

**TOWN OF CASTLETON**  
**SELECT BOARD MINUTES**  
**Monday, October 25, 2021, 7:00 p.m.**  
**Castleton Fire Department Community Room**  
**273 Route 30N Bomoseen, VT**  
**In-Person & Zoom Virtual Public Meeting**

<https://us02web.zoom.us/rec/play/YtSjkbWKvxdGNo9V2ggCwPXB7by1Ya10FOX-g3y4Uy5b2KzF1Ed2WbWWkw9UPq2tup4zvu8oQRhdYd0q.UciKARU83nlME9Ti?autoplay=true&startTime=1635202812000>

**PRESENT:** Jim Leamy, Chair; Richard Combs, Vice Chair; Joseph Mark, Parliamentarian and Secretary; Michael Holden, Member; Robert Spaulding, Member; Michael Jones, Town Manager; Roy Newton, resident; Amy Clapp, Melinda Laben-Hardt, Martha Clifford, Castleton Recreation Commission; Sam Carlson, Solar Project Representative; Martha Molnar, Peter Mantello, Police Chief; Health Goyette, Fire Chief; Attorney John Burke, resident; Sheri Grabowski, Hubbardton resident, John Atwood, President of Vermont Hang Gliding Association.

via zoom- Laura Jakubowski & Matt Moriarty, Castleton University; Katy Culpo; Eliza LaBrun; Don Mates; Lisa Wright; Mary Waite; JoAnn Riley; "Joyce"; "Fred"; Don Mayes; Nedra & Todd Boutwell; Mike Horner; Nicholas Lanko,

**CALL MEETING TO ORDER**

The meeting was called to order by Select Board Chair, Jim Leamy at 7:04 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Leamy.

**APPROVAL OF AGENDA**

**Mr. Holden made motion to approve the agenda. Mr. Spaulding seconded the motion. Discussion: Mr. Leamy added 9/27/21 minutes for approval and removed 10/11/21 Special Meeting and 10/11/21 Regular Meeting. All were in favor. Motion carried 5-0.**

**APPROVAL OF MINUTES from (7/26/2021), (10/11/2021 Special Meeting), (10/11/2021 Regular Meeting), (10/20/2021 Special Meeting).**

**CITIZENS COMMENTS AND/OR CONCERNS (ITEMS NOT ON THE AGENDA):**

Laura Jakubowski with Castleton University introduced Matt Moriarty, Director of Grants at Castleton University to discuss a grant received from the National Endowment for the Humanities. Mr. Moriarty stated that CU received an almost \$500,000 grant that they plan to use towards a museum and learning labs in Granger House. The focus will be on local history through exhibits etc. and they want this to be a center for educational outreach. Castleton University is interested in developing local partnerships. They expect to submit a revised ACT 250 permit for review in the coming months. They anticipate many fundraising activities as well. No questions or comments from the Board or citizens.

**POLICE CHIEF – MONTHLY REPORT TO SELECTBOARD:** No report submitted at this time.

Mr. Mark that the Board skipped over the approval of the minutes.

**Mr. Combs made a motion to approve the minutes of 7/26/21 as presented. Mr. Holden seconded the motion. Discussion: Mr. Mark noted misspelling on page four, third bullet, East "Crustal" should be "Crystal". All were in favor with corrections to approve minutes of 7/26/2021. Motion carried 5-0.**

**Mr. Combs made a motion to approve the minutes of 9/27/21. Mr. Holden seconded the motion.** Discussion: Mr. Mark noted that he was not present for the meeting yet there were several 5-0 votes listed in the minutes. Mr. Mark also advised that there were some items where Mr. Spaulding recused himself, and there were 4-0 votes shown in the minutes. Even though he was not present and not voting on them, Mr. Mark would like to see them corrected. **All were in favor with corrections to approve minutes of 9/27/2021. Mr. Mark recused himself from vote. Motion carried 4-0.**

**Mr. Combs made a motion to approve the draft minutes of 10/20/21. Mr. Holden seconded the motion. All in favor to approve minutes of 10/20/2021. Mr. Spaulding recused himself. Motion carried 4-0.**

Roy Newton asked if the Town or Police Department has received any communication from the Department of Justice or the Federal Bureau of Investigation concerning parents going to school board meetings. Mr. Leamy and Mr. Jones have no knowledge of this. Mr. Leamy directed Mr. Newton to contact the Police Department.

#### **RECREATION COMMISSION – ADDRESS THE SELECTBOARD ABOUT THE FUTURE OF RECREATION IN CASTLETON:**

Amy Clapp read a statement she had written supporting the need for a full-time recreation director. Melinda Laben-Hardt spoke in support as well. Both are part-time directors of the commission. Martha Clifford, Crystal Beach director, stated that the population, from the time of inception of the program in 1970 until today, has doubled. Castleton offers the largest number of programs in the area and would like to continue expanding but in doing so they need have a full-time director. There are many grants available to assist in growing the program. All three asked the Selectboard to put forth their proposed rec budget to the voters for their approval in March. Mr. Leamy directed them to include their request in their budget and then follow the procedure of submitting their budget for review process to the Town Manager.

#### **SAM CARLSON-UPDATE ON PROPOSED WIND TURBINE ON GRANDPA'S KNOB FOLLOWED BY PUBLIC AND SELECTBOARD COMMENTS**

Mr. Carlson briefly recapped the project and addressed the concern of this project opening doors for additional turbines. The Agency of Natural Resources has opposed and would not permit a larger project. Mr. Carlson provided a Preliminary Visual Impact sheet to the Board and verbally described to the audience. They are starting a 12-month feasibility impact project and at the end of each month the plan to submit an updated project fact sheet to the town manager. This is a non-profit venture, with a proposed 50% net annual positive cash flow shared with surrounding communities (graph provided to Board). Tax collection would be separate. Mr. Carlson discussed one of environmental benefits of the project is it will avoid eighty-five metric tons of carbon dioxide that would otherwise be produced from fossil fuels.

Mr. Spaulding asked why the profit share would go to surrounding towns that cannot even see it. Mr. Carlson feels that Castleton and Hubbardton should get the largest share but that is a conversation to be had. Mr. Spaulding asked if the project could proceed with or without the Selectboard approval. Mr. Carlson said that technically, yes that is correct. He stated the permit comes through the State. The Public Utilities Commission under Section 248, it is a State permit, called a Certificate of Public Good. That is a State determination. Mr. Carlson stated that before the Public Utility Commission would issue such a permit, they would get comments from the Rutland Regional Planning Commission, the Town of Castleton, Agency of Natural Resources, the Department of Public Service, the Department of Historic Preservation, and other sources in order to make that determination. Mr. Carlson also stated there will be an official public comments time where anyone can submit their views, and in the end, the Hearing

Officer for the Public Utilities Commission takes that information from the RRPC, Town of Castleton, and make a judgement that they believe this project is worthy of a Certificate of Public Good. The PUC then writes a 40-page reasoning argument that goes to one of the three Commissioners, and they review it and then decide if they agree or not with the hearing officer. Mr. Spaulding stated the land where the project is proposed is in Castleton and owned by a Castleton resident. He wanted to know if the Town's zoning would affect the project. Mr. Carlson responded by saying he doesn't believe under Section 248 that the project is not affected by the Town's zoning. John Burke added that the (Public Utility) Commission does look at the zoning ordinance and the Town plan. The Town can ask to be a party and intervene as well.

John Atwood, President of Vermont Hang Gliding Association, asked if the site of the tower fixed. It poses a direct hazard to flight operations in the current location. Mr. Atwood asked Mr. Carlson if it could be moved to another site if it has a direct impact on their activities. Mr. Carlson explained that the project designers are trying to keep the project site close to the existing road, so they don't have to build a new road. They also are trying to minimize any tree-clearing and additional road construction and that the currently proposed site is close to the last turn before the top of knob, so moving would take it further from the road and obviously change the viewshed analysis that is going on. Mr. Carlson advised he could not answer the question but would ask those who decided this is the project site and find out. Mr. Atwood asked if the current project site is directly connected to the American Power Complex currently on the site. Mr. Carlson responded, stating that it is not directly connected and would be approximately 1000 feet to the northwest of the American Power Complex.

Mr. Newton asked how much electricity the project would produce (how many houses). Mr. Carlson said the project would generate about four million kilowatt hours of electricity per year the standard offer rate is \$0.116 per kilowatt hour. Mr. Carlson shared calculations on the gross topline revenue and different options on how the revenue could be shared with the Towns impacted by this project. Mr. Carlson stated that the average home uses eight thousand kilowatts hours per year.

Mr. Combs asked for size clarification. Mr. Carlson stated the height of the communications tower currently located in Grandpa's Knob is 310 feet. The tower height is 295 feet and would be placed 100 feet lower. The blades are 143 feet so the circle diameter (sweep) would be 286 feet. The total height of the project (base to max height of the blades) would be 438 feet. Mr. Carlson advised the base of the tower would be 100 feet below the top of the knob.

An attendee from the Town of Pittsford commented that the profit generated is calculated at maximum capacity but typically these are only twenty percent productive, should the figure be cut by eighty percent? Mr. Carlson replied that the production number is 4 million kilowatt hours. Mr. Carlson is estimating the project at twenty-five percent capacity but would provide the figures to the Town Manager on Monday.

Sheri Grabowski, Hubbardton asked what the length of the tower being hauled is? Mr. Carlson advised the tower would be transported up in sections. He also stated the blades are 143 feet long. She can't believe that the road wouldn't need to be upgraded to get the materials to the project site. Mr. Carlson stated that civil engineers are compiling all information and will be reviewing over the next year. Ms. Grabowski advised there are other roads up to the site and was concerned that many truckloads of concrete would have to be brought to the site and she expressed concerns about blasting and impact to drinking water sources (fracking).

Heath Goyette, Fire Chief, asked what would be needed from emergency services in the event of an

emergency, what would they (Emergency Services) be dealing with. Mr. Carlson stated he wasn't aware there would be an issue, but he will look into it.

Nicholas Lenko, Belgo Road, asked if Mr. Blittersdorf has ever been found in violation or fined for any wind projects in the State of Vermont by the Public Utility Commission. He shared his findings of violations and offered to email them. Mr. Leamy directed him to email to the Town Manager.

Mr. Newton asked if it was possible to move (the blades) by helicopter. Mr. Carlson said the plan is to move by truck and does not know if it would be possible by helicopter.

Mr. Spaulding stated that the property is gated and locked. Would it be possible for the Selectboard to have a site visit? Mr. Carlson believes a site visit is a good idea, but that would have to be arranged with the landowner. Mr. John Burke shared that there will be an opportunity at the time of the Hearing Officers examination and at the time of an assumed appeal process for site visits and the Town will be notified.

Mr. Leamy advised that this portion is now over, and the Board is moving on to the next article on the agenda.

Mr. Lanko stated to Mr. Leamy that there are questions still need to be answered. Mr. Leamy advised there would be opportunities in the future to address them. Female voice interrupted and asked why we need to keep going through this if the Town plans don't allow it. Mr. Leamy responded that they have the right to go through the permitting process.

**APPROVAL OF QUOTE FROM LAFAYETTE'S FOR GUARDRAIL REPLACEMENT ON DRAKE ROAD AT THE NORTHWEST AND SOUTHEAST SIDES OF THE BRIDGES**

Mr. Leamy asked for motion, none offered, asked for recommendation from Town Manger. Mr. Spaulding brought to the attention of Mr. Jones that there were broken wood posts with cables that needed to be fixed. Upon seeking quotes to replace these, Mr. Jones was told that this type can no longer be used. Mr. Jones recommends moving forth with this quote and use Lafayette to install the new guardrails with used materials. **Mr. Mark made a motion to approve the proposal from Lafayette Highway Specialties for replacement of guardrails using used materials for a total cost, including installation, of \$6,970. Mr. Spaulding seconded the motion.** Discussion: Mr. Holden wanted to know why the insurance company didn't pay for this and why not use jersey barriers. Mr. Jones was not aware of this situation until Mr. Spaulding advised him of it. They have been broken for some time as they are rotting. Mr. Jones asked when this was. Mr. Holden stated that the information was given to the town on the car insurance two to three times and was not acted on and he could find out when. Mr. Jones stated that jersey barriers are a viable option and would research it if the Board so desired but wanted to get the repairs done before winter. Mr. Spaulding wanted to go on record to express is displeasure with how the State of Vermont left the Town hanging on this. He strongly feels that it is their responsibility to resolve. Mr. Combs and Mr. Spaulding both agreed that if the state didn't put in the highway, wouldn't need it (railings). Mr. Jones said the State lost the records in migration and to battle it in court would probably cost more than the \$6970. Mr. Combs feels the insurance claim should be investigate but he is willing to vote yes to approve this to resolve the safety concerns.

**Mr. Leamy, Mr. Mark, Mr. Spaulding, and Mr. Combs were in favor. Mr. Holden was not in favor. Motion carried 4-0.**

**CONTRACT EXTENSION WITH PETE RUBY FOR RENTAL OF WINTER SALT STORAGE AREA FOR TWO ADDITIONAL YEARS**

Mr. Jones spoke with Mr. Ruby regarding the repairs to the outside of the building. Mr. Ruby agreed to make the repairs. The expiration of lease is May 2022. Mr. Jones provided the contact to the and recommends the Board review for potential revisions prior to renewing the lease.

**Mr. Holden made a motion to table this discussion. Mr. Spaulding seconded the motion. All were in favor. Motion carried 5-0.**

**REVIEW AND APPROVAL OF WINTER SALT BIDS**

Mr. Jones stated that Cargill has the State contract and normally the State has bids for Towns however that did not happen this year. Discussion ensued regarding various vendors and pricing. Mr. Combs asked Heath Goyette, longtime highway department employee, what he thought about the two products. Mr. Goyette agreed with Mr. Jones that the product from Apalachee was superior to the product from Cargill, but the approximate \$20/ton difference in price should be considered and the product from Cargill would do the job. He recommended going with Cargill.

**Mr. Combs made a motion to purchase winter road salt from Cargill at \$72.31 per ton delivered not to exceed 1000 tons or \$82,000. Mr. Spaulding seconded the motion. All were in favor. Motion carried 5-0.**

**REVIEW AND APPROVAL OF SNOWPLOW BLADES AND SHOES**

Town Manager recommends option #1.

**Mr. Combs made the motion to approve the Town Mangers recommendation of option one to buy shoes and blades from HP Fairfield and Clark's Truck Center for \$4,560.99. Mr. Spaulding seconded the motion.** Discussion: brief discussion on price and availability. **All were in favor. Motion carried 5-0.**

**ACCEPTANCE OF 2022 GRANTS-IN-AID FUNDING TO ASSIST THE TOWN BRING EIGHT 100-METER ROADS SEGMENTS INTO MUNICIPAL ROADS GENERAL PERMIT(MRGP) STANDARDS IN 2022**

**Mr. Combs made a motion to accept the FY 2022 Grants-in-Aid program from the Agency of Natural Resources and Agency of Transportation for a sum of \$14,020. Mr. Mark seconded the motion. All were in favor. Motion carried 5-0.**

**MHG SOLAR PROJECT UPDATE AND APPROVAL OF PAYMENT FOR TITLE TO THE PROPERTY**

Update: currently waiting for title to property so that Green Mountain Power can put power across the property we don't currently own in order to move forward with project. Details will be discussed in executive session.

**TRUCK PURCHASE FOR THE TRANSFER STATION**

Mr. Jones recommends purchasing the Ford F-250 through Fleet pricing with a straight blade plow. Chevrolet Silverado is \$2,000 more and not available using the State bid.

**Mr. Holden made a motion to purchase the Ford F-250 with State pricing of \$28,374 with a Fisher eight-foot heavy duty straight blade plow for \$7,383 for a total of \$35,757 from McGee Ford with a delivery date of approximately thirty weeks and use the money from the Transfer Station reserve fund and have Jim Leamy, Chair, sign the purchase order in the amount of \$35,757. Mr. Spaulding seconded the motion. All were in favor. Motion carried 5-0.**

Mr. Jones advised the Board that at this time there is \$101,942 in the Transfer Station reserve account.

## MANAGER'S REPORT

No questions from the Board. Brief Summary by Town Manager:

- Transfer Station: Wade Masure provided the State assessment for the Transfer Station and Highway garage. Chris Fouracre is working diligently on fixing the deficiencies through SOP and procedures and policies. Joe Rice and Bob Ward are working to complete after receiving clarification from Wade on what is expected.
- Sidewalks are almost done, just need to pave and re-seed in spring. The steering analysis determined that the opening to the corner business is larger than the original opening. Mr. Spaulding concerned of the height of the sidewalks. Mr. Jones stated that they are VTRANS requirements but also that paving still needs to be completed.
- Sewer Plant: Need to schedule a Sewer Commission meeting to update on draining the tank. Looking at approximately \$325,000 to drain, inspect and repair. Set date for fifteen minutes prior to ARPA meeting next Monday.
- Paving: North Road has been paved, working on shoulders, from bridge north. The rest still needs to be done, having trouble with railway flagging. This will carry over to spring as well as Mill Street, Crampton Road, East and West Crystal Haven and Crystal Lane. Pricing is held at ten percent difference which could work in our favor as asphalt is typically cheaper in spring.
- Crack sealing: waiting to hear back if they are done or not, although doesn't appear to be
- Page 6 – both were disapproved
- FD/PD: will address later money from hazmat spill
- Park and ride: still waiting

Mr. Holden offered his concerns regarding getting signs up that say, "no center line" and/or get the stick-on markers for center and side. Mr. Jones believes that it is addressed in the contract and will look. If it is not in the contract, he agreed to resolve the safety issue.

### PURCHASE ORDERS FOR APPROVAL:

**Mr. Holden made a motion to approve purchase order #047466 for Ferguson Waterworks in the amount of \$5,154.00 for culverts. Mr. Holden seconded.** Mr. Jones added that this is for Barker Hill and not Sheldricks/Eaton Hill East as noted on the purchase order. **All were in favor. Motion carried 5-0.**

**Mr. Holden made a motion to approve purchase order #047527 for Ray Beane Inc for new tires for four police cruisers in the amount of \$2,381.12. Mr. Spaulding seconded. All were in favor. Motion carried 5-0.**

**Mr. Holden made a motion to approve purchase order #047534 for Gall's for bulletproof vests and trauma paks in the amount of \$2,624.99. Mr. Spaulding seconded. Discussion: 50% paid for by DOG grants. All were in favor. Motion carried 5-0.**

### WARRANTS FOR APPROVAL

**Mr. Combs made a motion to approve check warrant #1025R in the amount of \$20,833.33, check warrant #1025 in the amount of \$389,189.14, check warrant #1021 in the amount of \$6,390.92, check warrant #1015 in the amount of \$25,749.74, check warrant #1021P in the amount of \$17,333.96 and check warrant #1014P in the amount of \$16,486.44. Mr. Holden seconded the motion. All in favor. Motion passed.**

**Mr. Holden made a motion to approve check warrant #1022P in the amount \$628.33 and check warrant #1015P in the amount of \$628.33. Mr. Spaulding seconded the motion. Mr. Combs recused himself. All remaining members voted in favor. Motion carried.**

Anne Nicholson addressed the Board at this time, unsure of when the appropriate time to address was.

Mr. Leamy allowed her to proceed. Ms. Nicholson expressed concerns of safety entering and exiting the village school. She is requesting re-painting of what she believes is no parking lines on either side of the entrance to the school. She thanked the Town for painting the crosswalks. The Board and Town Manager acknowledged her request and will pass the information along for resolution.

**SELECT BOARD COMMENTS & CONCERNS:**

Mr. Spaulding expressed safety concerns and the need for trimming hanging tree limbs for big trucks on the Blissville-Rice Willis intersection and also on Drake Road.

Mr. Mark expressed concerns of parking issues by suppliers to local businesses in the village as they are blocking the view causing safety issues. Mr. Jones felt this was worthy to address in the scoping study as well.

Mr. Combs advised the Board that Mark Brown has resigned as Chairman of the CDERAC board and believes also from the board. They are in the process of selecting a new chairperson. Mr. Mark asked to write a letter thanking him for his service.

**BRIEF RECAP & ITEMS FOR FOLLOW UP: None**

**EXECUTIVE SESSIONS: REAL ESTATE 1VSA §313(A)(2), PERSONNEL 1VSA§313(3)(A)(3), LABOR RELATIONS/ CONTRACTS 1VSA §313(A)(1)**

**Mr. Combs made a motion to enter executive session at 8:35 pm to discuss personnel with the Town Manager and Fire Chief. Mr. Mark seconded the motion. All were in favor. Motion carried 5-0.**

**Mr. Holden made a motion to leave executive session at 9:05 pm with no action taken. Mr. Spaulding seconded the motion. All were in favor. Motion carried 5-0.**

**Mr. Mark made a motion to enter executive session at 9:05 pm to discuss real estate with the Town Manager. Mr. Spaulding seconded the motion. All were in favor. Motion carried 5-0.**

**Mr. Holden made a motion to leave executive session at 9:13 pm with no action taken. Mr. Spaulding seconded the motion. All were in favor. Motion carried 5-0.**

**Mr. Holden made a motion to write a check to Jerry and William Hadeka for the remaining balance of \$20,833.33 to give clear title to the town for property near the garage and transfer station for solar project. Mr. Spaulding seconded the motion. All were in favor. Motion carried 5-0.**

**ADJOURN**

**Mr. Holden made a motion to adjourn at 9:14 pm. Mr. Combs seconded the motion. All were in favor. Motion carried 5-0. Meeting adjourned.**