

TOWN OF CASTLETON
SELECT BOARD MEETING
Minutes of July 9, 2018
TOWN OFFICE

MEMBERS PRESENT: J. Bruno, R. Combs, R. Spaulding, Z. Holzworth, J. Leamy

OTHERS PRESENT: See attached listing

MEETING CALLED TO ORDER by J. Bruno at 7:05pm.

APPROVAL OF AGENDA

MOTION: Z. Holzworth made a motion to approve the agenda. R. Combs seconded. R. Combs stated there were no minutes in their packets to review so they should be tabled until the next meeting to approve. The Float Bridge Causeway Reconstruction needed to be added to the agenda and was added after the Lions Club Annual Auction. J. Leamy motioned to approve the agenda with those amendments. Z. Holzworth seconded. All in favor. Motion Carried.

MINUTES FOR APPROVAL

Tabled until the next meeting.

POLICE DEPARTMENT UPDATE – CHIEF MANTELLO

Chief Mantello stated that June's numbers are not ready yet for review. He stated that Scott Alkinburgh had been hired full time and started that week. He also said that Fourth of July went well with no incidents at the parade or Crystal Beach.

UNLICENSED DOG LISTING: NEDRA BOUTWELL

N. Boutwell, Town Clerk, provided the Board with a listing of unregistered dogs in the town. J. Bruno asked what attempts had been made to contact the owners. N. Boutwell stated that two notices had already been sent out. She did have two residents call that day to report that their dogs were now deceased, which lowered the number of unregistered dogs to 59. J. Bruno stated that the Board needs to come up with a policy because he will not enforce the State policy, which is to euthanize the dog. He believes it is not fair to penalize the dog for the owners' irresponsibility. He suggested adopting a policy which could fine the owner \$50 if their dog was found to be unregistered. N. Boutwell stated there are 404 dogs currently registered in town. R. Spaulding asked how the Town Clerk would know if a dog had never been registered. N. Boutwell said the only way to know is if someone reports it, otherwise a dog

census would need to be done to count all of the dogs in the town. J. Bruno stated the only fine in the State Statute is a \$2 or \$4 late fee based on if the animal was fixed or not. He believes a \$50 fine imposed by the town might inspire residents to register their dogs.

MOTION: J. Leamy made a motion to refer the list of unregistered dogs to the Constable to follow up. R. Spaulding seconded. All in favor. Motion Carried.

FUEL OIL BID AWARD

MOTION: J. Leamy made a motion to award the bid for fuel oil to Sam's U Save for \$2.35/gallon fixed rate. Z. Holzworth seconded. All in favor. R. Spaulding abstained. Motion Carried.

CLEANING BID AWARD

M. Jones stated that only one bid was received this time. The bid went from \$950 to \$435 because he removed some requirements such as semiannual stripping and waxing of the floors and interior and exterior window washing. He stated the floors will be done separately and the windows will be done by volunteers.

J. Bruno stated that it seemed to be a comprehensive bid so it should be OK to approve. If there are any adjustments that need to be made down the road, they can be negotiated with the cleaners later.

MOTION: R. Combs made a motion to award the cleaning bid to Kolette Monaco for \$435 per month. J. Leamy seconded. All in favor. Motion Carried.

TRANSFER STATION RECERTIFICATION

MOTION: R. Combs made a motion to approve the Transfer Station Recertification. R. Spaulding seconded. All in favor. Motion Carried. R. Spaulding requested he get a copy.

LIONS CLUB ANNUAL AUCTION

MOTION: R. Combs made a motion to approve the request of the Lions Club to use the Town Green for their annual auction. Z. Holzworth seconded. All in favor. Motion Carried.

FLOAT BRIDGE CAUSEWAY RECONSTRUCTION

M. Jones stated that the bid date was July 9th at noon, and he received two bids just before the deadline so they were not included in the Board's packets. He offered to go make copies so the bids could be considered at this meeting as time does not allow for the decision to wait until the next regularly scheduled meeting on July 26th. He stated both bidders were at the pre-bid meeting at the bridge and were given all of the info needed for their bids.

R. Franzoni stated that the last time Float Bridge was done, the LBA received complaints from Hubbardton residents that silt was building up and blocking the bridge. J. Leamy asked if Hubbardton was contributing to cover the cost of reconstruction. J. Bruno said no, they are not. R. Franzoni said he had heard that last time the work was not done properly and that was why silt built up. J. Bruno stated that the work was done properly last time. Jack Bowen was present at the meeting for questions. He stated that there were three quotes; because of the time constraint, two of the sides had been made alternates that would be done if there was time and each section was bid separately. He said his price seemed inflated because after speaking with Enman Engineering, the firm who is engineering the project, they wanted to see a firm price which meant he needed to incorporate extra rock and a special sewing machine to sew the fabric under the rock. J. Bruno stated he was not comfortable accepting either bid without reviewing them further and that it would need to be tabled until representatives from both bidders could be there to answer questions.

CITIZEN'S CONCERNS

R. Franzoni thanked the Board for their support of the Fourth of July Parade. He said this was the third year and it was the biggest one so far. He also said the Boat Parade, breakfast, and fireworks were a big success and hopes to have the same support next year.

Nicole McPhee introduced herself and her neighbor Keeton who is helping her on her campaign trail. She is running for Probate Judge for Rutland County. She explained that a Probate Judge covers things such as guardianship, adoptions and estates. She said she has been practicing in Probate Court for 22 years and that is all she practices. She stated that August 14th is the primary and left a packet with her information with the Board.

J. Nicklaw, who reported her neighbor's dog as being a nuisance at the last meeting, stated that since the last meeting, her dogs had been attacked again on July 5th in which case the Police Department had been involved. She stated she doesn't feel her concerns have been taken seriously by the Dog Warden and is sick of being ignored. She doesn't believe he is keeping correct records regarding animal complaints. She was also concerned that he had told her on June 25th that the dog was registered and vaccinated, which turned out to be false. The owners of the dog, Matt Brown and Kelsey Butler, had let the dog's rabies vaccination lapse by a year. She is also concerned that the dog is sometimes housed at Happy Paws daycare and the owner of the daycare, who is also the Dog Warden, never bothered to verify that the dog had a rabies shot and was registered. She said that she is sick of fearing for her animals' and family's welfare. J. Bruno stated that the dog is currently impounded. An extensive investigation has been done by Castleton PD. He said he has not had time to read the police report yet to know the full situation, but that the Town has taken the appropriate steps so far in the situation. The Police Dept and Health officer have both been in touch with the dog owners to take appropriate steps to avoid the situation in the future. J. Leamy spoke as the Health Officer and gave an update on the Health Investigation. The dog was supposed to be in a ten-day quarantine because of the lapse of rabies vaccination, however during the quarantine, he got out and again agitated J. Nicklaw's dogs. On July 6th, the day after the alleged attack, J. Nicklaw also sought healthcare at Castleton Medical Center for a bite and/or scratch she alleged she got on her finger during the attack. J. Leamy stated that he spoke with the Medical Center, and they did not believe she needed to be treated for rabies. J. Leamy stated the dog needed to start the quarantine over again which would end on July 15th. If the animal is found to be

in good health then, the Health investigation would be over. He stated that after speaking to the owner regarding the lapse in vaccination, the owner stated the dog had received its "puppy shot" of rabies vaccine which was good for one year. The owner thought it was good for three years, which was why he had not taken it back for another shot. Matt Brown also attended the meeting and stated that he was taking the appropriate steps to ensure the dog would not be loose again. He has hired a contractor to build a better railing and gate on his back deck which is where the dog usually gets out from which is costing him \$2,500. He also showed an invoice for dog obedience lessons from the Woof Pack in Fair Haven. He stated he has already received \$300 in fines and a criminal charge for violating the No Trespass Order J. Nicklaw has against him while trying to recover the dog during the July 5th incident. He also stated that J. Nicklaw never reported being bitten or scratched during the incident and it was not in the Police Report. He apologized and said that he knows he's been irresponsible and is trying to fix everything. He said the dog is at Brown's Auto Salvage with him all the time and has never bothered another person or dog. He also presented a letter from his neighbor across the street which stated the dog has always played nicely with their dog and young grandson. Sue Reed, J. Nicklaw's neighbor who lives on the other side of her, was also present and brought up that during the July 5th incident, the dog tried attacking one of the Police Officers who responded, resulting in the dog being sprayed with pepper spray. Chief Mantello was present and verified that he did see that attack on S. Alkinburgh's body camera. Kevin Mullholand, the Dog Warden, was also in attendance. J. Bruno asked if it was true that he had told J. Nicklaw that the dog was registered and vaccinated on June 25th when it was in fact not. He said he did tell her that because he believed it was true and found out after that it was false. J. Bruno asked what sort of records he keeps for animal complaints. He said he keeps every animal complaint recorded. J. Bruno stated that at this point, the town has done what it can and should do. If J. Nicklaw still has a problem at this point, she needs to take it to civil court. J. Nicklaw asked what will happen if the dog gets out again and if the Town will be responsible. J. Bruno said at that point the Board would have to take some kind of action but that he refuses to have an animal euthanized because of the owner's negligence.

J. Currie asked what the status was of the memo presented to the Board by Christine Smith on behalf of the Planning Commission regarding the Zoning Administrator. R. Combs said the board still needs to discuss it and that there was an Executive Session for personnel planned for this meeting. J. Currie requested that the Board's response be in writing. J. Leamy stated he wants to see the memo signed by each member of the Planning Commission before the Board considers it because there may be possible litigation in the future regarding any action taken. J. Currie said all of the members of the Planning Commission were in agreement about submitting the memo so they would all sign it. She stated she doesn't want to see it keep getting put off.

MOTION: J. Leamy made a motion that all members of the Planning Commission need to sign the memo regarding the ZA and DRB before the Select Board will discuss it. Z. Holzworth seconded. All in favor. Motion Carried.

MOTION: J. Leamy made a motion that all further communications regarding the ZA be available to the ZA and DRB. Z. Holzworth seconded. All in favor. Motion Carried.

John Burke stated that he doesn't always agree with the ZA, but that in twenty years he has never felt short-handed by him and has never felt his clients have been short-handed. He stated that as ZA, no one

would ever be able to make everyone happy and that even when he and the ZA have had major disagreements, the ZA has never been disrespectful.

MANAGER'S UPDATE

Float Bridge Project- On June 29th, the pre-bid meeting was held at Float Bridge. Two vendors were present along with Paul Eagan and Blair Enman. The bid due date was changed to July 9th. Both vendors expressed concern about having the work done by September 30, which is when the Erosion Control Permit expires. M. Jones requested the Select Board have a special meeting on July 16th to approve the bid as waiting until July 26th will take too much time. J. Leamy stated that Liz Berg has concerns about bothering neighbors and wants a timeline. Jack Bowen stated that the East Side took 2-3 weeks. J. Leamy stated they are working with a homeowner near the bridge to stockpile rock to save time trucking.

Johnson Spooner Project- M. Jones stated the ditching and culvert project on Johnson Spooner Rd was finished on time and within budget. The Town Accountant is working with Rutland Regional Development to get reimbursement.

Sidewalk project- M. Jones stated that Pat Traverse is putting the construction phase out to bid so the sidewalks should be happening this summer. That sidewalk will go from Drake Rd to the Hydeville Plaza.

Transfer Station- The new Transfer Station operator started on Monday. His name is Justin Fredette. He has a Class A CDL and left Belden's to start this job. While the Highway Department has been filling in, they have found a lot of equipment that has been neglected and needs to be repaired or replaced. They have already fixed the panel on the scale that was not working correctly. Rutland County Solid Waste is being contacted because some of their containers are rusting out badly. The town will need to purchase a new rolloff container because it has been heavily damaged by the backhoe. The rolloff truck also hasn't had an oil change in 12,000 miles so the Highway Mechanic is doing that now. J. Bruno asked if the mechanic keeps a schedule of when equipment is due for maintenance. M. Jones stated that he hasn't in the past but is starting to now. J. Bruno asked about the eye wash station that was supposed to be put in at the Transfer Station. M. Jones stated he believes it was inadvertently thrown away by the exiting Transfer Station Operator before his departure. They have ordered a new one through grants that will be installed when it arrives.

Green Lantern Group- M. Jones stated that after negotiating with Sam Carlson, the GLG agreed to increase the percent savings from 12% to 12.5%. This will save the town approximately \$300-\$400 per year which will cover some of the smaller electric bills. The Castleton Array is permitted and is projected to be online in September. The projected savings is around \$9,000 per year. The Board instructed M. Jones to sign the two agreements to offset current electric costs through a 20-year agreement with GLG.

Independence Day Celebration- R. Combs and Z. Holzworth attended the boat parade. Crystal Beach was very well attended with no incidents.

Encumbrance of funds- M. Jones requested the board approve encumbrances of funds.

MOTION: Z. Holzworth moved to assign \$15,000 of the June 30, 2018 General Fund surplus fund balance toward capital improvement at Crystal Beach. This includes the preparation of the ground, paving, and lining the parking lot. J. Leamy seconded. J. Bruno asked how much was left in this budget. M. Jones stated there was \$23,000 left in the Crystal Beach budget. All in favor. Motion Carried.

MOTION: Z. Holzworth moved to assign \$2000.00 of the June 20, 2018 General Fund surplus balance toward the hiring of a contractor to remove the dead, dying, or sick trees on Town of Castleton property that have become a general hazard to the public. R. Spaulding seconded. J. Bruno asked which budget this would come from. M. Jones stated the tree budget not spent this year. All in favor. Motion Carried.

MOTION: Z. Holzworth moved to assign \$7,000 of the June 30, 2018 General Fund surplus balance toward the paving of the Town Office parking lot and associated signage. R. Spaulding seconded. J. Bruno asked which budget this would come from. M. Jones stated the General Government Buildings budget. All in favor. Motion Carried.

MOTION: Z. Holzworth moved to assign \$12,000 of the June 30, 2018 General Fund surplus balance to pay for the new fencing at the Transfer Station. R. Combs seconded. All in favor. Motion Carried.

SELECT BOARD COMMENTS

None.

WARRANTS FOR APPROVAL

MOTION: R. Combs made a motion to approve warrants #0709R for \$650.00; #0709 for \$55,478.79; #0710 for \$45,705.50; #0629 for \$4,913.78; #0705P for \$17,896.62; and #0628P for \$13,809.77. Z. Holzworth seconded. All in favor. Motion Carried.

MOTION: Z. Holzworth made a motion to approve warrants #0704P for \$535.00 and #0627P for \$544.01. J. Leamy seconded. All in favor. R. Combs abstained. Motion Carried.

MOTION: Z. Holzworth made a motion to approve warrant #0703P for \$434.97. R. Spaulding seconded. All in favor. J. Leamy abstained. Motion Carried.

EXECUTIVE SESSIONS – REAL ESTATE 1VSA 313 (a) (2) & PERSONNEL 1VSA 313 (3) (a) (3)

MOTION: Z. Holzworth made a motion to enter Executive Session for Real Estate 1VSA 313 (a) (2) with the Town Manager. J. Leamy seconded. All in favor. Motion Carried.

Select Board exited Executive Session with the following action taken: Town Manager was authorized to draft a letter on behalf of the town with a counter offer regarding the old Fire Station.

SPECIAL NOTE: Due to technical difficulties, there is no recorded tape for this meeting.

Respectfully,

Darcy Van Noordt

Date of Approval: _____