

TOWN OF CASTLETON SELECT BOARD MINUTES

Monday, November 14, 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/xFilmRWLjX7PJSUh64rotJRIaYDX-nZXHYyQNsIwqqGWO5wvdTK0QLidSbQrPOS.cr5goqwKslReL6q0>

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

PRESENT VIA ZOOM: Caiden Crawford Stampf, Pearl Bellomo, Elicia Pinsonault, Dana Elkins, Jarrett Beswick, Zak Hale, John Hale, Pat & Jeff Schrader, Hannah Card, James Thomas, 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 a motion to approve the agenda. R. Spaulding seconded. All voted in favor. Motion carried 5-0.

APPROVAL OF MINUTES

R. Combs made a motion to approve the minutes of September 26, 2022 as presented. J. Mark seconded.

All Pages – second motion on page 1, both motions on page 2, first and last motions on page 3 and first 3 motions on page 4, *Motion carries* or *Motion passed* should all be changed to *Motion carried*.

Page 1 – motion to approve minutes, second line, *attended* should be changed to *added*.

Page 1 – third paragraph from the bottom, first line, *J. Mark questioned if wouldn't be* should be changed to *J. Mark questioned if it would be*.

Page 2 – fifth paragraph from the bottom, first line, *poured* should be replaced with *block*.

Page 2 – next to last paragraph, first line, *on the contracts* should read *on the salt contracts*.

Page 3 – first line, *SOP* and *SOG* should be spelled out as *Standard Operating Procedure* and *Standard Operating Guidelines*.

Page 3 – first line of the third paragraph, *now* should be changed to *how*.

All voted in favor. Motion carried 5-0.

J. Mark made a motion to approve the minutes of October 24, 2022 as presented. R. Combs seconded.

All Pages – 3 motions on page 2, 2 motions on page 3, 2 motions on page 4 - *Motion carries* or *Motion passed* should be changed to *Motion carried*.

Page 2 – First motion on the page, *3 voted in favor 2 opposed* should be replaced with *J. Mark, ML Harris and R. Combs voted in favor. J. Leamy and R. Spaulding opposed*.

Page 2 – First sentence after the motion made to Appoint Town Manager as Interim Zoning Administrator should read *J. Mark asked if there are any alternatives to appointing an Interim Zoning Administrator*. Same paragraph, this line from the bottom, *but* should be replaced with *and*.

Page 3 – fourth paragraph, second line, *running into* should be deleted.

Page 3 – seventh paragraph, first sentence should read *The Police Department is getting closer to fixing the deficiencies that were noted with the consultant*.

Page 3 – First motion under Purchase Orders for Approval – both instances of *various* should be deleted.

Page 4 – second paragraph, *would inquire* should be changed to *could ask*.

Page 4 – fourth paragraph, last line, *warned for the Selectboard to be save* should be changed to *warned as a Selectboard meeting*.

All voted in favor. Motion carried 5-0.

J. Mark made a motion to approve the minutes of October 26, 2022 as presented pending concurrence of the Town of Hubbardton Selectboard. R. Combs seconded.

Page 1 & 2 – in all seven motions of the meeting, *Motion carries* should be changed to *Motion carried*.

Page 2 – second line of the next to last paragraph before the motion to adjourn, *then* should be changed to *the*,

Page 2 – fourth line of the last paragraph before the motion to adjourn *so can't* should be changed to *so it can't*.

All voted in favor. R. Spaulding abstained stating he was not present for the meeting. Motion carried 4-0.

CITIZENS COMMENTS & CONCERNS - ITEMS NOT ON THE AGENDA:

Wenda Bird read a letter she had sent to the board for their consideration regarding the Sand Hill Road project for a 99 unit housing development. ML Harris recused herself at this time. See attached copy of letter. W. Bird asked for a response and accountability to her correspondence, even if it is in writing. R. Combs thanked W. Bird for her time, she will get an answer and he appreciates her effort.

Zak Hale stated that the DRB is misinterpreting the licensing regulations in stating that nursing homes are considered needing assisted living licenses and vice versa. They cannot move forward if they cannot get the memory care portion of the proposal. Castleton is missing out on a great opportunity here. The older population is increasing faster and faster and these people need the care these facilities provide. Their feasibility study shows residents will come from within 10 miles of the facility. 70 houses could be freed up for people coming into the area to occupy those homes that are vacated by elderly that enter this facility. They are not interested in having a facility that has to have for example a dementia patient be moved somewhere else when they get to that point. R. Combs stated he heard a podcast recently that there is a big need for this type of housing, and many are remaining in their homes even when they shouldn't be because they have nowhere else to go. Z. Hale stated that in addition they do need a work force to care for these elderly people, and to partner with Castleton University for that care makes sense. This is an opportunity for Castleton to contribute to this type of care. R. Spaulding asked if CDERAC has reached out to him at all about this project. Z. Hale stated they have not.

Janet Currie stated her understanding from last DRB meeting there was a poll, 2 were against. If the Board of Selectmen has questions as to the totality of the individuals living in Castleton that they feel that this project is worthwhile or not and if they are going to properly poll, then that may be something that the Selectboard may feel comfortable in executing. To do something they should have the pros and cons, and 46 individuals does not constitute the entirety of the population of the Town. This is being proposed in the Town of Castleton, but it is a community that is not just Castleton, it also involves Hubbardton, West Rutland, Poultney, Fair Haven, and the older community deserves this. Z. Hale is a graduate of the college, bringing something to this Town, doing his due diligence, and no one else is doing this. This is an opportunity for the Town, this Town has to evolve.

JIM THOMAS, REQUEST FOR APPOINTMENT TO PLANNING COMMISSION

R. Combs asked when this term would expire. M. Jones stated he believed it is for an alternate, and it should be a year term.

R. Combs made a motion to appoint James Thomas as the alternate to Planning Commission, term to expire 6/30/23. R. Spaulding seconded. R. Combs welcomed J. Thomas to the Commission and asked him to request an extension for another year once this term is up. **All voted in favor. Motion carried 5-0.**

LION'S CLUB FISHING DERBY ANNUAL REQUEST FOR CRYSTAL BEACH USE: February 18-19, 2023

R. Combs made a motion to authorize Castleton Lions Club to use the Crystal Beach for their annual fishing derby on 2/18-19/22 and allow them appropriate time to set up and clean up as well. ML Harris seconded. R. Combs asked if insurance would be provided, M. Jones stated it would once they get it instated. **All voted in favor. Motion carried 5-0.**

LHMP BID FOR SERVICES: Proposal Received from RRPC Steffanie Bourque – No other proposals received

J. Mark asked where the funds were coming from for this proposal. M Jones stated there are funds in the storm water

budget that is in a zoning line and relates to mitigation. M. Jones stated if they don't do this, they won't get extra funds for reimbursements, and it is also part of the emergency management plan and mitigation, \$9,990.17 is the total. **J. Mark made a motion to authorize the Town Manager to sign an agreement for planning services from the RRPC to prepare the update of the local hazards mitigation plan not to exceed \$9,990.17 R. Combs seconded. All voted in favor. Motion carried 5-0.**

RUTLAND EMERGENCY MANAGEMENT COMMITTEE APPOINTMENTS: Michael Jones and Chief Peter Mantello

R. Combs made a motion to reappoint Rutland County Emergency Management members Michael Jones and Peter Mantello. ML Harris seconded. R. Combs stated there was no term indicated. R. Combs added to the motion for a one year term. **All voted in favor. Motion carried 5-0.**

OPEN MEETING LAW DISCUSSION

R. Combs stated there has recently been questions on what should and should not be warned as a Board meeting for the Board of Selectmen, in particular the DRB, CDERAC and Planning Commission if any members of the Selectboard were to attend. He has done some research and reviewed his findings of Title 1, Section 310. What he found is that if 3 or more members attend a DRB meeting and they do not discuss any Board of Selectmen business, it does not have to be warned and he feels it should stop being done the way it has been. They are being warned and he feels this statute says they don't need to be. Copies of the open meeting law were offered to anyone who would like one. R. Combs also noted an exception that is mentioned regarding social gatherings and such. He went on to suggest they cease warning Board of Selectmen meetings for other town boards. J. Mark stated he agreed.

FORMER CASTLETON VILLAGE SCHOOL OWNERSHIP DISCUSSION

J. Leamy stated this discussion involves the possibility of the Town of Castleton buying out the Town of Hubbardton's share of the village school. ML Harris stated she had some concern. When they discussed paying them, she felt maybe it should refer to how much it is being sold for. J. Mark thought to offer a specific amount now, with a formal agreement in writing to adjust upwards if the property is sold for an amount that is greater than the specific amount and the Town of Hubbardton deserved a larger share. R. Combs asked if they would have to have a meeting with the Town of Hubbardton to come up with a number. He also stated having them sell their interest would make it simpler for all involved. In discussion of a number, J. Mark stated he had proposed \$25,000 and the Town of Hubbardton board wanted more, so he would propose that again with the caveat that it will increase based on sale price. **J. Mark made a motion that the Town of Hubbardton be offered \$25,000 for their 11% share of the Castleton Village School, with the caveat that the amount could increase based on the sale price of the property. ML Harris seconded.** J. Leamy asked what would happen if the Town of Castleton doesn't sell the property. R. Combs stated the Town of Hubbardton takes their money and are out of it. J. Mark stated the Town of Hubbardton also owes 11% of the accrued expenditures to date from July 1, and he feels that should not be included in the motion, but a calculation later agreed upon. M. Jones stated those expenditures right now are about \$7,000. It was felt this comes down to 11% of selling price and they give up 11% of expenses from here on out. If the Town of Hubbardton doesn't agree with the figure, they are still responsible for 11% of the expenses. **J. Mark added to the motion that they would waive the 11% of the expenses to date. ML Harris seconded. All voted in favor. Motion carried 5-0.** R. Combs questioned if they agree to the proposal, where are the funds coming from. M. Jones suggested ARPA funds, Board members agreed.

MANAGER'S REPORT

M. Jones stated the contract for appraisal services was not on his report and that there is no way he can find \$7,360. Board held discussion on the East Crystal Haven common area. M. Jones stated it has taken him some time to get what was needed to Sargent appraisal. The cost is to appraise the lots in the area of Crystal Heights, Pencil Mill and North Road. The board asked for an estimated value in case they wanted to sell any of them at some time in the future. R. Combs stated since they are not actively pursuing selling, he appreciates the efforts and would be inclined to not contract for these services. Further discussion on the parcels included and whether the town assessor could give them at least some ballpark number for the lands. M. Jones is to ask MaryJo Teetor about doing that and will let Sargent know the board will pass on his proposal.

The Lexapol quotes for the fire department for \$3,500 for grant application was addressed. M. Jones stated he spoke to Chief Goyette, this is how he would like to pursue it, grant cycle opens in January so have time to get it done in time. There are also funds carried over in the budget to pay for it, it is not coming out of operating budget. **R. Combs made a motion to**

authorize the Town Manager to contract with Lexapole for Airpac and Cascade system grants. R. Spaulding seconded.
There is no truck included in this proposal. **All voted in favor. Motion carried 5-0.**

ML Harris asked when the board would meet the Recreation Director. M. Jones stated they start on the 28th of November. Bo Elliott Ramos is the one hired, who has a lot of background of working with communities, they are young energetic and wants to work with CU to foster internships. They are a salary employee, currently works in Pittsford, does outreach, also has a background of soliciting funds, alternate programs, and will work with all age groups, not just children.

R. Spaulding asked about diesel emissions. M. Jones stated if they decide to retire a vehicle, they have to destroy it when replaced for grant purposes but have to buy new not used. Discussion on vehicles and how to determine what should be replaced.

J Mark referred to page 11, 8b of the Manager's Report and Emergency Operations Center and the deadline for a grant. M. Jones stated he has an equipment list ready, the emergency operations center (EOC) needs them. They have a price of \$1,350 for a transfer switch, they already have the generator, they still need to do some research though. He felt they should apply for a grant by tomorrow, then will determine where to go with the EOC, and stated he felt they should concentrate on the highway garage.

J. Mark questioned page 15, 10c, and reference to the historic cemetery in the village. J. Mark asked what the historic cemetery association is, the board has not been involved in any discussion. M. Jones stated there are 4 people involved, Ray Ladd, Mr. Pontillo, Dr. Flowers and Kevin Fenton. They maintain all historic cemeteries in town, 9 total. J. Mark felt it was an opportunity to capitalize on Joe Kenney's energy and reaching out to the young people showing interest in cemeteries and try to move things along. M. Jones will reach out to J. Kenney.

ML Harris asked about information given about the sidewalk from Dunkin Donuts to Parson's Hill and how soon it is to be done. M. Jones stated not really soon, but they still in the process of getting driveway cuts, it is a slow process. Further discussion on the project and what was learned from previous sidewalk projects.

PURCHASE ORDERS FOR APPROVAL

R. Combs made a motion to approve Purchase Order #049281 to Farr Inc for the rebuild of Pump 1 at the Bomoseen pumping station in the amount of \$11,339.25. R. Spaulding seconded. All voted in favor. Motion carried 5-0.

R. Combs made a motion to approve Purchase Order #049264 to Trees, Inc. in the amount of \$10,710.00 for tree and stump removal town wide. R. Spaulding seconded. All voted in favor. Motion carried 5-0.

R. Spaulding made a motion to approve Purchase Order #049301 for Castleton Fire Department points and a one-time addition for the 22/23 year in the amount of \$13,800.00. J. Mark seconded. All voted in favor. R. Combs recused himself. Motion carried 4-0.

WARRANTS FOR APPROVAL

R. Combs made a motion to approve check warrant #1114 in the amount of \$151,596.40, check warrant #1110 in the amount of \$42,316.60, check warrant #1107 in the amount of \$9,470.79, check warrant #1031 in the amount of \$103.50, check warrant #1027 in the amount of \$8,822.98, check warrant #1110P in the amount of 15,698.00, check warrant #1103P in the amount of \$17,034.68 and check warrant #1027P in the amount of \$17,139.47. ML Harris seconded the motion. All voted in favor. Motion carried 5-0.

R. Spaulding made a motion to approve check warrant #1111P in the amount \$654.67 and check warrant #1104P in the amount of \$654.67 and check warrant #1028P 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 Elicia Pinsonault what the project was for those attending via Zoom. She replied they are with a journalism class at CU, and she will follow up with M. Jones if they had any follow up questions. R. Spaulding asked what department would be contacted to see if the majority of the University population being in favor of the Sand Hill Project. Z. Hale stated he has had a conversation with the current President of the University and offered to set up a meeting with the Board.

SELECT BOARD COMMENTS & CONCERNS:

J Mark stated he is interested in knowing how the board plans to respond to Wenda Bird's correspondence. J. Leamy stated he believes the previous board voted to support the project, as well as this Board, and that they were prepared to appeal the decision. R. Spaulding felt there were assumptions made and he doesn't even know legally what they can act on or respond to. J. Leamy stated it can be appealed to the environmental court. M. Jones stated he will be meeting with Mr. Tarant, the attorney for the town, and there are procedures that need to be followed. R. Combs stated he felt they 4 options: appeal to the environmental court, disband the DRB, appoint a new board and ask them to reconsider the application or option 4, overrule the decision as a Selectboard, which would be setting a precedent. Three of the options are difficult for many reasons, so he would suggest they stick with the environmental court. J. Leamy stated they should discuss it with other parties involved. R. Combs stated the new decision is dated 11/11/22, they have a 30 day window to appeal. M. Jones stated the meeting he has is Thursday at 9:45 with the attorney,

R. Spaulding asked where they are at on the banners for telephone poles. M. Jones stated there are questions on payment and need to meet with community events committee, he will be coming to board when he has answers.

R. Spaulding asked what M. McIntyre meant when asked when it would be addressed. J. Mark stated that was for the CVS issue.

BRIEF RECAP & ITEMS FOR FOLLOW UP:

None

ADJOURN

ML Harris made a motion to adjourn at 8:40p.m. J. Mark seconded. All voted in favor. Motion carried 5-0.

Meeting adjourned.

Respectfully Submitted
Allison Harvey
Recording Secretary