

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, DECEMBER 19, 2016

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Brian Story, Brian Krause, Nicole Grisgraber, Lea Kilvadyova, David Butler, Rich Westman, Dan Noyes, Wyatt Nichols, Jennifer Brown

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:00.

2. Additions, Changes to Agenda

Brian S. said the December 14 minutes are not yet available to approve. The board agreed to move the Meals on Wheels request to the beginning of the meeting.

3. Review and Approve Minutes of Meetings Past

Kyle moved to approve the minutes of December 7 and November 21, 2016, Nat seconded, and the motion was passed.

4. Meals on Wheels – Request to Increase Allotted Funding

Nicole Grisgraber, executive director of Meals on Wheels of Lamoille County, said her organization is requesting an increase in the town's appropriation. They would like the appropriation increased by \$1,250 to \$4000. They serve about 7400 meals a year to Johnson residents. They get \$3.50 per meal and they need to fund raise \$4.95 per meal. They will still have to do some fund raising if they get the increased appropriation they are requesting. Nat asked if the state contribution has gone up. Nicole said it has stayed the same for a few years but they are serving more meals.

Mike moved to increase the appropriation for Meals on Wheels by \$1,250, seconded by Doug.

Nat asked about the Central Vermont Council on Aging. They fund Meals on Wheels. What other services are they providing for this community? Nicole said they provide financial support and also support related to food safety, venue planning, etc. They oversee Meals on Wheels to ensure they stay in compliance – serving the right vitamins, proportions, etc. They provide trainings. Nat said the selectboard also gives the Central Vermont Council on Aging \$2K each year. He wonders if it makes sense to do the appropriations a different way.

The motion was passed. (Nicole left at 7:07.)

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

Brian Story said the town got an Errors and Omissions Certificate requesting a change to the Grand List. The current use value for a property had been underestimated and it has been increased. It will lower the property owner's tax. **Doug moved to approve the change to the Grand List for Brian Jones' property as outlined on the Errors and Omissions Certificate from the assessor, Nat seconded and the motion was passed.**

Brian S. distributed the budget status report. Eric noted that we are at 48% spent halfway through the year. We should end the year in the right place, but Brian K. believes he may have spent more than shown in the current report. He will follow up on that. Some of the expense he is thinking of may have been in the last fiscal year.

6. Road Commissioner/ Road Foreman Report and Action Items

Brian K. said we have received the new loader. (*Lea Kilvadyova arrived at 7:12.*) He is going to try using a product that can be added to our salt to lower the melting point considerably. Currently when it is very cold we have to use sand. Maybe with this product we can treat our salt instead. He is planning to get enough to treat 40 tons and see if it works to save salt and keep roads bare when gets below 15 degrees. Eric asked if it will add to our cost. Brian K. said it should reduce cost because of the savings in salt.

Doug asked if Brian plans to put guardrails in the area of the recent projects on Foote Brook Rd. Brian said he thinks he will put guardrails in each of the places where recent bank stabilization work was done. Doug said we had a policy of spending around \$5K a year on guardrails. (*Dan Noyes arrived at 7:15.*) Brian said he believes the amount was bumped up to \$6K this current year. His plan was not to install new guardrails until all the existing broken ones are fixed, but he thinks he will put new ones on Foote Brook Road and then continue fixing existing ones before putting in any more new ones. A lot are not up to spec and need repair. (*Brian K. left at 7:16.*)

7. Administrator Report, Action Items and Signature Required Items

Brian S. handed out preliminary budget information. He has started assembling budget numbers but doesn't have final versions for all numbers yet. He assumed level funding where he didn't have new numbers. He has about half the department budgets in. With the values he has been able to receive so far, it looks like we are in pretty good shape and can actually bring the budget down a little.

Brian said he looked into other towns' bulletin board policies and could not find any other town with a written policy that has any statement about content. Towns tend either to permit anything that is not obscene or only official posting. He didn't find any middle ground. He handed out a copy of the Town of Weston's policy, the only one he was able to find in print.

Eric asked board members how they would like to proceed on a bulletin board policy. Nat said he doesn't think the board should spend a lot of time on this. We have had a bulletin board for a long time and he doesn't think we have ever had a problem. Since the trustees would have to be involved in any new policy developed, he thinks we should keep things as simple as possible and not try to adopt a policy. We should trust community members to respect the space and be adult and civil. He suggested we could ask people politely to sign the material they post and leave an email address or phone number so people can get more information from them. Mike said he feels the same way. He would not like to get involved in what people can post. He would like a disclaimer that the views and opinions expressed on the bulletin board don't necessarily reflect the official policy or position of the selectboard and trustees. And he feels all who post information should provide the name of the organization involved and the name of the person who posted. The board agreed to ask the trustees if they would be willing to have a disclaimer on the bulletin board as Mike suggested.

Brian said the town has a membership request from Vermont Trails and Greenways Council. He has heard a few good things about them from Doug and from Eric Nuse. We could join as an organization. The town also received an appropriation request from Big Heavy World, a non-profit music education group. They asked for \$250. There are different membership levels for Trails and Greenways. A municipal membership is \$85.

Eric said typically when there is a new request we require the organization to submit a petition. If the voters approve the appropriation, then in subsequent years as long as they are not asking for an increase the appropriation gets rolled into our budget.

Doug suggested that the town apply to be a member of the Vermont Trails and Greenways Council and put the membership fee in our budget. He suggests having Brian S. go to their annual meeting. It is an umbrella group that covers several of the different kinds of trails we have in this community. Nat agreed. **Doug moved that the town become a member of the Vermont Trails and Greenways Council for the upcoming year, Nat seconded and the motion was passed.**

The board agreed to ask Big Heavy World to submit a petition and asked Brian to let them know.

Brian said the Red Cross sent us a form donation letter in which the default amount already filled in was \$315 vs. the \$250 we have given them before. They haven't sent any request for a new appropriation amount other than that. Do we ask them to justify the increase or just give \$250? (*David Butler arrived at 7:34.*) Eric said customarily we have required a group to come before the board to justify an increase or put a petition in. Brian said he will tell them if that they want us to pay more that is what they should do.

8. ***Planning Commission Report***

David Butler said Brian Boyden would like to resign from the Planning Commission. He is not aware of anyone interested in replacing him. The Planning Commission is working on finishing form based code. There is some obstruction to changing some things that need to be changed. Two or three Planning Commission members went to the LCPC energy meeting and the Planning Commission has expressed interest in creating an energy chapter for the town plan.

Doug asked if the Planning Commission works on a consensus basis or votes. David said mostly on a consensus basis. There have been some heated discussions about certain issues. Doug said he feels some things are best voted on. David said he does force a vote sometimes.

Lea said Johnson currently has an energy chapter in the municipal plan. It was intended to meet the requirements of state statute in order to get the plan approved by LCPC. Since it was written a new opportunity has arisen for municipalities to do a broader and deeper level of energy planning than what is in the current energy chapter. It is optional. Act 174 was recently passed. It relates to improving siting of renewable energy generation projects. The act was put in place in response to municipalities' concerns of having little say in PSB proceedings when it came to decisions about siting of renewable energy projects. It put in

place a process called enhanced energy planning. If municipalities prepare energy plans according to state standards they will receive “substantial deference.” They will have a strong voice in PSB proceedings when it comes to decisions about siting renewable energy projects. Developing a plan according to the standards is a pretty involved process. LCPC is doing that level of planning for Lamoille County and they also have resources to work with 3 interested municipalities in our county to assist them with drafting energy plans. They would work with the towns to try to have a draft plan ready by the end of June 2017. Creating a plan involves some deep discussions about siting and locations in the town that would be preferred or not desirable for siting of solar or wind projects. It is clear that if a municipality gives a flat no to solar or wind, that won’t be respected. There has to be some balance between places where projects could go and places where they are not wanted. The process of developing the plan also involves discussion and understanding of the state’s energy goals. The state has a goal of having 90% of electricity generated from renewable sources by 2050. There needs to be something in the plan about how to get there. We need measurable targets to contribute to those state goals.

Eric asked when LCPC needs a decision from the board. Lea said they would ideally like to hear from interested municipalities by the end of the year. They could wait until the end of January.

Eric asked what we have to lose other than a lot of work and time. David said the Planning Commission would be willing to hold special meetings for this if necessary. Lea said she thinks there nothing to lose. The discussions that would be part of developing the plan are good discussions to have. She doesn’t see a downside.

David asked if there is a definition of renewable. Lea said yes. In Lamoille County we would be looking at solar and wind and maybe hydro. David asked if it could include wood chip or wood pellet generation. Lea said in the state’s view biomass is not that effective. It is not part of the state’s goals.

David said out-of-state people are typically brought in to put up a solar field or windmills. When the project is completed there will be 2 or 3 local people running it. If a biomass plant were sited in Lamoille County it would bring 20-30 reasonably well-paid jobs. Loggers would be needed to cut timber and truckers would be needed. Landowners and gas station employees would make money as well. The economic benefits of biomass would probably be 100 times the benefits of solar panels in a field. Another concern is that if we as a town put ourselves in the position of saying that someone may or may not have a solar field on their property we affect the value of the property. (*Rich Westman arrived at 7:56.*) If a site is deemed acceptable for a solar array that land is worth considerably more. If you tell someone else they can’t have one, you have devalued their property.

Lea said she believes there is a way to make a neutral assessment of siting potential based on topography and natural conditions.

Lea said LCPC potentially has about 5 towns interested in getting their assistance with energy planning, including Johnson. They may be able to get additional resources to work with more than 3 towns.

Doug asked if our planning efforts would only pertain to the geographic area of the town. David said no. The energy chapter in the municipal plan discusses ridge lines that aren't in our town that we would like to see protected. Lea said the Planning Commission would be working for the village and town as a whole.

Doug moved to work with the Lamoille County Planning Commission on developing an energy plan, seconded by Kyle.

Nat asked how much staff time this will take. Lea said an advantage of this process would be that one of the LCPC staff will be guiding Johnson through the discussion. They can reduce the burden on Johnson staff. David said LCPC is already mapping potential wind power sites and they can probably do the same with preferred solar or hydro sites.

Mike asked what this will cost. Lea said LCPC's assistance won't cost the town anything.

The motion was passed.

9. *State Legislators*

Eric introduced Wyatt Nichols, a Johnson Boy Scout who is working on a merit badge about government. Eric said he had invited Wyatt to come tonight and ask a question. Wyatt asked, "Did you have a New Year's resolution about your job?"

Kyle said hers would be to spend a little more time looking at the agenda before each meeting and doing more research before she comes so she can be as prepared as possible. Doug said he is planning to retire, which will free up more time for the board.

Senator Rich Westman and Representative Dan Noyes introduced themselves. Rich suggested that Wyatt apply in 7th grade to be a page when he is in 8th grade. Dan and Rich offered to show Wyatt around at the State House.

Eric thanked Rich and Dan for coming in. He said he was impressed with the way they and Matt Hill answered the question from Roger Marcoux at the candidate forum about whether they would have the willpower to stand up to party pressure and vote for what was best for this community. They all answered that they would. That meant a lot to him.

Dan said that has already come up for him. When all the Democrats got together to talk about their agenda, a lot of Chittenden County representatives talked about a carbon tax as a way to reduce fossil fuel use. He told them that would put a burden on people in Lamoille County who need to put a lot of miles on their cars or heat their homes with oil, especially elders.

Nat said Roger Marcoux talks about the special investigation unit we have in Lamoille County that was set up with state dollars. Over time state support has lessened and the sheriff's department is taking additional resources from the patrol budget to support the

special investigations unit. It frustrates the selectboard that state funding for this state program went away and funding had to come from the municipality. He asked if the legislators had any insight or thoughts about that situation.

Rich said that is typical of what government does. The federal government is telling us we have to clean up the lake and no one can figure out a good funding source for that. Who should he take the money away from? Building Bright Futures and childcare providers recently said they need \$43 million. The Chancellor of the state colleges says they are about \$4.6 million short of being able to balance their budget and things will be really bad if they don't find the money for that. There is more asked from the state than the state has money to provide. He hears that the number one request from the sheriff's department is for help dealing with the opiate problem. His propensity is to look at how we can address that first. He understands how important the special investigations unit is, but there is a lot of angst in Montpelier about what will be cut in the federal budget. The largest spending item in the general budget is Medicaid. How will we deal with cuts to Medicaid?

Rich said his family has a solar project on their farm. They leased the land to a private developer. Private developers are already approaching landowners. They have already been looking at where there is good siting. We had better figure out where solar projects might be likely in this town and make proactive decisions about where they might be appropriate.

Dan said Act 174 talks about giving developers a bonus if they develop on a site that was once used for a gravel pit.

Doug said he went to a continuing legal education course on what lawyers need to know about solar siting. It became clear that landfills are considered good sites. He asked about siting in a floodplain and was told it would be no problem. (*Wyatt and his mother left at 8:21.*) It is only a question of insurability, not an issue for getting a permit.

Doug asked the legislators if they see the rail trail as a significant economic engine. Rich said he put language in a transportation bill that whatever VAST could raise for rail trail development, the state would match going forward. In the next 3-4 years he wants to see at least the section from Morrisville to Swanton done. The part going through Hardwick and Wolcott is more difficult because there are so many bridges. He thinks it would be a great economic boon to the area. He thinks there is potential to raise a lot of private money to finish the rail trail. But it becomes harder for VAST to make sure it is maintained once it is built. Who will make sure brush is cut, culverts are cleaned out, etc? The state will have to play a role in that going forward. He is willing to consider that. With the number of people already using it, he can't think it won't be a good thing economically.

Doug asked, at AOT is there understanding that VAST is like a duck out of water in developing the rail trail and that the state should be involved? Rich said he thinks VAST and AOT are learning. They are willing to learn.

Doug asked if there is some agency that could help communities understand what infrastructure could be developed to support the rail trail (bed and breakfasts, etc.) David

asked if there is some financial or other help for municipalities to attract people off the rail trail.

Rich said he doesn't think the commerce agency has got to the place of talking about that. Last year they had the first discussions about who will maintain the section from Jeffersonville to Morrisville every year. It is hard for VAST to get donations for maintenance. The agency has said operationally they will have a responsibility. They haven't moved to saying how they will overall help communities.

David said it is a good public asset but it doesn't really benefit municipalities until people come off it and buy services. Johnson is hampered there because people have to deal with Railroad St.

Dan said Wolcott doesn't have the rail trail yet but they are trying to be ready for it with zoning and subdivision regulations. David said what is needed goes beyond that. It's how to get people off the trail to restaurants, gas stations, etc. Dan said he thinks we will see businesses try to get as close to the rail trail as possible. David said there are major state corridors that have to be crossed in each community. Doug said he thinks there should be assistance to towns to prosper from the rail trail.

Dan said in Wolcott they are working with LCPC to go around bridges that are missing. David asked which is more restrictive – the cost of a bridge or the planning and permitting? Dan thinks said he thinks planning and permitting to go across the river is a huge cost. In Wolcott they are trying to figure out workarounds so they don't have to deal with it.

Rich said this is the only rail trail in the state that got thrown into the Act 250 process. He thinks that was a waste. David suggested maybe there should be some shortening of the permitting process for bridges to enable rail trail construction to move forward.

Mike asked when the state will get brine off the roads. He said it costs people money due to damage to their cars. David asked when we stopped using sand. He traveled to Chittenden County yesterday and came home when it was freezing up. He thinks it would have been safer with a sand-salt mixture than with pure salt.

Eric asked if Rich and Dan know their committee assignments. They said they won't know them until they get back to Montpelier. Rich said in the senate incumbents are usually able to go back to committees they have been serving on unless they ask to move. He has been on the appropriations committee.

Doug said with the change in administration it looks like there will be a move to a fossil fuel agenda. Nat said that federal agenda will be the opposite to the direction Vermont is taking. Is there likely to be a change in direction? Rich and Dan said they don't think we know what will happen. Rich said he thinks the biggest area where we will see changes is in healthcare and Medicaid funding. He doesn't think anyone can tell what will happen around Medicaid spending. We are at more risk than most states because we have asked for so many waivers that are out of the norm.

Dan said he asked to serve on the human services committee with a second choice of fish, wildlife and water resources.

Mike asked what will happen with the Green River Reservoir. Dan said he thinks it comes down to the feds. Mike said it is hard for any existing hydro to continue and new hydro power is virtually impossible in Vermont. Dan said he believes that is probably true. David said he thinks that is a shame.

Eric said the selectboard will contact legislators when they want to provide input and the legislators should not hesitate to reach out to the selectboard if they need help with something they want to get through that might benefit Johnson.

Mike said the burden of lake cleanup will be on towns. How do we come up with money to do that? Rich said the problem is that we are up against federal mandates. The state Treasurer has been heading a group looking at ways to raise money. Given the recommendation of that group, he would vote to extend the surcharge on the property transfer tax that is going to sunset sometime in the next 2 years because he doesn't think it would be fair for us to back away from the state's commitment to help with funding. If the feds come in, they will want upgrades to things like sewage treatment plants. That would be expensive and he thinks there are a lot more effective things we could do.

Doug said one problem we have looked at is that we think we will be mandated on Class 4 roads that abut riparian areas and we get no money for those. If there were money available it might help communities. A lot of water problems are on Class 4 roads. David said he thinks Class 3 and Class 2 roads and the village wastewater system are where a lot of problems are in our town. Eric said sewer plants contribute about 3% and highways about 7-12% (depending on the source of data) of the total phosphorous contribution to Lake Champlain, so the greatest bang for the buck would be to go after the higher contributors and not highways or sewer plants.

Rich said legislators need to hear from towns about things like this. Dan said it's a 20-year process. Jim Ryan from the state said he thinks Johnson is one of the towns that will be ahead of the game. Rich said it will probably be more than 20 years. The feds don't have the physical staff to run the state. They will be judicious as long as they see we are making decent progress. He wants to make progress but he wants smart progress.

Dan said towns upstream are being required to reduce their impact on the river. That can help downstream towns with reduced flooding.

Eric and Doug mentioned the importance of PILOT to the town.

Rich said he isn't particular in favor of the local option tax, but he wants it to continue to fund PILOT. The town should get something for the state property that is here. *(Rich Westman, Dan Noyes, and David Butler left at 8:51.)*

10. Administrator Report, Action Items and Signature Required Items

Brian said the sheriff's department met with the Eden selectboard and got a very receptive response, so the letter the 3 contract towns had planned to send has been reworded to reflect that. **Doug moved to authorize Eric to sign on behalf of the selectboard the December 15, 2016 letter addressed to the Eden selectboard, Mike seconded and the motion was passed.**

Brian said the EV charging station is supposed to go in tomorrow. We asked for an extension and just got the updated grant agreement with the new end date. **Nat moved to authorize Eric to sign the updated grant agreement for the EV charging station, Doug seconded and the motion was passed.** Brian looked at the agreement and said he is the one who is supposed to sign it. **Nat moved to authorize Brian Story to sign the updated grant agreement for the EV charging station, Doug seconded and the motion was passed with Mike opposed.**

Kyle asked how we will promote this. Eric said the state has a website. Brian said we will start out with free service to make sure there is enough demand to make it worthwhile signing up with a credit card service. Kyle said she thinks maybe it would be good to have something about the charging station on the new town webpage.

Brian said a healthcare contribution letter has been sent to employees.

The Conservation Commission and their consultant have asked for an extension to complete the natural resources inventory. Collecting permission to go onto private lands has taken more time than expected. Arrowwood would like another full growing season to do the work. They would like to submit the results in the beginning of 2018. Brian still has to see what the state will approve. Are we interested in seeking an extension?

Doug said if there is an extension he is interested in Arrowwood looking at sites that are high priority for renewable energy siting from a conservation perspective.

Kyle asked if there any negatives to the extension that we should be aware of. Brian said he doesn't think there is much of a downside. The reporting burden on us for the grant is fairly small. It won't create a lot of extra work for him. Doug said it sounds like they are saying they can't finish the inventory if they don't get an extension. If they can't deliver the results without an extension, what choice do we have?

Brian said they are saying they can't finish what was agreed to. He believes the full extent of what they are now proposing to do goes beyond what was originally planned. They didn't originally plan to work over two growing seasons. He doesn't know if that means they don't feel they can get the work all done in one growing season or if they want additional data.

The board agreed Brian should request the extension and seek as much of an extension as the state is willing to grant.

The sheriff's department report was emailed out.

Brian said state guidelines encourage requiring VASA membership for use of ATV's on public roads. Our ordinance requires it. Eric said that ordinance is not enforced or enforceable. Doug asked what state guidelines Brian is referring to. Brian said VASA and the state wrote recommendations about how to open up roads for ATV use. The recommendations included requiring VASA membership, but VASA wrote that. Brian said he has not seen any contradiction in state statute.

Eric said he thinks a motion to change the ordinance would be out of order. He thinks the board would need a special meeting just to look at the ordinance.

Mike said he would like to see us not requiring membership to VASA, just requiring a registered ATV. Eric said he thinks we would need a lot of information on pros and cons. He thinks we should look at the whole ordinance if we are going to change one part. Mike asked if the board is willing to look at the ordinance.

Nat said he hasn't seen any evidence that it needs to be fixed. There is no outrage. The ordinance is not being enforced. Let's just leave it alone. Doug said he thinks the ATV ordinance is a very divisive issue, though this particular question may not be. He would stay away from it. He is going to do some research himself about whether the requirement is authorized by statute. Kyle said she feels if it isn't broke we shouldn't fix it. It was agreed not to address this issue. Mike said he can live with that.

Brian said Fairpoint claims we damaged one of their wires on River Road East. Brian K. thinks we probably did damage it because it was not sufficiently buried and it was too close to the road. Eric said this is not the first time we have hit a wire on River Road East. Apparently it is not very deep. If a grader is hitting it, it is definitely not buried deep enough. Brian S. said he forwarded the claim to VLCT. Fairpoint is seeking an unknown amount of money. Eric said maybe we should check the area where the damage is claimed and if ledge comes close to the road in that area, maybe we shouldn't have wires buried there but above ground. Brian S. said he will check it out.

Brian said we got the most recent water quality report on testing done at the former dump from Ross Environmental. All the results were normal. There is one well that will no longer be sampled – the closest residential well to the site. It is considered very low risk.

We are getting a credit back on our VLCT dues because we have a very good safety record. We are getting an 88% experience bonus for our PACIF dues. The current and past highway crews get credit for that. Nat asked what the monetary savings is. Mike suggested a letter of commendation from the board. Eric asked Brian to draft one. Brian said the discount we are getting is \$2,940. Mike said that is substantial.

VTrans Town Highway and Bridge Restrictions will be updated in February. If we want to put or change any weight limits on bridges we will need to file. He is not aware of any that

need to be updated. Doug said he wonders if the limits for the Coddington Hollow bridge should be upgraded.

Brian said at the covered bridge by the school the power lines for the lights seem to have more tension than they should. That bridge will have to be inspected before too long. We may have it inspected and also find out why there is more tension in the lines. He and Brian K. have looked at it and there is no obvious damage.

Civil Engineering Associates is working for RL Vallee on the Maplefields project. They sent an email offering to answer any questions we have. Doug asked if we entered our appearance in Act 250. Brian said we entered that we should be able to appear but no hearing has been scheduled.

Doug said he hasn't seen the plans. Brian said he can bring forward what he has.

Doug said he wasn't aware they had started the process. He wonders if we have requested party status. Brian said he believes we have. He put in a number of months ago that we wanted to attend the hearing and have a say.

Doug said he thinks we should have them send us the plans. He thinks someone on the Planning Commission should see them. We can't formulate questions until we see the plans.

The village updated their drug and alcohol policy for the fire department.

Brian said he heard back from VLCT that they don't think it will be enforceable for us to coordinate animal control polices across municipalities. We can have the same standards as other communities but there can't be enforceability across communities.

Mike moved to go into executive session to discuss the compost facility, Doug seconded, the motion was passed and the board entered executive session at 9:27. The board came out of executive session at 10:18.

Kyle moved to sign the outstanding check warrants, Mike seconded and the motion was passed.

11. Adjourn

The meeting was adjourned at 10:20.

Minutes submitted by Donna Griffiths