

**TOWN OF CASTLETON
SELECT BOARD MINUTES
Monday, March 8, 2021
Zoom Virtual Public Meeting**

PRESENT: Jim Leamy, Chair; Richard Combs, Vice Chair; Joseph Mark, Select Board Parliamentarian and Secretary; Robert Spaulding, Member; Michael Holden, Select Board Member; Michael Jones, Town Manager; Eliza LeBrun, Recording Secretary.

CALL MEETING TO ORDER

The meeting was called to order by Town Manager, Michael Jones at 7:04p.m.

PLEDGE OF ALLEGIANCE

Mr. Jones led the Pledge of Allegiance.

ORGANIZATION OF SELECT BOARD MEMBERS

Mr. Combs made a motion to appoint Mr. Leamy Select Board Chair. Mr. Mark seconded the motion. Mr. Combs, Mr. Holden, Mr. Mark and Mr. Spaulding voted in favor of the motion. Mr. Leamy recused himself from the vote. The motion passed.

Mr. Leamy thanked the Select Board for their vote of confidence. Mr. Leamy welcomed Mr. Holden as the newest member to the Select Board and welcomed Ms. LeBrun back as the Recording Secretary.

Mr. Mark made a motion to appoint Richard Combs as Select Board Vice Chair. Mr. Holden seconded the motion. Mr. Holden, Mr. Leamy, Mr. Mark and Mr. Spaulding voted in favor of the motion. Mr. Combs recused himself from the vote. The motion passed.

Mr. Spaulding made a motion to appoint Joseph Mark as Parliamentarian. Mr. Combs seconded the motion. Mr. Combs, Mr. Holden, Mr. Leamy and Mr. Spaulding voted in favor of the motion. Mr. Mark recused himself from the vote. The motion passed.

Mr. Spaulding made a motion to appoint Mr. Holden as the Secretary. Mr. Combs seconded the motion. Mr. Holden declined the nomination. It was noted that although the Select Board had a Secretary previously, as the Town has a Recording Secretary, it is not required.

Mr. Spaulding made a motion to appoint Joseph Mark as the Secretary. Mr. Holden seconded the motion. Mr. Combs, Mr. Holden, Mr. Leamy and Mr. Spaulding voted in favor of the motion. Mr. Mark recused himself from the vote. The motion passed.

ADOPT RESOLUTION OF DAY & TIME FOR MEETINGS

Mr. Combs made a resolution that regular meetings of the Select Board be held on the second and fourth Monday of the month, at 7pm and that meetings will be virtual and at the Town Office once the pandemic has passed and that special and emergency meetings may be posted otherwise. Mr. Spaulding seconded the motion. Mr. Combs, Mr. Leamy, Mr. Mark and Mr. Spaulding voted in favor of the motion. Mr. Holden was unable to vote due to loss of connection. The motion passed.

ADOPT RULES OF PROCEDURE

Mr. Combs made a motion to adopt the Rules of Procedure as presented. Mr. Spaulding seconded the motion.

It was noted that there have been no changes to the document.

Mr. Combs, Mr. Leamy, Mr. Mark and Mr. Spaulding voted in favor of the motion. Mr. Holden was unable to vote due to loss of connection. The motion passed.

REVIEW CONFLICT OF INTEREST POLICY

Mr. Mark made a motion to affirm the Conflict-of-Interest Policy originally adopted July 8, 2019. Mr. Combs seconded the motion.

It was noted that the original date of adoption on the copy provided in the Select Board packets was incorrectly dated July 8, 2020.

Mr. Combs, Mr. Leamy, Mr. Mark and Mr. Spaulding voted in favor of the motion. Mr. Holden was unable to vote due to loss of connection. The motion passed.

APPROVAL OF AGENDA

Mr. Spaulding made a motion to accept the Agenda. Mr. Combs seconded the motion. All were in favor, the motion passed.

APPROVAL OF MINUTES 2/22/21

Mr. Spaulding made a motion to approve the minutes of February 22, 2021. Mr. Holden seconded the motion.

The following corrections were noted:

- Mr. Mark was present, and Mr. Holden was participating remotely.
- Misspelled is misspelled.
- In the motion made by Mr. Holzworth for CDERAC, it should state “motion to allow the CDERAC to retain...”

All were in favor of the motion as amended. The motion passed.

CITIZENS COMMENTS & CONCERNS

There were no citizen’s comments or concerns.

LIQUOR LICENSSES FOR APPROVAL

Mr. Mark made a motion to approve the request to renew a Second-Class License to Sell Malt and Vinous Beverages for D.G. Retail, Inc. dba Dollar General Store #16871 located at 1499 Main Street, Castleton, VT 05735. Mr. Holden seconded the motion. All were in favor and the motion passed.

Mr. Spaulding made a motion to approve the request to renew a Second-Class License to Sell Malt and Vinous Beverages for P. R. B., Inc dba Prunier’s Market located at Route 4A, Bomoseen, VT 05732. Mr. Combs seconded the motion. All were in favor and the motion passed.

Mr. Holden made a motion to approve the request to renew a Third-Class Club License to Sell Spirituous Liquors, to renew a First-class License for Club to Sell Malt and Vinous Beverages and to approve an Outside Consumption Permit for American Legion Crippen-Fellows Post #50, Inc. dba American Legion Crippen-Fellows Post #50, Rout 4A Bomoseen, VT 05732. Mr. Spaulding seconded the motion. All were in favor and the motion passed.

Mr. Holden made a motion to approve the request for a new Second Class Liquor License for Robo's Creemees & General Store, LLC located at 33 Creek Road, Castleton, VT 05735. Mr. Spaulding seconded the motion. All were in favor and the motion passed.

RCSWD REPRESENTATIVE APPOINTMENT & ALTERNATE APPOINTMENT

Mr. Combs made a motion to appoint Mr. Holden to be the Town's representative to the Board of Supervisors of the Rutland County Solid Waste District for one year. Mr. Spaulding seconded the motion. All were in favor and the motion passed.

Mr. Holden made a motion to appoint Mr. Spaulding to be the Town's alternate representative to the Board of Supervisors of the Rutland County Solid Waste District for one year. Mr. Spaulding seconded the motion. Mr. Holden and Mr. Spaulding voted in favor of the motion. Mr. Combs, Mr. Leamy and Mr. Mark voted against the motion. The motion failed.

Mr. Mark made a motion to appoint Tim Gilbert to be the Town's alternate representative to the Board of Supervisors of the Rutland County Solid Waste District for one year. Mr. Combs seconded the motion.

Mr. Spaulding asked Mr. Combs why he did not think he should be the alternate representative. Mr. Combs responded that he was concerned that Mr. Spaulding may not be objective or have the Town's best interest in mind.

Mr. Combs, Mr. Leamy and Mr. Mark voted in favor of the motion. Mr. Holden and Mr. Spaulding voted against the motion. The motion passed.

DIESEL FUEL BID AWARD

Mr. Jones presented the bids received for the Off-Road Diesel and No. 1 Kerosene bid invitation. Mr. Jones noted that there were bidders that refused to offer bids passed on the length of time prior to an award and the fluctuating costs of fuel. Mr. Jones asked the Select Board to consider giving the Town Manager and Highway Foreman the ability to decide on purchasing in the future based on the lowest bid received to encourage more participation from vendors who only offer guaranteed rates for a 2-3 days, which may not be long enough to present to the Select Board at a regularly scheduled meeting.

Mr. Jones recommends that the Select Board award the bid to Champlain Valley Fuels as they are the low bidder.

Mr. Spaulding made a motion to award Champlain Valley Fuels the contract from March 8, 2021 to June 30, 2021 to provide Off-Road Diesel at a fixed rate of \$2.10 and No. 1 Kerosene at a fixed rate of \$2.45. Mr. Holden seconded the motion. All were in favor and the motion passed.

Mr. Mark stated that he was not adverse to the Town Manager coming to the Select Board in the future and ask permission to accept bids outside of a regular Select Board Meeting. Mr. Combs agreed.

MANAGER'S REPORT

Mr. Jones presented his Manager's report to the Select Board. The following items were discussed further.

1. Grant Project Updates

d. **Grants-in-Aid Project (2021)** – No change.

Mr. Jones' intent is to apply for the grant to make road base and ditch improvements, dead tree removal, and ledge removal on Moscow Road. I met with Ed Savage on 2/3/2021 to discuss the current shape of our dirt roads, and in particular, Moscow Road. A more detailed analysis of Moscow Road, East Crystal Haven, Barker Hill, and Eaton Hill West will follow in the spring.

Mr. Jones stated that no action is needed at this time.

2. Transfer Station

c. **Food Composting:** Mr. Jones' report stated.

"The Select Board agreed to keep having Casella's pick up the food scraps until another option presents itself. The Select Board agreed that transporting it to Foster Brothers was too complicated and too many requirements for such small savings."

Mr. Spaulding disagreed that the Select Board did not vote on this decision and does not agree with how the TM wrote this.

Mr. Holden made a motion to keep the food composting as it is until another option presents itself that is more feasible. Mr. Mark seconded the motion. Mr. Combs, Mr. Holden, Mr. Leamy, and Mr. Mark voted in favor of the motion. Mr. Spaulding voted against the motion. The motion passed.

3. Solar Projects

a. **MHG Solar Gravel Pit** – Mr. Jones shared the following:

Update 3/5/2021 – I met with Mark Courcelle and Ted Parisi as a follow up to the meeting we had on 3/1/2021. Ted spoke with Mary Beth Hadeka and she provided a copy of the 1976 survey map where lands owned by Castleton Industries were conveyed to Hadeka Stone. The deed references a survey done in 1976. The language in the deed states that the map is the controlling mechanism for the information in the deed. The map shows that the parcel of land in our gravel pit is owned by Hadeka Stone. This creates a speed bump for MHG Solar moving forward with the solar array. I did ask that Ted speak to the Hadeka's and get a straight answer whether they want to sell it and what their asking price is for the property. I also expressed to Ted that the seller should pay for the survey, so the buyer knows where the boundaries are for the property. I should know more next week, but if their asking price is unreasonable, I am prepared to cut a new road from the highway garage to the top on the gravel pit that bypasses the Hadeka's property. My quandary is if it costs as much to cut in a new road as Hadeka's want for their parcel of land, why not consider purchasing the property from Hadeka's. It will take weeks the highway crew to cut in a new road and the risk is that they will not be working on our roads, and the springtime typically accompanies a couple of weeks of road maintenance and repairs just to deal with the impact of winter.

Update 3/1/2021: Mark Courcelle concluded his research on the alleged parcel of land that Hadeka's claim they own in the Town's gravel pit. I met with Mark and Ted Parisi at 8:30 on 3/1/2021 and based on the findings, I asked Ted to draft a letter to Hadeka's Stone and ask for a copy of a 1976 survey map that is referenced in the deed for the parcel of land on Staso Road

(Map #9, Parcel 21 on the tax map). Mary Beth previously provided a copy of a 1940's survey map, but the survey in 1976 was specifically for their property on Staso Road. In the meantime, since there is no evidence in deeds (or on the tax map) that Hadeka's own the small parcel in the Town's gravel pit on Staso Road. Mr. Parisi advised that since there is nothing in the deed and nothing on the ground (pins) to delineate this parcel, the Town has every right to continue using the property as they have been for decades. The burden of proof is on the Hadeka's that they have legal right to the property. Mr. Parisi also stated he would talk with Mary Beth and Jerry Hadeka about what Mark Courcelle found in the deeds and get a sense of what they want. MHG Solar needs to know if they are clear to continue working toward construction of this project, including easements for power poles, which are now planned to run across the parcel in question.

Action needed: Mr. Jones is looking for input from the board based on what is known right now. MHG Solar is concerned because they have some hard and fast deadlines that they must meet to ensure the project is done before their permits expire, and if the project doesn't happen, that is a \$15,000 per year loss of revenue to the Town. The area the solar project would occupy is worthless otherwise, so getting \$15,000 annual lease payments for the next 20 years seems like the better option than doing nothing.

Mr. Jones is waiting to hear back from the Town Attorney and landowners.

4. Sidewalk Projects

a. Phase I. Mr. Jones received an email from Dan Monette (Fuss & O'Neill) on 3/1/2021 advising that on Friday 2/26/2021, he walked door-to-door along the proposed sidewalk route knocking on doors, and either he spoke with residents or left flyers in the door if nobody answered. He found that many of the houses were rental properties. He also visited commercial property and mailed flyers to them as well. In his email Dan wrote, *"We mailed the same flyer to the list of commercial properties and stopped at all of the commercial properties along the route. No issues."* Dan also stated in his email that, *"We should be able to advance the design to bid-quality and proceed with solicitations."*

Mr. Jones recommends that at the regularly scheduled meeting there be an update of the project on the agenda. This should fulfill the obligation of holding a public meeting.

Mr. Leamy asked why we could not have a public meeting at 6:30pm prior to the Select Board Meeting.

Mr. Jones explained that Fuss and O'Neill did not budget for that meeting, he needs to check with them.

Mr. Leamy asked Mr. Jones to get back to the Select Board about that.

Mr. Combs supports a separate meeting at 6:30 unless Fuss & O'Neill charge a large amount.

Mr. Jones asked how the owners of the rental companies have been notified. Fuss & O'Neill have annotated those properties and asked the Town for the list of owners not renters to send them letters. Tim Mack from Dufrene will be doing a walk thru of the grounds to address any issues that may be addressed at a public hearing.

Mr. Spaulding asked if all the easements been granted. Some property owners stated they have not given them.

Mr. Jones said that VTRANS does not need the easements, 3 square meters of ground at Castleton Corner is the only piece that needed to have an easement granted, but everywhere else the work can be done within the right of way.

10. Fire Department

b. Assistance to Firefighters Grant (AFG) – Mr. Jones shared that two grants were submitted on behalf of Chief Goyette. The first was a \$149,000 grant to replace the MSA Self-Contained Breathing Apparatus and the second was a \$270,000 grant to replace the 2003 Mini Pumper. The Town has not received an award or denial response as of 3/5/2021.

11. Town Lands

a. Crystal Haven Common Area – Mr. Jones will craft the language for a sign to be placed at the common area and have it to the board by the second meeting in March.

c. Town Lands – Mr. Jones gave the following update. “Research done by Mark Courcelle show that the Town does not own the Hydeville Green property. The Town was not awarded the Better Places grant so it gives us time to work with the owners of the property to see how the Town can acquire it for a community space.”

13. Follow up from last meeting – Mr. Jones received a response about Mr. Spaulding’s claim that an unnamed person asked him why first responders show up at emergency scenes without emergency equipment. Mr. Spaulding advised it was a medical event at Hubbardton Forge. Mr. Jones spoke with the EMS Chief and upon further investigation, was able to ascertain the name of the first responder and more information to seek out a response to Mr. Spaulding’s original question. Mr. Jones’ findings show that there was nothing wrong with how the situation was handled and he also discovered that Hubbardton Forge has their own emergency medical response team that are trained in 1st Aid, CPR and use of an AED. In this particular case, an AED was used by the Hubbardton Forge employees, and the first responder from Castleton who was first through the door actually performed chest compressions on the patient. The Fire Chief was the second first responder through the door. Mr. Jones believes the picture that Mr. Spaulding painted for everybody was misleading and reflected negatively on our first responders when he possibly did not have all the facts.

Action needed: Perhaps it could be clarified in a public meeting that the original claims made by Mr. Spaulding were not accurate and use it as an opportunity to correct the claim as it is damaging to the image of our first responders.

Mr. Spaulding stated that he was not painting a picture he was just relaying what was told to him by witnesses about who came in through the door. Mr. Spaulding does not approve of what was written.

Mr. Jones stated to the Chair he answered the questions asked.

WARRANTS FOR APPROVAL

Mr. Holden made a motion to approve check warrant #0308 in the amount of \$60,476.80, check warrant #0305 in the amount of \$10,749.11, check warrant #0225 in the amount of \$5,699.24, check warrant

#0304P in the amount of \$16,206.43, and check warrant #0225P in the amount of \$15,079.67. Mr. Spaulding seconded the motion. All were in favor the motion passed.

Mr. Holden made a motion to approve check warrant #0305P in the amount of \$694.30, and check warrant #0212P in the amount of \$694.30. Mr. Spaulding seconded the motion. Mr. Combs recused himself from the vote. Those remaining were in favor and the motion passed.

SELECT BOARD COMMENTS & CONCERNS

Mr. Leamy had no comments or concerns.

Mr. Mark shared that there is no contact information for the Select Board on the Town website and recommended adding an email address and phone number for the public to use to reach them. Mr. Mark is impressed by some of the improvements being made in Fair Haven and would like to know how Castleton can get in on some of this action and asked if the Board should be reaching out to the State Representatives.

Mr. Jones asked Mr. Mark if there were specific items which he would like to see. He noted that several items in Fair Haven were “wish list” items, but several others are from grants which the Town of Castleton also applied for.

Mr. Mark asked Mr. Spaulding if he had received an answer to his question several meetings ago about employees receiving overtime that had not worked a lot of hours. Mr. Spaulding indicated that it had been clarified that the overtime was after 8hrs per day.

Mr. Combs had no comments or concerns.

Mr. Holden had no comments or concerns.

Mr. Spaulding requested that the Rutland County Solid Waste District Representative provide the total surcharges collected from the 17 towns total to date. He would also like to know if the Castleton tax payers will have to pay any share of the fine that the Rutland County Solid Waste District just received.

Mr. Leamy asked Mr. Holden to copy all Select Board members with this information.

Mr. Spaulding wanted to know who directed the Town Manager to post the announcement about Article 47 after the vote and who paid for it.

Mr. Jones responded that the 4 other Select Board members paid for and wrote the article.

Mr. Spaulding asked Mr. Mark if he had given his personal opinion in the announcement and asked if he had ever worked with Solid Waste Advisory Committee.

Mr. Mark stated that his information was based on the discussion had when Pam Clapp attended the Select Board meeting last year and discussed the differences between SWAC and RCSWD.

Mr. Spaulding pointed out that the RCSWD was just fined for how they handled their household hazardous waste.

ADJOURN

Mr. Holden made a motion to adjourn the Select Board Meeting at 8:21p.m. Mr. Combs seconded the motion. All were in favor and the motion passed.

Respectfully submitted; Eliza LeBrun, Recording Secretary