

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

PRESENT: Joe Bruno, Select Board Chair; Richard Combs, Select Board Vice Chair; Zack Holzworth, Select Board Secretary; Robert Spaulding, Select Board Member; Jim Leamy, Select Board Member; Michael Jones, Town Manager; Eliza LeBrun, Recording Secretary; Melanie Combs, Town Accountant; Janet Currie, Planning Commission Chair; Val Waldren; John Hale; Jenny Hewitt; Jay Leubke; Julius Remersina(sp); Bill Prunier; Sue Day; Christine Smith; Mike Finnegan.

CALL MEETING TO ORDER

The meeting was called to order by Mr. Joe Bruno at 7:00p.m.

PLEDGE OF ALLEGIANCE

Mr. Bruno led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Holzworth made a motion to approve the Agenda. Mr. Spaulding seconded the motion. All were in favor, the motion carried.

MINUTES FOR APPROVAL – JANUARY 28, 2019

Mr. Holzworth made a motion to approve the meeting minutes of January 28, 2019. Mr. Combs seconded the motion.

Select Board Vice Chair, Richard Combs identified the following issue.

1. Page 1, title; remove "Special."

Select Board Member, Robert Spaulding identified the following issues.

1. Page 1, subsection #2; remove the word "for" after "Mr. Leamy voted" and replace it with the word "against."
2. Page 3, first paragraph, 5th line; verify whether Mr. Gilbert used the word "Hubbardton" or "Haulers" when stating who would be responsible for the remaining payment to the Rutland County Solid Waste District. (Note, at 14.46 minutes on the audio recording, Mr. Gilbert states "with the remaining amount coming from Hubbardton.")

Mr. Holzworth made a motion to approve the meeting minutes of January 28, 2019 with the listed changes. Mr. Leamy seconded the motion. All were in favor and the motion carried.

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 Global Montello Group, Corp. d.b.a. Jiffy Mart #454, 111 Vermont Route 30, Castleton, VT 05735. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

Mr. Combs made a motion to approve the Second Class License to Sell Malt and Vinous Beverages for P. F. B., Inc., d.b.a. Prunier's Market, Route 4A, Bomoseen, VT 05732. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

CONFLICT OF INTEREST DISCUSSION

Mr. Bruno opened the discussion on the conflict of interest. Mr. Bruno believes that it is time that this Board or the new Board begin to review the current Conflict of Interest Policy. Specifically, Mr. Bruno cited Mr. Combs request to add this issue as a separate item to the agenda during the most recent Select Board meeting, so he invited Mr. Combs to speak towards the issue.

Mr. Combs stated that he had carefully reviewed the comments Mr. Bruno made during the last Select Board meeting and disagrees with them. Mr. Combs is willing to continue the discussion, of Mr. Bruno's claim, but does not feel it is necessary. Mr. Combs has spoken to legal counsel regarding moving the accounting piece of the budget to a separate line on the warning, and if future Boards would like to do that, he will recuse himself from voting on that.

Mr. Bruno reviewed the Executive Session Privilege, stating that in order to bring an item out of executive session and discuss it in open session, the Board would need to decide this in executive session, exit executive session and make a motion to discuss the topic in open session. Mr. Bruno stated that this was not done and Mr. Combs violated the Executive Session Privilege. Mr. Bruno then asked Mr. Combs if he disagreed with the Conflict of Interest Policy.

Mr. Combs stated that he does not disagree with the current Conflict of Interest Policy. Mr. Combs also stated that he may have made a procedural mistake, but that he specifically spoke to all four (4) Board members, Mr. Bruno included, prior to sharing any information from executive session. Mr. Bruno noted that he had not been clear on it at the time.

Mr. Bruno asked Mr. Combs if he felt that there was a direct, indirect or appearance of a conflict of interest, Mr. Combs should recuse himself. Specifically, Mr. Bruno asked Mr. Combs if he felt it was a conflict of interest to advocate for the Fire Department and his spouse working for the Town.

Mr. Combs stated that the issue last week was specifically regarding the fact that Mr. Combs receives health insurance from his wife. Mr. Combs felt that each time a perceived conflict of interest arose, it should be dealt with individually. Mr. Combs agreed that he should not have been a part of the discussion of Town employee health care as he does receive health care through his wife. He also agreed that he should not have been involved in the request for additional funding for the Fire Station.

Mr. Bruno believes that Robert's Rules state that you must remove yourself from the room in the situation of a conflict of interest. There was discussion on whether that applied in open session or executive session.

Mr. Bruno presented the Select Board with a draft of a new Conflict of Interest Policy for the Board to review. Mr. Bruno noted that conflict of interest policies cannot be enforced unless the person being accused admits guilt. Mr. Bruno said that it was recommend by VLCT that a conflict of interest policy be added to the employee handbook.

Mr. Bruno then asked the remaining Board members for their opinions on the issue.

Mr. Spaulding presented his opinion that Mr. Combs should not have advocated on behalf of the Union as historically, Non-Union staff end up with the same benefits as the Union staff. Mr. Combs said that he spoke with legal counsel and was advised that if it is unclear whether it is a conflict of interest, he should recuse himself from the “muddy waters.” Mr. Spaulding felt that there were “muddy waters” and that Mr. Combs should not be a part of the Union discussions.

Mr. Leamy stated that in his opinion, you need to be very careful to avoid conflict or the appearance of a conflict. He noted that in a small town this can be very difficult.

Mr. Holzworth felt that the current Conflict of Interest Policy is ok. He feels that the Board has been very careful, he acknowledged that mistakes will be made, but does not feel changing the policy is necessary.

ANNUAL CERTIFICATION OF HIGHWAY MILEAGE

Town Manager, Mike Jones presented the Annual Certificate of Highway Mileage to the Select Board. Mr. Jones explained that nothing had changed regarding the mileage or classification of roads over the last year. Mr. Jones stated that he thought it was possible to change Piontek Road to a class 3. Mr. Bruno recommended pursuing the change as the road was brought up to the specifications of a class 3 road.

Mr. Combs made a motion to accept the Certificate of Highway Mileage as presented. Mr. Holzworth seconded the motion.

Mr. Spaulding asked what the next steps were for Piontek Road. Mr. Jones explained that the he would need to speak to the landowner regarding easements. Mr. Jones will investigate this.

Mr. Bruno called the question. All were in favor and the motion carried.

VERMONT STATE REVOLVING FUND: LOAN RFI-201-3.1

Mr. Jones explained that the loan agreement for the sewer project was submitted to the state, but the Bond Bank did not have the paperwork. The provided document for loan RFI-201-3.1, in the amount of \$615,000.00 just needs to be signed and returned to the Bond Bank. The Town of Castleton has already paid the contractor. At this time, the Town is verifying all documentation and will have a year to begin paying back the bond, 50% of the project cost is forgiven.

The project is considered conditionally complete as \$2,500.00 was held back for landscaping, reseeding and a fence repair to be completed in the spring.

Mr. Combs made a motion to approve the loan agreement for the Vermont State Revolving Loan fund for loan RFI-201-3.1 in the amount of \$615,000.00. Zach Holzworth seconded the motion. All were in favor and the motion carried.

SIDEWALK PROJECT (PHASE 1) COST INCREASE (EH10(4))

Mr. Jones received an update to Phase 1 of the Sidewalk Project, this was the portion of the sidewalk that went from Drake Road to the Four (4) Corners, the from then the Four (4) Corners to the Medical Center. Initially the cost of Phase 1 was quoted at \$86,500, however, as of Monday, February 11, 2019, the cost had increased by \$255,000.00 for a total of 342,000 to complete the project. At this time, Mr. Jones does not feel that the Town of Castleton can afford this project. The Town can apply for bicycle and pedestrian grant that will pay 80% of any outstanding cost.

Mr. Bruno asked Mr. Jones what would happen if the Town of Castleton “bailed out.” Mr. Jones stated that the Town would still be responsible for paying back 80% of the initial \$66,976.76 which is roughly \$53,000.00.

Resident and former Select Board member, Christine Smith wanted to know how long this project had been going on. She believes it is over 9 years. She feels it is a disgrace that it is not completed yet. She would like to know why this project was not going while the Town had the money.

Mr. Bruno stated that he had never been in favor of a sidewalk from the Corners to the Medical Center. Was in favor of replacing the sidewalks from Drake Road to the Four (4) Corners. He agrees that he is frustrated, but he cannot support \$342,000 to the taxpayers.

Mr. Holzworth asked Mr. Jones how much money the Town had in the carry over for the sidewalk at this time. Mr. Jones believes it is about \$78,000 at about this time. In 2013 the cost was approximately \$419,000 and this included the South Street portion. That has been removed now, but the cost is now \$555,000 just for construction.

Mr. Leamy asked if it was possible to appeal this increase to the State of Vermont as the Town has been working in good faith to complete this project.

Mr. Jones asked the Select Board to assist him in drafting an appeal as he was not present when the project was started.

Discussion was held on why this project has taken so long to complete and how to avoid this in the future.

Resident Mike Finnegan asked if the Town has spent the grant money that was received for this project. Mr. Jones said that the money for this project was kept separate. Mr. Finnegan asked what the Town could do from here, are there additional grant options available.

Planning Commission Chair, Janet Currie suggested that the Town Manager and the Planning Commission consider working together to possibly merge the Route 4A Corridor Project and Phase 1 of the Sidewalks Project with the Better Connections Grant. Ms. Currie will present this to the Planning Commission at their next meeting.

Mr. Bruno would like to stay the course.

Mr. Spaulding would like to know what the Select Board did not do, or what they should have done sooner.

CITIZENS COMMENTS

Ms. Smith wanted to pose a question to the Select Board regarding the Conflict of Interest Policy. If the Town Manager became indisposed for an extended period, and the Select Board was running the Town, would it be the entire Board, or just the Chair? Mr. Bruno stated that it would be the Chair. Ms. Smith asked that the Board consider how to make sure that there was no conflict of interest possible for the Chair in that scenario.

MANAGER’S UPDATE

Mr. Jones mentioned that the Float Bridge project should begin June 22. Mr. Jones is waiting to hear back from Techonic (sp) to see if they will be ready to begin following the 22nd of June.

Regarding the Highway Garage, Mr. Jones is working with the engineer to find a day that he can come back down.

There is no new information regarding the Sewer Project.

Mr. Jones provided a copy of an email from Alan Legacy of VTRANS regarding the cost associated with the manhole on Route 30. The \$1,000 is a conservative estimate from the State of Vermont, the actual cost may be higher than \$1,000 as the winning bid may be higher. If the Town does not like the cost, the Town will have three(3) weeks to change it's mind, and then complete the project. Mr. Jones is still waiting to find out whether the manhole is bricked up or ringed. Mr. Combs asked if Mr. Jones could find out if the Town can do the work for the repairs and what the cost would be.

Mr. Jones stated that the new Wastewater employee is really enjoying the position and would like to take both the Grade 1 and Grade 2 certification tests.

Mr. Jones stated that he has not heard anything from Nat Miller, Sandlot Solar. Mr. Jones received a visit from a representative from Green Lantern to review the first bill and explain how the credits work. The Town is beginning to save and Mr. Jones now has the formula to determine the savings. The Town is at a low yield of solar currently this time of year. Green Lantern will return in April to review the bill credits and reallocate them if necessary.

Mr. Jones mentioned the truck replacement. Mr. Ward has been getting quotes. Mr. Jones hopes to present a proposal to the Board on February 25 if all of the information is available.

Mr. Jones explained that the Town had to order sixty-six (66) tons of salt. The price was the same as it was preseason. Paul is mixing the older, finer sand with the newer sand to use that up. The Town is all set for sand.

Mr. Jones mentioned that the town has received the normal complaints regarding roads not being plowed as quickly as residents think they should, and mailboxes being hit by plow wings, but as they hear of items, the Town addresses them.

Mr. Jones commented on the news clip of the Paul's Pizza delivery man paddling on the pink flamingo at Castleton Meadows. The crews are trying to keep up with the water and have been clearing the drains.

The Fire Station roof was cleared, nothing further to report.

The Town Report was sent to the printer. The proof has been received and some corrections have been made, but it is on track to be printed on time.

Mr. Spaulding asked if the specifications have been put out for what was wanted for the vehicles. Mr. Jones will provide them.

SELECT BOARD COMMENTS

Mr. Bruno would like to have a plaque commissioned for those residents who donated money for the copula and clock for the new Town Office. Mr. Bruno would like the plaque to be large enough to be read without glasses and have the following names listed; Norm and Linda Lord, Robert Spaulding, Jeff Larson

and the Rotary Club. Mr. Bruno would like to see a draft of the wording for the plaque as it is only for the donations of the clock.

Mr. Bruno would like the Board to review the letter of intent for Val Waldron to be placed on the Planning Commission.

Mr. Leamy made a motion to appoint Val Waldron to the Planning Commission. Mr. Spaulding seconded the motion.

Mr. Combs asked if Ms. Waldron had had a change of heart regarding sections of her initial letter that stated that she did not feel that the Town Manager had the skills to facilitate or enforce policies and felt that the current Select Board feels an attack is more important than upholding the policies. Ms. Waldron answered that she had put that behind her. Mr. Holzworth wanted to make sure that there was no ill will between Ms. Waldron and the Select Board and Town Manager. Mr. Bruno felt that it showed courage for Ms. Waldron to come forward for this position even though the partial Board did not approve the appointment previously. Mr. Combs clarified that this is to fill the vacancy from Ms. Smith's resignation from the Planning Commission. Mr. Bruno noted that typically people are appointed for three (3) years.

Mr. Bruno called the question. All were in favor and the motion carried.

Mr. Spaulding asked Mr. Jones if the timeclock for the Town Office was on its way. Mr. Jones replied that he believed it had been ordered but was not in yet.

Mr. Spaulding also asked what was being done about the lights in the Town Office as they seem to be on during the night which seems to be a waste. Mr. Jones was told that the light switches need to be replaced. Mr. Bruno asked that Mr. Jones check with the Police Department as he believes that some of the lights must be automatic.

WARRANTS FOR APPROVAL

Mr. Combs made a motion to approve check warrant #0211R in the amount of \$3,035.29, warrant #0211 in the amount of \$67,358.92, warrant #0207 in the amount of \$8,355.70, warrant #0205 in the amount of \$12,147.25, warrant #0124P in the amount of \$15,253.51, warrant #0131 in the amount of \$5,770.15, warrant #0207P in the amount of \$14,723.20, and warrant #0131P in the amount of 15,387.63. Mr. Holzworth seconded the motion. All were in favor and the motion carried.

Mr. Holzworth made a motion to approve warrant #0206P in the amount of \$534.17 and warrant #0130P 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.

PURCHASE ORDERS FOR APPROVAL

Mr. Combs made a motion to approve purchase order #042821 to Lilly's Instrumentation and Tech Services in the amount of \$2,500.00. Mr. Holzworth seconded the motion.

It was clarified that this purchase order was for the Waste Water Treatment facility.

All were in favor and the motion carried.

EXECUTIVE SESSIONS

Mr. Holzworth made a motion to enter Executive Session at 8:15p.m. to discuss Real Estate under the provision of Title 1, Section 313 (a) (2) of the Vermont State Statutes with the Town Manager and Janet Currie present. Mr. Combs seconded the motion. All were in favor and the motion carried.

Mr. Holzworth made a motion to exit Executive Session at 8:50 p.m. Mr. Leamy seconded the motion. All were in favor, and the motion carried. No action taken.

Mr. Holzworth made a motion to allow Town Manager, Mike Jones to sign the Purchase and Sales Agreement with Janet Currie for the old Fire Station. Mr. Combs seconded the motion. All were in favor and the motion carried.

Mr. Combs made a motion to enter Executive Session at 8:51p.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. Holzworth seconded the motion. All were in favor, and the motion carried.

Mr. Holzworth made a motion to exit Executive Session at 9:10 p.m. Mr. Spaulding seconded the motion. All were in favor, the motion carried. No action taken.

Mr. Holzworth made a motion to enter Executive Session at 9:11.m. to discuss negotiations under the provision of Title 1, Section 313 (a) (1) of the Vermont State Statutes with the Town Manager present. Mr. Leamy seconded the motion. All were in favor, and the motion carried.

Mr. Holzworth made a motion to exit Executive Session at 9:35p.m. Mr. Combs seconded the motion. All were in favor, and the motion carried. No action taken.

ADJOURN

Mr. Leamy made a motion to close the Select Board meeting at 9:38p.m. Mr. Holzworth seconded the motion. All were in favor, and the motion carried.

Respectfully submitted; Eliza LeBrun, Recording Secretary