

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, FEBRUARY 16, 2015

Present:

Selectboard Members: Kathy Black, Nat Kinney, Doug Molde, Eric Osgood

Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Steve Smith, Lois Frey, Bob Selby

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

No changes were suggested.

3. Review and Approve Minutes of Meetings Past

Kathy moved to approve the minutes of January 15, 19, and 27, 2015 with the edit suggested by Lois and Duncan to the January 15 minutes (correcting “Eric and Rosemary met today with Lois and Dean” to “Duncan, Eric and Rosemary met today with Linda and Dean”, Nat seconded, and the motion was passed.

Eric noted that this would be Kathy’s last regular meeting. He thanked her for her service and contributions, noting that she had a huge effect in bringing the rec committee back to life.

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

Rosemary said we are at 67% of budget spent. We have received the paving grant reimbursement. (Doug arrived at 7:02.) We got the trailhead grant money and Lea just got another \$500 grant for signs for the trailhead building. Delinquent taxes will be sent to Sharon Green’s office this week. We have collected 74% of taxes for this year.

There are two liquor licenses for approval. **Nat moved to approve liquor licenses for Jolley’s and R.L. Vallee, to authorize the chair to sign them, and to send out the usual letter accompanying them, Kathy seconded, and the motion was passed.**

5. Road Commissioner/Road Foreman Report and Action Items

Steve said since the last meeting 47 inches of snow have fallen. The highway crew sanded 33 times and plowed 27 times. There has been more sanding than salting due to cold temperatures.

The main computer on one tandem stopped working and had to be replaced. The bill will be around \$3900, including towing. Steve feels this shows that an extended warranty is a good idea. This repair was not covered under warranty. Eric said he thought he recalled the last extended warranty we purchased was significantly more than \$3K. Duncan said it was \$13K. Steve noted that that was for a 7-year warranty.

Mary and Lonnie Slayton sent a letter with a request to look into potential flooding issues. Steve explained that there is a large manmade pond on the property behind their house. The overflow for the pond hasn’t been maintained over the years. Water from the pond comes

down onto the Slayton's property when there is high water. It damaged their cellar and washed out their driveway. It also went onto our road, but did not wash it out. Doug said the Slaytons thought the situation was imperiling the town road, in which case it would be a selectboard issue. Duncan asked if this damage happened the same night Codding Hollow Road washed out. Steve said yes.

Eric asked what the selectboard could do even if our road were endangered. Duncan said we could order the landowners to fix it or take measures to avoid damaging the highway, but it is a little dicey if the property in question is not in the highway right of way. Eric asked, if they didn't do it, then we would have to take them to court, right? Duncan said yes. Doug said if we have no assets involved then he doesn't think it is an issue for the selectboard. Nat agreed that he doesn't see where this is our problem.

Duncan said he has submitted all backup documentation to FEMA regarding Codding Hollow. Ruggiano is proposing an open bottom box culvert with an estimated cost of \$308K. Ruggiano's estimated cost to replace the previous culvert in kind was \$187K, while FEMA's original estimate was around \$71-72K. If FEMA accepts our figure of \$187K, then they would agree to mitigation if the cost for the culvert we have to put in is no more than about 200% of the cost to replace the culvert as it was. The figure of \$308K is about 160% of \$187K, so we should be in good shape. But FEMA still has to review it and get back to us. If FEMA okays the plan, the next step would be to submit it to ANR. Duncan has had VTrans review it. The state DPS has supported our appeal letter to FEMA.

Duncan is asking the board to approve a lockout/tagout policy. It would be a town/village policy. The trustees have already adopted it. This policy was sent to him by VLCT PACIF after they did a site visit. The village already has a lockout/tagout policy for electrical work. This one is to protect employees while working on things like dump truck bodies, for instance if a hydraulic line failed. If the board adopts this policy, then we will have to arrange a training for town and village crews. *(Bob Selby arrived at 7:23.)* **Doug moved to adopt the Control of Hazardous Energy Policy and Procedures (Lockout/Tagout), Nat seconded, and the motion was passed.**

Duncan said the \$75K he put in the budget for the truck purchase should really have been \$100K. He misunderstood the figures in the quote we got and didn't realize the \$100K included the trade. There are two ways the board can handle this. Someone could move at town meeting to amend the budget upwards by \$25K, explaining that there is offsetting revenue of \$25K, or we could leave the budget as is and true up the actual expense as part of the budget process during the year. Eric said if we are aware now that the actual expense will be greater, we should be up front with the voters. It won't change what has to be raised by taxes. Otherwise we would show next year that we overspent on that item and also brought in more money than expected. The rest of the board agreed.

Doug asked how many times Peter Dodge has plowed. Steve said it must be 25 to 30 times.

6. Planning Commission Report

Eric noted that this will be the last meeting Bob Selby comes to. He thanked him for his service to the community. Bob explained that he is leaving Vermont because his wife got a promotion. *(Steve left at 7:33.)*

Bob said Skip Vallee declined to come to the last Planning Commission meeting but said he might be able to come to the next one. The Planning Commission had a presentation from the form based zoning steering committee. They have made a lot of progress but they are not done with their work and don't have a finished plan to present to voters in March. They are eager to give a thorough report to voters. On remaining issues where there are differences of opinion their plan is to talk about both sides of the issues. The Planning Commission passed a motion to support the committee and its report. The Planning Commission asked that the entire committee come to town meeting. Bob is not sure if Paul Dreher will be able to be there, but he has been asked to assist with providing files and technology for the presentation. The Planning Commission also wants to have a flyer printed up with major salient points about form based zoning to hand out to everyone at town meeting.

The Planning Commission continued work with Seth Jensen from LCPC on the town and village plan. Land use seems to be one of the most challenging areas. The Commission is trying to think carefully about how to resolve issues with adjacent town and village areas where there are currently differences between the two plans.

Board members suggested that a 15 minute presentation at town meeting would be reasonable. Bob said he will pass that back to the steering committee and Paul Dreher.

Eric asked if anyone has been giving information to the village trustees about Skip Vallee's plans, the town/village plan, etc. Bob said no. Duncan said Walter is on the form based code committee so he updates the trustees on that. Bob said he has tried to make a point of copying everyone, including the trustees, when he sends out emails about issues related to Vallee's plans, but the trustees have not approached the Planning Commission about being informed and the Planning Commission has not made an effort to make regular reports to them. They probably should.

Bob said he plans to go the March Planning Commission meeting, then leave after that. The Planning Commission will elect his replacement in March. *(Bob left at 7:52.)*

7. Recreation Committee Report

The Winter Carnival will be Saturday, February 21. The Conservation Commission and Historical Society are helping. The fire department and Ron Maynard have been working on the ice rink.

Doug said it might be of interest to the rec committee that we got a grant to put in portage trails and a campsite as part of the Paddlers' Trail.

8. Manager's Report

VLCT PACIF is offering a special accident policy for municipal volunteers, such as coaches or rec department volunteers. We have this coverage and we should make people aware that the policy exists. If anyone gets hurt there is a form we have to fill out and return to the insurance company. For years the rec committee has also carried an insurance policy that

covers volunteers. Nat asked if that is necessary. Duncan said he has argued in the past that it is not, because it basically duplicates coverage from PACIF. He can get the details on the PACIF policy and the rec committee's insurance carrier can review it and see how it compares to their policy. There are some questions about who qualifies as a volunteer. It is not clear cut.

Duncan said one of the trustees asked him why the trustees had not been informed of the effort to acquire the Beard parcel. Duncan told them it was probably his fault it hadn't been brought to their attention. The trustees asked Duncan to pass on the message that they would have appreciated a heads up or consultation on the project because the property is located in the village. He apologized to them for not bringing it to their attention and discussed it with them at their last meeting. Eric said the selectboard should have thought of communicating about this with the trustees. Doug asked if the trustees are favorably disposed toward the acquisition. Duncan said the one negative mentioned was that the property would be taken off the Grand List, but no one expressly asked Duncan to bring that up with the selectboard as a negative issue.

The Agriculture Department and LCSD followed through on the recent animal cruelty complaint on Wilson Road. LCSD verified that the animals in question have been removed to another location. As the owners did what was requested of them, no further action was taken.

Eric reminded the board that we had received a request from the Rutland selectboard that we sign off on their resolution. The board decided to wait until more members were present to discuss it further. In the meantime, we got a letter from Renewable Energy Vermont requesting that we not sign off on the resolution. VLCT hasn't been able to take a position on this because members can't agree. Eric doesn't have a recommendation. Some communities are willing to yield oversight over renewable energy projects and others want a say. Doug said it doesn't seem appropriate to him to announce a position when he doesn't understand the consequences.

Duncan said Act 248 is different from Act 250 because it looks at the public good for the state of Vermont. He thinks we will see a requirement for a renewable portfolio standard for all utilities come out of this legislative session. The renewable energy goals being proposed are extremely aggressive. There is no way we can reach them if we impose siting requirements as the Rutland resolution asks us to do. There was some discussion about what a renewable portfolio requirement would mean for the state.

Duncan handed out a spreadsheet on tax stabilization for Pomerleau. The first 2 years they paid 25% of taxes. This year their contribution goes to 40%, then it will go to 60%, 75%, and finally 100%.

Vermont Alert wants to know who we wish to serve as designated notifiers. Eric and Duncan will need to sit down and discuss this.

The Conservation Commission would like to enter into an agreement with Glen and Renate Callahan to relocate a portion of the new trail to Journey's End on their property. Duncan is a

little concerned that the proposed agreement doesn't deal with liability. He hasn't spoken to the Callahans to find out if they would want to be named as additional insured or want any hold harmless clause in the agreement. It seems we should offer them some level of protection. Doug asked if Duncan could ask VLCT PACIF what they would require for us to let people use the section of trail on the Callahan's property. Duncan said that was his intention. Lois said using the Callahan's property for a section of the trail allows the trail to skirt a wet area. Some type of bridge would be required if the trail did not go onto the Callahan's property. Even more of the old trail was on the Callahan's property.

Duncan said the Regional Planning Commission submitted a regionwide Hazard Mitigation Plan to FEMA. There is an annex to the plan for each town. FEMA has approved the regional plan with the Johnson annex included. The annex cannot be changed at this point. If the town and village approve the annex it can serve as one of the four components necessary for us to be eligible for ERAF. Other requirements include adopting required codes and standards we have not adopted yet and developing our own hazard mitigation plan. If we do all 4 of the things required, we are eligible for a greater contribution toward the cost of FEMA or highway projects. His recommendation is to adopt the annex as that would buy us another 12 or 18 months to develop our own hazard mitigation plan. The only advantage he can see to adopting is that it will help us if we eventually decide to adopt the recommended town codes and standards and the other elements required to get the higher rates of reimbursement, which he thinks we will probably want to do. Duncan will send out the document with the annex and the board can decide at its next meeting whether to adopt it.

Rose has concluded that the roads in the Lamoille Housing Partnership project on School St. should be named under the 911 number scheme. She told the Housing Partnership they would need to assign road names to the three roads. They are private roads, not town roads, but under 911 naming protocol the town approves road names. A couple of years ago the board voted to have the Historical Society review road name requests. The idea was that they could suggest historical Johnson names which would go to the board for approval. The names Lamoille Housing Partnership has suggested are cute names that the board may not wish to use. The board agreed that the Historical Society should be asked to recommend historic names for the roads. Nat said if the Historical Society is not interested he would rather hear that from them than get names that aren't very well thought out. Board members agreed they do not want to adopt the road names suggested by the Housing Partnership. Lois said she thinks the Historical Society can be talked into providing name suggestions. She will talk to them about it.

Green Mountain Relay has been given permission to use town property as requested.

The truck quote from Clark's mentioned earlier includes an extended warranty. If the board is not inclined to purchase an extended warranty, Duncan will need to contact Clark's and find out the cost of the extended warranty. Does the board want him to do that? Eric asked if we budgeted for an extended warranty. Duncan said as mentioned earlier we budgeted for \$25K less than we should have. Steve's original figure was based on including an extended warranty. The board agreed Duncan should find out the cost of the extended warranty.

Nat said he thinks we should discuss a policy on maintaining our equipment. One solution is an extended warranty. Another could be to self insure. We could put money into a reserve fund whenever we buy a truck, to be used in case repairs are needed. He doesn't think we should decide on a truck-by-truck basis but should have a policy we use every time. Nat pointed out that extended warranties are a product dealers are selling and profiting on. Eric said they profit because they know the statistical odds that repairs will be needed. If a company is trying to sell him an extended warranty it is not because they are looking out for him. If we self insure as Nat suggested by putting money in our budget for repairs, in the long run he thinks we will save a lot of money. Kathy agreed.

Duncan has a signed and executed copy of the Duba field deed. We own it now. We were already paying for insurance on it previously. The land we wanted to transfer to the school has also been transferred.

Gilles Lehouillier has submitted a second invoice. His invoices total \$33,729. Duncan is in the process of submitting a permit application to the Division of Fire Safety for the ramp on the Historical Society building..

The Jewett option payment is due March 2. If the board wants to keep the option open Rosemary should be authorized to cut a check. Most of the funding sources available to us would require that the sale price not exceed the appraised value, so getting the Jewetts to agree on that would be important to funding. The Jewetts haven't gotten back to us since Eric and Duncan last met with them. Duncan has heard nothing more about the possibility of a large user for the site. Rosemary said the option is about \$4500. Eric said that is about what the taxes were. **Doug moved to approve making an option payment to the Jewetts, Nat seconded, and the motion was passed.**

Duncan said he believes Lea sent the proposed flood ordinance out but he is not sure if she heard back from any board members about it. Adopting this is one of the four things we are required to do to get a higher rate of reimbursement. We should do it regardless of whether we do the others. Duncan thinks Lea is waiting to hear whether the board wants to adopt it. It was agreed that the board should probably plan a work session meeting after town meeting to discuss this.

9. *Selectboard Issues/Concerns*

Doug recommended sending a copy of the town report to the River Conservancy since Journey's End is on the cover. Rosemary said she could do that.

Doug asked Duncan for his take on the rail trail meeting he and Duncan attended. Does he think there is a chance of cooperation between VAST, Friends of the Rail Trail and municipalities? Duncan said it sounds like there will be cooperation on signage. Hopefully there will be coordination on opening segments and advertising. He didn't get much concrete information from the meeting. Doug said for the first time Friends of the Rail Trail took the position that they would facilitate VAST's efforts. He thinks it is a giant improvement over the way things were before.

Duncan said LEDC potentially has a small pot of money for signage and LCPC might as well. Lea got \$500 for signage at the rail trail building. LCPC had included money in the Northern Borders grant application to build a kiosk that was going to be part of the Main St. project, but it was cut because it was too expensive. The kiosk approved by VTrans was going to cost \$18K and we were going to have to contribute a 25% match, which seemed like it would be more expensive than just building the kiosk without grant funding. Lea and Duncan have talked to Melinda Scott from LCPC about whether we could do a modified design. It makes sense to have some location downtown advertising where the rail trail is.

Doug asked if anyone in the community is working on community infrastructure and opportunities related to the rail trail, such as bed and breakfast businesses. Nat said there is a town rail trail group that has been focusing on getting together a map of the trail and points of interest in town. The primary purpose of this is to make businesses aware of where the rail trail is in proximity to their business so they can start understanding the advantage of the rail trail to their business. Lea has been working with Friends of the Rail Trail and VAST. They have not wanted maps to be distributed because the trail is not yet officially open. Doug said VAST is now asking for maps municipalities have been developing. He can send out correspondence from the person in charge of VAST's mapping program.

10. Adjourn

The meeting was adjourned at 9:25.

Minutes submitted by Donna Griffiths