

**TOWN OF CASTLETON SELECT BOARD MINUTES**

**Monday, January 23, 2023 7:00 p.m.  
Castleton Fire Station Community Room  
273 Route 30N, Bomoseen  
In-Person & Zoom Virtual Public Meeting**

**Zoom Meeting Recording Link:**

**[https://us02web.zoom.us/rec/share/6IJ3U5EnP1NGgqT5Zwe2De6BMDF-w9mNUA-cJDrwRIFTn6Dv5wyAq0X0gl6\\_UX-.jQdhQLUse-kJ6\\_Q3](https://us02web.zoom.us/rec/share/6IJ3U5EnP1NGgqT5Zwe2De6BMDF-w9mNUA-cJDrwRIFTn6Dv5wyAq0X0gl6_UX-.jQdhQLUse-kJ6_Q3)**

**PRESENT:** Richard Combs, Vice Chair; Robert Spaulding, Mary Lee Harris, Joseph Mark, Parliamentarian, Michael Jones, Town Manager, See Attached List

**PRESENT VIA ZOOM:** Melanie Combs, Dave Fabricious, Bo Elliott Ramos, M. McIntyre, MacArthur Stine, Jim Thomas, Allison Harvey, Recording Secretary

**CALL MEETING TO ORDER**

The meeting was called to order by Select Board Vice Chair R. Combs at 7:01 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chief Mantello.

**APPROVAL OF AGENDA**

**R. Combs made a motion to approve the agenda as presented. J. Mark seconded.** J. Mark suggested they change the 7:455 pm item to Dedication and Cover Photo. **All voted in favor. Motion carried 4-0.**

**APPROVAL OF MINUTES – January 9, 2023**

**R. Combs made a motion to approve the minutes of January 9, 2023 as presented. ML Harris seconded.**

Page 1 – fifth line from the bottom, sucker brook should be capitalized.

Page 2 – second line, *shouted out* should be changed to *commended*.

Page 2 – fifth line, *from* should be changed to *for*.

Page 2 – second line of Town Report Cover Photo, *not* should be changed to *no*.

Page 2 – first line of Tim Gilbert: RCSWD Update (*in fact Mr. Gilbert was addressing surcharge fees, not tipping fees*) should be inserted after *tipping fees*. Beginning of the eighth line, same paragraph, *T. Gilbert provided further explanation of some ideas* should be inserted after *could be used for*. Last sentence of the same paragraph should be replaced with *T. Gilbert anticipates that the amount of trash and hence revenues will go down next year, but cannot be guaranteed*.

Page 2 – next to last line, *INTERNIM* should be changed to *INTERIM*.

Page 3 – all votes on this page that are *Motion carried 4-0* should be changed to *Motion carried 5-0*.

Page 3 – eighth line of the Budget Discussion paragraph, *accomplished by* should be inserted after *lot could be*.

**All voted in favor. Motion carried 4-0.**

**J. Mark made a motion to approve the minutes of January 16, 2023 as presented. ML Harris seconded.** R. Spaulding stated they just received the minutes this evening. **J. Mark withdrew the motion, ML Harris withdrew the second.** Will be done at the next meeting.

**CITIZENS COMMENTS & CONCERNS - ITEMS NOT ON THE AGENDA:**

M. Clifford asked about the petition/article and it being on the ballot and she asked if they had wording for discussion. R. Combs stated they have two different versions of the warning to be approved later in the agenda, and they will be discussing that at that time.

## **POLICE UPDATE**

Chief Mantello reviewed his report. There is a reduced number of tickets, not as many are written in the winter due to weather. Arrests are also down. R. Spaulding asked what community outreach is, Chief indicated food deliveries, Castleton Cares, checking on seniors, things done for the community outside of law enforcement. R. Combs asked if back up calls are actually backing up Vermont State Police, Chief Mantello stated yes. They also recently did the sex offender registry checks which are multiple times throughout the year. There are 6 registered within the town, they are all in compliance. M. Jones asked about covering in the Town of Fair Haven. Chief Mantello stated they respond when there is no one on duty and it is an emergency. If it is not an emergency, the call is held for the next officer to come on duty in Fair Haven. M. Jones felt it has been becoming more common to have officers go to Fair Haven. Town of Castleton coverage is 6 am to 2am, seven days a week, Chief Mantello is not certain what the Town of Fair Haven coverage is. R. Combs asked M. Jones to find out what the normal hours of coverage are in Fair Haven. R. Combs also asked if dispatch calls the Town of Castleton or Vermont State Police first if there is an emergency in Fair Haven and no one on duty in Fair Haven. It was felt this should come back to the Board for discussion after the Town Manager checks on their schedule in Fair Haven. J. Mark suggested maybe an annual review of back up/mutual aid much like fire departments. Chief Mantello stated it doesn't work quite the same, not a formal agreement between departments.

Chief Mantello stated he ordered a car September 4<sup>th</sup> of last year with Board approval and it is in. He has provided the Board with the invoice of what it will cost, the funds are available in his capital reserve, and he would like authorization for the funds to be disbursed for the car to be picked up. M. Jones stated the Board can approve the purchase order and he and M. Combs will get the check ordered. They had authorized the purchase last year, they just need to authorize the payment. **R. Spaulding made a motion to approve Purchase Order #049761 to Key Chevrolet/GMC for a police cruiser to come out of the capital reserve account for \$39,717. ML Harris seconded.** M. Comb stated back in January the Board approved a purchase from McGee Ford for \$48,400.98 with enhancements and is she to assume the enhancements are not to exceed the difference in those numbers. Chief Mantello stated this is just the car, no enhancements. Originally the approval was based on the \$34,000 purchase price, the price went up a year later. Chief Mantello further stated he has a department interested in purchasing their 2015 cruiser, he is probably going to ask \$7-10,000 for that fully loaded. R. Spaulding asked if the vehicle is a Ford Interceptor why it is coming from Key Chevrolet. Chief Mantello stated that is the dealership that handles the State contracts. J. Mark asked at some future point the Chief present the Board with his long-range vehicle replacement plan. **All voted in favor. Motion carried 4-0.** M. Jones asked if the chief would come to the public safety committee to review his long-term plan for vehicles as other departments are required to. R. Combs agreed that it should be done that way.

## **ANNUAL TAX MAP MAINTENANCE PROPOSAL:**

M. Jones stated this is for annual maintenance for Cartographic Associates Inc for \$3,500 for the system and database. **J. Mark made a motion to approve the contract proposal from Cartographic Associates, Inc. for \$3,500 for Cartographic Mapping Services for the period of 4/1/23-3/31/24. R. Spaulding seconded.** It was stated there were additional fees for additional buildings in the proposal, M. Jones stated they do not use that feature. J. Mark questioned any additional software licenses. M. Jones did not believe there were any additional, this is just a renewal of what they have always been using. J. Mark also questioned deliverables on Page 22 and questioned if they get 3 hard copy books from them. M. Jones stated he has only seen one, a 24 x 24, he can only assume they also get the 18x18, but he will check on that. J. Mark also questioned the data files and how they are received, what type of media. M. Jones stated he will follow up on those questions. **All voted in favor. Motion carried 4-0.**

## **FAIR HAVEN ROTARY REQUEST FOR FISHING DERBY CRYSTAL BEACH 2/24-2/26/23 – Joan Brown**

**R. Spaulding made a motion to allow Fair Haven Rotary to use Crystal Beach for their fishing derby from 2/24-2/26/23. J. Mark seconded.** R. Combs questioned the insurance binder, etc. M. Jones stated they will require those, and they had also asked about putting up a temporary board, which he authorized. **All voted in favor. Motion carried 4-0.**

#### **PETITION: CANNABIS RETAIL, JANET CURRIE**

Janet Currie was not present at this time. **J. Mark made a motion to accept the petition for Retail Cannabis sale as presented. ML Harris seconded.** R. Comb questioned if it would be on ballot as presented, it was stated it would be. M. McIntyre asked about this being on the ballot last year, as well as the Town Meeting, and there was no one present to answer any questions. She felt the Board should make sure J. Currie will be present this year so she can answer the questions the voters have. R. Combs agreed they will ask J. Currie to attend this year so she can answer the questions of the voters. R. Spaulding stated that J. Currie had several meetings last year that taxpayers could have come to, and no one attended any. **All voted in favor. Motion carried 4-0.**

#### **THE DOG LLC, First and Third Class, Outside Consumption**

**J. Mark made a motion to approve the three applications from The Dog LLC. R. Spaulding seconded.** Chief Mantello stated there are no concerns, one of the most common is the noise being outside, but in the past, it has been during the day. **All voted in favor. Motion carried 4-0.**

#### **SUCKER BROOK PUMP STATION BACKUP: Rick Pontillo**

Board was presented with a request from R. Pontillo for reimbursement of the cost to put a back flow valve in his sewer line near Crystal Beach. **J. Mark made a motion to authorize the Town Manger to compensate Mr. Pontillo for a sum 1,096.44 for the cost he incurred installing a back flow valve as a result of a problem with the Sucker Brook Pump station. R. Spaulding seconded.** M. Jones asked where the funds were to come from, the reserve or operating account? M. Combs stated from a historical perspective, the reserve for the sewer fund has been used for major capital improvements, 20-year upgrade type expenditures. Discussion on the events that caused this valve to have to be installed. M. Jones could be taken out of the operating budget, he is confident he can find the funds rather than reserve. **All voted in favor. Motion carried 4-0.**

#### **BACKHOE REPLACEMENT**

B. Clark explained the past discussions of backhoe replacement and repairs. They had ordered a pickup but that was cancelled. He has spent quite a bit of time looking for a used backhoe, however most he has found are in the \$60-\$100,000 range with too many hours and no warranty. The dealer called with a unit that was ordered by someone else and the contract fell through. It has extended reach, and he is proposing that 3 departments share the cost. It is used at the Transfer Station very little, and could be used to dig sewer lines, as well as for storm damage. It has a 21' 4" reach from center. The dealer is offering \$4,000 for the current machine for trade in, for that price, he feels they should use it as much as they can until it is not useable. When that happens, they can scrap it when metal prices go up. He needs to call the dealer tonight with an answer, if they don't take, it goes to another town that is interested. They would have to finance \$35,000. R. Combs asked if \$159,000 will do it, with the thumb that is included. B. Clark stated yes, and another \$10,000 they can add a pinching bucket and get rid of the wrist a twist bucket that is on the existing machine that is not removeable and is often in the way when it is not being used. **J. Mark made a motion to authorize the purchase of a 2023 Caterpillar 415 loader backhoe from Milton Cat for \$115,900. R. Spaulding seconded.** It was asked if a 5 year or 7 year warranty should be done. R. Spaulding suggested he would have said they should keep the old one at the transfer station as B. Clark suggested. B. Clark also stated that they will not do any major repairs on it from this point on. D. Fabricious stated B. Clark did a good job explaining the proposal and agrees with the 7-year warranty. **All voted in favor. Motion carried 4-0.**

#### **DEDICATION AND PHOTO: TOWN REPORT**

J. Mark stated at the last meeting they had agreed two put two photos on the cover of the Town Report, fireworks and the winter lighted parade. He would propose putting a photo of GHC on the cover pre-fire, and he drafted for the Board's review a dedication to two themes - local businesses and second of emergency personnel in large numbers who fought the fire. If the Board agrees, he suggests rescinding the last motion and redo the motion for a new photo and proposed text for the Dedication in the Town Report. **J. Mark made a motion to rescind the Board's earlier decision of photos of fireworks and parade for Town Report. R Spaulding seconded. All voted in favor. Motion carried 4-0. J. Mark made a motion to put a photo of GHC before the fire on the cover of the Town Report and have in the dedication section the text he shared with the Board this evening. R. Spaulding seconded.** ML Harris asked the proposed dedication draft be read aloud, which

she did. **All voted in favor. Motion carried 4-0.**

#### **TRANSFER STATION REVENUE AND HUBBARDTON ASSESSMENT**

M. Jones explained the revenues for the Transfer Station as well as the budget and there is a simple formula that calculates the assessment for the Town of Hubbardton. Essentially it is 20% of the operating budget and they get 15.00% of recycling revenue and when those are subtracted from the final budget numbers, it comes to \$34,978.00. It doesn't need approval from this board but is more informational. The Town of Hubbardton is reviewing the proposal this evening as well. R. Spaulding stated he doesn't understand why they get 20% of operating but only 15% of revenue. It is not clear how these percentages came about, it would take research in archived files to figure it out. M. Jones has not ever been able to figure out where those percentages came from. R. Spaulding would like to see someday how much the Town of Hubbardton actually brings in, maybe keep track of it for 6 months or so. R. Combs asked what the ratio of permits sold to the Town of Hubbardton is and if that could be used to assist in calculations. It was felt it wouldn't be beneficial as many Hubbardton residents have their trash picked up by hauler and do not purchase a permit.

#### **BUDGET SURPLUS**

M. Jones stated they have arrived at a number of \$227,000 for a surplus, which is an unaudited amount, but they are very confident that is what it will be. Today would have been the last day to get on the ballot to vote on the use of the surplus. When that figure is plugged into the municipal tax rate formula, the difference is .00012 and that is using last year's grand list number. Sue Day stated she would like to see some of that used for the CVS school. M. Jones it is too late to get that on the warning. R. Combs stated if the difference is used, the \$177,000 budget increase to the surplus of \$227,000 would bring the \$90,000 needed for the CVS expenses down to about \$40,000, thus having to raise only that much to be raised by taxes. M. Jones stated if the voters say no to the CVS ballot item, they will have to still fund the school, it will have to be figured out. R. Spaulding asked if that budget surplus is about what there is every year. M. Jones stated in his tenure it has been anywhere from \$109,000 as a low, \$279,000 as high. This surplus is not due to over budgeting, but rather not as much over time used or services, some weather dependent, insurance differences etc. R. Combs stated that is about 8% of the total budget, which is not a very high number for surplus.

#### **BALLOT ARTICLE DISCUSSION TO ADD FIRE DEPARTMENT RESERVE FUND FOR SMALL TOOLS AND EQUIPMENT**

M. Jones stated he is proposing Article #47 on the warning draft. R. Combs reviewed the wording as proposed. J. Mark questioned if should be in place of present Article #35 and should perhaps indicate the \$5,000 is already included in the highway budget, not in addition to. M. Jones stated the \$5,000 is the minimum threshold that can be spent, not an amount to be put into the account, this only establishes the account, the \$18,000 that is already budgeted is already allocated for purchases and would not be moved into the account this year. Next year the budget work sheet would show what is budgeted to go into the account and it would be removed from the line item it is in this year. M. Combs stated she believes this establishes the account only, and if there are funds left over in the highway budget at the end of the 23/24 budget year, it could not be transferred to this account without voter approval.

#### **2023 WARNING APPROVAL**

**J. Mark made a motion to approve the warning submitted by the Town Manager that includes what is presently Article #47. R. Spaulding seconded.** R. Spaulding stated he likes J. Mark's proposal to move Article #47 to Article #35 and the remaining Articles renumbered accordingly, so that the proposed #47 is not with the other appropriations at the end. J. Mark asked about Article #30, \$12,000 for Memorial Day decorations, the warning said \$12,200. M. Jones stated three people have checked the numbers to be sure they are correct. M. Combs confirmed the correct number for #30 is \$12,200. J. Mark pointed out a typographical error, there should be a comma before determining in Article #35. R. Combs read the proposed Article #46 regarding the CVS petition. R. Spaulding felt the CVS article should be moved up into #36 and out of the other appropriations section, just as J. Mark suggested with Article #47. R. Combs stated he felt that Article #46 should be moved to #35 and the Reserve Account for the Fire Department be moved to #36. R. Spaulding asked if Town of Hubbardton has this on their ballot as well. He questions if they can ask the Town of Castleton voters to spend the Town of Hubbardton's 11% share of the expenditures. M. Jones stated this article is separate from the Town of Hubbardton. J. Mark stated there are three eventualities: Hubbardton pays their share, Hubbardton sells out their share or Hubbardton doesn't

sell out and does not pay their share.

M. Clifford questioned the language of future ownership in the warning and how it relates to the Town of Hubbardton. The Board held discussion on the handling of the Hubbardton voters' language, revenue and use of the building. M. Clifford stated she feels she was supposed to get wording to the Town of Hubbardton for their ballot, which was going to mirror the Town of Castleton wording. J. Mark stated \$9,957 is 11% of the anticipated expenses, which would be the Town of Hubbardton portion. It was stated the language was to reverse the ad hoc board vote to sell the building and that it be held for three years to see if it can be financially viable. R. Spaulding also stated he understood they couldn't lease out. M. Clifford stated the Boys & Girls Club wants a long-term lease, but they can't give it to them because at any point in time they could sell the building. Boys & Girls club is offering \$24,000 a year but there being no long-term lease holds them up. The Board asked for a proposal in writing from the Boys & Girls Club. M. Droege stated back to the petition, the intent, signed by almost 200 people, included wording about recreation and keeping the building for three years, and the warning does not include either one of those. They are not following the intent of the petition, she would request they mention it is all about the Recreation Department having a home and the town is willing to take it off the market for three years to develop programs and a full time director and let them try to have it work. R. Combs he did not speak to either attorney but stated the wording was on the advice of an attorney as to what should and shouldn't be on the warning. M. Jones has corresponded with Attorney Parisi and VLCT, and both indicated that retaining the building should not be in the article and if the voters approve the \$90,000 there is an assumption that they are retaining ownership and it can be used for our town recreation program. **J. Mark made a motion to amend the motion to be worded as shall the town appropriate \$90,519 for annual operating cost of the former CVS so that it can be used for recreation programing offered as an amendment of the version of the warning what was formerly Article #47. ML Harris seconded.** MacArthur Stine stated he is hopeful the recreation language is correct and asked if there was an offer on the building if it would go to the board or the voters. R. Combs stated if there is a reasonable offer, that would have to be discussed with the Town of Castleton and the Town of Hubbardton and a contract drawn up and made public if it is accepted. The voters have 30 days to petition and get 5% of voters to have a meeting or a vote held. M. Droege stated an alternative would be to take the building off the market. S. Day stated they have said they would have a surplus, R. Combs would have to get authorization from voters to spend that extra money on the building. Further discussion on the revenues and expenditures of the building and where the funds can come from. B. Elliott Ramos stated that she understands the article and why it is written the way it is. She also feels it is difficult to have conversations with possible revenue connections whether there is an offer received by a potential buyer and also supports the building coming off the market for a period of time. R. Spaulding understands the points being made, but can't see where the money will come from for the three years to support the building. M. McIntyre stated there is a big demand for gym space and other space, ie classrooms, and there is an overflow at CU for basketball camps and she feels when they can say the building will be held that it can be supported. The voters will need assurance and backing from the town to get that confidence from anyone. **Vote on the Amendment, All voted in favor. Amendment carried 4-0. Vote on the amended motion, All voted in favor. Motion carried 4-0.**

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

**Nothing at this time.**

R. Combs need to have discussion at another meeting to see what can be figured out on the CVS property. J. Mark suggested including the Town of Hubbardton. R. Combs agreed.

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

**R. Spaulding made a motion to approve Purchase Order #049367 to Todd Boutwell in the amount of \$2728.27 for grader chains and truck chains. ML Harris seconded.** R. Spaulding questioned ordering chains at a different time of year and the price being more favorable. M. Jones stated they grader chains are worn out and they are needed. **All voted in favor. Motion carried 4-0.**

**R. Spaulding made a motion to approve Purchase Order #049629 to Brookfield Services in the amount of \$2,375.45 for**



generator rental. J. Mark seconded. M. Jones stated this was for generator rental during the storms over the Christmas holiday. All voted in favor. Motion carried 4-0.

R. Spaulding made a motion to approve Purchase Order #049690 to CVC Paging in the amount of \$2,674.32 for radio repeaters for the Emergency Management, Fire Department, Highway and Sewer. J. Mark seconded. All voted in favor. Motion carried 4-0.

#### **WARRANTS FOR APPROVAL**

R. Spaulding made a motion to approve check warrant #0123R in the amount of \$650.00, check warrant #0113 in the amount of \$5,763.28, check warrant #0119 in the amount of \$34,836.72, check warrant #0123 in the amount of \$276,322.57, check warrant #0112P in the amount of \$15,949.75 and check warrant #0119P in the amount of \$16,570.40. ML Harris seconded the motion. All voted in favor. Motion carried 4-0.

R. Spaulding made a motion to approve check warrant #0113P in the amount \$612.53 and check warrant #0120P in the amount of \$612.53. ML Harris seconded the motion. R. Combs recused himself. All remaining members voted in favor. Motion carried 3-0.

#### **SELECTBOARD COMMENTS and/or CONCERNS:**

J. Mark questioned a document received in his mailbox. M. Jones stated it was informational.

J. Mark stated M. Droege has asked for an official mandate as to what their committee should be doing with regard to the Village School and they are wanting a window of time to the promote facility, similar to Wenda Bird making a request as well by letter a few meetings ago on the Sand Hill project so may now be appropriate to make it known that an appeal has taken place. His third item is a letter of support of Hale and Hale on the appeal of the DRB decision to the Environmental Court, may not have agreed yet, but if the Board of Selectmen are co-petitioners, they should support it and would like it on a future agenda.

ML Harris complimented first responders and the efforts of all fire departments and all other departments for the recent major fire in Town. As far as Wenda Bird's request, she has a response she would like to give to Wenda Bird, R. Combs stated any response given would be collective of the board. R. Combs stated there were 91 fire fighters from multiple towns at the recent fire and that thank you notes are generally generated for such events. Mutual aid is long standing among the towns. J. Mark suggested maybe a letter to the editor also.

R. Spaulding questioned the street light that is out at the four corners. M. Jones stated a call has already been made.

#### **BRIEF RECAP & ITEMS FOR FOLLOW UP:**

None at this time.

#### **EXECUTIVE SESSION**

No Executive Session was needed at this time.

#### **ADJOURN**

R. Combs made a motion to adjourn at 9:14p.m. J. Mark seconded. All voted in favor. Motion carried 4-0.

Meeting adjourned.

Respectfully Submitted

Allison Harvey

Recording Secretary