

**TOWN OF CASTLETON  
SELECT BOARD MINUTES  
Monday, November 25, 2019 at 7:00pm  
Castleton Town Hall  
263 VT – 30  
Bomoseen, VT 05732**

**PRESENT:** Jim Leamy, Chair; Richard Combs, Vice Chair; Zack Holzworth, Secretary; Robert Spaulding, Member; Joseph Mark, Select Board Parliamentarian; Michael Jones, Town Manager; Eliza LeBrun, Recording Secretary; Thomas Hand; Pete Giese (sp); Kathryn Paynter, Peg TV; Laura and Mike Jakubowski

**CALL MEETING TO ORDER**

The meeting was called to order by Select Board Chair, Mr. Leamy at 7:00 pm

**PLEDGE OF ALLEGIANCE**

Mr. Leamy 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 and the motion passed.**

**MINUTES FOR APPROVAL: 11/11/19, Public Meeting and Regular Meeting**

**Mr. Mark made a motion to remove the minutes of 10/28/19 from the table. Mr. Spaulding seconded the motion.**

It was noted on page 3 that there was a typo, digs should be replaced with dogs.

Mr. Spaulding questioned the Town Manager to see if the dumpster cost listed in the minutes included shipping? The Town Manager was not sure.

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

Mr. Leamy called the question to approve the minutes of 11/11/19 for the Public Meeting. (A motion was not made or seconded.)

Mr. Combs noted that on the bottom of the first page, second to last sentence, the Select Board Vice Chair should be Richard Combs, not Jim Leamy.

Although a motion was not made, the Select Board members all voted in favor of approving the minutes of the Public Meeting for 11/11/19.

Mr. Leamy called the question to approve the minutes of 11/11/19 for the Regular Meeting. (A motion was not made or seconded.)

Mr. Combs noted that Nancy Trudo's name was misspelled in 3 places.

Mr. Leamy asked to change his vote on the Fairfield purchase order to negative. Discussion was held and it was determined that Mr. Leamy could not change his vote after the meeting was closed.

Although a motion was not made, the Select Board members all voted in favor of approving the minutes of the Public Meeting for 11/11/19.

### **CITIZENS COMMENTS**

There were no citizen's comments.

### **POLICE UPDATE**

Chief Mantello shared the October 2019 Castleton Police Department report with the Select Board. It was noted that there was a total of 376 calls for service. It was noted that the increase in accidents could be contributed to the weather. Chief Mantello also pointed out that traffic violations should decrease as the winter weather approaches.

There was not a change in the calls to Castleton University.

It was noted that there were changes to the revenues presented. Chief Mantello provided the Select Board with a letter from Gregg Mousley, Judiciary Chief of Finance and Administration that explained that the Judiciary is having difficulties producing an adequate Report of Collections.

There were no complaints made with regard to the towing.

Mr. Leamy asked if it is considered an agency assist when Fair Haven is called to assist with a car accident. The answer was yes.

### **MHG SOLAR: MILL STREET & E. HUBBARDTON ROAD**

Thomas Hand of MHG Solar gave a brief overview of 2 projects to the Select Board. The information that was shared with the Select Board was also provided to the Vermont Public Utility Commission. Mr. Hand provided the Select Board with the 45 Day Notice pre-application for a solar CPG. This notice was also sent to a number of state agencies, and all adjoining landowners. A project site plan was provided as a separate file for ease of reference as well as pictures of the sites. The hope for MHG Solar is that the Select Board will provide a Preferred Site Letter to demonstrate support for the project.

#### *Hubbardton Road Solar Project*

MHG Solar has an option to lease a 6-acre portion of a 19-acre parcel of land off 680 East Hubbardton Road in Castleton, VT. The project site would be accessed via a 30-foot-wide existing access road off East Hubbardton Road, the same road used to access RMG Stone.

MHG Solar would place a 500kW solar electric generation facility consisting of solar modules mounted on fixed metal racks held in place by steel piles. The project will connect to the existing GMP distribution line that runs along the South East side of the Project site. Construction will be performed in accordance with the Vermont Standards and Specification for Erosion Prevention and Sediment Control. Year-round daily access is not required therefore no on-site septic or water supply systems will be constructed. The project will be enclosed by a perimeter fence or restricted access gate that will meet applicable state and electric safety code standards.

Discussion was held verifying the 45-day notice was provided to adjacent property owners.

There will be trees planted along Route 4 for screening, currently there are trees screening several sides of the proposed site.

It was questioned whether this area falls within the Economic Development Zone. The Town Manager believes it was zoned industrial in the area.

It was clarified that every project in the GMP substation now pays an equal share to upgrade the system.

#### *Mill Street*

MHG Solar has an option to lease a 6-acre portion of a 29-acre parcel of land at 139 Mill Street in Castleton, VT. The project site would be accessed via a 12foot wide existing access road off Mill Street currently used to access the Town of Castleton's water well.

MHG Solar would place a 500kW solar electric generation facility consisting of solar modules mounted on fixed metal racks held in place by steel piles. The project will connect to the existing GMP distribution line that enters the property from the south, along Mill Street and provides power to the Town of Castleton's water well. Construction will be performed in accordance with the Vermont Standards and Specification for Erosion Prevention and Sediment Control. Year-round daily access is not required therefore no on-site septic or water supply systems will be constructed. The project will be enclosed by a perimeter fence or restricted access gate that will meet applicable state and electric safety code standards.

Discussion was held noting the River corridor and hemp field on the eastern half of the location. The Solar site will be on the North West corner of the property. This area is screened by trees and the elevated highway.

It was noted that vehicles have come off the highway in this area, clarification was made that there would need to be access by emergency vehicles and wreckers. The Solar project is required by the State of Vermont to be 100 feet off the traveled road and 50 feet from the property line. This should be enough room for emergency vehicles. There would be a gravel access road. MHG is also required to protect the array with a fence that is agricultural in style and 6.5 to 7 feet tall.

Mr. Mark noted that the bridge at the north end of Mill Street is a concern. It was recommended that they contact Fire District 1 to find out who owned the bridge as it may not be safe to use for larger vehicles.

The Town Manager recommended that no decision be made until the Planning Commission reviews the plans. Mr. Jones will have these added to the next Select Board agenda.

It was noted that without the Town's approval as preferred sites, these projects could not move forward. There is no cost to the Town for these projects.

Mr. Combs asked that Mr. Hand let the Town Manager know if any landowners have issues.

#### **COMMUNITY DEVELOPMENT REVITALIZATION ADVISORY COMMITTEE APPOINTMENTS**

**Mr. Holzworth made a motion to make the following appointments to the Community Development and Economic Revitalization Advisory Committee:**

- 1. Richard Combs, Select Board Member for a 2 year term**
- 2. Janet Currie, Planning Commission Member for a 2 year term**

3. Martha Clifford, Resident for 2 year term
4. Mary McIntyre, Resident for 2 year term
5. Jennifer Jones, Resident for 1 year term
6. Mark Gossarth, Resident for 1 year term
7. Mark Brown, Business Owner for 2 year term
8. Ted Molnar, Business Owner for 2 year term
9. Tim Munks, Business Owner for 2 year term

**Mr. Spaulding seconded the motion. All were in favor and the motion passed.**

### **WASTEWATER QUALIFICATIONS**

Mr. Jones noted that he had only just received documents from Aldrich & Elliot and Dubois & King. Mr. Jones has not had an opportunity to review them but wanted to make sure that the Select Board knew he had received them.

### **RESOLUTION SUPPORTING MUNICIPAL AUTHORITY IN A COMMERCIAL CANNABIS SYSTEM**

Mr. Jones believes that this resolution may have come from the Vermont League of Cities and Towns.

Mr. Leamy asked if the Town still had the option to opt out and not license anyone to allow the sale of recreational cannabis? Mr. Jones pointed out that Towns must be given a right to opt in to hosting.

Mr. Combs asked if this was something that needed to go on the ballot?

Mr. Jones informed the Select Board that he was not able to answer any questions regarding the resolution and stated that he will reach out for answers to any questions the Select Board may have.

Mr. Leamy asked Mrs. Jakubowski how the University felt about the Resolution.

Mrs. Jakubowski shared that Castleton University now offers a Cannabis Course and it is well attended and the University just held a symposium that was attended by a lot of businesses.

Mr. Holzworth made a recommendation to have the Community Development Revitalization Advisory Committee and Planning Commission make a recommendation to the Select Board and then the Select Board can make a decision to add this to the ballot.

### **TOWN REPORT COVER, PLEASE CHOOSE: CASTLETON DAY/RECREATION'S SUMMER SAILING PROGRAM**

Mr. Leamy noted that there were 2 themes for the Town Report cover, either Castleton Day or Recreation's Summer Sailing Program. Mr. Mark recused himself from the discussion, however he noted he would like to also include a photo of the Chairman. Mr. Leamy declined.

Mr. Jones informed the Select Board that they had 30 days to decide on the cover.

The Select Board asked for cover drafts of each theme and then a draft of a combined theme cover.

### **PROPOSED BUDGET 2020-2021**

Mr. Jones shared his draft of the budget with the Select Board. Mr. Jones pointed out that the increases to staff salaries were included, a 14% increase to health care as well as all other insurance and payroll tax

increases were also included. All bargained pay increases for AFSCME were included. Mr. Jones included a 3% increase for all full-time non-union employees. Part time non-union was included at 2.5%.

Mr. Jones noted that he was able to reduce some utility costs as the new Town Office is so energy efficient. Mr. Jones met with all department heads except the First Responders as that department head stated he wanted to level fund his budget. Mr. Jones trimmed a lot out of the highway department based on historical data.

Mr. Jones noted that he left \$18,000 for repairs to the Transfer Station.

Last year the municipal tax rate went down, only because there was a surplus. The same opportunities are available this year. Mr. Jones recommended deferred maintenance be looked at. The grand list will need to be looked at as well.

The budget needs to be finalized by the second meeting in December to get the warrants done.

The presented budget is a 2.7% increase over the previous year, or an increase of \$88,714.00. \$103,000 remains as unallocated funds. The sale of the old fire station and old Town Offices are still unallocated. Discussion was held on where these funds could be used and how much money remains unallocated.

Discussion was held regarding the Crystal Haven dock spaces.

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

Mr. Jones provided his Town Manager's Report to the Select Board for discussion.

Mr. Jones will add reviewing the Transfer Station policies and procedures for private haulers to the next Select Board meeting.

Mr. Jones shared that he had met with Kevin Mulholland about the need for a temporary construction easement through his property and what he wanted to about excavating his private water line that he alleges must have been damaged when Belden's performed the work replacing sewer lines. Ken Lougee of Belden's shared that Belden's has agreed to pay the cost to excavate and repair the water line if damage is found to be in the area of the work Belden's did. Otherwise, the cost would be Mr. Mulholland's. This is the only thing holding the Town up on Phase I of the sidewalk project.

Mr. Jones shared that he had applied for a Category D grant application to repair the large 54# culvert on Brown Farm Road, along with 2 Category B application to replace culverts and ditches on Little Rutland Road. The 2 projects combined have a grant total of approximately \$54,000, with 20% of that figure representing the Town's 20% matching share.

Mr. Jones made changes to the Dog Ordinance so that it matched the state statutes and asked that the Select Board make a decision on this Ordinance tonight so that it may be posted through out Town for 14 days to meet the requirements.

**Mr. Mark made a motion to approve the revised Animal Control Ordinance as presented by the Town Manager. Mr. Holzworth seconded the motion. All were in favor and the motion passed.**

## **SELECT BOARD COMMENTS**

Mr. Combs shared that he, Mr. Mark and Mr. Jones met with representatives from the Police Union and have tentative agreements with most of the contract. Mr. Combs called attention to article 31, they are replacing the language stating “increasing the payscale by 2%” with what is in appendix A. Mr. Combs believes that the contract may be available to ratify on December 9<sup>th</sup>.

Mr. Spaulding asked why the new sidewalks did not get plowed during the last storm. Mr. Jones shared that the reason it was not done was because there were not enough bodies available. The staff were driving the plow trucks and unavailable and have been down 3 people. Mr. Jones has asked that they not plow the dirt walks.

Mr. Leamy asked that they consider asking the voters to designate the funds from the sale of the old fire station and town offices to a fund for the salt and sand, and consider transferring the unused wheat harvesting money.

Mr. Jones shared that they received a notice from NEMREC (program used by payroll and the Town Clerk) stating that the cost was increasing from \$900.00 to \$5,000.00. The program is going cloud based and will be updating it’s software, adding cyber security and updating the website. Mr. Jones does not recommend leaving NEMREC.

Mr. Mark would like to see this added to the agenda.

## **WARRANTS FOR APPROVAL**

Mr. Combs made a motion to approve check warrant #1125 in the amount of \$112,394.35, check warrant #1121 in the amount of \$5,546.11, check warrant #1114 in the amount of \$29,495.89, check warrant #1121P in the amount of \$15,035.42, and check warrant #1114P in the amount of \$14,879.40. Mr. Holzworth seconded the motion. All were in favor, and the motion passed.

Mr. Holzworth made a motion to approve check warrant #1120P in the amount of \$682.97 and check warrant #1115P in the amount of \$682.97. Mr. Mark seconded the motion. Mr. Combs recused himself from the vote. Those remaining were in favor and the motion passed.

## **PURCHASE ORDER FOR APPROVAL**

Mr. Combs made a motion to approve Purchase Order #044219 to Sue Schriebman for the purpose of Grant Writing for Stormwater and Pedestrians in the amount of \$2,500.00. Mr. Holzworth seconded the motion. All were in favor and the motion passed.

## **BREIF RECAP & ITEMS FOR FOLLOW UP**

Mr. Mark asked for the final copy of the Conflict of Interest Policy as he does not believe that it was ever signed.

## **EXECUTIVE SESSION**

Mr. Combs made a motion to enter Executive Session at 8:43 pm to discuss possible future litigation under the provisions of Title 1, Section 313 (a) (1) of the Vermont State Statutes with the Town Manager. Mr. Holzworth seconded the motion. All were in favor, and the motion carried.

Mr. Mark made a motion to exit Executive Session at 9:00 pm with no action taken. Mr. Holzworth seconded the motion. All were in favor, the motion carried.

**ADJOURN**

Mr. Combs made a motion to adjourn the Select Board Meeting at 8:16 pm Mr. Holzworth seconded the motion. All were in favor and the motion passed.

Respectfully submitted; Eliza LeBrun, Recording Secretary