

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, OCTOBER 16, 2017

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Eric Osgood

Others: Brian Story, Rosemary Audibert, Lois Frey, Bill Loscomb

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:00.

2. Additions, Changes to Agenda

Brian said Chris Brown would not be able to come in to talk about Lamb Road so that item could be removed. He added an update on the status of the library flood mitigation planning, a proposal for a sewer hookup, a review of the highway equipment reserve fund, and a school bus stop issue Doug wanted to ask about.

3. Review and Approve Minutes of Meetings Past

- 4. Mike moved to approve the minutes of the September 18, 2017 selectboard meeting, the October 2, 2017 vicious dog hearing, the October 2, 2017 selectboard meeting and the October 6, 2017 selectboard canoe trip, seconded by Doug.** Mike asked for an addition to the September 18 minutes. On p. 14, in the discussion about employee parking outside the municipal building, he wanted it added that he had said if there is a safety issue our employees probably shouldn't park there either. **The motion to approve the minutes with the requested change was passed.**

5. Treasurer's Report / Review and Approve Bills, Warrants, Licenses / Any Action Items

Rosemary said we have spent 22.34% of budget to date. Income is at 66.71% of budget. But expenses will increase a lot and income won't. Those figures are normal for this point in the year. We should receive the second state highway payment shortly and we should receive PILOT money by the end of the month.

For last year's taxes, \$72,582 is owed in interest and penalties. Rosemary asked if the board wants to start preparations in November or December for a tax sale to be held in the spring. The board said yes.

Current taxes are 36.08% collected. That is slightly behind last year. Rosemary thinks that is because the first installment was due a month later than usual.

Rosemary said Sterling Market has paid off their CIG loan in full. So now the town has to start loaning money out. We have \$250K plus interest. The village loans for Sterling Market were also paid off.

Mike moved to authorize Eric to sign the discharge of promissory note for Sterling Market, Doug seconded and the motion was passed.

Mike asked if we can loan money to ourselves for the Jewett property. Eric said we can if we set up the lending rules and we are within the state rules.

Eric asked Brian if we are prepared to set up our lending rules. Brian said he would like to have a consultation with an organization that manages loan funds for other towns, rather than managing it ourselves. Eric said he thinks we need to hear the benefits of each way of doing it. (*Bill Loscomb arrived at 7:09.*) Eric asked Brian to reach out to organizations that can manage the fund and then he and Brian will discuss potential dates for a work session.

Brian said form based code has been submitted to Rosemary. We have to decide if we want to have the first hearing on form based code be a regular selectboard meeting or if we want to have a special meeting. It could be very time consuming but the last couple of Planning Commission meetings on form based code haven't been heavily attended.

Eric asked if we can have the hearing at the regular selectboard meeting next month and schedule a special town meeting in December. Brian said yes. Nat said we are getting close to town meeting. Why not just do it at town meeting? Eric said we have to have a special meeting because there is a statutory requirement to act within in a certain period of time after the code is given to the selectboard. Brian said he can look into how late we can act if the board wants to.

Rosemary asked where the board wants to have the special meeting. Eric said he thinks we should have it at the school. Rosemary said we had better check the school schedule. November and most of December were completely full when the village checked. Nat said if there is a basketball game we might be able to pre-empt it. Eric asked Brian to find out how long we can wait to acct. Brian said he can also ask the college if they have space. He will investigate both options. Eric said it might be confusing to voters to have the meeting at the college because we have never gone to the college for a meeting. Nat said he worries about having a meeting in December because people get busy at that time of year.

6. *Planning Commission Report*

Brian said the Planning Commission is interested in work on river corridors or flood rules in general. There are ways we can reduce flood insurance and other homeowner costs if we can improve our flood regulations in a few specific ways.

7. *Road Commissioner / Road Foreman Report and Action Items*

Brian S. said everything is going pretty well. The public works crew is starting to get ready for winter sand. Municipal Roads Grants-in-Aid program work is completed. The meeting here about the Municipal Roads General Permit was well attended by professionals who deal with roads.

Eight test holes were dug on the property adjacent to the gravel pit. One was good. Two or three were maybes. Four or five never reached anything but silt. It appears it is not as good a site as we had hoped. Brian K. doesn't think it would be worthwhile to commit now to a complete site study but he is looking into having a couple of borings done. Eric asked how big an area the test holes were in. Brian S. said they were spread out fairly well.

There will be a full closure of Upper French Hill for installation of the box culvert from October 23 to November 3. Notices have been put in the newspaper, on the radio, and in Front Porch Forum. The school bus schedule will be disrupted. We will provide as much

mutual aid as we can to reduce our out of pocket expense for the project but our road crew can't do all the work.

Doug said the school bus used to come across the bridge on Coddling Hollow and turn around where our plows turn around. Now the bus turns around before that. Now that we have a good bridge he thinks the bus should come over the bridge and turn around in the snowplow turnaround. Now they are turning at an intersection instead. Nat asked what the difference in distance is. Doug said about 100 yards. Nat said he thinks using the snowplow turnaround is a reasonable suggestion. Brian said he will reach out to them.

Doug said Swamp and Coddling Hollow Roads are starting to get very washboardy. Eric suggested that Brian pass that information on to Brian K. so he can check them out.

8. Administrator's Report and Action Items

The board agreed Brian S. should draft a note to Mike Comeau thanking him for bringing Sterling Market into our community and for paying off his loan well in advance, making it possible for the loan fund to benefit the community.

Brian said the Historical Society is interested in forming a subcommittee to look at options for disposition of Holcomb House after the note is paid off at the end of 2018. We do not have a specific agreement in place on what will happen to the house once it is paid off. Eric said up to this point the town has paid a majority of the note. The agreement was that the Historical Society would make the town whole. (*Lois arrived at 7:29.*) He thinks this discussion is premature if they haven't reimbursed the town yet.

Lois said she thinks the Historical Society board is thinking it is never too soon to start the discussion. There are 14 more months left on the note.

Doug asked what the Historical Society means by "disposition" of Holcomb House. Lois said there is the question of whether the Historical Society should be a 501(c)(3) non-profit or an extension of the town. The Historical Society was thinking of getting the discussion started earlier rather than later. They talked about having 2 members of the Historical Society and 2 members of the selectboard get the discussion going.

Nat said he is not opposed to planning but he is unable to volunteer for the subcommittee. Eric said he does not want to be on it either. Doug asked if the Historical Society could submit a proposal for the selectboard to respond to. Eric said he thinks the Historical Society should come forward with thoughts about the direction they want to go and the selectboard can jump in at that point.

Lois said the Historical Society board was looking for clarification on how much they still owe. Eric said Rosemary should be able to provide that.

Doug said he would assume there might be models of how other towns handle their Historical Societies. The Historical Society could find out what they are and figure out which they like.

Eric asked Brian to officially let the Historical Society know that they should take the lead on this.

Brian said Laura Branca is interested in being Greenup Day coordinator again. **Doug moved to appoint Laura Branca as Greenup Day coordinator because she did such a good job last year and is willing to do it again, Mike seconded and the motion was passed.**

Brian said for next year the sheriff's department is looking at roughly a 3.74% increase in our assessment. Roger Marcoux wants to set up some capital planning for equipment replacement for patrol cars. Previously cars have been replaced as needed. He wants to make it more predictable. It will give us more stability but an increase in cost overall. Brian handed out Roger's proposed plan for equipment replacement. To get the replacement fund established there will be a \$25K contribution and \$10K a year for the first few years. All cars will be replaced every 6 years.

Mike asked if the board thinks the sheriff budget is getting a little out of hand. Eric said we have struggled with this for many years. Public safety is around 30% of our budget and the majority of that is patrol. The cost is huge. But when we look at where Roger could make cuts, salary is the biggest expense. In the past people would come to work for LCSD, get trained, and then get picked up by other departments that paid more. So Roger has tried to make their salaries competitive, similar to the State Police. But that means a lot of added cost. If we consider whether we should have our own police department we need to keep in mind that we are getting a police chief position for free and a lot of the facility costs the whole county pays for. So there is some benefit to having the sheriff's department do patrol for us rather than us doing it alone or with Hyde Park. If you look at the per capita cost for Morrisville compared to the 3 LCSD patrol towns, the cost is cheaper for our towns.

Nat said he would welcome suggestions for how to reduce costs. Salary and equipment are the big ticket items. Mike said if the voters never have objections to it he guesses we will keep going the way we are.

Nat said the only money saving idea he can think of is maybe reducing patrol hours from 24/7. He doesn't think Roger is particularly interested in that. Or getting rid of the detective position, but the detective is doing a lot of good work.

Mike said there is probably no way we could have own police department for half a million dollars. Nat said Hardwick is about our size and their budget is about a million dollars.

The board agreed Roger Marcoux should be invited to a board meeting to go over his budget.

Brian said Roger will put \$100K in the equipment fund and he wants boards to make a commitment also. Doug said our budget gets voted on by voters. Brian said it's true that we can't guarantee anything but Roger would like us to say something positive about the equipment fund.

Doug asked if the equipment funds we contribute will be dedicated to us. Brian said no, they will be for all sheriff's department duties. If there is a vehicle that is going to be dedicated for work that is not town business Roger will try to have that paid for from different sources.

Doug asked how Roger decides on the allocation if the funds are not dedicated to any one town. Nat said we should ask him about that.

Eric said he thinks there is wisdom in developing a capital equipment fund.

Brian said it looks like the amount that stays in reserve will be relatively low. As Nat suggested, we will try to set up an agreement about what share we get back if we decide to leave. Nat said Roger might not get re-elected and the next person might not want to have this contract.

Brian said LCSD would like a statement that we like the equipment fund and will support it.

Doug said if we discontinued our contract with LCSD there would still be good vehicles in operation for which we had paid part of the cost. Brian said we can look into that too.

Bill Loscomb, the audio engineer for Tuesday Night Live, said there have been some electrical problems with the bandstand that he wanted to let the town know about. There are problems with 2 of the outlets that are ground fault outlets. They are temperamental. He is not sure why. Probably because they were not protected by the roof at first. Now that they are covered he isn't sure if they need to be GFCI's. They trip randomly, often during setup. Another problem is that the lights are on a dimmer. Dimmers tend to generate noise in audio gear. He spoke to Cal Stanton about this, who referred him to Howard Romero. He met with Howard and it seemed like he would take care of it, but he is probably busy. Eric said we could get an electrician to look at the outlets. Bill said if they could be replaced and not be GFCI, he thinks that would be better. He also has another request. There are 2 or 3 spare breakers in the panel. If we could add one more outlet in the closet on its own breaker, that would be a big help. Now when he plugs things in he has to stack things together that probably shouldn't be together on one circuit.

Doug suggested we could ask Howard who the electrician was who worked on it and bring the problems to his attention. The board agreed to address the problems. The board thanked Bill and the others TNL volunteers for stepping up and taking over the work Cal had been doing. *(Bill left at 7:56.)*

Brian said Eric is being asked to help update census addresses, which would help us have a more accurate census count. Eric agreed to do it.

Brian said our health insurance premiums will rise about 9%. He is interested in the VERB Trust Health Insurance Advisory Services program VLCT is offering to help us examine health insurance options. He thinks we could do better than the insurance we have been using. Our insurance is quite expensive for pretty poor coverage. He recently had a mole removed and had skin cancer screening and he had to pay several thousand dollars for it.

That is preventive medicine and should not be so expensive. Almost all our employees have had a similar experience of pretty severe out of pocket expenses for regular health care. He thinks we can either pay less for something similar or the same amount for something better. The service offered by VERB is not free. It includes some services we don't need. It would cost about \$5K a year to bring them in. Mike said that doesn't sound too bad if they can do something for us. Brian said he is not sure if they can save us money but we would be able to more confidently say whether we can do better after getting their help.

Eric asked if the village is interested. Brian said they haven't had a chance to talk about it yet. He and Meredith have talked about getting a free preliminary consultation. We may be able to pay just for the one project we want them to do, rather than the whole \$5K package. Eric asked if our cost would still be \$5K if the village participated. Brian said it would cost another \$5K for the village.

Doug asked if we only have 2 choices of vendors. Brian said he is only aware of 2 vendors but we could do options like a higher deductible plan and a health savings account.

Mike brought up the governor's idea for teacher health insurance, where teachers can get some money back if they find a cheaper deal for procedures they need.

Brian said he wants to get the free consultation first and he will come back to the board if he thinks it is worth pursuing. The board agreed Brian should at least have that first meeting.

Doug said he is dubious about this. He doesn't know that we need some of the services they provide. He would think we should find someone who is not offering a full package of support. Brian said they may be able to provide a more limited package, just what we are interested in.

Mike said he thinks the employees should weigh in before we make any changes.

Brian said there are 3 different events all happening on October 26 – A Green Mountain Byway Fun Event, a VASA meeting on ATV use on town highways and throughout the community, and a NEMS budget meeting. He thinks all are worth attending but he can't go to them all. Nat said he will go to the Green Mountain Byway meeting. Eric said he can't attend any of them. Brian said he will go to the NEMS budget meeting.

Nat asked about the ATV meeting. Is it just a Johnson meeting? Brian said his impression is that more than just Johnson residents are invited.

Mike asked what VASA's agenda is. Doug said he saw a notice about a similar meeting in Morrisville inviting people to come to a meeting about improving their access to town roads. Eric said this group is probably trying to get more access.

Doug said he will go to the ATV meeting. He will need a copy of the current ATV ordinance. Brian said he will give him one. Lois said she will go to that meeting as well.

Brian said FEMA has issued final approval for the Hazard Mitigation Plan.

Brian showed the board an updated version of the letter communicating information about the Jewett property and light industrial park to the community. Nat suggested taking out a word. Brian said this is written with the general community as an audience but Brian is thinking of it as something of a press release. It will be accompanied by republishing the studies we have done. Doug suggested adding a sentence saying that a proposal will be presented to the voters. This reads like it is definitely happening. Brian said he will do some rewriting. Eric asked Brian to send it out by email after revisions so board members can provide feedback individually. Nat asked if there is any chance Brian can get it out this week. Brian said maybe.

Mike asked if we know how many people read Front Porch Forum. Eric said they show the number of members from Johnson. Brian said they never remove anyone unless the person takes themselves off. And multiple people can be registered with the same address. Mike suggested we should ask at town meeting for a show of hands to see how many people read it. Brian said the survey he and Kyle did showed Front Porch Forum was the most common way for people to get information.

The sheriff's department report was emailed out.

We had the gravel pit inspected by MSHA. We haven't gotten results yet. They did find us in violation in a couple small areas. We will have some kind of penalty fee. We may fight them because we had asked for an unofficial inspection before the official one and they hadn't done that. But they are not obligated to give it to us. Overall they said Brian and the guys are doing a terrific job with safety. We have good reporting. There were just a couple of minor things we didn't know.

BASF is the company that owns the mine. They have a second parcel that is accessed by an unmaintained town road off a Class 4 section of Mine Road. They are asking for permission to do work to maintain that unnamed road.

Eric said that spur road has a cemetery. Brian said he and Bobbi Rooney think they have located it. Eric said destruction of cemetery markers would be his only concern.

Doug asked, if this is a Class 4 road, don't they just need to make an application to us? Isn't there standard protocol? Brian said they are offering to do culvert replacement we would normally do. Doug said we don't normally replace culverts on Class 4 roads. We just furnish them. Eric agreed. Doug said they can submit an application and the road foreman can approve it. Brian said this is an informational item.

Doug said he would be hesitant to let our road crew work on it. Brian said they wanted any help we could give, but he doesn't think our vehicles could reach it and he doesn't think it would be a good precedent.

Doug said he thinks any permit should be conditional on identifying and staying off the cemetery.

Brian said he was approached by Hickok and Boardman about replacing VLCT for town insurance. He is skeptical they would be able to save us money when we factor in VLCT's free services and given that he is pressed for time he does not intend to meet with them. But because he used to work for VLCT and knows a lot of people there he wants to be open about his decision. He doesn't want it to come up later that he avoided meetings with a competitor of VLCT.

Brian said he would like the board to vote on a couple of ordinances next month. He asked for input on priorities. After some discussion, the board agreed to review and vote on the dog control and derelict building ordinances. Eric said he thinks the waiting period before an ordinance takes effect applies to a new ordinance but not to a change in an existing ordinance. We might want to check into that.

Brian submitted an updated property schedule to VLCT. We should get rates for next year before long.

Brian extended the deadline for the building maintenance RFP because we have not seen much interest. He reached out to a few more contractors directly.

Brian said he is hoping to have a hearing in November about reclassifying Mine Road as a Class 4 road. If we do that the road could be reclassified for 2018. Eric asked if it requires a board site visit. Brian said he thinks either a site visit or a survey is required. He is not sure what the survey would have to consist of. He is still looking into how to hold the hearing. Eric said we might want to see if anything special is required by statute to drop 2 classes. Doug said it might be good to make sure BASF knows we are not planning to give the road up and find out if they have an opinion on the reclassification.

Brian said they are applying for a Certificate of Public Good for a wireless facility on top of Dibden Hall. Do we wish to submit comments? The board decided not to submit any comments.

Brian said we received an anonymous health complaint about a property on 100C. No problems were observed after it was investigated. We might be able to do more if someone has standing or can grant us the right to access the property.

Nat asked the nature of the complaint. Brian said it was that there was garbage attracting animals. Nothing like that was visible from public space and he didn't feel comfortable telling the constables to go further based on an anonymous complaint.

Brian said a study was done a while ago on flood mitigation for the library. Some options were developed but we would have to do a more detailed study to produce a plan FEMA would fund. Seth Jensen and Brian have been working on a plan and after talking to the library trustees they started working on a different plan that departs more from the original

planning document. The library trustees are interested in modern alternatives to a traditional big oil furnace that might need to be in the basement. There are split units that use a combination of a heat pump and a propane or electric heater. If we used a unit like that we could move it upstairs without having to build an addition or do extensive remodeling of the HVAC system. If we can get a new furnace upstairs without major reconstruction that is promising. It would do more than the plan Seth and Brian had for flood mitigation, so they are investigating this idea. The deadline for the planning grant is coming up. He and Seth don't have a final plan yet. He would like the board to approve studying both plans. Hopefully one could be eliminated before the application has to be sent in. If we studied both plans the town match would be higher. Because we have a flood elevation certificate we can knock \$3K off the cost, making the cost about \$9K for a construction-ready plan. He thinks it would be safest to double that figure if we are going to have two plans. But he hopes to eliminate one. The library's preference is a new furnace. He doesn't know the cost of that.

Eric asked when Brian would have a recommendation and when the application deadline is. Brian said the deadline is in two weeks. One option is missing this application deadline and waiting until the next application period. But he would like to act on it. The board agreed to schedule a special meeting for 7:00 pm on October 23 to take action on this. Eric asked if there would be value in a joint meeting with the trustees. Nat suggested they could just send a couple of representatives. Brian said he will extend an invitation to them.

There is a property on 100C that is interested in hooking up to the sewer system. There is an issue because they had installed a shared line without getting a permit. The trustees are making them redo a section so they are not hooking up yet but they would like to get the allocation and provisional approval contingent on approval from the trustees.

Doug said the town is supposed to convey the East Johnson sewer lines to the village. Eric said the village trustees were willing to accept the lines and we were willing to transfer them. Rosemary said waiting to approve the allocation might hold up the sale of the property.

Brian said one question is whether we have a minimum connection fee. The village does but it is not clear if we do. Eric said he doesn't think we have one. Brian said we charge an amount based on use, starting with a cost of \$75 for an average user. The requested use for this property will be below the village's minimum. Without applying a minimum modifier they would pay \$3 based on their usage. The village has a minimum fee. It can never fall below 75% of the base amount. We don't have anything that makes it clear that we have a minimum. Eric said he doesn't think we do. Brian said in that case we will charge them \$3. Rosemary said that doesn't seem right to her. Mike agreed. Brian said there may be an additional application fee. This is the first one he has had to do so he is not familiar with the process.

Doug said we need to put transferring the East Johnson sewer lines on our list of business to do.

Brian suggested approving the allocation request with the standard fee and he can figure out what the standard fee is.

Mike moved to approve the East Johnson sewer allocation request with the standard fee, Nat seconded and the motion was passed.

Lois said she attended the recent presentation on open meeting law. The person giving the presentation said Donna Griffiths' minutes were the best he has seen. He took a copy with him to share with other people. *(Lois left at 9:12.)*

Brian said he had prepared 3 different capital equipment plans. One has no early replacement or balance fix. One has a balance fix but no early replacement. One has both. The amount left over in the equipment reserve fund from the 2016-17 fiscal year is less than estimated. And a couple of future costs have gone up. That means if we replace, not the next truck but any future trucks at 8 years we would break the balance. So he created a version that fixes the balance. The early 2020s will be our most expensive years for many years to come. He increased our contribution in order to pay for those years. Last year he said we needed a one-time increase of \$7K instead of \$5K. Now we need another \$7K increase and for the next few years we need \$10K increases before we can drop back down.

Eric asked if Brian did a version with a 10 year replacement schedule. Brian said without the balance fix he tried a 10 year schedule and it still broke the balance.

Eric said the version that calls for replacing the next truck early (at 8 years) is not an option. Brian said that would mean replacing 2 tandems back to back so there would be a recurring difficult expense every time they needed to be replaced. That would continue to be painful long into the future.

Eric said we have to do the balance fix. We can't not address the problem with the balance. Option 2 fixes the balance but skips early replacement on the next vehicle. It's the most affordable option.

Brian said he can check whether a 10 year replacement schedule allows smaller increases. Eric said he wonders if a 10 year schedule would give us the biggest bang for the buck, allowing us to keep trucks right up to the point where repair costs are going to increase. Brian said the years with major repairs were years 10, 11, and 12. Costs in year 10 were lower than in years 11 and 12 but the truck was not free of major repairs.

Brian said the plan includes extended warranties.

There was discussion about whether screener replacement could be taken off the list if we do not continue with a gravel pit. Brian said in that case we would pay more for gravel so the cost would be transferred from the equipment fund to other line items.

Doug said we talking about gambling. We have an affordability question that tends to move us to a 10 year replacement schedule. It's a gamble.

Brian said we can aim for more cost and less risk or more risk and maybe less cost. It seems quite clear that a 12 year replacement schedule is outside the norm. He thinks for the next few years we will have a hard time realizing any savings. Until we get rid of the 2009 International our repair budget will probably continue to rise. He can run the figures with a 10 year replacement schedule, which would still require a budget fix but would presumably be better.

Doug asked if others are doing a 10 year replacement schedule. Brian said there were some. That was the outside length of time for replacement, other than us. With the one truck that has gotten that old, year 10 was when it started to have major repairs. Repair costs in years 11 and 12 were very high. A 10 year replacement schedule is not out of the question.

Eric said the next truck to be replaced will be 10 years old next year. A year from now we may be able to see whether the 2007 was a lemon. It may be that the 2009 will still be running well. We could adopt Option 2 but next year if it looks like the 2009 is doing fine we could change to a 10 year replacement plan. He feels we need to start building funds for an 8 year replacement schedule but a year from now we can have a better feel whether it is needed.

Brian said he will draw up a 10 year replacement plan and assume the contribution for the 2018-19 fiscal year is the same with either a 10 year or 8 year schedule. That way we don't have to make a final decision this year on which version to go with. Eric said we will prepare for an 8 year replacement schedule and next year we will make a decision on the schedule. Brian said he tends toward favoring more predictability. He will have another version for next time.

9. Adjourn

The meeting was adjourned at 9:41.

Minutes submitted by Donna Griffiths