

**TOWN OF CASTLETON
SELECT BOARD MINUTES
Monday, September 13, 2021
Public Meeting**

PRESENT: Jim Leamy, Chair; Richard Combs, Vice Chair via Zoom; Joseph Mark, Parliamentarian via Zoom; Michael Holden, Member; Michael Jones, Town Manager; Eitan Kilchesvsky, resident via Zoom. Missing – Robert Spaulding, Member.

Recording resumed after exiting Executive Session.

https://us02web.zoom.us/rec/play/yt3AFrzTB_IWRxmRIJCL-azE2zqeVJ-glvU9Y4P4WikfLsNZ8oLf30icKksh4ilh667uQbTq5SoQimjf.vBQ_XqIRkvmTSaW3?autoplay=true&startTi me=1631571731000

CALL MEETING TO ORDER

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

MOMENT OF SILENCE FOR 9/11 REMEMBRANCE

Chairman Leamy asked for a moment of silence in remembrance for those who lost their lives on September 11, 2001, in a terrorist attack on our soil.

PLEDGE OF ALLEGIANCE

Chairman Leamy led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Holden made a motion to approve the agenda. Mr. Combs seconded the motion. Discussion: None. All were in favor. Motion passed 4-0.

APPROVAL OF MINUTES

Mr. Mark made a motion to approve the minutes of August 23, 2021. Discussion: Nothing noted. **Mr. Holden seconded the motion. All were in favor. Motion passed 4-0.**

CITIZENS COMMENTS & CONCERNS

There were no citizens comments or concerns.

REGIONAL PROJECT

Amanda O'Connor of the Rutland Regional Planning Commission explained to the Selectboard a potential project using the Build Back Better grant for a regional facility to help build a logistics center in Western Rutland County that will expand our regions existing agricultural industry by opening larger markets to our farmers and create a new complementary industry that adds value to our already developed products through processing and cold storage. She advised she was not looking for a letter of support from the Selectboard at this time but wanted to advise the board that this is up for consideration and the proposed facility would be sited in Castleton, Poultney, or Fair Haven. There was no action taken.

EXECUTIVE SESSION

Mr. Combs made a motion to enter into executive session with the board and Town Manager for Contracts 1VSA §313(a)(1) at 6:55 p.m. Mr. Holden seconded the motion. All were in favor. Motion carried 4-0.

Mr. Holden made a motion to exit executive session at 7:02 p.m. with no action taken.

Mr. Holden made a motion to sign the contract with Chief Mantello to clarify vacation section 6, compensatory time limited to 45 hours per year. Mr. Mark seconded the motion. All were in favor. Motion carried 4-0.

TIRE PURCHASE BIDS:

Mr. Holden made a motion to award bid to New England Truck Tire in the amount of \$904.85 for two tires. Mr. Mark seconded the motion. All were in favor. Motion carried 4-0.

Mr. Holden made a motion to award bid of additional tires to Pete's Tire Barn, six (6) 11R22.5 tires for \$2821.32, four (4) 12R22.5 tires for \$2042.68 and two (2) 11R24.5 tires for \$1,002.54. Mr. Mark seconded the motion. All were in favor. Motion carried 4-0.

TIRE CHAIN PURCHASE BIDS: Mr. Jones stated there were no other vendors used for tire chain purchases for a couple of years and the Selectboard has used Boutwell Logging as a sole-source vendor. Mr. Holden made a motion to approve Purchase order #47515 to T. Boutwell Logging for tire chains for town trucks in the amount of \$4,341.20. Mr. Combs seconded the motion. All were in favor. Motion carried 4-0.

40 YARD OPEN TOP CONTAINER PURCHASE BIDS:

Mr. Holden asked if the town should wait for prices to go down? Brief discussion ensued comparing bids. Mr. Holden made a motion to award the bid to Premier Recycling with the Town picking up the container in the amount of \$7,640. Mr. Mark seconded the motion. All were in favor. Motion carried 4-0.

ON-ROAD / OFF-ROAD DIESEL BIDS: Discussion regarding the quality difference of on-road to off-road diesel and costs ensued. Attending board members deferred to Mr. Holden's opinion. Mr. Jones stated that Champlain Valley Fuels advised him that the Canadian on-road would not require additional kerosene added during extreme cold weather conditions. Mr. Holden felt off-road diesel with added kerosene would be the best option as compared to Canadian on-road. He stated that he did not have enough knowledge of the Canadian on-road and had concerns that it might still gel in extremely cold temperatures. He felt the risk was too great to take a chance. Mr. Holden made a motion to accept Option A and award Champlain Valley Fuels the bid. Mr. Mark seconded the motion. All were in favor. Motion carried 4-0.

SEASONAL LINE STRIPING: Mr. Jones contacted the same companies the Town historically solicits bids from and they all said there was no way they could do the line striping before winter. Mr. Jones advised that he met with Chris Bendig last Saturday in the Village and after a discussion about the job, Chris advised there was no way he could get to it this year. Contractors have had trouble getting paint for these line striping projects. Following a brief discussion, Mr. Jones stated would have the road crew hand stripe the crosswalks in the village.

MANAGER'S REPORT

Mr. Jones provided the Select Board Members with the Manager's Report. Comments and questions followed.

Page 1 Grants-in- Aid: Mr. Jones spoke with Stephanie Bourque from Rutland Regional Planning Commission regarding the culvert that was part of the project on Barker Hill. Per discussion they would not complete the culvert replacement at this time because the culvert that was ordered has not arrived and the projected delivery date is too close to October 31, 2021, the project completion date. Mr. Jones was concerned if the work was started and not completed by the project end date, that the Town would not get paid for any work not completed. Based on this decision, Mr. Jones and Ms. Bourque agreed to reduce the number of segments under the project. This will ensure the Town is able to be reimbursed for the work completed. Barker Hill was changed from eight segments down to six segments. The culvert will be added into next year's Grants-in-Aid grant so the Town will be reimbursed for the culverts that have been ordered.

Page 2 – Paragraph 2a-Operations- A discussion ensued about the safety assessments that Wade Masure completed on the Transfer Station, town garage, wastewater treatment facility, and fire station. Wade Masure would like a letter from the Town addressing a fix plan for each of the deficiencies found at these facilities. Mr. Jones apologized because not all of the assessment made it into the packets. Mr. Jones advised he will work with the DPW Director to prepare a response to Mr. Masure and PACIF.

Mr. Jones advised that the contractor who removes refrigerant from disposed appliances at the Transfer Station stated to Joe Rice that his prices will be increasing. Mr. Jones wanted to be sure the Selectboard was aware of this when the next operating budget is prepared. Mr. Holden noted that the costs to dispose should be passed to the users of the Transfer Station.

MHG Solar- Mr. Jones advised he has visited the work sit in our gravel pit and the tiered earthen benches are formed and are waiting a contractor to install the posts that the solar panels are mounted on. He further advised that Taconic Excavation removed the good gravel on the southwest end of the project area backfilled it with dirt and materials removed from roadside ditches. The invoice for that work is before the Board this meeting for approval and that the solar company will reimburse the Town the costs of the excavation.

Page 3, #5- Wastewater – Mr. Jones advised he included this information a seed for thought. The Fire Department will conduct a coin drop on September 18th as approved by the Selectboard.

Page 6 – The Recreation Commission would like to meet with the Selectboard at a future meeting to discuss its future.

PURCHASE ORDERS FOR APPROVAL

Mr. Holden made a motion to approve Purchase Order #46176 to Taconic Excavation in the amount of \$5600.00 for the removal of gravel that will be reimbursed. Mr. Combs seconded the motion. All were in favor. Motion carried 4-0.

WARRANTS FOR APPROVAL

Mr. Combs made a motion to approve check warrant #0913R in the amount of \$650.00, check warrant #0913 in the amount of \$150,380.32, check warrant #0909 in the amount of \$21,582.27 , check warrant #0903 in the amount of \$43.00, check warrant #0902 in the amount of \$6,041.79, check warrant #0831 in the amount of \$2,983.44, , check warrant #0826 in the amount of \$5,829.03, check warrant #0909P in the amount of \$18,480.85, check warrant #0902P in the amount of \$17,305.16, check warrant #0826P in the amount of \$16,735.65. Mr. Holden seconded the motion. All were in favor. Motion carried 4-0.

Mr. Combs made a motion to approve check warrant #0912 in the amount of \$31.17. Mr. Holden seconded the motion. Mr. Mark recused himself. All were in favor. Motion carried 3-0.

Mr. Holden made a motion to approve check warrant #0910P in the amount \$711.52, check warrant #0903P in the amount of \$711.51 and check warrant #0827P in the amount of \$711.51. Mr. Mark seconded the motion. Mr. Combs recused himself. All remaining were in favor. Motion carried 3-0.

AMERICAN RESCUE PLAN ACT (ARPA): FUTURE SPECIAL MEETING DATE TO SET- Mr. Jones recommended that the Selectboard hold a special public concerns meeting at the Fire Station to discuss the eligible uses of the ARPA money. After a short discussion about member's schedules, a special meeting date of November 1, 2021, at 6:30 p.m. was set and the location would be the Fire Station. Mr. Mark suggested that the selectboard consider the Town Manager's recommendation of inviting a representative from an organization such as Rutland Regional Planning Commission to that meeting provide additional information on the regulations on how those monies can be spent. Mr. Jones advised he will invite Eric Hall from the Rutland Regional Planning Commission. Mr. Leamy asked if it was possible to get some information ahead of the meeting and Mr. Jones advised he would contact Eric Hall to see if he can solicit some read-ahead information for the Selectboard.

SELECT BOARD MEMBERS ATTENDANCE AT 8/17/21 DRB MEETING Discussion regarding suggested procedures by the Vermont League of Cities and Towns (VLCT) Municipal Assistance Center, when three or more Selectboard members show up, planned or not, at a meeting within the Town. Mr. Mark, speaking as the Board's Parliamentarian, commented that he wasn't at the DRB meeting, but it was his understanding that three (3) Selectboard members attended the DRB meeting on 8/17/2021, and two Selectboard members addressed the DRB during that meeting. Mr. Mark believes since the meeting was a matter of concern for the Town, that it should be considered a concern for the Selectboard, therefore should have been warned as a public meeting. Mr. Mark stated he was advised by VLCT that the Selectboard should address the matter in a public meeting and acknowledge the error and in the future when it is known that three (3) members of the Selectboard are considering attending a town meeting, such as the DRB meeting, that it be warned as a public meeting.

Mr. Holden had an issue with this because he stated as he is a taxpayer and he, as well as other board members, have every right to be there, and in the case of the DRB meeting, where three members of the Selectboard attended, he advised that they were not there collectively as a board, were not aware that each other were attending, did not sit together, and did not discuss anything with each other during the meeting. Mr. Leamy advised that his understanding that the item at hand is not whether individual board members have a right to attend, but if three (3) members plan on attending a public meeting, then the board should go through the formalities of warning a meeting because three (3) or more Selectboard members will be at the meeting. Mr. Mark advised that he attended a training workshop hosted by VLCT when he first was elected to the board and found it informative. He offered to provide to Mr. Holden some materials on open meeting laws and restrictions on elected members of the executive body of a Town.

Mr. Combs also stated that he attended the DRB meeting and personally addressed the Vice Chairman of the DRB that night clearly stating that he was not speaking or acting in anyway on behalf of the Selectboard. He then asked how the board would go about warning a meeting of the Selectboard when it isn't really of a meeting of the Selectboard. Mr. Mark replied that if it was not known three members would be attending prior to meeting, one of the board members should need to opt of attending. He suggested that an agenda could be a one-item agenda and since the board does not discriminate between discussion items and action items, that the agenda could list a topic such as, "Consideration of a permit application to build a 99-unit assisted living facility on Sand Hill Road." None of the Selectboard members felt it necessary to make a motion.

SELECT BOARD COMMENTS & CONCERNS

Mr. Mark commented to the Chair on the upcoming ARPA meeting stating he had complete confidence in his ability in keeping the meeting focused and constructive. He stated there is a tendency when you put \$1.3M+ out there as a topic for discussion, for people to come up with all sorts of wish list items that have no relevance to the guidelines of this program. Mr. Mark further stated he thinks it is important at the outset to layout the limitations of the use of these funds and then to keep people task as people come up with ideas for the possible use of these funds.

Mr. Leamy read letter to the Development Review Board from the Selectboard regarding their support of permit application #8177. The letter was read in entirety for public benefit. **Mr. Holden made a motion to sign the letter and send it to the DRB. Mr. Mark seconded the motion.**

Discussion: Mr. Combs wanted to discuss point #7 in the letter. He advised that the Community Development and Economic Advisory Committee (CDERAC) did not make a motion in support as there was no quorum present at their meeting but advised that there was a consensus of the members present at the meeting in favor of the proposed project on Town-owned property on Sand Hill Road.

Mr. Mark proposed an amendment on point #7, recommending that after planning commission, "and members of the Community Development and Economic Revitalization Advisory Committee have supported the project" be added. **All were in favor of signing and sending the letter with the corrections. Motion carried 4-0.**

Mr. Mark also addressed the board advising that he allowed himself to be an alternate on the DRB, in part because he thought it may be necessary for an alternate member to serve on the DRB for the Sand Hill Assisted Living Facility permit. He was prepared to recuse himself from a vote on this matter but realizing that the Town is a co-applicant on this permit, he stated he feels he is unable serve as an alternate on the DRB regarding this matter. Mr. Holden thanked him.

ADJOURN

Mr. Holden made a motion to adjourn the Select Board Meeting at 7:52 pm. Mr. Combs seconded the motion. Motion carried 4-0. Meeting adjourned.