annual Roads List. Mr. Holzworth seconded the motion.**

Mr. Charlie Brown asked what roads were listed, specifically he asked about Sand Hill Road as there is an issue with the blacktop and he would like the Town to look at it.

Mr. Combs amended his motion as follows:

**Mr. Combs made a motion to approve the Town of Castleton Annual Roads List with Sand Hill Road from Route 4A to South Street included, with a notice date of March 11, 2019. Mr. Holzworth seconded the motion. All were in favor and the motion carried.**

#### **ADOPT: UPDATE DRUG & ALCOHOL POLICY FOR CDL DRIVERS TO MEET DOT REQUIREMENTS**

**Mr. Combs made a motion to adopt the updated Drug & Alcohol Policy for CDL drivers to meet DOT requirements. Mr. Holzworth seconded the motion.**

Mr. Jones shared that this was triggered by an issue with an employee last year resulting in the Town receiving a fine for not being in compliance.

Discussion was held regarding the employees remaining substance-free for anticipated winter weather events and other expected incidents as they will likely be called into work. At this time there are not on call employees.

Mr. Mark recommended that the order of the bullets under Section 3: Prohibited Conduct be reorganized by moving the bullet starting "Consuming alcohol within four (4) hours..." be moved before the prior bullet.

Members of the audience stated that there was zero tolerance for drugs and alcohol for CDL drivers, including marijuana as it is not recognized as legal by the federal government.

The question was called.

**All were in favor and the motion carried.**

### **SOLAR: MHG (TRANSFER STATION SOLAR ARRAY) & SANDLOT SOLAR**

Mr. Jones asked the Select Board for guidance on a Solar Lease offer made to the Town by MHG Solar. Specifically, Mr. Jones would like to know if the Board would like an attorney to review the lease contract.

Mr. Jones explained that MHG has been doing a lot of work in the Poultney area and Mr. Jones had asked them what they recommended could be done with a gravel pit. MHG then sent over the Solar Lease offer and summary. The contract states that MHG would pay the Town \$10,000/year for the next 25 years.

Mr. Brown believes that the intention was that once the gravel pit was gone, that the Town was going to buy land from the Ellis's. Mr. Brown also encouraged the Board to make sure that they did a good job negotiating with the solar company.

Len Knappmiller of Sandlot Solar has received approval from the Select Board, the Planning Commission and the Rutland Regional Planning Commission to use the land behind the Hubbardton Forge as a preferred site for their 500-kilowatt solar array and would like to move forward. Mr. Jones asked the Board how they would like to handle this. It was recommended that an attorney should review the language in the contract.

### **CITIZENS COMMENTS**

Ms. Janet Currie asked the Select Board to consider adopting a new Conflict of Interest Policy provided by the Vermont League of Cities and Towns.

**Mr. Spaulding made a motion to consider using the Conflict of Interest Policy provided by VLCT. Mr. Holzworth seconded the motion. All were in favor and the motion passed.**

Mr. Michael Bruno (owner of Bruno's Auto Repair) informed the Select Board of his concerns over policies and procedures being adopted by the Castleton Police Department. Mr. Bruno feels that these policies and procedures are being approved without the approval of the Select Board, specifically Mr. Bruno mentioned that the Police Department only uses R&D for vehicle searches. Currently Bruno's Auto Repair covers southern Vermont for towing but has received no calls for service from the Town of Castleton Police Department. Mr. Bruno mentioned that he thought there was a rotation policy, but it does not appear to be being used. Mr. Bruno is having a hard time connecting with Chief Mantello. Mr. Bruno also shared that after he had met with the Town Manager and Police Chief over this and he voiced his concerns, he was banned from the R&D property and could no longer pick up vehicles, rather now he has to pay a third party to pick them up and take them off R&D property. Mr. Bruno believes that parts of his conversation with Mr. Jones and Chief Mantello were relayed to R&D.

An email was presented from the Castleton Police Department reporting that an officer had attempted to call Bruno's for towing service but had not gotten an answer. This email was over a year ago and Mr. Bruno pointed out that it was not possible that there was no answer as Bruno's employed an answering service specifically not to miss calls. The answering service was discontinued in October and now all after hours calls are redirected to Mr. Bruno's personal cell phone.

Mr. Shawn Gallipo of Cushman's shared that he had called the police department and spoken to the Chief and another officer and asked to be placed on the rotation, but he has not been called once. Mr. Gallipo was told that Castleton has its own rotation but has never seen a copy of it. Mr. Bruno stated

that two (2) years ago the Police Chief agreed to one week of each company, but it stopped, and Mr. Bruno did not get any response from the Chief. Mr. Bruno does not believe that the Chief likes him, he believes that his calls are being avoided so does not leave messages.

Mr. Bruno also shared that he has not had one call in the last two (2) years for snow removal. Mr. Bruno would like to see the log of calls to tow companies.

Mr. Leamy assured Mr. Bruno that the Board was hearing his complaint and would like to have the Chief present to discuss his side. Mr. Jones will make sure that the Police Chief is present at the March 25, 2019 meeting.

#### **MANAGER'S UPDATE**

Mr. Jones shared a document with the Board from Dr. Scolforo of Castleton University. The document is regarding a pass thru grant, Vermont Birth to Five (Make Way for Kids Grant.) Mr. Jones asked the Board to review and generate questions for him and he will contact Dr. Scolforo for answers. Mr. Jones recommends inviting the University to attend the March 25, 2019 meeting, then ask the Board to make a decision by the first regular meeting in April so that the University can meet their deadline.

Mr. Jones gave the Rutland County Solid Waste District meeting packet to Mr. Leamy. Mr. Leamy then gave it to Mr. Spaulding.

Mr. Jones provided the Select Board with a copy of the Ground Rules for Negotiations from the New England Police Benevolence Association. A signature is required to begin negotiations. More discussion will be held during executive session.

Mr. Jones reported that he had received a bill from Muhammad's for the replacement of the man hole cover, the invoice was for \$3,193.00 from D&M Petroleum. The bill will go to Belden for negotiation. Originally Belden had said that they will only pay \$850.00 and the bill is significantly higher than originally thought.

#### **SELECT BOARD COMMENTS**

Mr. Spaulding asked what the status of Article 51 was now that it had passed the vote. Mr. Leamy asked the Town Manager to provide a synopsis of the direct costs and direct benefits/services that the Town receives from Rutland County Solid Waste District and Solid Waste Alliance Committee by March 25, 2019.

Mr. Spaulding will be attending the Rutland County Solid Waste District meeting.

Mr. Mark shared that he will be attending the Spring Select Board Institute.

#### **PURCHASE ORDERS FOR APPROVAL**

**Mr. Combs made a motion to approve the purchase order number 042832 to Lilly's Instrumentation & Tech Services in the amount of \$2,298.54. Mr. Holzworth seconded the motion. All were in favor and the motion carried.**

#### **WARRANTS FOR APPROVAL**

**Mr. Combs made a motion to approve warrant #0225 in the amount of \$18,288.42, warrant #0221 in the amount of \$5,315.07, warrant #0214 in the amount of \$30,985.62, warrant #0221P in the amount**



of \$14,005.08, and warrant #0214P in the amount of \$13,926.38. Mr. Holzworth seconded the motion. All were in favor and the motion carried.

Mr. Holzworth made a motion to approve warrant #0213P in the amount of \$534.17 and warrant #0210P in the amount of \$534.16. Mr. Leamy seconded the motion. Mr. Combs abstained from the vote, the remaining Select Board members all voted in favor and the motion carried.

#### EXECUTIVE SESSIONS

Mr. Combs made a motion to enter Executive Session at 9:21 p.m. to discuss Personnel under the provision of Title 1, Section 313 (a) (3) of the Vermont State Statutes with the Town Manager present. Mr. Spaulding seconded the motion. All were in favor, and the motion carried.

Mr. Combs made a motion to exit Executive Session at 9:40 p.m. Mr. Holzworth seconded the motion. All were in favor, and the motion carried. No action taken.

Mr. Combs made a motion to enter Executive Session at 9:41 p.m. to discuss labor relations and contracts under the provision of Title 1, Section 313 (a) (1) of the Vermont State Statutes with the Town Manager present. Mr. Spaulding seconded the motion. All were in favor, and the motion carried.

Mr. Combs made a motion to exit Executive Session at 10:05 p.m. Mr. Holzworth seconded the motion. All were in favor, and the motion carried. No action taken.

Mr. Holzworth made a motion to enter Executive Session at 10:06 p.m. to discuss personnel under the provision of Title 1, Section 313 (a) (1) of the Vermont State Statutes with the Town Manager present. Mr. Combs seconded the motion. All were in favor, and the motion carried.

Mr. Combs made a motion to exit Executive Session at 10:08 p.m. Mr. Spaulding seconded the motion. All were in favor, and the motion carried. No action taken.

#### ADJOURN

Mr. Spaulding made a motion to close the Select Board meeting at 10:09 p.m. Mr. Combs seconded the motion. All were in favor, and the motion carried.

Respectfully submitted; Eliza LeBrun, Recording Secretary