

**TOWN OF CASTLETON  
SELECT BOARD MINUTES  
Monday, April 12, 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; David Blow, Castleton University Professor and students.

**CALL MEETING TO ORDER**

The meeting was called to order by Select Board Chair, Jim Leamy at 7:01p.m. and welcomed Professor David Blow of Castleton University and class to the meeting.

**PLEDGE OF ALLEGIANCE**

Mr. Leamy led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Mr. Combs made a motion to approve the agenda. Mr. Holden seconded the motion. All were in favor and the motion passed.**

**APPROVAL OF MINUTES: 3/22/21 Sidewalk and Regular**

**Mr. Holden made a motion to approve the Sidewalk Hearing minutes of 3/22/21. Mr. Combs seconded the motion. Mr. Spaulding abstained from the vote. Mr. Leamy, Mr. Combs, Mr. Mark and Mr. Holden were in favor and the motion passed.**

**Mr. Holden made a motion to approve the Regular Meeting minutes of 3/22/21. Mr. Mark seconded the motion.**

Mr. Jones noted that he made some grammatical corrections to the minutes as well as correcting who seconded the third motion made under Warrants for Approval.

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

**CITIZENS COMMENTS & CONCERNS**

There were no comments or concerns.

**COIN DROP REQUESTS**

Mr. Combs reminded the Select Board members that per the approved Coin Drop Policy, everyone has until April 29<sup>th</sup> to submit their request to the Town and the Select Board will approve them in the first meeting in May. Mr. Combs also pointed out that the Castleton Village School has requested 2 dates but the Select Board can only award one until everyone has had an opportunity to submit their requests.

**Mr. Combs made a motion to table the Coin Drop Requests until the first meeting in May. Mr. Holden seconded the motion.**

Mr. Spaulding asked Ms. LeBrun where the money that last year's 8<sup>th</sup> grade class raised went since the trip to Washington D.C. was cancelled.

Ms. LeBrun stated that she believed that the money went with the students in that class, but she will find out and let the Board know.

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

**KOBELCO EXCAVATOR: Part Quotes for Consideration**

Mr. Jones shared the quotes provided by Bob Ward for parts for the Kobelco Excavator. Mr. Ward recommended that the Select Board choose to purchase the equipment from Winmill Equipment of Rutland.

**Mr. Holden made a motion to award the purchase of the parts for the Kobelco Excavator to Winmill in the amount of \$2,409.00. Mr. Spaulding seconded the motion.**

Mr. Combs recommended that the language of the motion be amended to “in an amount estimated to be \$2,409.00” to allow for shipping charge discrepancies.

**All were in favor of the amended motion, the motion passed.**

**LIQUOR LICENSE APPROVAL:**

All renewals have been approved by the Chief of Police

**Mr. Holden made a motion to approve BEEJ Inc. d.b.a. Castleton Corners Deli for Second Class Liquor License renewal. Mr. Spaulding seconded the motion. All were in favor and the motion passed.**

**COVID HEALTH & SAFETY WORK PLAN UPDATED**

Mr. Leamy noted the approval of the COVID Health & Safety Work Plan Update had been postponed from the last meeting to allow all of the Select Board members an opportunity to read it.

**Mr. Spaulding made a motion to accept the revised COVID Health & Safety Work Plan. Mr. Combs seconded the motion.**

Mr. Mark recommended the following revisions:

- On page 4, under the heading Persons and Groups Not Covered by this Plan. Mr. Mark suggests including volunteers in the 1<sup>st</sup> sentence.
- On page 8, at the bottom of the page in the paragraph which starts “Law Enforcement, EMS etc.” the word “are” should be removed from the second sentence.
- On page 10, in the 2<sup>nd</sup> full paragraph, the word exhibit should have an “s.”
- On page 11, 1<sup>st</sup> paragraph, the “F” in frequently and the “A” in asked should be capitalized.
- On the 2<sup>nd</sup> line of the above mentioned paragraph, after elected and before officials it should say “and appointed.”

**All were in favor of the motion with the revisions to the COVID Health & Safety Work Plan. The motion passed.**

### **TAX SALE RECOMMENDATION**

Mr. Jones asked Margaret Petty to see when the best time to have a tax sale would be. They determined that the best time for a tax sale would be after this fiscal year closed. The 30 day notices would be mailed around the beginning of July.

**Mr. Holden made a motion to start the 30-day notice process for tax sale on July 1, 2021. Mr. Mark seconded the motion.**

Mr. Combs asked why some of the names listed as delinquent have been on the list for several years.

Mr. Jones explained that some of the payment arrangements that have been made with property owners are no longer adequate as those owners may have fallen behind again.

The policy states that payments are applied to penalties and interest on the oldest amount first.

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

### **DOCK SPACE SIGN POSTING**

Mr. Jones had asked the Select Board members for feedback on the proposed language for the sign. No members had any issues with the language.

Mr. Spaulding felt it was important to show the sign language to the public before it is voted on. Although the Select Board makes the final decision, he would like to see if the public has any other suggestions.

**Mr. Holden made a motion to accept the sign as it is. Mr. Combs seconded the motion. Mr. Leamy, Mr. Combs, Mr. Mark and Mr. Holden voted in favor of the motion. Mr. Spaulding voted against the motion. The motion passed.**

Mr. Leamy suggests that the Town Manager notify the leader of the property group of the action taken and the sign be posted before the summer.

Mr. Jones shared some photos with the Select Board that he received in an email from a resident that lives near the dock. The photos show the space in disrepair and overgrown. Discussion was held on who is responsible for some of the older docks and who should be taking care of them.

Mr. Mark hopes that the Select Board will come back to this topic again.

### **SALE OF TOWN PROPERTY**

Mr. Jones noted that he has referenced this topic in his Manager's Report. The property he is referring to is the property located at Crystal Heights and Crystal Meadow. These properties have been in the Town's possession for quite a while and nothing has been done with them. Mr. Jones recommends that the properties be assessed and put up for sale. In the past there has been interest in purchasing some of the properties.

**Mr. Holden made a motion to get the 2 properties at Crystal Heights and 1 property at Crystal Meadows assessed and put on the market. Mr. Spaulding seconded the motion.**

Mr. Combs does not want to make the decision of putting the properties on the market tonight. Mr. Holden agreed to remove the language “and put on the market.”

**All were in favor of the motion to get the 2 properties at Crystal Heights and 1 property at Crystal Meadows assessed. The motion was passed.**

#### **SUCKER BROOK BANK STABILIZATION/DIVER ASSISTED WEED HARVESTING**

Mr. Jones shared with the Select Board that he met with Josh Carvajal of DEC and Hillary Solomon. There is money that was voter approved for weed harvesting that was reappropriated to Sucker Brook Bank Stabilization. The suggestion by Mr. Carvajal and Ms. Solomon was to plant Dogwood on the embankment and make it very tangled and covered. Mr. Jones is not in favor of this idea as he notes that there are a lot of residents that fish that area. They spoke about adding vegetation and rocks for stabilization in the worst areas.

Mr. Jones does not believe that this project will use all of the \$19,000 appropriated and would like to know if the Select Board would approve him finding some Diver Assisted Weed Harvesting in the Sucker Brook area. Then Mr. Jones can go to the Lake Bomoseen Association about the permit that they have already.

It was noted that there is a lot of seaweed at Crystal Beach and that the sediment deposits force swimmers to go farther and farther out to reach a depth they can swim in and there are more weeds.

Mr. Mark asked for the wording on the appropriation that was voted on. Mr. Jones believes the appropriation contained the following language, “for restoration of the Sucker Brook Bank.”

**Mr. Holden made a motion to authorize Mr. Jones to approach the Lake Bomoseen Association to determine whether or not the Town may utilize their permit and what the associated costs would be. Mr. Spaulding seconded the motion.**

Mr. Jones will provide all of the information he receives as well as the exact language of the voter approved appropriation at the next meeting.

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

#### **MANAGER’S REPORT**

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

*Grants-in-Aid Project:* Mr. Jones and Mr. Savage reviewed high priority sites around Town and determined that there is a culvert that needs to be replaced and some ditch work on Barker Hill. This is the most cost effective project.

Mr. Holden asked if the Grant will cover all of the work. Mr. Jones explained that \$3,000 of the \$17,000 grant is “in-kind” work, therefore the grant will cover the Town’s share of the materials, we will provide the labor.

*Better Connections Grant:* Mr. Jones shared that the Town of Castleton did not receive the Grant. He explained that the initial feedback he received was that there is a lack of community engagement and

involvement. Mr. Jones is looking for feedback from all of the Boards and Commission as well as the public. On April 27<sup>th</sup> there will be a meeting during which Mr. Jones will receive more information regarding the grant application.

Mr. Jones asked the Select Board to update a list of priorities as this would help for which grants the Town will apply for and all Boards and Commissions will be working on the same projects. The 3<sup>rd</sup> submission of the grant is due in March 2022.

Mr. Jones is willing to work with Mike Brown, Chair of the Community Development and Revitalization Advisory Committee and Jonas Rosenthal to begin gathering community involvement.

*Household Hazardous Waste* day at the Transfer Station did not go as well as hoped. The collection was only for 2 hours and residents showed up late and 10 people had to be turned away. Those turned away were told they could go to Poultney, only 2 of the 10 showed up. There is another day later in the year and Poultney follows our collection times, but residents can always go to the Gleason Road Facility by appointment.

Mr. Holden believes that in the past these collection times were 4 hours long, not 2.

Mr. Mark recommended that in the future the people who show up before the end time be given a ticket so that they are not turned away.

Mr. Holden noted that Rutland County Solid Waste would like to use the Castleton Transfer Station as the “Poster Child” and believes that this is good.

Mr. Jones would like to wait until after the next inspection before making a decision, but he agreed it is a good thing.

*MHG Solar Gravel Pit:* Mr. Jones informed the Select Board that he authorized the rental of a bulldozer to move the project forward.

*Crystal Heights:* Mr. Jones noted that the Town is scheduled to receive \$446,000 in funding as part of the American Recovery Plan for Crystal Heights, the amount in the manager’s notes is wrong. Mr. Jones is still waiting for guidance. Mr. Jones asked if the Select Board would like to expand the tax municipal sewer services to Crystal Heights as this will make the property more marketable and add to the tax base.

*Sewer Plant:* Mr. Jones indicated that it is very important to get the large holding tank cleaned so that it can be inspected and repaired as there is a small leak. The leak is not causing any environmental problems, it is being contained and trucked off site. Mr. Jones would prefer to use approximately \$40,000 from the Reserve Account for this project rather than the Operating Budget.

**Mr. Combs made a motion to authorize the Town Manager to pursue quotes and estimates for tank cleaning not to exceed \$50,000 and the money will come out of the Sewer Reserve Account. Mr. Holden seconded the motion. All were in favor and the motion passed.**

*Town Road and Bridge Standards:* Mr. Jones requested that the Select Board sign the Town Road and Bridge Standards. Mr. Jones noted that this is slightly earlier than other years, but it is needed for some of the grants the Town is applying for.

**Mr. Holden made a motion to approve the Town Road and Bridge Standards. Mr. Spaulding seconded the motion. All were in favor and the motion passed.**

*Little Rutland Road:* Mr. Jones shared that the bid packet for Little Rutland Road has been sent out and there will be a pre-construction bid meeting on April 14, 2021 at 10am, at 270 Little Rutland Road. There will be contractors and engineers walking the site, Mr. Jones invited any Select Board Member that were interested to join them.

*South Street Trestle:* Mr. Jones shared that a bid packet was assembled will be finalized and sent out either Monday or Tuesday of next week. The Town is getting \$29,000 from the federal share. Once the South Street Trestle and Little Rutland Road are complete, the Town can apply for the other 17.5% of the non-federal share.

*Sidewalks:* Mr. Jones gave the Select Board copies of the Statute for enforcement for driving over sidewalks. People have been driving over the sidewalks in front of Gilbert Realty and last year at the Ice House. According to Theresa Gilman of VTRANS, the Town can place delineators in those areas to inhibit driving over the sidewalks. The sidewalks are not rated for vehicles and will crack.

Mr. Jones recommends generating a letter from the Select Board and using the Police Department and Town Manager to engage with the businesses and explain that that the sidewalks are not rated for vehicles and driving over them has to stop. Mr. Jones indicated that if the issue continues, delineators are inexpensive and easy to install.

**Mr. Combs made a motion to authorize the Town Manager to do everything he indicated up to and including delineators. Mr. Holden seconded the motion.**

Mr. Spaulding was advised that a person can go to see Theresa Gilman at VTRANS to see who has a legal curb cut and who doesn't.

Mr. Jones will work with Mr. Spaulding to work on gathering more information about the second curb cut by the Legion.

Mr. Mark asked the Town Manager to create a draft letter and recommended that the letter be signed by the Select Board Chair.

**Mr. Holden made a motion to authorize the Town Manager to create a draft letter to be signed by the Select Board Chair. Mr. Combs seconded the motion**

Mr. Mark indicated that he was not asking for a second motion, just to add to the previous one.

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

## **PURCHASE ORDERS FOR APPROVAL**

There were no purchase orders to approve.

## **WARRANTS FOR APPROVAL**

**Mr. Holden made a motion to approve check warrant #0412R in the amount of \$650.00, check warrant #0412 in the amount of \$74,945.68, check warrant #0408 in the amount of \$20,002.11, check warrant #0402 in the amount of \$7,333.81, check warrant #0330 in the amount of \$219.00, check warrant #0325 in the amount of \$5,524.57, check warrant #0408P in the amount of \$15,206.20, check warrant #0401P in the amount of \$15,760.39, and check warrant #0325P in the amount of \$15,319.43. Mr. Mark seconded the motion. All were in favor the motion passed.**

**Mr. Holden made a motion to approve check warrant #0409P in the amount of \$694.30, check warrant #0402P in the amount of \$694.30 and check warrant #0326 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. Jones shared that the engineering firm has been selected for the Pedestrian Accessibility Scoping Grant from South Street and Main Street to Depot Street and Sand Hill. A recommendation will come to the Select Board at the next meeting.

Mr. Blow asked Mr. Jones if he could follow up for clarification on some of the topics discussed this evening. Mr. Jones agreed.

Mr. Spaulding is looking for a copy of the checks used to pay for the advertisement on Article 47. Mr. Leamy indicated that he wrote the check and the other contributors paid him.

Mr. Spaulding also asked why there is an issue determining who owns property in Town.

Mr. Jones explained that a few years ago Mary Jo Teeter came to the Select Board to get the Tax Maps updated, that was not done and so the current Tax Map does not match any recent deeds. Recently the Select Board authorized the money to update the Tax Map but the vendor was delayed during COVID.

Mr. Spaulding asked Mr. Holden if he had received the 2020 updated surcharges total from Rutland County Solid Waste. Mr. Holden indicated he had not. Mr. Holden has only been to 1 meeting so far.

## **EXECUTIVE SESSION**

**Mr. Combs made a motion to enter Executive Session with the Town Manager to discuss Real Estate 1VSA Section 313(a)[2] at 8:25pm. Mr. Holden seconded the motion. All were in favor and the motion passed.**

**Mr. Mark made a motion to exit Executive Session at 8:45pm with no action taken. Mr. Holden seconded the motion. All were in favor and the motion passed.**

**Mr. Combs made a motion to enter Executive Session with the Town Manager to discuss Personnel 1VSA Section 313 [3][a][3]at 8:46pm. Mr. Spaulding seconded the motion. All were in favor and the motion passed.**

**Mr. Holden made a motion to exit Executive Session at 8:52pm with no action taken. Mr. Spaulding seconded the motion. All were in favor and the motion passed.**

**Mr. Combs made a motion to enter Executive Session with the Town Manager to discuss pending litigation at 8:53pm. Mr. Spaulding seconded the motion. All were in favor and the motion passed.**

**Mr. Combs made a motion to exit Executive Session at 8:54pm with no action taken. Mr. Holden seconded the motion. All were in favor and the motion passed.**

**ADJOURN**

**Mr. Holden made a motion to adjourn the Select Board Meeting at 8:55p.m. Mr. Combs seconded the motion. All were in favor and the motion passed.**

Respectfully submitted; Eliza LeBrun, Recording Secretary