

TOWN OF CASTLETON SELECT BOARD MINUTES
Monday April 25, 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/JN0naJ9XwQzm51iznVaKL2rl3OrrFqhPGhBfBBupGhG_FDcDkYNeVkyYaXWtT2-.1nvtbnOEpnjsdiaF

PRESENT: Jim Leamy, Chair, Robert Spaulding, Richard Combs, Vice Chair, Mary Lee Harris, Joseph Mark, Parliamentarian, Michael Jones, Town Manager, Peter Mantello, Police Chief, See Attached List
Attending via Zoom: Bill Wood, Wayne Pickett, Chris Fouracre, Pete Mantello, L. DesJardin, Melanie Combs, Emilio Rosario, Iphome Marley, Christina Ryan, Allison Harvey, Recording Secretary

CALL MEETING TO ORDER

The meeting was called to order by Chair J. Leamy at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by J. Leamy.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF APRIL 11, 2022

ML Harris made a motion to approve the minutes of April 11, 2022 as presented. R. Spaulding seconded.

R. Combs would like to request that a last name be obtained when people are on Zoom and in person so it can be included in minutes.

Page 2-3-4th line down from top, J. Mark stated he had a hard time understanding the statement of ML Harris. ML Harris stated she was asking why all of the people being appointed had not been done, she had asked about an organizational chart because the course she was taking referred to it, and she was asking if they had one within the Town.

Page 3 – middle of the page, sentence starting with ML Harris asked about the lumber, shingle and wood, inspector should be inserted after wood. Next motion after that correction, a motion should be inserted after R. Combs made.

Page 3 – first paragraph of the Salvage Yard Renewals, last part of the first line should read ‘who spoke to Wendy with State DEC who said no signatures

Page 4 - motion in the middle of the page should read: R. Spaulding made a motion to approve, (replacing accept)

Page 4 – first line of Trackless MT5T Tractor proposal, Clark should be inserted after Brent.

Page 5 – 2/3 way down page, at the end of the first line of the paragraph starting with M. Jones advised led should be capitalized

Page 7 - first line, 9:3pm should be 9:30pm

All were in favor. Motion carried 5-0.

CITIZENS COMMENTS & CONCERNS - ITEMS NOT ON THE AGENDA:

Steve Betit stated he had a complaint about water runoff from the Dollar General. He has been to the town office, but has not seen any progress. J. Leamy stated it is State highway. Mr. Betit stated it is undermining his building, he can feel the vibration on his concrete floors in his building when he uses equipment. J. Leamy stated it will be checked out and they get back to him. M. Jones stated he spoke to the State, they won't do anything until they repave that section of road, there are wheel ruts that is making it run onto his property. Mr. Betit has tried to address, and something needs to be done. M. Jones stated it is on the docket for work for the Spring of 2024. Mr. Betit stated they have already raised the road several times, every time his parking lot gets a lot lower. They have filled in the field with six feet or more, they used to be lower than his lot. J. Leamy stated the Town

Manager will reach out to District 3 and follow up.

J. Bruno stated Janet Curry was chair on the Planning Commission, he is now chair, and he is no longer on the list of CDERAC members and should be as he has been attending. He wants to know that if it's something that the board hasn't taken action on, or what the deal is.

J. Bruno also stated he has attended the RRPC meeting about the solar array at exit 5. Because of the size of the array, they will lose 10-12 acre of corn field, and they have already lost 18 acres on Sand Hill to a solar array. RRPC asked how the town felt, he stated he didn't know, but they are waiting for a position. It's been stated that solar companies are targeting large ag land, as there is no clearing needed, etc. They don't have an ag zone, as ag is allowed in all zones. He is asking if the Board of Selectmen is up to speed on the project and what their position is. The developers are saying native vegetation will screen the project, but he doesn't feel will cover it as they say it will. They are going to crop all trees on the knoll, he doesn't feel that will work, as it will kill the trees. RRPC also asked about energy enhancement, and they are trying to protect ag land, which should have some weight. They need documentation from the Board of Selectmen that they are not in favor of the project. It is now up to PUC, not up to the town, but RRPC is making it sound as though a letter of opposition from Board of Selectmen will have an affect. It is his understanding that the Planning Commission will address it tomorrow night, they can have a decision from them, but something from this board would have an effect. M. Jones stated he doesn't recall the board taking action on CDERAC and J. Bruno's position. The Board of Selectmen and Planning Commission members are in bylaws. M. Jones feels the board never made an appt of J. Bruno. R. Combs asked about Mike Holden being appointed to the Planning Commission, he is not on list either and they have done that.

J. Bruno asked if they have looked at the list so they are staggered so they don't go through again, and they still need another Planning Commission member.

Katie Cuplo asked about the next agenda item, the extension request, if the public would be able to speak. J. Leamy indicated they would.

R. Spaulding asked about the number of members on the CDERAC. M. McIntyre stated they have 9, which is what bylaws indicate as one-year terms, but on list are two years terms, and somewhere along the line, they lost members and the chairman and are not exactly sure where they all stand. She has suggested to M. Jones that they should rewrite the bylaws for Board of Selectmen approval and confirm terms and number of members. They also have another person that wants to come on board. R. Spaulding asked M. Jones about getting appointments coordinated and who has what term, etc. M. Jones will review minutes and motions to appoint members to figure it out.

DUE DILIGENCE EXTENSION REQUEST: Zak Hale

Hale Resources is coming before the board to request an extension for the fourth due diligence period on the Sand Hill project. Zak Hale stated he is present to answer questions, May 17 was the original date, allowing for act 250 permitting and to have a site plan presented to the Development Review Board and submit an application. They won't be able to get local permitting by May 16, then may have to add on a fifth due diligence period as permitting requires. ML Harris recused herself from this discussion and moved to the audience. J. Mark indicates the plan is for 99 units, but he also sees 108, Z. Hale stated that was due to difference in the planning, they will be doing 99 units. The board and Mr. Hale continued discussion on the plans.

John Gillan, a resident of Sand Hill Road, is asking board to not approve this project, would be in the best interest of the neighborhood in his opinion. He further explained the number of the potential residents, the increase of traffic and how it will affect the neighborhood. There are a group of them that are opposed to the project and have talked extensively about it. They also feel that water is also a problem, they have had two breaks in the past month. J. Leamy asked for a summary of the statement. J. Gillan stated he is asking they do not approve the extension.

Katie Culpo also addressed the extension request and read a statement she prepared about the development in opposition to the project. (see attached).

Wayne Picket also addressed the proposal and the opposition of the neighborhood.

Laurie Desjardin – addressed the aesthetics of the neighborhood, how it would affect the neighborhood. Requested board seriously consider the request before approving.

M. McIntyre referred to Castleton Meadows and stated there are food shelves and food drives that are servicing them, and she also questioned if there are ambulance services that can accommodate the extra elderly residents. Zak Hale stated that they wouldn't propose this project if there were not adequate services, and stated they are proposing a two-bay ambulance garage with an apartment as there is not an ambulance service in Castleton. It has not been determined yet where the funds will come from for that.

Lengthy discussion followed on the type of residential space that will be offered, whether the residents will be independent or assisted. John Hale explained the level of assistance, and what is going to be offered

Mr. Hale also stated they are asking for more time for answering questions and doing their due diligence, etc., this is not a request for approval of the project. ML Harris requested to ask a question, J. Leamy stated he would not allow the question. J. Mark stated she can participate from the floor as she has recused herself. ML Harris stated the biggest complaint is that they didn't know anything that is going on. Whether it is the Board of Selectmen or the Planning Commission, it seems like too much was done under cover and there has not been any transparency. Mr. Hale stated this has been talked about for five years, there was an article in the Rutland Herald 3 years ago, nothing has happened behind closed doors. ML Harris stated there are sill records that have not been provided after they have been requested for months now. After further discussion, the Board took no action on the request. ML Harris returned to the table with the Board at this time.

POLICE UPDATE: CHIEF PETE MANTELLO

Chief Mantello reviewed his activity report for service calls. He stated that calls to Castleton University will pick up as it gets warmer, as with other calls as well. The noise ordinance has been working well, report shows where they have been located, most all are within the village. Graduation is in 3 weeks, will probably see more activity as that approaches. He is seeing more students coming to talk to him about parties, which is not the way it usually happens. R. Spaulding asked about things being put up on poles, the Chief had no information with regard to that.

BRIDGE COMMITTEE PROJECT, VIEWING SPOT AND TRAIL: BILL WOOD

Bill Wood, a resident of town, is a member of bridge committee. In July 2018 they wrote letter to M. Jones about the Castleton River Overlook as an initial step for a walking path in the village. They are still interested in establishing this and a walking path along the Castleton river. For most of the length of the river it is inaccessible and not visible and they want to establish an area that is safe, where the river can be seen and heard. They are proposing north of the tennis courts, there is a spot that has potential. They would need the town to mow a path from Dewey Field to this area. The committee is planning on clearing brush and trash in the area, utilizing Castleton University students and volunteers. On May 5 a DEC member will review the proposal with committee members. He plans to bring findings and plans to the Board of Selectmen when they get them from DEC. If it is established it will form a loop at the current dead end of the rail trail, Mill Street to the river to Main Street through the town or campus and back to the rail trail. It would go across the Taggart property at Mill Street, they have given tentative approval for that crossing. J. Leamy stated the board had no information in their packet on this plan. Mr. Wood stated they are seeking permission to clear up the trash and brush. **J. Mark made a motion to express support for the project that Bill has presented for phase one, the creation of a viewing area. R. Spaulding seconded. R. Combs stated his concern about erosion, and feels it needs proper knowledge and supervision, so vegetation is not removed to create erosion, as well as for the walking trail. Mr. Wood stated the DEC wetlands will be there May 5 and will look at the viewing spot and the area where they plan the path and they will follow any of her directions. R. Spaulding stated he is also concerned with the path, users staying on it and following it and erosion, and he hopes DEC will know what can be done. M. Jones stated they have not see a map, but the town doesn't own all of that property and they would need to make sure they are on the same page as far as where it is going that it is on Town property. J. Bruno asked if any of the project was in the well head protection area. M. Jones felt it was in the aquifer. All voted in favor. Motion carried 5-0.**

TIM MUNKS REAPPOINTMENT: OTTER CREEK COMMUNICATIONS UNIT DISTRICT

M. Jones stated Tim Munks has indicated he is willing to continue to serve on this committee. **J. Mark made a motion to reappoint Tim Munks to the Otter Creek Communications Unit District. R. Spaulding seconded.** R.Combs stated this appointment should be added to the list of appointments. **All were in favor. Motion carries 5-0.**

LOCAL EMERGENCY MANAGEMENT PLAN: REQUEST APPROVAL

M. Jones stated this is a manual that there has not been a lot of changes to for this year. There were some phone numbers that need to be changed. Board held brief discussion on a few minor typographical errors. **R. Combs made a motion to approve the Local Emergency Management Plan as presented. R. Spaulding seconded. All were in favor. Motion carries 5-0.**

CDERAC PRESENTATION FOR NEW WEBSITE: CHRISTINA RYAN

M. McIntyre stated they had information that came to light just before this meeting, and they are going to ask to come back to the board with the new information they have. They are going to meet with some others before making a presentation and they will put an item on the agenda for a rewrite of the bylaws as discussed previously.

LIONS CLUB REQUEST TO USE TOWN GREEN FOR ANNUAL AUCTION

ML Harris made a motion to allow the Lions Club to use the town green for the annual auction. R. Spaulding seconded. All were in favor. Motion carries 5-0.

LIZ BIRD APPOINTMENT TO CDERAC – 2 YEARS

J. Leamy stated this was tabled as last time they didn't have any term expirations, now they do. ML Harris stated they should ask Ms. Bird if she would like to go on the Planning Commission, as they need another person, and CDERAC is full. M. Jones stated he had asked her about other boards, but he was not sure what requirements are for Planning Commission and residency, she is not in town full time. J. Bruno suggested she be appointed as an alternate and also that she should attend a meeting to see what they are all about before being appointed. Discussion held on the bylaws of CDERAC, whether any alternates are included, and how the Planning Commission fits into the equation. M McIntyre felt they should have her attend a meeting. **R. Combs made a motion to table this appointment for another month and that someone ask her to attend a meeting before being appointed. J. Mark seconded.** M. Jones stated a motion has been made by the Board of Selectmen to increase the number of members to 12. J. Bruno suggested it be looked up in Roberts Rules, as he believes it should be an odd number of members. **All were in favor. Motion carried 5-0.**

AUDIT BID AWARD

M. Jones stated one bid was received, they sent out a dozen. The current auditor would not bid, they are downsizing their workload. M. Jones stated that anything over \$750,000 spent from grants is going to trigger a single audit, there are a lot of towns that will have to have single audits. RHR Smith from Buxton ME submitted a \$15,000 fee, plus \$3,000 for a single audit which is over budget. \$12,000 is budgeted for audits. **R. Combs made to authorize the Town Manager to enter a 5 year contract with RHR Smith & Co, CPA's with additional expenditure of \$3,000 for a single audit as necessary and annual fee of \$15,000. ML Harris seconded. All were in favor. Motion carried 5-0.**

REVIEW DESIGN PROJECT: SIDEWALK TO PARSONS HILL, FUSS & O'NEIL

M. Jones stated they did not put this out to bid yet, they already had preliminary engineering done and it is a 50% grant, and they will pay all of the engineering costs. To move forward with VTrans, they will need the drawings engineered. After this project, 100% of money for sidewalks is depleted, there will be zero in the coffers. ML Harris asked how much the grant was for. M. Jones stated \$158,000 is the total project, about \$78,000 is the town share, which is an estimate. This will go from Castleton Corners to Parson Hill on the north side of the road. They can enter into a contract with Fuss and O'Neil for the engineering design of the sidewalk to Parsons Hill from Castleton Corners. **J. Mark made a motion to table this matter until they have the figures. R. Spaulding seconded. All were in favor. Motion carried 5-0.** R. Combs asked if they will have to have public meetings, like did on other projects? M. Jones stated yes they would. All engineering costs are the towns, there is no grant for that, but he will get the numbers for the next meeting.

M. Jones further stated that he noticed the Barker Hill and Pencil Mill section grants were included in the packet, they are awarded projects, he is not sure why they were attached. They have been applied for and received.

MANAGER'S REPORT

M. Jones asked for questions from the board regarding his report. J. Mark asked about the VT Bond Bank, and the possibility of getting a grant. M. Jones stated they should be coming through soon. J. Mark asked about emergency management membership, he wonders if the Lions Club might have membership that might be interested in training for an emergency management project. M. Jones stated they need to promote and now that covid is behind them, he can get the word out for trainings.

PURCHASE ORDERS FOR APPROVAL

None at this time.

WARRANTS FOR APPROVAL

R. Combs made a motion to approve check warrant #0422W in the amount of \$121,123.00, check warrant #0425 in the amount of \$92,987.01, check warrant #0421 in the amount of \$30,814.39, check warrant #0414 in the amount of \$7,630.95, check warrant #0421P in the amount of \$16,674.99, check warrant #0414P in the amount of \$17,186.16. ML Harris seconded the motion. All were in favor. Motion passed 5-0.

R. Spaulding made a motion to approve check warrant #0422P in the amount \$634.28, check warrant #0415P in the amount \$634.28. ML Harris seconded the motion. R. Combs recused himself. All remaining members voted in favor. Motion carried 4-0.

SELECT BOARD COMMENTS & CONCERNS:

J. Leamy requested that if any board members plan to attend a meeting of another board or advisory committee, such as Recreation, CDERAC, DRB, PC, if there are going to be two members there, and another attending makes a third, please notify Karen so can be posted as legal selectboard meeting.

ML Harris stated she spent 3 hours looking for emails that are board related and asked if they could look into the board members having town associated emails, rather than using personal emails. M. Jones stated they are working on that. M. Jones stated they would be under Comcast, they are waiting on buildouts, which will allow boards and committees to have town email addresses, rather than personal emails. It was stated that if personal email is used, it becomes public records.

R. Spaulding asked about any movement on Piontek Road going from Class 4 to Class 3. Brent Clark and Chris Fouracre met with Allen Mays with the better road programs. It was stated it needs substantial tree cutting for drainage to be put in, it is a well maintained Class 4 road and should look at the amount of money will get from the State when it is changed to Class 3 and what the development is going to look like up there. They have four culverts to change out and they will do the research. R. Spaulding stated he assumes financial institutions are reluctant to loan monies for development on a Class 4 road, that is why he also got a call from a resident on Coon Hill.

R. Spaulding stated the RCSW quarterly meeting is due next month.

J. Mark noted on the appointment list, in addition to Mike Holden not being on the list, Pat Keller's term expired last June.

J. Mark stated that he and ML Harris met with Bob Gibbs and Rick Grabowski from the Town of Hubbardton have met twice regarding the Castleton Village School. The second meeting had 13 people in attendance, they had 3 ideas presented, M. Clifford advocated to give a portion to the Recreation Department for a home, the Boys and Girls club asking for space for programming for Benson, Orwell, Fair Haven and Castleton, and they are not charged rentals for use of space, they contribute to the school programming, and Mary Droege presented with community space ideas.

J. Mark stated as a board they have not discussed ARPA decision making, they have gotten spread sheets, and he feels they

should have special meetings open to public for use of those funds.

R. Spaulding asked about people who want to rent space at CVS, he felt it is premature at this time. J. Mark stated they are targeting June 30 for an attorney to draw up a Purchase and Sale Agreement.

BRIEF RECAP & ITEMS FOR FOLLOW UP:

Nothing at this time.

9:11 pm ENTER EXECUTIVE SESSION:

R. Combs made a motion to enter executive session to discuss Labor Relations to include the Town Manager. R. Spaulding seconded All were in favor. Motion carried 5-0.

9:44 pm EXIT EXECUTIVE SESSION

J. Mark made a motion to exit executive session. R. Spaulding seconded. No action taken. All were in favor. Motion carried 5-0.

R. Combs made a motion to authorize the Town Manager to proceed with the engineering and design work for the Parson's Hill project with Fuss and O'Neil not to exceed \$18,800. R. Spaulding seconded. All were in favor. Motion carried 5-0.

9:48 pm-ADJOURN

R. Combs made a motion to adjourn at 9:48 p.m. R. Spaulding seconded the motion. All were in favor. Motion carried 5-0. Meeting adjourned.

Respectfully Submitted

Allison Harvey
Recording Secretary