

TOWN OF CASTLETON SELECT BOARD MINUTES

**Monday April 11, 2022 7:20 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/K0zjgodco1Or23vJFAjNxotJC6kzTo2i5vDGXXcbrke-w_hhhwT3_gEHsa69qOVu.e3H3RbSMMkMcEq4S

PRESENT: Jim Leamy, Chair, Robert Spaulding, Richard Combs, Vice Chair, Mary Lee Harris, Joseph Mark, Parliamentarian, Peter Mantello, Police Chief, See Attached List

Attending via Zoom: Kim Prehoda, Jeff, Chris, Keith Whitcomb, Emma Cotton, Alyss Pitarys, Chris Fouracre, Annika, Pat and Jeff Schroeder

CALL MEETING TO ORDER

The meeting was called to order by Chair J. Leamy at 7:20 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by J. Leamy.

APPROVAL OF AGENDA

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

J. Leamy welcomed the Castleton University Class of David Blow to the meeting at this time.

APPROVAL OF MINUTES OF MARCH 14, 2022

J. Mark made a motion to approve the minutes of March 14, 2022 as presented. R. Spaulding seconded. Discussion on transparency and attachments being included with minutes. R. Combs felt there was a commitment by the Town Manager to have the attachments available after approval of the minutes. M. Jones stated to clarify, there is a difference with material being available for the agenda or the minutes. ML Harris stated she felt it should be anything that affects the public. She doesn't mean the bills and things that the board needs to make decisions. ML Harris stated there was a letter from October 18, 2021 asking for information to the board, which has not been provided, it is her understanding they have 5 days, 10 days maximum to have it available and it has been over 6 months, the town could be fined, she feels this is very lax, and whether it is purposely or an oversight, it can be a big problem for the town. Not sure if it's on purpose or an oversight. J. Leamy asked what letter. ML Harris stated it was what her daughter wrote, there still has been no response regarding the proposal on the Sand Hill Road Project. M. Jones explained he had communication as well as J. Rosenthal communicated with her attempting to get the information to her. J. Rosenthal began to explain how information was transmitted regarding the letter and J. Mark asked that it be addressed as a separate issue later in the meeting or a future meeting, as it doesn't pertain to the approval of minutes. J. Mark also suggested anything that is pertinent to the board for decision making, he doesn't feel all needs to be included. He suggested ML Harris and M. Jones meet to discuss and decide what should be included with minutes to the public. R. Combs felt that was a good suggestion and he does agree with ML Harris, there are things that should be available. ML Harris stated when they adopted rules and procedures, she believes they overlooked some appointments. J. Leamy stated they are in packet this evening. **All were in favor. Motion carried 5-0.**

J. Mark made a motion to approve the minutes of the March 28, 2022 Special Meeting. R. Spaulding seconded. All were in favor. Motion carried 5-0

R. Combs made a motion to approve the minutes of the March 28, 2022 Regular Meeting. R. Spaulding seconded.

Page 1 – First line of the paragraph of the March 21, 2022 minutes approval should read R. Combs made a motion to

approve the minutes of March 21, 2022 as presented.

Page 4 – 6th paragraph, NEPDA is changed to NEPBA

Page 4 – 9th paragraph, residents should be inserted after Drake Road in the first line of the paragraph

Page 4 – last line on the page, the second sentence should read ML Harris stated it was a document from our Rules and Procedures and she asked about an organizational chart and is from a State training for Selectboard members.

All were in favor. Motion carried 5-0.

CITIZENS COMMENTS & CONCERNS - ITEMS NOT ON THE AGENDA:

Helen Steele questioned the discussion regarding ML Harris' question and what she is asking for, will she meet with Mike and citizens will see attachments? J. Leamy said yes.

Rob Steele questioned if there was any agenda for the meeting at the college for the end of the month. J. Leamy stated that is on agenda later in this meeting to discuss.

M. Jones stated he had a visit from Jane and Larry Nicklaw regard their neighboring quarry and potential violations concerning the neighbor's dog, and what protocols should be followed. They have spoken with the Police Chief and Chris Forrest with animal control, and also spoke with Jane and Larry regarding about possible violations. They will need clarification of leash laws and length of leash and working dog definition which is being worked on. J. Mark made point of order and asked if J. Nicklaw able to speak. Jane Nicklaw stated that since 2019, there have been letters, attacks by the neighbor's dog and fly rock from the quarry. J. Nicklaw reviewed the incidents of the neighbor's dog and explained the various issues with the dog. J. Nicklaw then went on to quarry rock, J. Leamy stated it is his understanding the dog issue is being reviewed by the Police Chief and animal control and she will be notified of the results of investigation. Discussion on farm dogs, and tickets issued for dogs barking, and nothing has happened for the dog issue. R. Spaulding questioned J. Nicklaw's statement that the muzzle order is being rescinded, and the issuing of tickets to the Nicklaw's for registered farm dogs, why being a farm animal was not acknowledged. There was discussion on the issues of the dogs, who's dogs are misbehaving and why tickets were issued. R. Spaulding felt the citations should be rescinded by the Town, M. Jones stated they did not know that until today, and is being addressed by the animal control officer. R. Combs asked about the July 15 date when it had been addressed and J. Nicklaw mentioned, if there have been any incidents since. J. Nicklaw stated no, there has not, by the grace of God, but there have been many incidents that have come close to being dangerous.

J. Leamy asked J. Nicklaw to go on to the fly rock from the quarry issue. A few meetings ago, it was stated they were going to hire a lawyer about the quarry not having permits to operate on some of their parcels. There are laws that have been violated, they are supposed to be 200 feet from her property, and they have been cited for encroachment. J. Leamy stated an attorney has been hired, J. Rosenthal is working with the attorney to try to get a definitive answer. J. Nicklaw asked they be shut down until it has been confirmed that they have proper operating permits. J. Rosenthal reviewed prior records and what has been permitted and explained his research and timing of the fly rock and whether operating under a properly issued permit or not. J. Nicklaw also asked J. Leamy if anything was done about the trash and tires being dumped down over the bank at the quarry. J. Leamy stated it would be addressed, and she would be informed of the results. J. Nicklaw asked when that would be, J. Leamy stated they would be moving on with agenda and that she would be informed as soon as they have an update.

CDERAC APPOINTMENT

M. Jones stated Elizabeth Bird is asking to be appointed to the CDERAC. **R. Spaulding made to appoint Elizabeth Bird to CDERAC. J. Mark seconded.** R. Spaulding asked if they have determined the term limits or not. M. Jones is not aware of any other vacancies at this time, but they can adjust later if needed. R. Combs stated he is aware of two or three vacancies, and he does not believe any expiration dates are upcoming and suggested it be until 6/30/2023. ML Harris stated that because Ms. Bird is on LBA if it should maybe be put on hold until the herbicide issue is taken care of. She feels is a conflict of interest. R. Combs stated he doesn't agree. J. Mark felt should get on top of terms for new appointments, J. Leamy agreed. J. Mark stated at the last meeting with the DRB appointment they also had the same discussion. **R. Spaulding withdrew the motion, J. Mark withdrew his second due to the concern of the term of office. No vote**

LETTER OF SUPPORT TO FUND A FEASIBILITY STUDY FOR REPURPOSING THE CVS - MARY DROEGE

Mary Droege wanted to make the board aware of a funding opportunity to fund a repurposing study of CVS. The deadline is Friday 4/22/22, which is before the next board meeting, they are looking for a letter of support to earmark funds. This would allocate funds to a special project in the federal budget, then allocated for that designation. On Senator Sanders website, there is 38 million available. M. Droege stated she realizes they are still in the process of decision making, but they only need a simple few sentences long letter supporting the project to apply for it. J. Mark stated they have a meeting with Hubbardton board members tomorrow, ML Harris agreed they could address it then. **J. Mark made a motion to support a letter pending the ad hoc approval at tomorrow's meeting. R. Combs seconded. All were in favor. Motion carried 5-0**

TOWN APPOINTMENTS: CONFIRMATION ALL HAVE DESIRE TO BE REAPPOINTED

R. Combs made a motion to appoint to the following positions for the term of one year, to end in March 2023:

Pete Mantello Emergency Management Coordinator

Mike Jones Emergency Management Director

Joe Bruno, Jr., Fence Viewer

Mike Finnegan, Fence Viewer #2

Fence Viewer #3 is vacant

R. Spaulding stated he would volunteer for 3rd position, motion to be made separately.

Lumber, Shingle and Wood Inspector, Thomas Ettori

Overseer of Historic Cemetery #1, Ray Ladd

Overseer of Historic Cemetery #2, Ken Flowers

Overseer of Historic Cemetery #3, Jon Pintello

Town Attorney, Ted Parisi, Lois Vandenburg Baldwin and Merrill Bent

Designated Bank, People's United Bank

Newspaper Designation, Lakes Region Free Press and Rutland Herald

R. Spaulding seconded.

ML Harris asked about the lumber, shingle and wood inspector, R. Spaulding stated is historical, R. Combs stated they did away with weigher of coal a few years ago.

All were in favor. Motion carried 5-0

R. Combs made a motion to appoint R. Spaulding for the third fence viewer for one year. ML Harris seconded. All were in favor. R. Spaulding recused himself. Motion carried 4-0

SALVAGE YARD RENEWALS: NEW ENGLAND QUALITY SERVICES AND NEW ENGLAND TRUCKS AND EQUIPMENT (FIVE YEARS)

J. Leamy stated this is carried over from the last meeting. There was a note from Karen, who spoke to Wendy with State DEC, who said no signature is needed from the Zoning Board of Adjustment or DRB, it is only a renewal and needs only Board of Selectmen signatures. **R. Combs made to approve both salvage yard renewals for the New England Quality Services and New England Trucks and Equipment for five years. R. Spaulding seconded. All were in favor. Motion carried 5-0.**

BOYS AND GIRLS CLUB: DAVID WOOLPY

Was taken off agenda.

STANDARD ALLOWANCE ELECTION FOR ARPA FUNDING

M. Jones stated the Town needs to make the decision of whether they are going to use the standard allowance or loss of revenue generator for use of the ARPA funds. They are pushing standard allowance, gives you the broadest discretion of using the monies. **ML Harris made a motion to take the standard allowance for use of the ARPA funds. R. Spaulding seconded.** R. Combs stated according the VLCT they need to have a more formal motion, and asked **ML Harris to withdraw, which she did and R. Spaulding withdrew his second. No vote. R. Combs made a motion to make a onetime irrevocable decision to elect the standard allowance approach for their ARPA award of \$1,348,754 rounded to the nearest dollar to spend on the provision of government services throughout the period of performance of the grant. ML Harris seconded. All were in favor. Motion carried 5-0.**

TOWN ROAD AND BRIDGE STANDARDS (ANNUALLY)

M. Jones stated nothing has changed since last year, done annually, ML Harris questioned if anyone knew if they could involve students for part time positions for things that need to be done, flagging or what not. M. Jones stated the public works director when hired they were eliminated those position, to ease the department into having the director. If the board wants to put those funds back in the budget, they can in the upcoming. He works with Chris Fouracre and Brent on the budget and hiring outside services is possible. **R. Combs made a motion to approve the Town Road and Bridge Standards for the next current year with date of adoption of 4/11/22 ML Harris seconded. All were in favor. Motion carries 5-0.**

OVERHEAD DOOR: ANNUAL MAINTENANCE CONTRACT

J. Leamy asked if Overhead Door was the only company they requested a bid from. M. Jones stated they asked Ski Door but got no response. M. Jones stated they are for the town garage and fire station. **R. Spaulding made a motion to approve the planned maintenance as presented to Overhead Door of Company of Rutland for the annual contract at \$118/hour for two commercial technicians on site for efficiency and safety, with 10% discount on all parts and prior approval and one year warranty on parts from date of service. ML Harris seconded. All were in favor. Motion carried 5-0.** R. Spaulding questioned who keeps track of when they come, M. Jones replied that Chris keeps track.

OVERHEAD DOOR QUOTE TO REPLACE OVERHEAD DOORS AT THE TOWN GARAGE (REPLACE TWO PER YEAR)

J. Leamy asked there was also no bid from Ski Door, M. Jones confirmed with yes. M. Jones stated the doors are currently working, the remotes are not working. He wanted the board to know that Overhead Door will not work on them without a contract. He can now call and have them come to see how many doors need maintenance, they haven't been worked on for a few years. He will get a cost of doors and operations now that they approved a contract in the previous discussion. R. Spaulding suggested this be tabled until that call can be made, and the Town Manager can get a final number, others agreed.

EXPENDITURE OF SCRAP METAL PROCEEDS

Chris Fouracre stated they have been cleaning up around certain areas, town garage, wastewater plant and transfer station. They have turned in enough scrap to come to \$3,778.21 and he proposes to use to purchase items as presented in their packet. The purchase totals \$3,340.64, with \$437.57 left over. **R. Spaulding made a motion to approve the purchase of the proposed items for a total of \$3,340.64. J. Mark seconded.** R. Combs questioned if can without voter approval. M. Jones stated they could, as it is unanticipated revenue. **All were in favor. Motion carries 5-0.**

TRACKLESS MT5T TRACTOR PROPOSAL

Brent Clerk stated to the board that sidewalk maintenance is a big complaint, so he broke down the sidewalk maintenance and the time it takes to do them. He has priced and shopped around for equipment to alleviate the time it takes, and the best deal is from Middlebury College. Their current system is not very efficient, a lot of labor and time is wasted. New this equipment runs \$137,000, with attachments it would be closer to \$215, 000. They can buy the one he found for \$20,000 with all of the attachments which is a good deal for the price. It is a 2003 machine with 3000 hours on it. The funds to use are from highway department unassigned carryover, there's \$230,000 there. R. Combs questioned the snow blower, if they could do a windrow on Main Street and can then blow it into a truck, which they could do with this machine. **R. Spaulding made a motion to approve the proposal to purchase the trackless MT5T tractor with 9 attachments for \$20,000 from Middlebury College. R. Combs seconded. All were in favor. Motion carries 5-0.**

CRACK SEALING BID AWARD

M. Jones referred this to Chris Fouracre who stated they do this every year as preventative maintenance, list of roadways throughout town that were put out to bid and had two bids, Freshcoat and Endus, they also submitted bids using alternative material other than what the request specified. They have \$21,500 budgeted and they went with as many miles of road as they could. Freshcoat is the better buy, they could add one more road for \$3,000. **R. Combs made a motion to award the bid to Freshcoat for crack sealing. R. Spaulding seconded. All were in favor. Motion carries 5-0.**

UPDATE ON STONE MILL SOLAR FOLLOW UP TO 3-30-22 HEARING

J. Rosenthal reviewed the information in packets and stated the Public Utility Commission had their meeting today, and they needed information from Town. The Planning Commission meets tomorrow and will address the landscaping, taxes and a

recap of the major topics at the hearing. They increased the count from 46 to 68 for the number of trees to plant, as screening was major concern of the Town. R. Combs questioned if the addition of trees was to block the project from the highway. J. Rosenthal replied with yes. The Planning Commission will review and propose any changes they see as necessary.

MANAGER'S REPORT

M. Jones stated there are some things that need to be done on the scoping study, he received a message from Devon Neary, they can apply for a grant, but he needs the board to direct him to do that. **R. Spaulding made a motion to authorize the Town Manager to apply for the bike and pedestrian grant as discussed. R. Combs seconded. All were in favor. Motion carries 5-0.**

M. Jones stated he applied for the 1111 grant with VTrans for driveway cuts from Castleton Corners to Parsons Hill for sidewalks, which is ongoing.

M. Jones stated the Staso Road storm water scoping study is moving ahead, will be to board at next meeting to mitigate storm water.

The agreement the town has with Peter Ruby to store sand/salt ends May 31, they will have to extend the lease, as they won't have anything built by then at the Town Garage probably until 2023. Will address at first meeting in May.

Better roads grant, Chris and Brent worked on these, applied for South Street trestle, review of what needs to be done with trestle and also a Class 2 portion, should be able to apply for both. Differentiates between Class B and Class D, hope to be able to use all of the grant funds and apply for them, also includes Eaton Hill West.

Transfer station operations, spoke with Joe Rice about the lay out, will need to look into concrete blocks and prices to replace with concrete, no funds to pour concrete walls, not in the budget.

Local Emergency Management plan is due to renew May 1, he will review with Police Chief, Fire Department and Emergency Response, need to update contacts, etc. Brief discussion on FEMA and emergency responses.

M. Jones advised for the lighting at the park and ride that the difference of cost for gel batteries vs pole mounted LED is ridiculous. He suggested abandon the solar and put in streetlights so don't have to worry about cost and warranties on the solar equipment and replacing batteries. He has a quote from Green Mountain Power, just doesn't know if they will waive the pole cost, he wants to wait for that before taking any action.

M. Jones stated they are all set for the auditorium for the herbicide hearing. R. Combs questioned the agenda for the meeting on April 27, it was stated they will do that under selectboard concerns.

M. Jones stated the Union negotiations next meeting is April 19.

M. Jones reported that they need to act on the new Recreation Director position, and decide whether the commission should be replaced with a department, who the director reports to, etc. Martha Clifford has suggested a department. J. Mark stated he felt there are questions that need to be discussed with the commission itself. **J. Mark made a motion to create new administration department of Recreation. R. Spaulding seconded.** R. Combs stated there should be more discussion to follow or a steering committee formed. **All were in favor. Motion carries 5-0.**

R. Spaulding asked if there was a reduction in hours for hazardous waste collection. M. Jones stated they have cut hours and events and cut staff as well. R. Combs felt there should be room for improvement. It was stated that J. Rice, head operator at the transfer station has indicated that they need at least 4 hours and that the reduced hours don't work. R. Spaulding

stated the district has raised the district surcharge, but they are now getting less for services.

PURCHASE ORDERS FOR APPROVAL

J. Leamy stated they had one purchase order approved at the last meeting that was not reflected in the minutes. **R. Spaulding made a motion to approve Purchase Order #048066 to VFIS for incentive insurance for the fire department for 6/1/22-5/31/23 in the amount of \$29,047.00 ML Harris seconded. All were in favor. R. Combs recused himself. Motion carried 4-0.**

R. Spaulding made a motion to approve Purchase Order #048218 to Brown's Quarried Slate Products in the amount of \$2,940 for stone for Belgo Road and Frisbee Hill Road. R. Combs seconded. All were in favor. Motion carried 5-0

R. Spaulding made a motion to approve Purchase Order #048216 Ferguson Waterworks for 120 feet of grey culvert for future road projects in the amount of \$2,938.80. R. Combs seconded. All were in favor. Motion carried 5-0.

R. Spaulding made a motion to approve Purchase Order #048413 to Holland Company, Incorporated for alum for the sewer department for \$2,646.60. R. Combs seconded. All were in favor. Motion carried 5-0.

WARRANTS FOR APPROVAL

R. Combs made a motion to approve check warrant #0411R in the amount of \$650.00, check warrant #0411 in the amount of \$115,847.11, check warrant #0407 in the amount of \$27,201.76, check warrant #0331 in the amount of \$6,007.63, check warrant #0408P in the amount of \$16,930.56, check warrant #0331P in the amount of \$17,331.08. ML Harris seconded the motion. All were in favor. Motion passed 5-0.

R. Spaulding made a motion to approve check warrant #0409P in the amount \$634.28, check warrant #0332P in the amount \$634.29. 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 stated they need to address the format for the meeting on 4/27. The board indicated the supporters of the petition would have an hour and opposition to have an hour. J. Mark felt two blocks of time for each party, similar to a debate, pro and con to comment or rebut. He would suggest a half hour times 4, then other comments after two half hour for each group, then a brief time for additional comments. R. Combs suggested time as well for this board to address issues or comments as well. J. Leamy suggested people who plan to speak sign up so there is some type of order to follow, and the leaders on each side have a structure so it will remain within the time limits established.

J. Mark suggested allowing others present to comment on the discussion as well. R. Combs asked if the town moderator should chair the meeting. M. Jones stated he will ask Mr. Finnegan if he would be willing to moderate. It was questioned what type of meeting this would be, it was stated it is an information meeting held by the selectboard. It was also questioned if there would be action taken at a future selectboard meeting, J. Leamy felt there was potential for board action. Further discussion on the format of the meeting, whether others would be included in the format or just appointed speakers.

R. Spaulding asked about the RCSWD raising the surcharge at their last meeting, J. Leamy stated he would have it put in writing a detailed reason for the increase and bring it to this board.

R. Combs stated the public safety committee meeting was held, talked about the Fire Department moving forward, working on that now.

R. Combs also stated he talked with the Town Manager about the public works director and town manager are to meet with two select board members, as needed and asked any board members who would be interested in sitting for that to let the Town Manager know.

9:30pm-ADJOURN

J. Mark made a motion to adjourn at 9:30p.m. R. Combs seconded the motion. All were in favor. Motion carried 5-0. Meeting adjourned.

Respectfully Submitted
Allison Harvey
Recording Secretary

FINAL