

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, OCTOBER 20, 2014

Present:

Selectboard Members: Nat Kinney, Doug Molde, Eric Osgood, Howard Romero

Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Steve Smith, Mark Woodward, Bob Selby, Greg Stefanski, Cecilia Stefanski

Note: All votes taken are unanimous unless otherwise noted.

1. *Call to Order*

Eric called the meeting to order at 7:00.

2. *Review and Approve Minutes of Meetings Past*

Howard moved to approve the minutes of September 15 and September 22, 2014, Doug seconded, and the motion was passed.

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

Rosemary said she would email the budget status report when she had it done. The tax sale was September 30. We sold 4 or 5 trailers.

Duncan said at the recent town and city managers' meeting there was a lot of talk about how different towns handle delinquent taxes. Duncan plans to get a copy of Randolph's delinquent tax policy. One thing they do is provide a 30-day grace period when late fees are waived. State statute now allows this and a number of towns have implemented it. They send out a notice to the taxpayer that they have an additional 30 days to pay, after which they absolutely must pay the penalty. There is no way people can argue they didn't have sufficient notice. Randolph also has a rigid policy that within 60 days of becoming delinquent the taxpayer has to enter into an agreement for payment of taxes or go into tax sale. If they have an agreement and default they automatically go into tax sale. Their manager said they have reduced their total delinquent taxes to about \$45K. Rosemary said ours are about \$200K. Rosemary said we may want to look into having a different attorney do our sale. The one we have been using likes to wait a year between sales. Doug said he has thought for a while that we ought to move up our tax sale deadlines. He doesn't think we gain anything from our current leniency. Delinquent taxes are currently at \$117K.

Union Bank has sent some paperwork for payroll direct deposit or transferring money between accounts. **Doug moved to authorize Eric to sign the ACH agreement with Union Bank and to pass the resolution authorizing Eric and Rosemary to sign as authorized representatives of the Town of Johnson for ACH purposes. Nat seconded and the motion was passed.**

Rosemary said we have purchased 3 new computers.

4. *Review of Agenda and Any Adjustments and Additions*

Duncan had 3 items to add to the agenda: a formal process for complaints of Open Meeting Law violations, a letter of support for a canoe access grant, and a policy for the town revolving loan fund.

5. Road Commissioner/ Road Foreman Report and Action Items

Steve said 3 inches of rain have fallen since the last meeting. The sand pile was finished in mid-September. We put up about 4,000 yards. All highway crew and office staff had flu shots at the municipal building. Steve is impressed with the new employee. The highway crew will be getting winter equipment ready in the next few weeks. The price of salt has increased from \$61.28/ton last year to \$78.48/ton this year.

A property owner on Basin Road asked about upgrading the first 200 yards of that road (to just past his gate) from Class IV to Class III. He is trying to sell his property but the couple interested in buying it can't get a loan because it is on a Class IV road. Eric asked if he is aware of what is required to upgrade the road to Class III. Steve said he doesn't think so. Eric said the change can't be made until a year after the road is brought up to Class III standards. Steve said the landowner would need to put in a turnaround. Rosemary said he has already applied for a highway permit, which is one of the requirements. Duncan said the board would have to have a public hearing. Doug said some people further up the road may be against a change in classification.

Duncan said he thinks we would follow a process similar to the one followed for Grow Road. After speaking to the board, but not being given any guarantee, landowners on Grow Road did the work on the road to bring it up to Class III standards. We inspected it, then the board had a public hearing and decided to accept it as Class III. We would need to verify the minimum depths on the road. There could turn out to be clay underneath. In that case, would we ask the property owner to do something similar to our mud abatement work? He thinks we would want to. Eric suggested that Duncan call the property owner and explain the whole process and the fact that there is no guarantee. (*Mark Woodward arrived at 7:25.*) Steve and Duncan will get together to discuss it.

The highway crew worked with the fire department to install the new dry hydrant at Willow Crossing. Roadside mowing is being done with the boom mower.

There is a buried asphalt swale on Clay Hill across from Eric's house. There is about 4-6 inches of dirt over it. Steve and Duncan thought it could be a good idea to take out that dirt and also have asphalt put down during paving to continue the paved swale a bit further up the road.

Eric said there is no value in doing that if the storm drain the swale empties into doesn't go anywhere. Has the village checked into that? Duncan said it is plugged and has a small pipe that won't take much water anyway. When the road is repaved, regraded, and reshaped quite a bit of the water should come off the road before it gets to that area, so the volume should be less. (*Bob Selby arrived at 7:31.*) There is a lot of water coming down one driveway. We can't require someone to maintain their driveway to a particular standard, but it might help if we did some work within the highway right of way to reshape the driveway to focus water into the ditch.

Duncan asked if the board wants the pavers to add asphalt to extend the paved swale. Nat asked if that would make Clay Hill appear wider. Duncan said it would add paving on the

side of the road, but it won't look like the traveled portion of the road. Nat said Kathy has expressed concerns in the past that if the road looks wider it will encourage people to go faster. Nat asked if a white line would be put at the edge of the road. Duncan said that could be done. Steve and Duncan said if the paved swale were put in then they don't think there would be any green between the road and sidewalk. Doug said he thinks Kathy would want another solution. Eric said his only concern is the catch basin. If it's not working, what's the point? Steve said the swale would still keep water off driveways and he assumes someday the catch basin will work. Duncan said it will need a larger pipe in order to work. His suggestion for that location would be to put in a dry well.

The board agreed that the existing paved swale should be cleaned off but nothing should be done to extend it.

The Eden selectboard sent a letter indication that Bridge 14 on the Eden end of Tree Farm Rd. is being posted at 16,000 lbs. due to bridge inspection reports from VTrans. That will keep us from plowing that end of the road because we won't be able to take our truck across the bridge to the turnaround we use now. Steve said he will ask Eden about building a turnaround on our side of the bridge.

Doug said people are confused by the No Parking sign in front of the new dry hydrant at Willow Crossing. Can we make it clear that parking is allowed as long as it doesn't block the hydrant? Steve said he hasn't seen the sign, but he is sure it refers to the hydrant. Howard said he has also heard questions about the sign.

We have a proposal from Peter Dodge for snow plowing and sanding on Coddling Hollow Rd. He would charge \$100 per trip. We would supply the sand. To do that area ourselves we would have to use the pickup to plow it, then load sand into the salt truck after it was done salting. Eric said he thinks that would cost as much as or more than paying Pete Dodge. Duncan asked if Steve has a rough guess how many times per month Pete would have to plow. Steve said we could be looking at as much as \$2K per month. **Howard moved to accept Peter Dodge's proposal for snow plowing and sanding, Nat seconded, and the motion was passed.** Duncan said we will have to pay for this out this year's budget. We will also have to pay more for salt than was budgeted. Steve said he thinks we may be able to cut back on salting some places. Steve said there will be no contract with Peter Dodge, so we can stop using him if we want to.

Duncan said for the College Hill Structures Grant, which has been approved, he did not include any costs of engineering, design, or construction management. He discovered that the village School St. Grant will not cover these expenses. The estimated cost from Otter Creek Engineering is \$7,500. VTrans is willing to entertain an amendment to the grant agreement. Duncan recommends amending our grant application to add the cost of engineering and seek additional grant funding to cover it and to request that if grant funding is not given for those costs our payments to OCE be counted against our 20% match for the grant. *(Greg and Cecilia Stefanski arrived at 7:59.)* **Howard moved to amend the College Hill Structures Grant application as proposed by Duncan, Doug seconded, and the motion was passed.**

We received 5 proposals for Coddington Hollow bridge engineering, ranging from \$13,198 to \$34,301. The lowest proposal was from Ruggiano. Duncan has been in touch with him and believes he will do everything we ask. His recommendation is to accept his proposal.

Howard moved to accept the proposal from Ruggiano for Coddington Hollow bridge engineering, Nat seconded, and the motion was passed.

The village trustees are interested in a joint meeting with the selectboard to discuss the dollar amount to contribute to health care plans and to discuss ramifications of changes in village personnel. Steve Towne will be leaving January 1. One critical question for the village is how to handle sidewalk plowing and snow removal from streets. One possibility is to have Steve Smith provide general oversight for the village crew, because there will probably not be anyone on the village crew living in Johnson.

Nat asked how that would work with Steve's workload in winter. Steve said he will be right there in the village. Calling crew members out when needed would not be a problem. Duncan said that is probably all the village is talking about in the short term. For the longer term, one possibility mentioned (with no consensus around it) was that the village could stop collecting money from the town to be used for maintenance of sidewalks and storm drains and the town could take over that work. The town could hire a 5th person with that money.

Eric said he talked to Gordy Smith. The trustees' immediate concern is the electric department. Changes they are considering will probably mean there is a much smaller village general department to do sidewalks, etc. They are not looking for this board to make any decisions at the joint meeting except maybe about Steve Smith providing some level of oversight. In the long term, a merger could even be considered. There has been discussion of that on the village board.

It was agreed to meet with the trustees on Monday, October 27. *(Steve left at 8:09.)*

6. *Planning Commission Report*

Bob said at the last meeting the Planning Commission discussed what has been happening with the form-based zoning steering committee. The committee had a fruitful walkabout and discussion afterwards about what we want to preserve about the community and what we might want to change. There was a fall-off in attendance at the committee's next meeting. After the next meeting, the Planning Commission will decide whether anything needs to be done about low attendance. Paul Dreher's contract calls for him to issue a monthly report. The Planning Commission voted to accept his report. Is accepting his monthly report sufficient to allow the town to release Dreher's payment for that month? Howard said he would like to see the report just to keep in touch with what is happening. Bob said he will ask Dreher to widen his email list to include the selectboard, trustees, and Duncan. The Planning Commission asked Rosemary to purchase a recorder which has been used to record meetings. The recording is then passed along to Dreher.

The other main topic at the last Planning Commission meeting was review of the town and village plans. The chapters of each plan have been divided into categories such as land use or housing. Each member of the commission has volunteered to read through the town and

village plan chapters for a particular category and identify areas where they can easily be combined and areas that are problematic.

Eric asked Rosemary if she is comfortable writing a check to Paul Dreher if the Planning Commission approves his monthly report. Rosemary said the Planning Commission minutes should say that the commission has approved the report and the monthly payment. Duncan said it seems to him that Bob or Lea should sign the invoice. Bob said the Planning Commission will approve the payment and send it to Lea to follow through.

Duncan asked if someone is using the steering committee meeting recordings to generate written minutes within 5 days. Bob said he is not sure. As he understands it, Lea has been doing her best to work through minutes. Rosemary said she thinks Lea has been working on Planning Commission minutes.

Doug asked about Dreher's estimated time for final delivery. Bob said he thinks it is to be 7 months from when he started. Doug said he thinks it might be good to have a report on progress for the town report. Bob said he can deliver a report for the Planning Commission and for the steering committee. *(Bob left at 8:20.)*

7. *Greg Stefanski: Holiday Jubilee*

Greg said the Johnson Holiday Jubilee will be December 5 from 3:00 to 7:00. He is asking the selectboard for a contribution to help support the event. He asked the trustees to contribute up to \$500 to go toward expenses, and he has the same request for this board. The primary expense is for advertising. There is also spending to provide special events and prizes for kids. **Doug moved to contribute up to \$500 to support the Johnson Holiday Jubilee, Nat seconded, and the motion was passed.** *(Greg and Cecilia left at 8:26.)*

8. *Recreation Committee*

Nat said the Recreation Committee plans to write a letter of support for the Lamoille River Paddlers Trail grant application Doug will discuss later.

9. *Manager's Report and Action Items*

Duncan said he had submitted the renewal application for VLCT PACIF. He distributed a list of properties jointly held by the town and village and those solely held by one or the other, with the values VLCT gave to those buildings. In some cases, Duncan has adjusted the values. Every year PACIF does a commercial appraisal of some of the buildings on a rotating basis. Sometimes there is an obvious issue with their values. Board members agreed that it was the board's intent to have Duncan renew PACIF insurance coverage.

Nat moved to appoint Stacey Waterman to the Library Board of Trustees, Howard seconded, and the motion was passed.

Duncan had previously sent out the Lamoille Regional Solid Waste Management District's proposed agreement with Johnson. He distributed to the board his alternative draft proposal, which he has not yet run by LRSWMD. He and Eric met with LRSWMD representatives. They asked us to provide plowing, sanding, and grading as do all the other towns that host LRSWMD facilities. Duncan and Eric pointed out that we are the only town that provides a stump dump. Eric said they like the size of our property and are looking to use the village compost facility. He thinks what we are asking for is fair compensation. They are not paying

for the site. We are asking to be able to deliver tires and hazardous waste at no cost. **Doug moved to approve Duncan's proposed agreement with Lamoille Regional Solid Waste Management District and authorize Eric to sign it and to send it to LRSWMD, Nat seconded, and the motion was passed.**

Stearns Allen has recommended that we seek voter approval for tax exempt status for the two apartments in the Historical Society building. Duncan is not sure that is either necessary or appropriate. He would like to get Dave Barra's opinion. It concerns him that a public building with space rented out could be considered taxable property.

Duncan said he hasn't yet asked Jen Stefanski if she would serve as Green Up Day coordinator again, but if the board would like to select her he can follow up and see if she is interested. There was general agreement that the board would like to see her as Green Up Day coordinator.

At the last meeting the board authorized the Historical Society Building Committee to contract with Gilles Lehouillier, and if he was not available to work with Steve Pitkin to develop an RFP. Gilles is not available. Dean and Duncan met with Wild Branch Construction, then with the committee. Wild Branch is putting together a proposal. Duncan recommends that the board give the committee authorization to work with Wild Branch. **Nat moved and Howard seconded to authorize the Historical Society Building Committee to contract with Wild Branch Construction if their proposal is within the committee's budget or can be negotiated to be within the budget.** Doug recused himself. **The motion was passed.**

Duncan discussed the resolution on education tax funding that VLCT came up with, which is a modified version of the one originally developed by the Town of Dorset. The original called for a cap on education property tax. The VLCT version adds language calling for additional revenues required to fund necessary expense increases to come from some other state revenue source. This resolution was discussed at the recent town and city managers conference. Many managers feel their budgets are impacted by dramatically increasing school budgets. Some managers commented that they had kept their budgets low to compensate for school budgets. All the state formulas for education funding seem to start out working fairly well but over time there is a drop-off in the level of state funding and more is added to the general property tax. Eric said when the original resolution came out there was discussion at VLCT about the fact that it could cause taxes to go up for individual communities, so the VLCT and VSBA executive directors came up with modified wording they were comfortable with.

Nat said the resolution states the intent is not to cap overall education spending. Without the ability to address the escalating costs of education, this would require the legislature either to increase some other tax or cut programs somewhere. What tax increases or program cuts are proposed? Eric said it is the legislature's job to determine that, not ours. Nat asked, is it our job to put a cap on property tax? Eric said yes, because that impacts us. Nat said the state budget also impacts us. The legislature could cut something else that impacts us.

Mark Woodward said the legislature is looking at cutting over \$100 million out of the state budget this coming winter. It is time to change the formula, but it is hard to find a formula that brings more money to Johnson than what we have now. He could see those from other towns like Stowe supporting this, but he doesn't know that capping statewide property tax is actually beneficial to Johnson. Duncan said he thinks the purpose of the resolution is to send a message. There is a lot wrong with the current formula. It is not working well for the state as a whole. We have the highest teacher-to-student ratio in the country. Mark asked if the selectboard has talked to the school board about ratios in Johnson. Duncan said no. Mark said he thinks that would be important. Duncan said he thinks this is a statewide policy issue. The current model is not sustainable. Whether or not Johnson wins, we are all part of the state. There are a lot of things not getting done because towns don't have money because they are afraid to raise taxes. Mark said he doesn't know that capping education property tax statewide is good for Johnson. It may raise the tax rate here.

Doug said the resolution doesn't call for capping overall education spending. It calls for capping education property tax and finding another place to get education funding from. There is no guarantee that state education spending will not stay level. He thinks the message ought not to come in this form. The message should be that the state has to change something, not that we want to cap the education property tax.

Nat said he doesn't think this resolution addresses the problems with the current system. Howard said it only attempts to send a message. Eric said it is not binding. Nat said Mark has the message we want to send. Doug said he doesn't like this resolution. It sends a message to legislators that property taxes are too high and we are not getting enough bang for the buck in education and need to raise taxes, but they won't raise other taxes, so we are putting a glass ceiling on education funding.

Mark said he thinks the selectboard should be talking to the school board. The two boards are part of the same town. By passing this resolution the selectboard would be telling the school board, "We need to make it harder for you to spend money." Duncan said the way the formula is constructed, he thinks he would feel the same way about this resolution if he were on the school board. Eric asked if there is interest in reaching out to the school board. Howard said he is interested. Doug said we got a letter from the school board chair expressing her opinion. Nat said he is not interested in talking about this resolution further. We have had a good airing of views. He is not interested in passing it. He doesn't think it addresses the issue appropriately. Howard said he would like to table it and hear from the school board. Eric said he will reach out to the school board.

A sheriff's budget meeting is scheduled for October 30 at 5:00 pm and a communications budget meeting is scheduled for 6:00 pm the same day.

The trustees asked Duncan to go out to bid for heating fuel. He hopes he has time, but he may not. He has resolved to try to work no more than 40 hours a week from now on, which means some things may not get done.

Duncan said the new weight limit on Eden's bridge on Tree Farm Rd. has no effect on the weight limits on our town highway. As a courtesy, if the board wanted to, we could put a sign about the bridge at the beginning of the road, but we don't normally do that. Doug said he sees no harm in putting up a sign. He suggests doing that. Duncan said he thinks it would be a waste of time. We don't do that in other places. If we do it on that road, we will be asked to do it in other places. Howard said he is against putting up a sign.

The current time frame for paving is the week of October 27, but rain may delay the work.

We had a successful monitoring visit for financial review of grants.

An Emergency Health Order has been issued for Jessica Flores at 56 Plains Drive due to garbage and junk on the property. The property is in foreclosure proceedings. For the order to be in full force and effect we have to get a court order, but who do we name? Doug said he thinks we need to wait until after the proceedings are over and the property has been auctioned. Then we will know who owns it. Or we could ask Dave Barra who he thinks is the appropriate party to receive an order now and whether he thinks it makes sense to contact anyone before the property is sold.

Duncan said he believed Lea had sent out draft flood hazard zoning regs. Board members said they did not recall getting them.

Nat asked if the Vermont Alert Program has responded to the letter Duncan sent notifying them we want to participate. Duncan said no.

Eric discussed a draft complaint form for Open Meeting Law violations that we got from VLCT. Using this form would provide a consistent format for people to make complaints and for the board to address them. Duncan said if we receive a complaint and we acknowledge that it is valid then we have to come up with a plan for preventing the violation from happening again. Nat suggested that if a committee or other group violated the law we could work with them to ensure that they had a better process in place. Eric said a response has to be sent within 7 business days, which does not provide much time for the board to meet with a committee. He feels if a complaint is about another group the complaint should go to that group and not come back to the selectboard. Nat said he thinks the selectboard should also be involved. Eric said if we are involved in the beginning that gives the person complaining no one to appeal to without going to court. Doug suggested that if one of our committees receives an Open Meeting Law complaint it may behoove us to provide them with access to the town attorney for consultation. Eric said he thinks if they had questions they would go through Duncan. Duncan asked if it is VLCT's opinion that if a complaint is about a committee the complaint should go to the committee chair and not the selectboard. Eric said yes. Duncan said he doesn't think there is any ability to appeal to the selectboard. Doug said he thinks Open Meeting Law is a can of worms and the recent changes were badly done. He asked Mark Woodward if there is any interest on the part of the legislature in addressing it. Mark said he thinks it will come back up. The board agreed to get more information about this from VLCT before deciding on a process for handling complaints.

Doug said he and Eric Nuse wanted more public access to rivers. Eric suggested a Lamoille River Paddlers Trail and Doug called Steve Libby who said the River Conservancy would be glad to help. Steve Libby wants to write a grant to fund work next summer on primitive campsites for this trail and he would like to submit some supporting letters. He asked Doug to request a supporting letter from the selectboard. **Howard moved to authorize the chair to sign a letter of support for a grant to fund work on the Lamoille River Paddlers Trail, seconded by Nat.** Duncan asked if there is a town match. Doug said he presumes not. **The motion was passed.**

Duncan said the board needs to adopt a policy on the revolving loan fund. We have to establish criteria for making loans and they have to be consistent with the terms of the original CBDG grant. It will be 3-5 years before we have gotten enough money back to make loans. Our policy should say that we won't start making loans until we have a specified amount in the fund. He asked Lea to try to work on a draft policy. The board needs to figure our prioritization for making loans.

Duncan distributed a memo just for information about the Municipal Employees Sick Leave Bank. He also found out recently that the legislature passed a law about flexible work hours for employees. He thinks it should be incorporated into the personnel policy. The law says an employer must consider a request for a flexible work schedule. The employer does not have to grant the request but must have a reason not to. Eric asked how the highway department would address that. Duncan said some requests could work to our advantage. For instance, an employee might ask to have Monday and Tuesday off instead of the weekend and that could give us coverage on the weekend. If a request wouldn't work, we could say that it wouldn't work. Employees might request flexible schedules if they were ill or pregnant or for any number of reasons such as wanting to be home to meet the school bus. It has to be a written request and the employer has an obligation to consider it. If a person's job description requires them to be on call 24-7 then we have reason to deny the request.

10. Selectboard Issues/Concerns

Doug said he doesn't know if the Masons insure the clock tower on the Masonic Temple. We may or may not be the owner of the tower and the owner may or may not be carrying insurance on it. He thinks we should resolve the question of who owns the tower. Duncan said right now we are insuring the tower and the clock. He doesn't know if the Masons insure the tower. Doug said an entity that doesn't own it can't insure it.

11. Adjourn

The meeting was adjourned at 10:05.

Minutes submitted by Donna Griffiths