

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, NOVEMBER 17, 2014

**Present:**

Selectboard Members: Kathy Black, Nat Kinney, Doug Molde, Howard Romero

Others: Duncan Hastings (Manager), Bob Selby, Lea Kilvadyova, Michael Paradis, Scott Griswold

**Note: All votes taken are unanimous unless otherwise noted.**

**1. *Call to Order***

Howard called the meeting to order at 7:00.

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

The board agreed to add three items – conceptual plans for bridge replacements on 100C, discussion of school property ownership issues, and an update on Lamoille River Paddlers' Trail status. Duncan said the bridge replacement conceptual plans have been received from VTrans and board members can look at them if they wish.

**3. *Review and Approve Minutes of Meetings Past***

**Nat moved and Doug seconded to approve the minutes of November 10, 2014 and October 20, 2014, and the motion was passed with Kathy abstaining.**

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

There was no treasurer's report as Rosemary was out. A budget status report was included in the packet distributed to board members, but Duncan noted that it apparently used data from last year so was incorrect.

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

Howard said the rail trail building is nearly done but there are a couple of things he would like the contractors to do before winter. It was decided not to put in the water fountain until spring so we will withhold 10% of the payment to the contractors until then. Howard suggested not issuing a check to the contractors until the things he wants finished have been completed.

Nat asked about plowing the parking area for winter trail access. Duncan said that might be a good idea. Howard said we have to be careful because we don't want people driving over the fields.

**6. *Manager's Report and Action Items***

Duncan reviewed a memo from school board member Sara Davies Coe to school board chair Katie Orost. Sara undertook a title search on the school property and Lea had also turned up some information earlier. The parking lot the teachers use is co-owned by the school and the town and part of the school property is owned by the town. This poses two issues for the school board, related to their drug and firearm policy and to insurance. This came about due to the School St. project. Permanent easements will be needed in a couple of areas and the school will also need to grant temporary construction easements. The surveyor working for the village uncovered potential issues with the property. The lot where the school sits was conveyed to the Town of Johnson, not the school district, around 1901. That is very much a concern of the school board. Having ownership of the property would be an issue from a

bonding standpoint. Another school parcel was conveyed in the past from the village to the school district. Duncan said he and Eric talked about this briefly. Duncan's recommendation is that the town sign a quitclaim. We could also suggest that the school district sign a quitclaim for Checkerberry Field, which we used to believe was owned by the town. Doug said he thinks we would have to provide 30 days notice to the public before doing the quitclaim. Duncan said he thinks that is probably right. Doug said we will need to involve an attorney and there will be an associated cost. The board agreed the school district should share the cost equally. *(Bob Selby arrived at 7:27.)*

There was discussion about how much of the school property is within our right of way, which depends on whether School St. is a 5 rod or 3 rod road. Doug suggested giving up part of the road to the school district. Duncan said we can permit any use we want and he doesn't know why we would give up our right of way. It was agreed to come back to this discussion later.

#### 7. *Planning Commission Report*

Bob Selby said some people who were on the form based zoning committee had not been attending meetings and they were replaced. The Planning Commission has asked Paul Dreher to give more in the way of concrete reports. Bob's understanding is that the committee is making good progress.

Bob recently had a brief, cordial email exchange with Skip Vallee about the Maplefields. Bob's sense is that Vallee will be willing to visit with the Planning Commission and lay out his plans.

There was some discussion at the recent Planning Commission meeting about the news that there is going to be a Subway in the old Piezano's building. Some concerns were raised about the possibility of neon signage, etc. Bob will send the Planning Commission minutes to board members. *(Bob left at 7:38.)*

#### 8. *Manager's Report and Action Items (continued)*

**Doug moved to instruct Duncan to contact the town attorney to find out the procedural steps necessary to convey our property used by the school to the town school district, making sure not to impact the School St. project, to try to determine the extent of the highway right of way and whether that plays into the conveyance, to ask the town school district to pay half the cost, and to offer to receive Checkerberry Field in exchange for our property to relieve the school district of its obligation. Nat seconded and the motion was passed.**

Duncan distributed a summary of the fuel bids received and past fuel consumption by town and village locations. We need to buy heating fuel, low sulphur diesel, and propane. He asked for pricing two ways – a fixed price and a rack price plus adder. Brosseau offered the lowest rack price plus adder and the trustees voted to go with Brosseau for fuel oil and low sulphur diesel. They voted to go with Corse's rack price plus adder for propane. One reason they chose to stay with Corse was that they own our tank and we would have to buy it out if we switched providers. **Doug moved to accept Brosseau's rack price plus adder bid for heating fuel and low sulphur diesel and Jack Corse's rack price plus adder bid for propane, Nat seconded, and the motion was passed.**

Rhonda Gilchris, who cleans the municipal offices, has asked for an increase in her hourly rate from \$17/hr to \$20/hr. The increase would include the use of her vacuum cleaner, which is not now included. Nat asked how many hours she works. Duncan said around 8 hours a week or a little more. (*Lea arrived at 7:54.*) The cost is split with the trustees. Nat asked if people are generally happy with her service. Duncan said yes. She comes during the day, which is disruptive, but there are also issues with having someone come after hours. **Doug moved to increase Rhonda Gilchris's hourly rate to \$20.00 per hour, as of January 1, 2015, provided she provides her own vacuum, seconded by Nat.** Duncan said the trustees will also have to approve this increase. **The motion was passed.**

There are Act 250 applications for a Subway at the former Piezano's location and for a teahouse on Plot Road. The selectboard could choose to participate in an Act 250 hearing. Lea said one concern about the Subway expressed by the Planning Commission was safety of parking and pulling in and out of the lot. Another concern was neon lights. But they decided not to take any action. Howard said he thinks the Planning Commission should lead the way. The board decided not to take any action.

#### 9. ***Revolving Loan Fund***

Lea said she is hoping to seek direction about how to manage the revolving loan fund in the future. We can either manage it in house or outsource to another organization. Lamoille Economic Development Corporation manages Morristown's revolving loan fund. (*Michael Paradis and Scott Griswold arrived at 8:07.*) She distributed a sheet with pros and cons of either choice. The main problem with doing it in house is that she doesn't feel we have enough knowledge of the process. We don't know the right questions to ask. LEDC's annual fee is \$1200. Lea recommends trying to do it in house initially because we will not have a lot of funds at first. Maybe we can make a couple of small loans and test the waters and see how we are doing, knowing there are people we can turn to for management if we decide it is necessary. We also need to decide how we will use the funds. What will our criteria be? She is seeking more information about what requirements there are about how we use the money. Across the state, about the same number of municipalities manage their loan funds themselves as have someone else do it.

Doug said he recommends managing the fund in house but he strongly feels we need a loan committee. A loan committee is an important part of being able to do it in house with some degree of professionalism. Lea said she would suggest a 5 member loan committee. One town has a committee consisting of a banker, 3 local business people and a selectboard member. Duncan said it would be great if the same loan committee could act for both the village and selectboard. The village is supposed to have a loan review committee but currently the trustees act in that capacity. For at least the first 6 years we won't have enough money to make substantial loans. One thing the village has seen with its revolving loan fund is years at a time with zero activity. Lea and Duncan encouraged the board to change the loan priorities and since then they have loaned out considerably more. Lea said they also promoted it. She thinks many people didn't know about it. Duncan said if we go a certain amount of time with low or zero loan activity, then the state can start the process for getting the money back.

**Doug moved to manage the revolving loan fund in house, Nat seconded, and the motion was passed.**

**10. Manager's Report and Action Items (continued)**

Lea said LCPC is asking for input on the proposed Lamoille County Regional Plan. They have asked each municipality to identify 3 top action items they support. She read the proposed plan and recommended 3 action items to the Planning Commission. They resolved to have Lea present those to LCPC. The first item is helping communities with renovating existing housing stock, whenever possible turning rental situations into owner-occupied situations. The second is LCPC involvement in siting a wood pellet or biomass facility in the county. The third is opening state lands to sugaring. Doug said he doesn't wholeheartedly support opening state lands to sugaring, but he might support it in some places or in moderation. Duncan said the trustees chose not to take any action but to let Lea speak on behalf of the Planning Commission. Nat said he strongly supports the housing stock item and thinks a wood pellet plant sounds okay. He doesn't have enough information to know if he supports a biomass plant. The sugaring item sounds good in concept, but there could be drawbacks. Kathy said she strongly supports the single family homes item. The sugaring and biomass items could be good in concept. She is not opposed but doesn't feel she knows the whole story. The board agreed to leave input up to the Planning Commission. *(Lea left at 8:31.)*

**11. NEMS Budget**

Michael Paradis and Scott Griswold said they had come to present the NEMS budget for the next fiscal year. They are asking for an 11.2% increase, which amounts to about \$9K for Johnson. This past year has been difficult, as expected. Ambulance services around the state have had a difficult year. There has been a decrease in calls statewide. There has been a major increase in uninsured people and a huge increase in write-offs. More people have been moved into Medicaid, which only pays NEMS 30% of the cost. And because many people are opting for higher deductibles, they often don't have the money to pay when they use an ambulance. NEMS has done quite a bit to cut costs. They have tried everything they can.

Nat asked what the statewide average per capita charge is. Mike and Scott said \$60 would be a high figure and \$4 would be low. NEMS is less expensive than others in communities about the same size and more expensive than ambulance services in higher population areas. Duncan said he wonders if there is an opportunity to bring in more towns. Mike said that would cost more because NEMS would need another crew. They would have to make sure it didn't cost the original five towns money.

Duncan asked if there is anything we should be telling legislators. Scott said the more competition there is the lower costs will be. Mike said at the federal level Peter Welch has introduced a bill to help them get back Medicaid losses. A local issue is that there hasn't been a Medicare increase in years.

Duncan asked if the NEMS budget figures are reliable enough to put in the town budget. Mike and Scott said yes. *(Mike and Scott left at 8:47.)*

## ***12. Manager's Report and Action Items (continued)***

The final meeting on the county budget is December 8 at 7:00 pm at the courthouse. If more than two board members attend, probably a meeting would have to be warned. Howard said he would go. If Eric goes, that will make two board members. No one else planned to go.

Duncan distributed proposed forms and process for complaints of Open Meeting Law violations. The law says that a person complaining has to identify the public body alleged to have violated the law, state the alleged violation, and make a specific request for an adequate cure. The public body may decide to take no action. Failure to respond in 7 days is treated as denial that a violation exists. We can't force people to use this form. VLCT is of the opinion that the law is so broadly written that a complainant could provide a written notice to any member of the board. Duncan suggests we ask people to submit complaints to the municipal clerk, the municipal manager, or the chair of the board the complaint is about. But if someone files a complaint in another way, he thinks we have to treat it the same way. We need to distribute these documents to all boards, committees, and commissions and let them know this is how to deal with complaints. The law is problematic because it could allow someone to send a notice of complaint to a board member's home while the board member was on vacation so that no one saw the notice until after the 7 days had passed.

The proposed procedure calls for the public body alleged to have violated the law to hold a duly warned public meeting within 7 days. Duncan had written "7 business days" but he said he is not sure statute says business days. The board decides whether there was a violation and if not, states why not. If there is a violation, the strong recommendation of VLCT is to refer to it as an inadvertent violation. Then it is considered a civil violation and not a misdemeanor. If the board acknowledges a violation occurred then after 14 days they have to provide a cure for the violation in the form of ratifying or declaring null and void any actions taken at the meeting where the violation took place. VLCT is reasonably comfortable that at the meeting where the complaint is reviewed the board could also either ratify or make null and void the actions of the meeting in question and provide specific action to prevent the violation from occurring again.

**Kathy moved to adopt the proposed complaint form packet for violations of Open Meeting Law and recommend that it be shared with all public bodies of the Town of Johnson, seconded by Doug.** Doug said he thinks it is important to make sure all heads of public bodies know about this and have them talk to their boards so if a board member gets a complaint they know what to do. Duncan said he thinks if someone gets a complaint one of the first things that should be done is to contact an attorney for legal advice. **The motion was passed.**

There was a major server failure last week. Kim Harris from VPPSA was able to get the manufacturer to reinstate the expired extended warranty. The cost for that was fairly high, but less than the cost of repairs and it buys us a year before the server needs to be replaced. Duncan thinks it will need to be replaced. Everyone in the office is tied to the server and all documents are backed up to on a daily basis. Kathy asked, and then the server is backed up? Duncan said we have tape drives for it and one laptop is set to back up key files. All accounting software is backed up daily with a cloud-based server.

Vermont Youth Conservation Corps recently received an Ecosystem Restoration grant that will fund remediation work on Class IV roads. The grant has provided funding to field VYCC crews for 12 weeks in 2015. This crew time will ideally be broken out into 3-week blocks with each block focused on a watershed, which means that the Lamoille region could potentially host a VYCC crew for 3 weeks. The scheduling of the crews would take place in the spring of 2015 with on-the-ground work being completed between early July and early October. It is likely that only one or possibly two towns in Lamoille would be selected to participate. Only one other town has expressed interest in this program, so Duncan thinks Johnson would probably be fairly high priority. We would need to provide and deliver materials. A 25% cost share is available for materials if needed but it will be limited to a yet to be determined amount for the overall project. Doug asked if our \$5K for Class IV roads could go into this. Duncan said yes, but there is not a lot of information about what they would be doing. **Doug moved to respond positively to Melinda Scott from LCPC indicating that we would like to participate in the Ecosystem Restoration Program, Nat seconded, and the motion was passed.**

Duncan has not had time to look into the question of tax exempt status for the Holcomb House apartments. One tenant has indicated she is going to move. Duncan told her to read her lease carefully as we still expect the rent and she could lose her deposit.

Most of the work has been completed on the rail trail building. The town needs to place sure-pack inside the batter boards and do the backfill on the backside of the boards and place material and finish grade for the path to the building. Rail trail donations in labor, equipment, and materials totaled \$17,920. Howard wants to make sure the tie bars are done properly before the rail trail building is closed up for the year. Duncan said he made a note to hold the contractors' check until that is done.

The Lamoille Regional Solid Waste agreement has been signed and returned. LRSWMD continues to be interested in possibly using the village compost facility. The village now has a lease with the town to operate it. Duncan thinks he recalls that if the use changes significantly it has to come back to the town. LRSWMD is looking for places to have a region wide compost facility, due to new solid waste requirements. The village would like to reactivate the compost plant and have someone run it, which LRSWMD could do as quid pro quo.

The paving job is done. The total project cost was \$178,478.50. Our share of the cost is \$93,236. We had \$90K budgeted for paving capital projects and also had funds in the budget for paving annual maintenance. Between those two, there is more than enough to cover the cost. To eliminate puddling on Pearl Street, the village lowered the grate of the catch basin about 4 inches, then put in a trench and overmilled it and filled it with blacktop to get the flow to the catch basin. It was part of the Pearl St. bridge project that caused that puddling so the cost of around \$3K was absorbed in the town budget.

Duncan has information on short term disability costs and will keep it on file for budget season.

The VLCT PACIF 2015 renewal application has been submitted.

VTrans is fine with us amending our structures grant application to include design fees and they recommended we add a little for construction inspection.

Duncan has a contract from Ruggiano for Coddington Hollow bridge engineering which he hasn't signed yet. He has not been able to devote a lot of time to this project but it is very deserving of time and energy. The board had approved having Ron Rodjenski do contract work if Duncan ran it by Eric. Duncan talked to Eric and then to Ron, who is willing to take on this project.

Duncan hasn't heard back from Jen Stefanski about whether she is willing to serve as Green Up Day coordinator.

We are awaiting a proposal from John Smith for the Historical Society building roofing and improvements. Gilles Lehouillier may also be available soon. Howard said he thinks the Historical Society Building Committee should meet. Duncan said he will circulate an email to set that up.

The bank that foreclosed on the property at 56 Plains Drive has expressed willingness to clean up the garbage and junk that resulted in an Emergency Health Order.

The Lamoille County Sheriff's Department Monthly Report for September shows 8 arrests, 12 traffic tickets written, and 29 traffic warnings written.

Duncan has asked Ron Rodjenski to assist with paperwork filing for the Coddington Hollow and Rocky Rd. projects.

Lea has done some research on tax savings options for reducing the asking price of the Jewett property. The indications are that there could be substantial tax savings for the Jewetts if they were paid over a period of a few years. These savings could be applied to reduction in the asking price and get us below the appraised value of the property. Kathy asked if that could be a good site for a pellet plant. Duncan said it would be. He said he was approached by John Mandeville about another company looking for property. He has told John to pursue the possibility, which is very tentative.

Duncan asked if Lea had sent out the flood hazard ordinance and if people had read it. Nat said he read it. It seems like a lot of administrative work to enforce. Duncan said he thinks that is probably accurate. It is probably also accurate to say that is already expected of us and will be more so in the future.

### ***13. Lamoille River Paddlers' Trail Update***

Doug said he and others will meet this Thursday at 11:00 to brainstorm names of people in towns along the Lamoille River who could put out information on an organization meeting and to develop the agenda for that meeting. UVM LANDS program students spent 3 days

canoeing the river. Noah Pollock and Eric Nuse have also spent some time canoeing. They will gather tax information on parcels along the river.

Duncan asked if Doug is aware that rail trail plans for the parking area where the dry hydrant was put in call for closing off the western entrance and having only one access point into the parking area. Duncan mentioned to the rail trail group how much the parking area is used by people accessing the river. Duncan asked if Lea can get our rail trail committee working on that and thinking about winter usage and what would fit with our new building. Duncan said the trailhead application talked about having the parking area at Old Mill Park available as trail access. Nat said he would be in favor of figuring out how to provide winter parking there. Howard suggested guard rocks to keep people from driving into the fields. Nat said the rec committee would be in favor of that because it would help keep people off the fields in summer, too. Duncan said once there is a snow bank we probably won't have people going out of the parking area. Nat said it was requested at town meeting that the town plow the lot to provide access for skiing and snowshoeing.

***14. Adjourn***

The meeting was adjourned at 9:35.

*Minutes submitted by Donna Griffiths*