

**TOWN OF CASTLETON
SELECT BOARD MINUTES
Monday, March 9, 2020 at 7:00pm
Castleton Town Hall
263 VT – 30
Bomoseen, VT 05732**

PRESENT: Jim Leamy, Chair; Richard Combs, Vice Chair; Zack Holzworth, Secretary; Robert Spaulding, Member; Joseph Mark, Select Board Parliamentarian; Eliza LeBrun, Recording Secretary; Kathryn Paynter, Peg TV; Constable Silas Loomis; Tim Gilbert; Dan Brown

ABSENT: Michael Jones, Town Manager;

CALL MEETING TO ORDER

The meeting was called to order by Constable, Silas Loomis at 7pm.

PLEDGE OF ALLEGIANCE

Constable Loomis led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Holzworth made a motion to approve the agenda. Mr. Combs seconded the motion.

Mr. Combs recommended moving election of officers to the next item and move the minutes to after the adoption of rules of procedure.

All were in favor and the motion passed.

ADOPT ELECTION OF SELECT BOARD OFFICERS

Constable Loomis opened the nominations for Chairman.

Mr. Combs made a motion to nominate Mr. Leamy for Select Board Chair. Mr. Spaulding seconded the motion. All were in favor and the motion passed

Mr. Holzworth made a motion to nominate Mr. Combs for Select Board Vice Chair. Mr. Mark seconded the motion. Mr. Leamy, Mr. Combs, Mr. Holzworth and Mr. Mark voted in favor of the motion. Mr. Spaulding voted against the motion. The motion passed.

Mr. Holzworth made a motion to nominate Mr. Mark for Parliamentarian, Mr. Spaulding seconded the motion. All were in favor and the motion passed.

Mr. Spaulding made a motion to nominate Mr. Holzworth for Clerk, Mr. Mark seconded the motion. All were in favor and the motion carried.

ADOPT RESOLUTION OF DAY & TIME FOR MEETINGS

Mr. Combs made a motion to that the Select Board of the Town of Castleton hereby resolve that regular meetings of the Select Board will be held on the second and fourth Monday of the month at 7pm at the

Town Office unless otherwise posted. Mr. Holzworth seconded the motion. All were in favor and the motion passed.

ADOPT RULES OF PROCEDURE

Mr. Holzworth made a motion to adopt the Town of Castleton rules of procedure for Boards, Committees and Commissions. Mr. Mark seconded the motion.

Mr. Combs asked that the records reflect that the adopted rules of procedure are the updated version dated March 5, 2020.

All were in favor and the motion passed.

Mr. Combs noted that in the minutes of last year, the Select Board adopted the Conflict of Interest policy. It is believed to have been excluded from this agenda as an oversight. Mr. Leamy will ask the Town Manager to have them included in the next meeting.

MINUTES FOR APPROVAL: 2/24/20

Mr. Holzworth made a motion to approve the Select Board minutes of 2/24/20. Mr. Mark seconded the motion.

The following correction was noted in the minutes of 2/24/2020:

- Page 2, 2nd paragraph from the bottom, Mr. Cresci is spelled incorrectly.
- Page 4, 4th paragraph from the top, the word mort should be "more."
- Page 6, 4th paragraph from the bottom, VHP (sp?), not sure what the acronym stands for. Mr. Jones may be able to clarify that.

Mr. Leamy called the question with the corrections. All were in favor and the motion passed.

CITIZENS COMMENTS & CONCERNS

There were no citizens comments.

APPOINT TOWN OFFICERS

Mr. Combs made a motion to appoint Chief Peter Mantello as the Emergency Management Coordinator for 1 year. Mr. Mark seconded the motion. All were in favor and the motion passed.

Mr. Combs made a motion to appoint Town Manager Mike Jones as the Emergency Management Director for 1 year. Mr. Mark seconded the motion. All were in favor and the motion passed.

Mr. Combs made a motion to appoint Ray Ladd, Kenneth Flowers and Jon Pintello as the Overseers of Historic Cemeteries for 1 year. Mr. Mark seconded the motion. All were in favor and the motion passed.

Mr. Combs made a motion to appoint Zach Holzworth as the Rutland County Solid Waste Representative for 1 year. Mr. Mark seconded the motion.

Mr. Spaulding questioned Mr. Holzworth's qualifications and experience for an appointment to the Rutland County Solid Waste.

Mr. Mark did not believe that it was necessary to appoint representatives that had experience to committees.

Mr. Combs stated that he felt that it was time for a fresh point of view.

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

Mr. Combs made a motion to appoint Tim Gilbert as the Rutland County Solid Waste Alternate for 1 year. Mr. Mark seconded the motion.

Mr. Spaulding made a comment after the motion to appoint Mr. Gilbert that it was very convenient. There were no other comments.

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

Mr. Combs made a motion to appoint Theodore Parisi, Lois Vandenberg Baldwin, Tarrant, Gillies Richardson and Shems, and Ryan Smith & Carbine, Charles Romeo as Town Attorneys for for 1 year. Mr. Mark seconded the motion. All were in favor and the motion passed.

Mr. Combs made a motion to appoint Scott Welch as the Tree Warden for 1 year. Mr. Mark seconded the motion. All were in favor and the motion passed.

Mr. Combs asked that it be noted in the minutes that there is a vacancy in the position of Deputy Tree Warden which would be appointed by the Tree Warden for a period of 1 year.

Mr. Combs made a motion to designate People's United Bank as the Bank Designation for the Town of Castleton for 1 year. Mr. Mark seconded the motion. All were in favor and the motion passed.

Mr. Combs made a motion to designate the Lakes Region Free Press and the Rutland Herald as the designated Town Media Outlets for 1 year. Mr. Mark seconded the motion. All were in favor and the motion passed.

REQUEST FOR LIQUOR LICENSES APPROVAL:

Mr. Holzworth made a motion to approve the request for 1st class restaurant/bar license to sell malt and vinous beverages by Lake Bomoseen Hospitality dba Lake House Pub & Grille located at 3569 Route 30 Bomoseen, VT 05732. Mr. Combs seconded the motion.

Mr. Spaulding thanked the owner of the Lake House Pub & Grille for attending the meeting.

All were in favor and the motion passed.

Mr. Holzworth made a motion to approve the request for 3rd class restaurant/bar license to sell spiritous liquors by Lake Bomoseen Hospitality dba Lake House Pub & Grille located at 3569 Route 30 Bomoseen, VT 05732. Mr. Combs seconded the motion. All were in favor and the motion passed.

Mr. Holzworth made a motion to approve the request for an Outside Consumption Permit by Lake Bomoseen Hospitality dba Lake House Pub & Grille located at 3569 Route 30 Bomoseen, VT 05732. Mr. Combs seconded the motion. All were in favor and the motion passed.

Mr. Holzworth made a motion to approve the request for 1st class restaurant/bar license to sell malt and vinous beverages by Sodexo Vermont, Inc dba Sodexo Vermont (Castleton) 225 College Drive Castleton, Vt 05735. Mr. Combs seconded the motion.

Mr. Spaulding noted that there was not a representative from Sodexo present and wondered why the University Dining Hall would need a permit to serve alcohol.

Mr. Mark noted that it is not required that there be a representative present for issuance of these permits and he also noted that periodically the Dining Hall caters events on campus requiring the requested permits to serve alcohol.

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

Mr. Holzworth made a motion to approve the request for 3rd class restaurant/bar license to sell spiritous liquors by Sodexo Vermont, Inc dba Sodexo Vermont (Castleton) 225 College Drive Castleton, Vt 05735. Mr. Combs seconded the motion. Mr. Leamy, Mr. Combs, Mr. Holzworth and Mr. Mark voted in favor of the motion. Mr. Spaulding voted against the motion. The motion passed.

Mr. Holzworth made a motion to approve the request for 1st class restaurant/bar license to sell malt and vinous beverages by American Legion Crippen-Fellows Post #50, Inc dba American Legion Crippen-Fellows Post #50 located on Route 4A Bomoseen, VT 05732. Mr. Combs seconded the motion. All were in favor and the motion passed.

Mr. Holzworth made a motion to approve the request for 3rd class restaurant/bar license to sell spiritous liquors by American Legion Crippen-Fellows Post #50, Inc dba American Legion Crippen-Fellows Post #50 located on Route 4A Bomoseen, VT 05732. Mr. Combs seconded the motion. All were in favor and the motion passed.

Mr. Holzworth made a motion to approve the request for an Outside Consumption Permit by American Legion Crippen-Fellows Post #50, Inc dba American Legion Crippen-Fellows Post #50 located on Route 4A Bomoseen, VT 05732. Mr. Combs seconded the motion. All were in favor and the motion passed.

Mr. Holzworth made a motion to approve the request for 1st class restaurant/bar license to sell malt and vinous beverages by Lake Bomoseen Lodge, Inc dba Lake Bomoseen Lodge located at 2551 VT Route 30 N, Bomoseen, VT 05732. Mr. Combs seconded the motion. All were in favor and the motion passed.

Mr. Holzworth made a motion to approve the request for 3rd class restaurant/bar license to sell spiritous liquors by Lake Bomoseen Lodge, Inc dba Lake Bomoseen Lodge located at 2551 VT Route 30 N, Bomoseen, VT 05732. Mr. Combs seconded the motion. All were in favor and the motion passed.

Mr. Holzworth made a motion to approve the request for an Outside Consumption Permit by Lake Bomoseen Lodge, Inc dba Lake Bomoseen Lodge located at 2551 VT Route 30 N, Bomoseen, VT 05732. Mr. Combs seconded the motion. All were in favor and the motion passed.

UNKNOWN PARCELS: ATTORNEY QUOTES FOR SERVICE

Mr. Leamy reiterated that the Select Board had requested the Town Manager create a list of attorneys and quotes for service in determining the owners of 2 properties.

Mr. Jones provided rates of service from 3 attorney's offices; 2 more offices declined to provide quotes. Mr. Jones did not indicate a preference and as he was not present, the Board made a motion for the purpose of discussion only.

Mr. Combs made a motion to award the quote for an attorney to determine ownership on 2 properties to Lois Baldwin. Mr. Holzworth seconded the motion for discussion.

Mr. Holzworth noted that Ms. Baldwin's quote was the highest listed.

Again, it was stated that the motion was made for the purpose of discussion only, however, it was noted that the Town has used Ms. Baldwin in the past for legal purposes and have had positive results.

Mr. Mark referred to an email provided Christopher Howe, Esq in which Mr. Howe suggested that a better method of quieting titles is to seek an order from the VT Superior Court through a declaratory judgement type action. Mr. Howe noted in his email that he believed that the Superior Court would allow advertisement of the property for current owners of what can be deemed abandoned property. If persons came forward claiming ownership, they would need to provide their own proof and pay any delinquent taxes. This process would bring the Town to closure on the issue and may result in the Town having a clear title to convey these parcels on the open market. Mr. Mark would suggest that the Select Board direct the Town Manager to ask a Town attorney as it may save time and money.

Mr. Combs withdrew his motion. Mr. Holzworth withdrew his second.

Mr. Mark made a motion to direct the Town Manager to investigate the suggestion of Attorney Howe regarding seeking clarification of title through the VT Superior Court including if it is necessary for the Town Manager to seek legal counsel as long as it does not take longer than one hour. Mr. Spaulding seconded the motion. All were in favor and the motion passed.

BID AWARD FOR STONE, FLOAT BRIDGE

Mr. Leamy presented 3 proposals for stone for 1.5inch minus, green stone for Float Bridge up to yards picked up by the Town. Camara's did not provide a bid, Hadeka provided a cost of \$10.50 /yd and Brown's provided a bid of \$9.75/yd.

Mr. Mark made a motion to approve the bid received from Brown's for 1.5inch minus, green stone for Float Bridge up to 400 yards picked up by the Town in an amount not to exceed \$9.75/yd. Mr. Holzworth seconded the motion. All were in favor and the motion passed.

MANAGER'S UPDATE

Mr. Jones was not present and so no Manager's Update was given.

Mr. Leamy read a letter from Town Manager Jones in which he resigns his elected position of Second Constable according to 17 V.S.A. 2647. A Town Manager may not hold any elective office in that town or school district. Mr. Jones noted how grateful he was for the resounding vote from 900 residents and apologizes for the oversight.

Mr. Holzworth made a motion to accept the Town Manager's letter of resignation from the position of Second Constable. Mr. Combs seconded the motion. All were in favor and the motion passed.

Mr. Combs made a motion to direct the Town Manager to post the Second Constable position vacancy per V.S.A. 961. Mr. Holzworth seconded the motion. All were in favor and the motion passed.

SELECT BOARD COMMENTS & CONCERNS

Mr. Combs shared that the Community Development & Economic Revitalization Advisory Committee had their 2nd meeting in February. At the meeting they discussed what the Committee could do to retain and assist local businesses in Castleton. Mr. Richardson of Rutland Economic Development Corporation came and explained what resources are available to the Town. The next meeting is on March 19 at 6pm with the Rutland Regional Planning Commission.

Mr. Spaulding noted that he is still waiting for the formula used to determine the rate for Hubbardton's trash fee. A small discussion was held and it was determined that it would be a good thing to review the formula and possibly update it.

WARRANTS FOR APPROVAL

Mr. Combs made a motion to approve check warrant #0309 in the amount of \$90,423.99, check warrant #0305 in the amount of \$18,449.03, check warrant #0228 in the amount of \$5,686.20, check warrant #0305P in the amount of \$15,279.13, check warrant #0227P in the amount of \$15,270.14 and check warrant #0308 in the amount of \$738.77. Mr. Holzworth seconded the motion. All were in favor, and the motion passed.

Mr. Holzworth made a motion to approve check warrant #0306P in the amount of \$678.15 and check warrant #0228P in the amount of \$678.15. Mr. Mark seconded the motion. Mr. Combs abstained from the vote. Those remaining were in favor and the motion passed.

PURCHASE ORDERS FOR APPROVAL

Mr. Holzworth made a motion to approve purchase order #044484 to Lilly's Instrumentation Tech. Service for the electronic controls service contract in the amount of \$2,500.00. Mr. Mark seconded the motion. All were in favor and the motion passed.

BRIEF RECAP & ITEMS FOR FOLLOW UP

Mr. Mark restated that he would like to see the Conflict of Interest Policy at the next meeting and would also like to confirm with those appointed tonight that they accept their positions.

EXECUTIVE SESSION

There was no executive session.

Mr. Dan Brown shared with the Select Board that he is in the process of painting the crosswalk in front of his establishment on Route 30. Mr. Brown noted that 4 permanent signs will be placed along the road.

ADJOURN

Mr. Holzworth made a motion to adjourn the Select Board Meeting at 7:45pm. Mr. Mark seconded the motion. All were in favor and the motion passed.

Respectfully submitted; Eliza LeBrun, Recording Secretary