

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, FEBRUARY 20, 2018

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Brian Story, Rosemary Audibert, Brian Krause, Lois Frey

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 added an update on Drew Fairbanks' property in relation to the town sewer service area, discussion of a correction to the budget, and Dave Barra's recommendation for an interim attorney.

3. Review and Approve Minutes of Meetings Past

Kyle moved to approve the minutes of December 18, January 5, January 8, January 13, January 15, and January 22, seconded by Nat and the motion was passed.

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

Rosemary said to date expenses are at 61.48% of budget and income is 90.31% collected.

Rosemary asked if the GW Tatro bill will all be under the emergency reserve fund. Eric said he thinks the excavator expenses will wipe out all of the emergency reserve fund and probably will affect our cash on hand estimate for the end of the year.

Rosemary shared the list of delinquent taxpayers that have been turned over to the tax attorney. The attorney has sent out the first round of letters to the delinquent taxpayers. She sent us a check for almost \$10K last week that had been collected. She hasn't set a tax sale date yet.

Current taxes are 76.43 % collected.

Rosemary said we will have to go out to bid for cleaning services, pending village approval, as Kelly is no longer able to clean the offices. The board authorized Rosemary to go out to bid for cleaning services for the municipal building and town garage.

The annual town reports have been sent to the post office.

Rosemary said we will need to start replacing some older computers that can't be upgraded to use Windows 10. Eric asked if the small equipment line item will cover that. Rosemary said it should.

5. Road Commissioner/Road Foreman Report and Action Items

Brian K. showed the board quotes for a new truck and the grader operator evaluation form that Better Roads uses. That is what we would use to help identify a qualified grader operator.

Brian K. said he thinks in this case it would be worth getting a 5-year extended warranty for the new truck. It would let us know what our costs would be for those 5 years. Eric asked what the extended warranty gives us that is different from the warranty that comes with the vehicle. Brian said the vehicle comes with a 2 year warranty so the extended warranty extends it by 3 years. It covers towing, the engine, the body – most things on the truck.

Nat noted that there are 3 different warranties and one is just for towing. Is that necessary? Brian said it costs at least \$500 if we have to tow it and towing is not covered under the regular warranty. In 5 years it will probably be towed once or twice.

Brian K. said we no longer have any sandbags. All were used. He has 200 empty bags left. Brian S. said we have volunteers coming at 8:00 am tomorrow to fill sandbags. We put some out by the public sand pile and people have been taking them. Brian K. asked if he should go to Morrisville and get more bags. Eric said we will check tomorrow where we can get some. If they are in Morrisville it may be worth making a trip. We will decide tomorrow.

Kyle asked who the volunteers are. Eric said we got volunteers from GMTCC, JSC, Laraway, the Studio Center and some citizen walk-ins. We got names and contact information from all who came in. There were more than we needed for the sandbag filling that has already been done. They already signed release forms so we could call them if we needed them. Eric Nuse was very helpful organizing the volunteers and manning the sandbag station and he has agreed to do it again tomorrow morning.

Brian K. suggested a small change to the highway operator job description. It currently says a Class B license is required and Brian suggests changing it to say a Class B license is the minimum because we could use a person or two with a Class A license.

Eric asked how Brian K. feels about the request to change the amount of comp time employees can bank. Brian said Jason knows he doesn't want to see the amount raised. If one person is using comp time he doesn't see that as a problem but if a few people did he could see there being an issue with having enough people to do work. The way it is now is fine, but that's because we only have one person who is using much comp time. If we get 3 people maximizing use of comp time it makes the situation less desirable. Eric asked if it would be a problem even with a fifth employee. Brian said having a fifth employee definitely helps. If the board wants to raise the amount of bankable hours a little, that's fine, but he would not like to see it raised to 80 hours.

Mike asked if Brian could live with 60 hours. Brian said he could, but he thinks it's too much. He thinks 40 is enough. If the board wants to raise it to 50 he doesn't think that's a bad number. *(Brian K. left.)*

6. *Administrator Report and Action Items*

Brian S. said he proposes no changes to spring weight limits on town roads. **Mike moved to approve spring weight limits for town roads as previously posted, seconded by Nat.** Brian said annually we have to submit a list of weight limits that take effect March through April when roads are softer and more susceptible to damage. Any operator can file for an overweight permit for \$5. We get insurance and driver information in case there is damage to

the road. Mike said he has had complaints about how long it takes to get the permit. Eric said in the past we have given the highway foreman authority to allow heavier vehicles in the morning when the road is frozen. Brian said the Department of Motor Vehicles suggests not allowing exceptions as it undermines our ability to enforce the rules. They were quite adamant about not exempting vehicles without a permit. **The motion was passed.**

Brian said LCPC has offered to update the Green Mountain Byway Corridor Management Plan in order to expand the Byway to include Johnson and other additional communities. **Doug moved to authorize Eric to sign the memorandum of agreement with LCPC regarding work related to the Green Mountain Byway program, seconded by Kyle.** Brian said there is a fee. The village has offered to pay half. Lois asked if that is just for printing. Brian said this fee is for updates to the website, etc. It does not include printing costs. **The motion was passed.**

Brian said the rec committee recommends that Laura Whitehall be added to the committee. He doesn't believe she is replacing anyone; she is just an additional member. **Kyle moved to appoint Linda Whitehall to the recreation committee, Doug seconded and the motion was passed.**

Brian said the library trustees are interested in pursuing the flood proofing grant again. Our application was not selected in the first round but it was regarded as a strong application. We received a couple of comments about ways to make the grant application a little better. The grant application is for doing planning work needed to move the heat source from the basement floor to the upper floor so we would be ready to apply for a construction grant.

The first suggestion for improving the grant application was to add exploration of elevating sewer, water and electrical systems. That is more a phrasing change than an actual change to what we intended to do. We will change to use language that is more in line with what they are looking for.

The second recommendation was to explore filling in the basement or removing it from regular occupation and use. That is pretty effective for securing it against floods but it takes away space the library uses. They use the basement for activities. It is not used daily and nothing valuable is stored down there. Items stored there are in containers that can be moved. Brian feels comfortable with the way the library is using the basement. If we add study of filling in or not using the basement to the application, that will make the application a little stronger.

Eric said we are not required to do it if we study it. Brian said that is right. In the application we would allow for study of what that would entail and then we could still choose not to use that option in our construction application but we would have a rationale for why that wouldn't work for us.

Mike moved to apply for the library flood proofing grant, seconded by Nat.

Doug asked, if we have the study and it comes back very favorable to filling the basement and the library doesn't want to fill it, whose decision is it? Do we respect the study or the library? Eric said we could say that our expectation is that we will fill in the basement at some future date. Brian said the library trustees have not weighed in on these recommendations as a body but one trustee has individually expressed some reservations about including study of filling the basement because we don't want to be forced into doing it. Brian disagrees on that point. He feels it strengthens the application and we wouldn't want to miss out on the second round of applications. Nat said he doesn't understand how we would be forced. Brian S. said when we apply for the construction grant we will reference the planning grant. If the planning work makes a very strong case for filling in the basement then the construction grant may be denied if we do not do it. But we may not even get the planning grant if we don't put that in. He would rather get through the planning.

Kyle asked, is this the only grant out there? Is there one that doesn't have this caveat? Brian said he doesn't know if it's the only one. He doesn't see a lot of grants this project would be eligible for and he doesn't see a flood mitigation grant that wouldn't want us to check into emptying the basement entirely.

Kyle said the library is too small as it is. It is vital to have that space.

Mike said if the grant says we have to do it we can always turn down the grant.

The motion was passed.

The board reviewed the highway operator job posting. Brian said he is still working on updating the internal job description. Brian K. had suggested saying a Class B endorsement is a minimum requirement. Doug questioned the wording stating that being a US citizen is a requirement. Can we insist on that? Brian said the wording he used was borrowed from Shelburne. Nat suggested saying instead that the person must be legally eligible to work in the United States. The board agreed to that and to the change Brian K. had suggested.

Brian S. said he plans to post the job this week. Eric asked, so the board would interview in mid March? Brian said yes.

Nat asked where the job will be posted. Brian said on the help wanted section of the VLCT website, in the News & Citizen, on the town website and on a state jobs site. Eric suggested posting on Front Porch Forum as well. Nat said Seven Days seems to be popular site to advertise jobs. Eric said he thought posting in Seven Days would be a good idea. Brian said he will also post it on a mailing list for local roads.

Brian said our current facility use agreement requires selectboard approval. It was written with the idea that it would be used by people who were reserving the majority of the park. Jasmine Yuris is the first person asking to use the new bread oven. She and Jen Burton feel the facility use form is a little burdensome for that relatively minor use. They asked for a shorter form, maybe something that could be approved in the office rather than by the

selectboard. We could set a limit on the number of people using the oven so the rest of the park would not be impacted.

Kyle said her understanding was that part of our agreement was that Jen would manage use of the bread oven and take the burden off us. Brian said she is managing it. She wanted to clarify with Brian what the town wanted to see before letting someone use it.

Brian said he will develop a shorter facility use form in consultation with VLCT. He wants to get guidance on safety and insurance issues because there is potential for someone to get hurt or damage the park or equipment.

Eric said it probably makes sense to delegate approval authority to the office for this minor use. Brian said he will make it a requirement that applicants check with the rec committee on the schedule. Eric said the question is what limits there will be on what uses don't need board approval. Brian said he thinks probably there should be a threshold number of people.

Doug said he thinks Jen should manage the calendar. Eric said he thought she was doing training on oven use but that we probably should give final approval for use. Brian said that was more like what he was thinking. Doug said he thought it would be more like Jen would have a key.

Doug moved to authorize Brian Story to approve bread oven use requests until a new form for such requests has been approved, seconded by Kyle.

Nat said he heard a rumor that the oven couldn't be used in winter. Brian said it was a concern we had but with research it appears that these ovens are commonly used in winter. He was concerned that the stone could crack if the oven was heated too quickly but usually people start out with a small, slow fire.

The motion was passed.

Brian said Dave Barra submitted 3 recommendations for attorneys. He has glowing things to say about each of them. Eric said he would suggest asking Brian to invite them in for the board to interview in March. Doug said from what he knows of these people he thinks they are the crème de la crème and would all be eligible to be on the Vermont Supreme Court. He noted that they haven't indicated interest; they are just Dave Barra's recommendations. Eric suggested that Brian reach out and see if they are interested and if they are, set up interviews. Brian agreed.

Brian said there is a flood watch. It hasn't flooded yet. The water rise will come mostly from snow melt so it will be delayed a little and a little harder to predict or see happening than it if it were caused mostly by rain. We have activated an evacuation shelter at the JSC SHAPE facility and recommended that those affected last time consider evacuating in advance. We got a lot of support today from local volunteers who helped make more than 300 sandbags. All have been deployed to Sterling Market, the post office, the library or to private citizens. We will try to put more out tomorrow morning.

Flood mitigation efforts have gone well. We punched relief holes in several areas of the ice, then found access on Harvey's trailer park property and the excavators started digging out ice and creating a channel. On the advice of GW Tatro we secured the use of a larger excavator with a 72 foot reach. He thinks we can say that what we did was successful but we don't know what the end result will be. The recommendation is to expect the same level of flooding we experienced in January. There is pretty extensive anchor ice frozen all the way into the ground underneath the river holding ice in place. That is pretty dangerous.

Eric said today we moved the focus from preventive measures to preparing for impending flooding. All equipment has been moved to higher ground. The ice excavating operation has been suspended. GW Tatro operators worked all through last night on both excavators. They were on Route 15 until about midnight, then moved back down to Harvey's. Greg Tatro said we were getting about to the limit of what we had budgeted but he thought there were places he could keep our costs down. The amount of support we have gotten has been amazing. Everyone in the community – fire department, highway department, village, etc. – has been very cooperative. Residents have provided access across their property. Ken Harvey let us do everything we needed, including mowing down trees and putting ice on his property and he allowed an excavator to be parked on his property above the flood threat. Other residents allowed us to at least make attempts to access the river on their property. Stage agencies such as ANR, Vermont Emergency Management, and the Agency of Transportation have been very helpful too. The Agency of Transportation let us shut down one lane to put an excavator on Route 15. Other states worked with us on Sunday to get permits issued to move equipment. The excavator got a police escort through Massachusetts.

Doug said Eric's guidance and thoughts on this have been great and Brian's execution was wonderful. Others agreed.

Nat said he feels like the community really appreciates the posts on Facebook and Front Porch Forum. Eric said we have made a deliberate effort to get more communication out there. Kyle said two people today told her they have been happy about the communication.

Eric said we have plans in place for this week but we are not out of the woods until the ice starts moving out of Johnson. Doug said he thinks we should try to understand this situation more and have measures planned if we ever face it again. He would like to know where the damming started and how the ice piled up. What is the choke point? Eric said he thinks it's the falls.

Kyle said she has only heard positive feedback. She has seen a couple of selfies of teenagers on ice piles. She is not sure what our responsibility is or what we can do about that. Eric said maybe it is worth putting out a warning that it is dangerous to climb on top of the ice piles. The ice could shift. Brian said he can put a communication out about that and talk to Roger Marcoux about it. Doug said maybe could also put up a sign that says "unstable." Brian suggested we could use caution tape. Eric said if we identify it as unsafe we have certain liabilities so we have to be careful. And it is on private property.

Brian said Seth Jensen of LCPC will be coming by to talk about the electronic model they have made of the Lamoille River. They want to extend it with more data about Johnson. We might be able to get some data on the Gihon too.

Nat asked about the compensation from the federal government we may be able to get. Eric said he just asked for the information on that from Vermont Emergency Management.

Brian said our policy allows employees to store some time when they work overtime and use it for vacation time instead of getting time and a half. The limit they can carry is 40 hours. Only Jason is using it regularly. It saves the town money but also reduces the amount of work we can get done. It's a good program that we should support. Jason's request to change the maximum number of hours banked to 80 would be difficult for us to support if there was ever a second employee who was making use of it. With only one it is manageable.

Mike asked if the limit is 40 actual hours or if 40 hours worked gets converted to 60 hours of comp time. Brian said it is just 40 actual hours of comp time.

Eric said the highway foreman expressed concern about granting Jason's request. Does the board wish to make any change from 40 hours? Nat said no, but he does appreciate Jason asking. Doug said he is not interested in making a change now. He would rather see how our staffing is once we have 5 people. He thinks then we might revisit this request once we have a better understanding of how it will play out. Eric said we will be getting a fifth employee and also will have a new employee replacing Chris. Those are two variables. The board agreed to make no change now but they may consider it in the future.

Brian said the Historical Society is interested in developing a map of foundations of homes – historical homes with only their foundations left. They would like this to be a layer in the electronic mapping system in the future. There is likely to be some cost but they don't have a quote yet. Volunteers from the Historical Society would get GPS coordinates of cellar holes, then there would be a cost for the GIS company to put the information in the electronic system. Brian is looking for a cost estimate. Duncan is helping him. The only cost right now is Brian's time and Duncan is doing most of the work. The board agreed that this sounds fine in concept.

Kyle said she redesigned the poster for town meeting. Board members are planning Front Porch Forum posts. Three babysitters are lined up. The school will provide space upstairs for the babysitters. The Historical Society will sell pie and Suzanne will sell coffee. Kyle suggests that board members get there around 8:00 am for socializing. Roland will provide music. The Boy Scouts will provide a color guard. Volunteer boards will set up booths again.

Lois said Laura Branca was just diagnosed with chronic Lyme disease so she is stepping aside from coordinating Green Up Day. The Conservation Commission will take over coordination. Lois will be the contact for now.

Doug said he thinks we should be prepared to answer questions about what we did about the Masonic Temple clock. The board should have a date set for Steve Engel to come in and talk

about it. Brian said he and Steve have tried to make time to advance that issue but they have not been able to schedule it yet.

Eric said we need to post asking for interested people to work with us on setting up the revolving loan fund.

Mike said we have talked in the past about taking the clock out of the Masonic Temple tower. If there was an electric clock up there instead we wouldn't have to worry about the weight. The Masons wouldn't have to worry so much about the foundation.

Nat said he would like to see the cost of fixing the building vs. the cost of taking the clock out. There is historic value to having the clock there. Eric said the average person driving down the road would see the same thing and would not know it was electric. Nat said he thinks if the clock were removed it would likely mean that the whole steeple would come down.

Brian said he and Eric need to sit down with Duncan to talk about the revolving loan fund. Eric said he sent Duncan the minutes of the meeting where the board discussed finding a point person to work on setting up the loan fund. That will give him insight into what the board is looking for.

Brian reminded the board that Drew Fairbanks has property on the edge of the town sewer service area. Part of his property is in the town sewer service area but not all is. There have been questions about how to handle that. Drew has talked about modifying his construction project a bit. We don't have a surveyed boundary line for the town sewer service area. The proposed site for Drew's house is arguably in the service area. It is close and without a survey we can't say whether it is or not. Brian would like the board to consider deciding it is within the TSSA.

Mike moved and Eric seconded to find that the proposed location of Drew Fairbanks's construction project is inside the town sewer service area and that we authorize him to connect to the East Johnson Sewer District.

Doug said he will recuse himself from the vote but he thinks it would be appropriate to approve this if we can't tell from a map whether the location is inside the TSSA. People need not provide surveys in order to access the sewer system. It might be within the TSSA and we can't say it's not without a survey.

The motion was passed with Doug recusing himself and Nat abstaining.

Brian said Walter Pomroy found mistakes in the budget printed in the town report. The amount reserved for the tax anticipation fund didn't show up in the printed town report. Eric said it shows that we are using \$100K of cash on hand to reduce taxes but there is \$50K that we don't show where it is going.

Eric and Brian said another mistake is that the principal payment for the Holcomb House, around \$20K, was not part of the total. Eric said the budget total will stay the same. The motion will still indicate the same amount shown in the article and the same amount to be raised by taxes. But a good portion of the \$50K in cash on hand that we were going to apply to the anticipated tax reserve fund will have to be applied to reduce taxes so the tax rate will stay the same. That leaves us with a buffer of about \$13K, a much smaller amount than we originally thought we had.

Brian said there was also a small calculation mistake on the amount we are taking out of the highway reserve fund to purchase equipment, but that is money in, money out.

Eric said he appreciates that Walter goes through the budget thoroughly and gives us a heads up before town meeting. Other board members agreed.

Eric said this will have to be explained to the voters but the bottom line budget number is still the same and the amount to be raised by taxes is still the same.

Brian said the amount we are contributing to the tax anticipation reserve fund is less than originally planned. We haven't always donated to that fund in the past. The fund total is a little lower than we would like but we are not in danger of running out of funds in the first quarter. Eric said the selectboard has the right to contribute more to it. Now instead of having \$50K wiggle room if our estimates are off we only have \$13K wiggle room, Flood related expenses will also reduce cash on hand.

Brian said Dave Barra recommends Richard Fox as an interim attorney, to review the McKuin deed in particular. He has worked for the town before on real estate matters.

Mike moved to use Richard Fox as temporary attorney for the Town of Johnson, seconded by Kyle. Doug said he will recuse himself because he is representing the seller in the McKuin matter. Nat asked if Fox's rates are in line with Dave Barra's. Brian said he doesn't know but he expects they will be similar. **The motion was passed with Doug recusing himself.**

7. ***Adjourn***

The meeting was adjourned at 8:41.

Minutes submitted by Donna Griffiths