

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, DECEMBER 18, 2017

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood  
Others: Brian Story, Rosemary Audibert, David Butler, Cal and Jackie Stanton, Rick Aupperlee, Diane Lehouillier, Howard Romero, Beth Foy, Dan Noyes, Matt Hill, Green Mountain TV

**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**

It was agreed to add a beautification committee update and presentation, discussion of appointments to the rec committee and library trustee board and a resignation from the rec committee, discussion about when to apply pay raises, discussion of a proposal from the Historical Society about the future of the Holcomb House, and signing of the order for Mine Road reclassification. The executive session was removed from the agenda.

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

**Mike moved to approve the minutes of November 13, November 20, November 27, and December 5, 2017, Nat seconded and the motion was passed.**

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

Rosemary said we received state PILOT funds of about \$18,689. The property the town purchased at the tax sale in April has been redeemed. To date we are at 45% of budget spent and 87% of budgeted revenues collected. Delinquent taxes have been sent out for collection. The last payment on the bank loan was made last month. The bank returned the promissory note as paid in full. Current taxes are at 56.28% collected for the year.

Associated Grocers of New England are purchasing Sterling Market. They have applied for a liquor license. They hope to assume ownership in January. They are buying all Mike Comeau's stores. **Nat moved to approve the liquor license for Associated Grocers of New England with the usual letter to be sent, Doug seconded and the motion was passed.**

**5. Planning Commission Report**

Dave Butler said at its last meeting the Planning Commission approved the application for the flood plain permit for the bike terrain park, though there was a little dissension. They discussed river corridors a little. They will table further discussion until spring because money is available now for LCPC to help the Planning Commission develop an enhanced energy plan. An enhanced energy plan will give us a better standing in Act 250 applications for renewable energy siting.

The Planning Commission neither approved nor disapproved the Railroad Street Area Wide Plan. It was never brought before them. Dave did attend the public meeting on it.

Eric said it was probably an oversight not to bring it to the Planning Commission for input. At this point the plan is only a committee pipe dreaming. Kyle said the committee did meet with key stakeholders and business owners. Eric said the town is not driving that effort; the village is.

Dave said the Planning Commission will meet again January 8 and will try to adjust their meeting schedule so they meet each month before the selectboard meeting so Dave can update the selectboard at its meeting.

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

Brian said he is still cleaning up the capital budget plan. We have been down one truck for most of the recent storms. A truck was taken out for repairs, was briefly running and then had to be returned for repairs. The truck currently having problems is our second oldest truck – the one we were going to keep a little longer as an example for its last couple of years.

Dave suggested that hours may be more important than years in determining when a truck needs to be replaced.

Brian said he had talked with Brian Krause about possibly keeping the single axle truck as a backup when we replace it, rather than selling it. Brian K. says a lot of other towns he has talked to that have space do something like that.

Brian said we are hoping Hyde Park might be able to loan us a truck tomorrow.

Doug asked if there have been complaints about road plowing. Brian said not yet.

Eric said he had read in the paper that Brian Krause appeared on a Vermont PBS show. Brian said he can send board members information on the broadcast date for the episode of Log Cabin Living that he and board members appeared in as extras. The show filmed a segment at the Fledermaus Café on a day it was not regularly open. They needed customers for the scene so they called Brian, who called the selectboard.

**7. *Administrator's Report and Action Items***

Brian said the public meeting on the Railroad Street Area Wide Plan was last Thursday. The consultants the village had hired presented their outline of visions for Railroad Street. They looked at 3 sites in particular – the town and village garage site, Manchester Lumber, and the garage on the corner of Main and Railroad Streets. Bob Hoag was at the meeting and was emphatically not on board with their plans for his property so most of the discussion was about the other two sites. There was pretty broad support for the ideas.

At the town/village site there is a question of what to do with the garages if the area is redeveloped. The property would need some Brownfield work and mitigation but because we own so much land it is likely we can relocate contaminated soil elsewhere on the property.

The feeling at the meeting was positive about developing on the Manchester property because it is not being used much now, in contrast to the town/village property, which is seeing use. The Manchesters have had input on the plan, though they did not attend the meeting. Brian's impression is that they would be open to hearing proposals and offers.

Brian and John Mandeville had a meeting with White and Burke in Burlington about development at the light industrial park. They also discussed the properties included in the Railroad Street plan. Out of all the sites, including the light industrial park, Burke and White

were most interested in the Manchester property. They are supportive of the light industrial park but it will be difficult to interest people in it when we don't own it yet. They talked about how we could go through some of the permitting process ahead of time. There are things we can do to make it more desirable if we own it. They thought the light industrial park idea was a good proposal but they aren't going to do anything for us on that at this stage.

Dave Butler said there are a couple of issues addressed in the town plan that were not addressed at the meeting about the Railroad Street Area Wide Plan. One is that our septic treatment plant doesn't have the capacity to deal with a brewery. A brewery was central to the proposed plan for the talc mill site. We don't have the infrastructure to support it. Another issue is the amount of heavy truck traffic that would be added to the bridge on Railroad Street. Those concerns need to be addressed. Eric asked if Dave expressed those concerns at the meeting. Dave said no.

Doug said he was at the meeting. He thinks, given the questions that surround the college, we should look at developing and diversifying wherever we can. We don't want to end up with a clearly vacant Main Street. There is an example he sent to Brian of the impact of a rail trail on a community with a lot of parallels to our community.

Brian said it is correct that there is a lot the plan doesn't address. It is a very early vision, not a shovel ready plan. It will be our responsibility to look at how to realize it and what parts we want to have happen. One suggestion they had for working with the Old Mill site was lighting the field.

Brian said he has been working a little with Meghan Rodier at LCPC. There is an ERP grant for studying stormwater. We would be interested in a stormwater assessment for the light industrial park before putting in any infrastructure there. It might be worth talking to the village about pursuing a stormwater assessment for areas in the village where stormwater causes puddles to form. The town and village might jointly pursue what we need to do to solve the problems. The next deadline for the stormwater grant application is the end of January. It is a rolling deadline so there will be another opportunity but Brian is interested in putting in an application before the next deadline at least for the light industrial park.

**8. *Belonging for Justice – Request to Add Article to Town Meeting Warning***

Cal Stanton said for the last 57 weeks a group has been demonstrating by the Village Green for social, political, and environmental justice. They have gotten a lot of positive feedback. They would like to request a vote on a non-binding resolution be added to the town meeting warning. They were informed that the selectboard could choose to add the article to the warning with no signatures needed.

Eric said typically the selectboard would not add an article that was not something the selectboard was advocating for. Typically they request that groups get the appropriate number of signatures. Rosemary said 125 signatures would be needed. Eric said the resolution would be non-binding. There is no authority behind it. He would not personally support adding it to the warning. The group could bring it up under Other Business, as non-binding resolutions have been brought up in the past. An article on the town warning should be an actionable item the voters can decide on regarding action we have authority to take. And he doesn't think this fits that.

Jackie Stanton asked, in that case why get signatures? Eric said getting signatures is an option but he wouldn't support it.

Jackie asked, if the group gathered the appropriate number of signatures, would the board add it to the agenda? Eric said the board could decide to but he thinks the board could also deny it because it isn't within our authority as a community. It would be up to the whole board to decide.

Doug asked, would we pass on to our attorney the question of whether it could be denied? Eric said he thinks we would ask our attorney or the Secretary of State's office.

Rick Aupperlee said he checked with the Secretary of State's office and they approved the wording. They said it would be subject to decision by the board. They didn't see anything that would exclude it. The group would like the town to be part of a debate. They would like to go on record. They would like to get the dialog started. That is why they would like it to be an article rather than come up under Other Business. Sometimes at the end of the meeting someone moves to adjourn and that is the end.

There was a question about what the group hopes to accomplish by this. Cal said to them it's about keeping democracy alive and having people take stock of where we are as a country, a town and a state. To him it's an issue of justice. He would like Johnson to go on record as opposing this administration. Jackie said this group of people has been demonstrating for over a year now. Probably at least 100 people have demonstrated and others passing by have shown support. This is a way to affirm something that many people in Johnson have felt strongly about, to formalize a statement for the record, to inspire people today and in the future to participate and to take seriously the rights and responsibilities of citizenship.

Mike read the proposed resolution aloud: *The citizens of Johnson, Vermont stand in unity to voice a motion of no confidence in President Donald J. Trump and his administration.* He asked why Cal says democracy is dying.

Cal said to him this meeting is just about getting this item on the agenda for town meeting. Discussion of the resolution would happen at town meeting.

Eric said what it comes down to is whether this is germane for the selectboard to put on the agenda as something within our power to affect. Because it is not, he would not support it as a warned article, but the group is more than welcome to bring it up during Other Business.

Dave Butler said his understanding is that the group is asking for unity within the town. He is not on their side. He would argue that the resolution would have to go before the town's lawyer because it is asking the townspeople to stand up in unity.

A community member said the town has already sent a message because a majority of people in this town voted for Clinton, not Trump. That is public record. He feels that sending a message that Johnson is unified in the belief stated in the resolution when there are Johnson residents

who do not agree will cause more of a rift. He will be angry at Belonging for Justice's movement if his town sends this message and says we stand in unity when we don't. He would like the group to think about that before pushing the board to add this to the warning.

Eric asked for the board's input on adding this to the warning.

Mike said he enjoyed last year's town meeting when we were serenaded with music and The Star Spangled Banner was played. It was very unifying to him, even in an un-unified country. This is one time when everyone in the community with differences of opinion can come together as one family. People from the left, right and center are all together on town meeting day to discuss the business of the town. He doesn't see the point of having this article to sully our time of getting together and getting along with each other.

Doug said he thinks if we approved adding it to the warning ourselves we would almost be taking the position that we were advocating for it. He thinks we should ask for signatures and then ask our attorney for a recommendation on how it should be treated. It may come down to a judgment call on the board's part. His personal belief is different from those expressed so far but in his capacity as an elected selectperson he would be conservative about this.

Kyle said she is very much in support of this. She would be prepared to vote right now to get it on the warning. She thinks this presidency has a real impact on the community with regard to funding for things we need to thrive and move forward.

Nat said he would encourage the group to get the signatures and if they get the 125 signatures, meaning that a significant portion of the town wants to discuss the issue, he thinks it is ridiculous of the board to say no. He also thinks that getting the signatures is an opportunity to engage with people one on one, which is where the best conversations happen. He has real problems with this administration. But the word "unity" implies we all believe this and clearly not all do.

Eric said he gets the sense that the majority of the board would not approve adding this to the warning tonight.

Rick said historically there have been other precedents. Thirty years ago there was an article at town meeting about nuclear proliferation and Veterans for Peace brought something about the Iraq War. Eric said those were under Other Business.

Jackie asked if the board is going on record as saying they will put the article on the warning if the group gets the signatures. Eric said he is not. Nat said he is. Doug said he is hedging. He is saying the board should ask a lawyer.

Dave said the question in his mind is, when the resolution asks for unity, is that a majority of the town meeting attendees or a majority of the town? Eric said a majority of the people who vote at town meeting.

Eric said in answer to Jackie's question that it sounds like two board members say yes, two say no and one wants to talk to a lawyer. Doug said he would not vote now to put the article on the warning without signatures. If the group gets the signatures he will have to make a decision.

Rosemary said the signatures have to be obtained by January 18.

Doug said if the wording of the resolution is changed Belonging for Justice should let the board know so they can run it by the lawyer ahead of time. Nat said when he thinks of unity he thinks of something different from what they are describing. (*The Stantons and Rick Aupperlee left.*)

**9. Discussion with Dan Noyes and Matt Hill**

Dan Noyes and Matt Hill asked to hear any ideas from board members about things that are on their mind as the legislative session approaches.

Eric said it would be helpful if there were an ability or requirement that state education property taxes would honor a tax stabilization plan a municipality enters into with a business. The state did honor the tax stabilization plan the town entered into with Sterling Market because it brought some number of jobs but it wouldn't honor the one with Butternut Farms. Eric feels we are helping the tax base increase if we give businesses incentive to improve their properties. He thinks it is short sighted of the state not to honor those plans. In the long run it would benefit the whole state.

Matt said the question that will come up is whether Butternut Farms would have done the work they did whether or not the incentive was there for them. Last year his committee increased the amount of Tax Increment Financing (TIF) districts and it was a battle. Dan said perhaps it would make sense to have some framework to operate a TIF district as a town instead of having TIF districts be statewide, to give a little more local control.

Mike said we have working poor people in our community who might make too much for fuel assistance or food stamps. It is a shame there can't be something for them when illegal aliens who live in our state get free health and dental care and a driver's license. We can't help people who have been living here all their lives and are struggling. There's no incentive for them. It's easier for them to go on welfare. Is anyone looking into trying to help these people? Matt said that is a major conversation year in and year out. Mike said we need to help people who need to help themselves. Matt said both his committee and Dan's committee address that.

Beth Foy said the TIF district idea helps address that. Mike is talking about people who can't pay their bills. If we had more better paying jobs in our community more people would make enough money to pay their bills.

Doug said tax stabilization plans recognized by the state aren't directed toward small town developments. We are disproportionately sharing the tax revenue with other towns. There ought to be some relationship between the locale and the scale of development necessary to qualify. Matt said that was why there was discussion about TIF's last year. A smaller number of jobs makes a big difference for Johnson. His committee is trying to steer things away from Burlington and put more focus on rural communities.

Doug brought up the difficulty of replacing physicians here and the role that legislation for different reimbursement levels plays. The issue was brought up to him by a physician who said he will never be replaced here. Doug talked to someone from FQHC who told him that FQHC may come here if we just talk to them. He thinks we ought to have a discussion about bringing in their primary health care services. They said they would be happy to discuss coming here.

Matt said the new director of Copley Hospital is interested in making sure we have enough primary care physicians in Lamoille County. Dan said an important factor is whether FQHC's federal funding is continued after April, when the current funding ends.

Doug said another large primary care provider is the UVM medical system. His understanding is that Obamacare added pressure to regionalize centers and move away from small towns. We need advocacy for having physicians and services here.

Nat said Roger Marcoux was here last month and brought up that the stretch of road just east of town is really dangerous and there have been a lot of fatalities there. Roger talked about starting to work with the state to straighten out that piece of road. Legislators' help with that could be very helpful. Dan suggested naming that as an important issue for the Transportation Advisory Committee to address for Johnson. Beth asked, do Dan and Matt connect with people on different committees? She thinks the request is for them to advocate for that. She thinks it is probably easy to argue that it is one of the more dangerous stretches of road in the state.

Kyle said she would appreciate anything that can be done to help small businesses on Main Street. It is unbelievable how much a small business with two employees has to pay in taxes to the state each month. It is hard for local businesses to compete with online sales so revenue is very limited and a lot of money goes out for expenses. Having employees is very expensive. Business owners have to pay for unemployment, payroll tax, liability insurance, etc.

Eric offered the selectboard's help in fighting for issues that are important to the board. He would be very open to testifying related to his pet peeve.

Doug brought up the issue of uneven law enforcement throughout the state. He said law enforcement in Vermont is a mess as far as responsibility and coverage. There is the issue of ambulance services covering one town when another town is paying them.

Doug said transportation is another big issue. Dan said being in a rural community costs a lot because of the distances you have to drive. He tried to get some VW money for kids at the tech center to fix emissions systems on the cars of people who couldn't afford to get them fixed, but the money can only be used for changing over to electric buses and electric forklifts. Matt said it has been proven that transportation is the only way out of poverty. We have very stringent inspections in Vermont and it can be expensive to pass inspection. Transportation is a must to break people out of poverty and keep them out.

Doug said Johnson is a second class community because we don't have broadband. People might want to move here and telecommute but it is not an option for them if they don't have broadband. For full development that would be a tremendous tool.

Dan said he recently talked to someone who could live anywhere and telecommute who had moved to Morrisville. A lot of tech companies have people living wherever they want to live. If we don't have good internet they won't be able to live here. Matt said he asked to be on the Commerce Committee because they deal with internet access issues. He wanted to push for rural access to high speed internet. Brian said where he and his wife could move was limited. It was determined by access to high speed internet. Matt said we are hearing that the large corporations don't feel it is economically viable to spend money in rural Vermont for high speed internet access. So how to provide it is a conundrum.

Doug said there is national precedent with electrification. He sees providing internet access as no different from the way nationally we electrified. He sees it as similar to providing highways or sewer and water systems. If we want our communities to flourish we will have to do it. He thinks providing broadband internet access for the whole community would be the biggest development that could happen in Johnson.

Brian mentioned Local Government Day in the spring. He and Eric will probably go. *(Dan and Matt left.)*

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

Brian said the village trustees propose adding two 10-minute parking spots at the municipal offices adjacent to the handicapped parking spots. They would like our opinion.

Kyle asked if this is in response to Mike's request. Brian said he is not sure. He has rarely seen the parking lot full with no place to park, but he has on a number of occasions seen people pulling into a handicapped spot to use the drop box. That happens with relative frequency. Giving them a place to park briefly might help.

Nat said we have so many open issues before us we haven't been getting to – truss repair at the pavilion at Old Mill Park, the conflict of interest policy, the memorandum of understanding, the stop sign. Those are higher priority for him. With our limited manpower he thinks adding these parking spots would be at the bottom of the list of things we should be addressing.

Mike said in the time Nat spent talking about that we probably could have voted on it. Nat said it also takes work. The vote is the quick part.

**Mike moved to add two parking spots signed for 10-minute parking in the municipal building parking lot, seconded by Doug.**

Doug asked what Rosemary thought about the benefit of this. Rosemary said she told the trustees she wasn't opposed to it.

Kyle said she tends to look for such parking spots in parking lots where people come to pay bills, etc. She thinks it seems a little odd that it doesn't exist already in our lot.

**The motion was passed with Nat opposed.** He said implementing this takes staff time.

Brian said the skate park flood permit application was approved by the Planning Commission and is moving forward.

Brian said the village will assume responsibility for the East Johnson sewer system and that is not contingent on inspection, but they still want to do an assessment of the system. Some manholes in East Johnson have been paved over. He understands that some are on a town highway and some are on the state highway. They are not asking for our help with the state highway portion. There are a couple on Sinclair Road. If there turns out to be another paved-over manhole on a town highway they would like our help with that also, but Brian can't think of any that aren't on Sinclair Road.

Mike said they have been receiving money from that sewer line all these years and ought to be able to cover it themselves. Will this ever end or will they keep coming back to us? He thinks it is their responsibility. Eric said in the past if we have paved over any manholes in paving a town highway we would help recover them. Mike said there should have been coordination in the first place so they weren't buried. Eric said there were days in the past when the village and town did not work well together and some were paved over without thought to the village. Eric said on Clay Hill Road we worked closely with the village when we paved the road so manholes wouldn't get buried and the village found some manholes that had previously been buried. Nat asked, if the town paves over manholes without letting the village know, don't you think the town has some liability? Mike said he thinks under those circumstances we would have some responsibility but there is a limit and once the transfer happens we have washed our hands of it. Eric said when we had a joint administrator for the town and village that helped foster a good working relationship. He hopes that will continue. He is not aware of any time recently when we paved without working with the village to make sure their infrastructure was protected.

There was consensus that the board is willing in principle to work with the village to recover paved-over manholes on town-owned highways in the Town Sewer Service Area in East Johnson. Brian said the town will have an opportunity to review the work to be done and the cost before committing funds or manpower.

Brian said we need to talk about how we are going to deal with sewer allocations in the future. We received an allocation from the village of 25,000 gallons per day and then an additional 3000. That was for the whole Town Sewer Service Area, not just East Johnson. The village would like us to remain involved in approving hookups in this area and the hookups would come out of our allocation. Within the East Johnson area we are significantly under capacity. We have a little over 9000 gallons per day remaining from our original allocation.

Eric said we have to think about if the purchase of the Jewett property goes through how much that would take. Brian said that will also be an issue when it comes to how we interpret the service area. Eric said it should encompass all the Jewett property. Brian said he understands that it doesn't cover all of it. Eric agreed that some portion of the parcel is in the village. Doug asked if there is any part of the town that is not in the Town Sewer Service Area. Brian said yes. Doug said we ought to renegotiate the intermunicipal agreement to correct it and try to add gallons to our allocation. Eric said when we set up the Town Sewer Service Area we had the Jewett property in mind and we wanted to make sure we captured all of it, as well as Harvey's.

Later we did an amendment that brought in Laraway. Brian said there have been recent conversations about how the TSSA boundary cuts through Drew Fairbank's property. The village has said that part of his property is inside the service area and part is outside it. A connection to the sewer line could be made inside the TSSA. Eric said there should be some maps downstairs that should show the boundaries of the TSSA. If it is missing some of the Jewett property, that was a huge oversight.

Nat asked what the point of the TSSA is, as opposed to just letting the village manage it. Doug said it used to be that the village would not take its utilities outside of the village, though there were some exceptions. An exception was made in East Johnson because the river was being polluted. And on Clay Hill Road the former Nuse residence was hooked up, and maybe the next house as well. It was thought that for economic development and pollution reduction there should be loosening of the policy of not having utilities extend outside the village. The means of doing that was the TSSA and the town allocation. It is an important tool for the town but he thinks this board ought to be saying that we agree we ought to be involved but we should have more capacity allocated to us and we should have some control over who hooks up. He thinks 9000 gallons is inadequate.

Howard Romero asked if Brian knows what the village's total capacity is. Brian said he doesn't. He said the village is willing to talk to us about additional capacity. They are interested in development proceeding as well.

Doug said he thinks we should look at the Railroad Street redevelopment plan and Town Sewer Service Areas related to Brownfields. Brian said it might also relate to stormwater treatments.

Eric said the majority of the Railroad Street development area, up to the town garage, is in the village. Doug said he always thought the village would extend service to a building that was outside the village if the hookup could be within the village. Brian said that is the village's current interpretation. As Duncan Hastings recalls, that is not the historical application. Eric asked what the ordinance says. Brian said it is unclear. Eric said he thinks historically it was not done that way because in some areas within the TSSA the tract of land touching it is huge and that could open up huge areas for development.

Howard asked, if there was a large property where an owner wanted to connect one dwelling to the sewer system and it was allowed, would that mean that the owner could then further develop the property and connect more buildings or if we didn't have enough capacity would he be unable to develop? Brian said he is not sure if that would compel us to secure additional capacity or not. Howard asked, if Drew Fairbanks is building one house that can hook up to the sewer, does that open up his entire property? Eric said that is the fear. He thinks that is why his understanding of the ordinance was that you had to be within the district to be authorized to hook up. If one place can connect and we try to deny further development it opens us up to litigation.

Brian said the village's current interpretation is that Drew Fairbanks can make a connection to the sewer line within the Town Sewer Service Area so an extension of the TSSA is not needed.

Doug asked if we sent the question of whether Fairbanks could hook up back to the village to decide. Brian said we asked them their opinion. Eric said he didn't vote yes on allowing the hookup because he wanted to know our allocation.

Howard said it seems to him that a developer cannot compel the town to accept anything they want to put in. The town only has so much capacity. It seems to him that the town could always say we don't have capacity for more than one dwelling. Doug said if we are running out of capacity it is an easy decision. If we have a lot of capacity then there is a question of what to do. Brian said he thinks there is an argument to be made that if the hookup can be made on their property and within the TSSA then they can connect. If Drew Fairbanks wants to subdivide his property and give someone else the back end we wouldn't have to connect that person because their property wouldn't be inside the TSSA. But if he developed a new part of his property himself he could hook it up because the hookup would be on his property. Howard said it would be dependent on available capacity. That is where the town can control development.

Doug said there is a question of whether a sewer permit located in the TSSA is for the invert or the development.

Eric and Doug said the board will want to see the town sewer service ordinance.

Eric said it seems like the East Johnson sewer district is a very slim sliver going up 100C and Sinclair. He thinks it was purposely drawn so it wouldn't encompass huge blocks of land that the selectboard didn't want to see developed. Brian said it was definitely drawn with a specific distance in mind. Doug said it was drawn with river pollution in mind.

The board is interested in discussing increasing the town allocation and fixing the TSSA boundaries near the industrial park location. Doug said maybe also fixing our ordinance and unifying how we apply our ordinance and how the village applies their ordinance.

Eric said if we want to extend the TSSA there is a process for that. The Planning Commission is involved. We must consider if it is for the good of the community. We have been requested by others to extend the TSSA into other areas and have opted not to because we did not feel it was in the best interest of the community. (*Howard left.*)

Brian said the board will probably want to schedule a couple of additional budget meetings in January. The fire contract will not be ready until after January 8. The board agreed to tentatively schedule a work session meeting for 7:00 on January 8.

Brian said public forums on the light industrial park will also be needed. He can do one or two himself with a selectboard member or two. They don't have to be selectboard meetings.

Mike said at this rate we could have the vote at town meeting. Eric said not for form based code. We can't wait that long for that vote. But the vote on the industrial park could be at town meeting. Nat said we can't wait that long for public hearings on form based code but he thought we could wait that long for the vote. Eric said he thinks the board only has so long to act after receiving the code from the Planning Commission. Brian said the board is required to have a

public hearing on it within a certain time. He would have to review state statute to see what it compels us to do regarding the vote. He remembers it says that if we don't act it doesn't mean we voted it down. Nat said he thinks it would be better not to have a special town meeting in January or February if we can avoid it. Eric agreed it would be better to wait until town meeting if we can.

Kyle asked if the vote will be a floor vote or an Australian ballot vote. Brian said he is not sure we could put it on Australian ballot. If it were possible he thinks the voters would have had to decide in advance to allow it.

Mike said he thinks it would be good if the budget were voted by Australia ballot. Eric said then there wouldn't be much value in town meeting.

Kyle asked if we want to have music again at town meeting. Mike said he thought that was great. Kyle asked, what about the social part with pie? Mike said it was all great. Others agreed. Eric said if anything we have to build on it. We will no longer have a school meeting so it will be harder to keep people there until noon for lunch.

The board discussed the need to schedule a public hearing on the industrial park question and to prepare for the meeting. Doug asked if John Mandeville could attend a public hearing on the industrial park. Brian said yes.

Brian said he will tentatively plan to hold a public information forum on January 10 to solicit questions. If selectboard a member or two would be willing to attend it would be helpful.

Mike suggested that Brian share the information we have – studies, drawings, etc. – so board members can prepare for the meetings. That information can also be made available at the meetings. Doug said he thinks it might be useful to have economic data about our community to illustrate why we think there is a need for the industrial park.

Brian showed the board a draft proposed agreement from the Historical Society for the future of Holcomb House. Eric said he thinks we would have a letter of understanding but we cannot hold a future selectboard to an agreement or commit a future selectboard to something that has not been decided yet.

Doug asked, would this not be a sale of town owned property that would have to be put on the ballot? Rosemary said the town would need to put a notice in the paper. Doug said we may be promising more than we are legally able if we sign this agreement. Maybe it should say something like "if the voters approve it." Brian said the agreement has not been run by our attorney yet. Eric suggested running it by Dave Barra. Maybe there is wording he could suggest to give the town an out in the future.

Doug said the town fronted the money for the purchase and the Historical Society is paying the town back. They are treating it as if they will own it because they will have paid for it. They say if the Historical Society ceases to exist its assets will go to the town. That is something to check with Dave Barra. There are specific statutes that direct the assets of a 501(c)(3) organization that

dissolves. He is worried about the possibility that the Historical Society becomes inactive but does not dissolve and the property does not come to us. He is not opposed to the proposed agreement; he just doesn't know where it's going.

Eric said he feels the agreement should be called a letter of understanding. The Historical Society themselves don't even know if they will stay under the town umbrella or become a 501(c)(3.)

Doug says there are questions he would have to have answered before he voted on this. Eric said maybe this is a starting point to sit down with them for discussion. He suggested checking on availability for them to meet with us in February. He doesn't think we should run this by our attorney yet. He thinks we should sit down with them first. We may look at rewording it then.

Brian said Wicked Wings had a second underage sales violation. He spoke with the sheriff's department about it. Both violations were tests run by liquor control. To the best of our knowledge they are not regularly selling to minors. The sheriff's department said they have had no complaints about them selling to minors.

Eric said usually any violation we get is from these tests. He asked if they are getting their license suspended. We retain the right to increase their suspension because we cannot levy a fine. Brian said they will either have to pay \$300 or have their license suspended for 3 days. Eric said he expects they will choose to pay the fine.

Doug suggested sending them a letter saying we have received notice of a second violation and while we are taking no action at this time we want to remind them that we have the authority to take action should the occasion present itself again. The board agreed to authorize Brian to sign such a letter.

Nat said he thinks there should be more consequence on a second offense. Mike said he tends to agree. Eric suggested we could impose a one-day suspension that would coincide with the state's suspension. That way if they chose to pay the fine they would still have to be suspended for a day. Mike said he would agree with that. Doug said he wonders why we think we are better at determining penalties than the state agency that does this all the time. He has trouble with our expertise in this area. He hasn't seen Wicked Wings posing a problem. He doesn't know what its reputation is. Brian said he asked the sheriff's department and they said Wicked Wings did not have a reputation of selling to minors. They did not have any reason to suspect them as a source of problems. The board agreed to send the letter as previously discussed.

Brian said he and Doug have dug into the dangerous and/or vacant building ordinance again. He is still working through the most recent round of changes. Doug said he would like to have VLCT look at our version and see what they think. Brian said he has to complete the most recent changes and then send it to VLCT.

The sheriff's department report was sent out. There will be a meeting with them on Thursday.

Kyle asked if there is a plan to flood Legion Field this winter for skating. Brian said he hopes so. We will check the equipment the town has to see if there something like an inflatable rink that can be used to hold water. Otherwise we have to wait until it has been really cold for a long time to establish the rink. If the rink is put on top of something like that we might not be able to drive a truck on it to plow but the last few years the weather hasn't supported building a rink a truck could drive on. Kyle said she thinks the rink is a great thing for the town. Brian agreed.

Brian said he, Eric and Rosemary spoke with state representatives about setting up a revolving loan fund and administering it in house. It was a fairly encouraging conversation. It won't be easy for us to do but it is within the realm of possibility. They met with Ken Gibbons, the former Union Bank president, on Friday. Ken is willing to do some pro bono consulting for us while we set up a review committee and put together guidelines for the committee. Brian will get examples from other communities.

Eric said he asked Ken if he would be willing to have the board hire him as a consultant to help decide whether we want to do this in house or not. He said he would not entertain that because of other interests he had going on but he is willing to work with us pro bono. He strongly encouraged us to look at managing the loan fund in house because of the benefit we could gain for our community. When he was at Union Bank he set up the way the village's revolving loan fund is administered. Union Bank had about five revolving loan funds when he was there. He was also on the LEDC board and he knows they are very familiar with administering loan funds. They administer Morrisville's. The state said if we try to manage the loan fund on our own and decide it is not working out we can always decide to use a non-profit instead. He is not sure if it could work the other way, though. Brian said he thinks it would be harder to get our money back from one of those organizations.

Eric said we have to have 25% of the money loaned out within 3 years so we have to start moving on it and figure out how to get the word out there that the money is available. If we administer it ourselves it would be a way to grow the fund because interest coming in would grow it. If the fund goes to a group they will use the interest to pay their costs.

Nat said we will have costs, though. Can we use some of the interest to cover our costs? He thinks managing the loan fund ourselves will take some in house resources we shouldn't underestimate. The village puts out very few loans but we will be mandated to put out more. Eric said it's not the loans that are the administrative burden, it's reporting to the state. And doing credit checks, said Rosemary. Eric said that's why we need a loan committee to do the work or see if the bank would do it for us. Nat said there is also keeping after people who don't make their payments and getting our money back if someone folds. We shouldn't underestimate the administrative costs.

Mike said the village has never had any problem. Rosemary said they foreclosed on one property. Mike said they didn't lose any money, though. Rosemary said she wouldn't say that. They probably lost some. That was 25 years ago.

Doug asked what the size of the village's fund is. Eric said it was about \$150K to start.

Doug said he thinks an advantage of managing the fund ourselves is that we would have someone thinking about economic development in the community. It would bring in more community volunteers.

Nat said he feels there is a lot on our plate that we aren't getting to now. He is concerned about how much is on our plate.

Doug asked what others thought about the proposal from the group that the board heard. They had access to a lot more funds, but they were going to keep the interest. He feels there is a benefit to defining where we want the money spent on a local level and not having it preordained that it will go to a certain sector.

Their interest rate was 7-9%. Eric said he thought he remembered it was 8-10% and Ken said that is not a good rate.

Nat said he doesn't think that proposal was for us but they aren't the only game in town. He asked if Rosemary has feelings about this.

Rosemary said it's a lot of money and she thinks professionals know better how to deal with it than we do. Maybe the town should have some control. With the group that presented to the board there was no control.

Eric said the board could make the final decision about whether to lend but he doesn't feel qualified to look at someone's credit history and tell if they are a good credit risk.

Mike said a group will give our money to people in other communities. We should make sure all that money helps the people in the town.

Kyle asked if Eric is suggesting a happy medium might be for the town to make the final decision but for Union Bank to do the other management. Rosemary said the bank doesn't approve credit worthiness. Eric suggested maybe they would do it for pay, or maybe LEDC would. Brian said maybe LEDC would. Like Rosemary, he would be reluctant to accept that responsibility. He has no background in assessing credit worthiness. He has a lot to do that doesn't relate to that skill set and it would take a lot of time.

Eric said he thinks a loan review committee should be the ones charged with it. They would have to be trained. It probably still would be the selectboard having to make a final decision on the recommendation of the review committee. Doug asked if that is how it works for the village. Rosemary said no.

Doug said he doesn't want to review the loans. He wants a committee to do it. He thinks a professional with loan officer type qualifications would present to the committee. He thinks a question for Ken Gibbons is how difficult it would be to find people with experience in evaluating loan applications.

Brian said he and Ken will meet again around January. Mike asked about the time requirement. Brian said in the next 3 years we have to loan out 25% of the money. Eric said we should firm up what we will do this winter. Brian said if we haven't made any loans by this time next year he thinks the conversation should have switched into who are we going to farm this out to. Mike said it doesn't say we can't loan money to ourselves. Rosemary said she thinks we can loan 10% to ourselves.

Doug asked if some of this could be used if someone came forward with a proposal for the Manchester property. Brian said yes. Eric said it could be a good selling point for any businesses considering going into the Jewett property. Ken said typically revolving loan funds would be coupled with a traditional loan from a bank.

Eric said Brattleboro could probably tell us the amount of time they spend administering their loan fund.

Brian said an issue is that insurance rates go up on January 1 but our pay increases don't happen until July 1 so there are 6 months when employees are paying this year's health insurance costs on last year's wages. He and Eric talked about the possibility of holding back a portion of the pay increase until January 1. Eric said their thought was to give a 2% pay increase July 1 and save the other half a percent until January 1, making it 1% at that time. Budget-wise we would be no further behind or ahead. It would increase employees' base salary and give them a bump on January 1. We can't do it retroactively for the upcoming January 1 because we did not budget for it. He asked Brian to ask Meredith to have the village talk about it. The trustees took action on their own. Brian said the trustees have to consult with VLCT and make sure they can do it but they decided to start making all their pay increases retroactive to January 1. Eric said the two shared employees would get one raise January 1 and not get the other until July 1. Brian said the village has to do it retroactively because they can't give pay increases until their budget is approved. Eric said they run from January to April on an assumed budget.

Mike asked why we can't operate on a calendar year. Doug said because we coincide with the state. No one is on a calendar year but the village. Mike asked, wouldn't it make things simpler? Brian said because we deal so much with the state it is better for us to coincide with the state's calendar. Rosemary said the village uses a calendar year because of the Department of Public Service.

Mike asked how Rosemary thinks we ought to handle the pay increases. Rosemary said retroactive pay is not difficult to do if the board chose to do pay increases July 1 retroactive to January 1.

Eric said we would have to add another \$4K to the budget we are going to be working on if we did it retroactively. He said a retroactive increase doesn't help employees on January 1 but they would get a bonus July 1. Mike said he thinks we should do that.

Doug asked, it would be \$4K for all our employees? Eric said he believes a 2.5% increase was a total cost to the town of around \$8K. If we are going to retroactively add another 6 months it

would be \$4K. It is possible \$8K was for a 2% increase, but it is somewhere in that neighborhood.

Eric said a retroactive increase would mean town employees would get a check July 1 to compensate them for the increase. Nat said this board could budget for it but we don't know if the board that would give the increase in June will be the same people. The determination would be made in June, not today, by a board that could be different.

Eric said he doesn't like giving a retroactive increase. He prefers going the other way – holding back some of the increase and giving it to employees on January 1. Brian said a retroactive increase would be the most palatable for the most employees. He tends to agree that he doesn't especially like retroactive pay. He would rather make a change at a different time but he doesn't think we can hold increases off until January 1. He was hoping that over multiple years if we split the timing of the increases we could migrate to just giving one raise on January 1. Splitting the increase into two increases was going to create problems in the village budget cycle like this creates in ours. There isn't really one solution that works for both the village and the town. Brian didn't think they would make a decision yet. He thought there would be discussion. Mike said he thinks this should have been discussed with both boards to have everyone on the same page. Why didn't they think that should have been discussed between both boards? Rosemary said she thinks they were mainly thinking about what would be fair for village employees and they felt they should do the same thing for shared employees.

Brian said he thinks the best solution is to budget for an increase retroactive to January 1 and continue to think about other solutions. Eric said he doesn't like that. Once we do it once that is precedent setting and employees will expect it every year. Doug said he is not in favor of getting into retroactive budgeting. He thinks the timing of pay raises is an injustice, but he doesn't know that we are in a position to remedy it in our situation.

Rosemary said Susan is 80% village and 20% town and Anne is 60% town and 40% village. Eric said Susan will get a bigger bump January 1 and Anne will get a bigger bump July 1. Rosemary said Susan will get her raise in April. Town employees don't get theirs until July. Village employees will get 4 months retroactive pay.

Eric said he doesn't know how to remedy this. The board agreed to revisit this in the future.

Brian showed the board the mission statement the Beautification Committee came up with. He also shared a document outlining the Beautification Committee's priorities for spending the money the selectboard allocated to them. They plan to spend about \$1500 on a mural by the rail trail, \$1500 on landscaping the Village Green and \$1000 for public engagement projects. They will solicit ideas from members of the public about projects they want to do. Brian put together guidelines with a few ideas the committee thought of that he will circulate on Front Porch Forum and other places. Doug said these are just suggestions to get people thinking. He thinks money should be available for municipal projects the town or village might want to do.

Brian said the arts council is working on getting a proposal for the mural on the Parker and Stearns building. He said the village is on board with the idea of landscaping for the Village Green.

**Nat moved to accept the resignation of Beth Foy from the Recreation Committee, Doug seconded and the motion was passed.**

Brian said there is also a vacancy on the library trustee board. He will post both vacancies and at the next meeting the board can take nominations.

**Kyle moved to accept Jane Nuse's resignation from the library trustee board and the motion was seconded and passed.**

Brian said the board needs to sign the order to reclassify Mine Road. Both Bobbi Rooney and Tom Wood's son expressed some concerns about reclassification but he doesn't think their concerns will be different whether it is a Class 2 or a Class 4 road. Bobbi is concerned about cooperating with landowners to have snowmobile trails. That would be the same whether the road was Class 2 or Class 4.

**Mike moved to approve the order to reclassify Mine Road as presented, Kyle seconded and the motion was passed.**

***11. Adjourn***

The meeting was adjourned at 10:33.

*Minutes submitted by Donna Griffiths*