

TOWN OF CASTLETON SELECT BOARD MINUTES

Monday, October 24, 2022 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/5kUtzJirgds59DZsc9xF6O9QKlaxExKcBr1WPcw3EZdj4d5AUeFi4u1bmHM4oXPN.Bw5pP8vilVp3ROgB>

PRESENT: Jim Leamy, Chair; Richard Combs, Vice Chair; Joseph Mark, Parliamentarian, Mary Lee Harris, Robert Spaulding, Michael Jones, Town Manager, Janet Currie

PRESENT VIA ZOOM: James Thomas, Katy Culpo, Allison Harvey, Recording Secretary

CALL MEETING TO ORDER

The meeting was called to order by Select Board Chair J. Leamy at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by J. Leamy.

APPROVAL OF AGENDA

R. Combs made motion to approve the agenda. R. Spaulding seconded. All were in favor. Motion carried 5-0.

APPROVAL OF MINUTES

R. Combs made a motion to approve the minutes of October 10, 2022 as presented. J. Mark seconded.

Page 1 – second line of Approval of Agenda – *put* should be removed.

Page 1 – first line of Selectboard to Meet the VT State University President – inaugural president should both be capitalized.

Same paragraph, second line *D.* should be changed to *Dr.*

Page 1 – second line of Citizens Comments and Concerns – *consider* should be changed to *reconsider*.

Page 2 - first line – next to last word should be *State's*.

Page 2 - second line of Miscellaneous Purchases for Highway – *have prices* should be changed to *have a price*

Page 2 – motion in the third paragraph should read *R. Combs made a motion to authorize the Town Manager to contract with Green Mountain Sand Blasting in an amount not to exceed \$5,500 to get the tandem truck and skid steer blasted.*

Page 2 – motion at the end of the Municipal Planning Grant paragraph, last three sentences should be changed to: All were in favor. Motion carries 4-0.

Page 2 – fourth line of the first Manager's Report paragraph, *going financials* should be changed to *going over financials*.

Page 2 – next to last line on the page *they may be coming back to board* should be changed to *that he may be coming back to the board*.

Page 2 – last line, both *it's* should be changed to *its*.

Page 3 – sixth paragraph – *confident can* should be changed to *confident town staff can*.

All voted in favor. Motion carried 5-0.

CITIZENS COMMENTS & CONCERNS - ITEMS NOT ON THE AGENDA:

M. McIntyre stated that CDERAC is having a business owners meeting here at 6:30 pm on November 3, 2022, Selectboard members are invited to attend. They are hoping to brainstorm with businesses about what their needs are. It will be made clear the CDERAC group is a conduit to this board. Devon Neary of the RRPC and Tyler Richardson from the Chamber of Economic Development of Rutland Region will be attending as well. There will be no answers, they are just looking to hear what businesses need and how the Town can help. M. Jones stated there was a question of fire safety capacity in the meeting room, that is being looked into. J. Mark noted that if more than three Selectboard members attend, it will need to be warned.

J. Thomas stated he feels it is a bad idea for the Town Manager to be appointed interim Zoning Administrator as in the past has been done and it didn't work well. J. Thomas gave an example of the fiasco with the Main Street town office building when the town manager was also the Zoning Administrator, he feels they are incompatible. The Town Manager tries to make people happy in the Town, the zoning administrator enforces the rules which often does not make people happy. J. Mark asked if J. Thomas has in the past filled in as interim Zoning Administrator, which he stated he has, but he is not within the State of Vermont at this time.

Tom Kearns asked if dock spaces near Crystal Beach has been discussed and if they were going to be taken away. M. Jones stated in the past there were contentious moments with deeded dock owners and there was discussion with whether dock licenses should be revoked. If the board does nothing with it before January 1, it remains as it has been going. T. Kearns feels there would be a lot of lawsuits if anything other than what is currently happening goes on. Brief discussion on the dock spaces and the history of them to this point in time.

POLICE UPDATE: Chief Mantello

Chief Mantello addressed his report, September was a busy month. Items addressed: number of calls, speed carts, dispatching and where those changes are at this time. Funding for dispatching is still the issue, the discussions are ongoing.

NORTHSTAR FIREWORKS: Industry Challenges for July 2023

Board received the update that the price is increasing for the upcoming order, to \$12,500. J. Mark asked for history, of who paid for them. M. Jones stated he has been here 4 years and LBA has not paid in full for them since he has been here, LBA always paid for them prior to that. Further discussion on the budget of fireworks, where the funds have come from in the past and how an increase in budget will change the display. R. Combs stated they have spent the budget for the current fiscal year and they have not determined a budget for the next fiscal year, so they could decide to add to that budget, but if Northstar wants to be paid now to keep a place for the town on their schedule, it is not funded at this time. It was stated that if they don't give the Town Manager authority to contract with NorthStar at this time they could lose the service, if they give authority to contract, they are at risk of not getting an increased budget approved at the next vote for next year. J. Mark made a motion to authorize the Town Manager to contract with NorthStar fireworks for 4th of July fireworks in the Town of Castleton at the cost of \$12,500 and direct him to put a \$10,000 item for the 2023/24 budget for fireworks with the understanding that the Town will endeavor to raise \$2,500 on top of that. R. Combs seconded. Further discussion on possible scenarios of the funds, whether they payment is due now or next year and whether this is just a commitment or payment of the funds. J. Mark, ML Harris and R. Combs voted in favor. J. Leamy and R. Spaulding were opposed. Motion carried 3-2.

APPOINTMENT OF TOWN MANAGER AS INTERIM ZONING ADMINISTRATOR

R. Combs made a motion to appoint the Town Manager M. Jones as the interim Zoning Administrator until such time as a permanent replacement is found. R. Spaulding seconded. J. Mark asked if there are any alternatives to appointing an interim Zoning Administrator. It was stated there aren't any at this time. M. Jones further stated they are having a hard time filling other positions within the town, this one will also be difficult to fill and him being appointed will take him away from other duties as Town Manager. R. Combs made an amendment to strike the word permanent from his original motion. R. Spaulding seconded. Discussion on the hours and position and how can be advertised, which will be advertised tomorrow. ML Harris suggested Patsy Eagan Berlickji, a past Zoning Administrator, ML Harris stated she has not spoken to her, and didn't know if she would be willing fill in temporarily. Board held further discussion on a replacement and whether there are tasks that the Town Manager could farm out to help with the additional workload. All voted in favor. Motion carried 5-0.

RUTLAND REGION TRANSPORTATION ADVISORY COUNCIL CERTIFICATION APPOINTMENTS

M. Jones recommended David Fabricious, the new public works director be appointed to the alternate position. R. Combs made a motion to appoint M. Jones as the representative and David Fabricious as the alternate to the Rutland Region Transportation Advisory Council. R. Spaulding seconded. All voted in favor. Motion carried 5-0.

MANAGER'S REPORT

M. Jones stated VTrans began paving on Route 4a from Sand Hill Road to Castleton Corners today, he was not aware it was happening until they started. He is going to reach out to VTrans to see about anywhere else they will be doing that he is not aware of. The railroad crossings at Crampton Road and North Road are also going to be done. The prep work is being done now and they will close Crampton Road for about 6 hours one day next week, North Road is this Wednesday, that road will be closed, they are putting up signage. It was suggested the entire trailer park be notified of the road closing, so the residents can plan accordingly.

M. Jones stated he has a meeting regarding the salt sand shed tomorrow.

They are waiting for DigSafe to run electrical for the boxes at the Transfer Station.

M. Jones stated that he would suggest looking into the equipment necessary to take care of the refrigerant from appliances at the transfer station. They are having problems finding someone that will come to reclaim the refrigerant from discarded appliances. He spoke with a local appliance installer, they can get equipment needed and have an employee trained to do it themselves. If found negligent with the way it is discarded or they sit too long and leak, the fine is \$25,000. If they got the equipment and did it themselves, the appliances wouldn't build up and accumulate.

Concerning the sewer infrastructure, they are having some unusual backups. There is one behind Tag's Motel, the line is caved in, not sure if it is due to decay or heavy equipment going over it. It needs to be fixed, they have expended the no fault sewer insurance. The money comes through the Vt League of Cities and Towns, and once used up, there is no more.

The South Street trestle road work has been done to get through the winter. There are a few rough spots but is going to be paved in the spring.

The Police Department is getting close to fixing the deficiencies that were noted with the loss consultant. January 1 resets the clock for the \$5,000 PACIF grant, are on track to have everything done and not lose it before then.

Emergency Management – Has not gotten quotes yet for this, but wants board to know that is what he's looking at.

Fire Department Grant, M. Jones spoke with Chief Goyette, he received the information for the application today. M. Jones explained the costs and what the costs will be depending on what entity writes or applies for the grant, and the grant is not open yet, won't be until November. Department is also putting a presentation together for the Public Safety Committee.

There is a committee actively working on holiday parade, tree lighting, Christmas Market, Cookies with Santa, etc.

M. Jones stated he is meeting an applicant next Tuesday for the Parks and Rec director position.

People in the community are inquiring since J. Rosenthal's passing about the Sand Hill Housing project and the possible influences happening with DRB members. Five people total have contacted him. ML Harris made a comment that being a member of the Board of Selectmen, she has not been in on any of the meetings and has recused herself from the board, but on the other hand, it could be said she could be biased, but she was elected by the voters and they knew she lived on Sand Hill Road when they voted for her.

PURCHASE ORDERS FOR APPROVAL

R. Combs made a motion to approve Purchase Order #049082 to Amazon for computer equipment for departments in the amount of \$3,420.89. ML Harris seconded. All voted in favor. Motion carried 5-0.

WARRANTS FOR APPROVAL

R. Combs made a motion to approve check warrant #1024R in the amount of \$650.00, check warrant #1024 in the amount

of \$75,604.57, check warrant #1021 in the amount of \$27,312.66, check warrant #1014 in the amount of \$5,988.26, check warrant #1020P in the amount of \$16,163.50 and check warrant #1013P in the amount of \$16,769.80. ML Harris seconded the motion. All voted in favor. Motion carried 5-0.

R. Spaulding made a motion to approve check warrant #1021P in the amount \$654.67 and check warrant #1014P in the amount of \$654.67. ML Harris seconded the motion. R. Combs recused himself. All remaining members voted in favor. Motion carried 4-0.

M. Jones asked the chair if he could ask Mr. Thomas if he would be interested in serving as an alternative member to the Planning Commission. J. Thomas stated he would be willing and will submit a letter of interest expressing such to the Town Office.

SELECT BOARD COMMENTS & CONCERNS:

ML. Harris stated minutes are not being done on time and there are some that are not correct, there are entire sections missing.

J. Mark asked if anyone else would be attending the CDERAC meeting on November 3rd. R. Combs stated he would be as a member of the Committee. R. Spaulding stated he would be calling in and ML Harris stated she may also attend. J. Leamy suggested the meeting be warned as a Selectboard meeting.

K. Culp commented about a conflict of interest with the DRB and has been emailing with M. Jones regarding this matter. She has concerns with there being a conflict with board members, there has been a lot of pressure put on DRB members lately and now the Town Manager as interim Zoning Administrator and the board voting to support opposition to the project, and the developer being involved in changes made to the Zoning Regulations, it all seems to be intertwined. K. Culp reviewed changes made to the regulations and how they related to the Sand Hill project. She feels there is a lot of conflict all the way around, and the entire process feels incredibly soiled. K. Culp also mentioned the CVS issue and whether there is any conflict there. M. Jones stated when there are shortfalls in regulations, whether definitions or something that the town would benefit from, and not suggested by him but those that attend public meetings, that's how changes are made. No changes have been made to Zoning Regulations since 1984 and it could be argued that the regulations were very much outdated. The changes made came out of meetings, something not defined well enough or something that needed clarification and he feels for the Town to move forward, changes need to be made. R. Combs suggested that everyone on this board, as well as the PC and DRB should all review the Town's Conflict of Interest Policy to refresh themselves what it is.

BRIEF RECAP & ITEMS FOR FOLLOW UP:

None

8:34 PM - ENTER EXECUTIVE SESSION

R. Spaulding made a motion to enter Executive Session to discuss personnel to include the Town Manager. R. Combs seconded. All voted in favor. Motion carried 5-0.

8:50 PM – EXIT EXECUTIVE SESSION

R. Spaulding made a motion to exit Executive Session, no action taken. R. Combs seconded. All voted in favor. Motion carried 5-0.

8:50 PM - ENTER EXECUTIVE SESSION

R. Spaulding made a motion to enter Executive Session to discuss real estate to include the Town Manager. R. Combs seconded. All voted in favor. Motion carried 5-0.

9:10 PM – EXIT EXECUTIVE SESSION

R. Combs made a motion to exit Executive Session, no action taken. R. Spaulding seconded. All voted in favor. Motion

carried 5-0.

ADJOURN

R. Combs made a motion to adjourn at 9:10p.m. J. Mark seconded. All voted in favor. Motion carried 5-0.

Meeting adjourned.

Respectfully Submitted

Allison Harvey

Recording Secretary

FINAL