

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
TUESDAY, FEBRUARY 21, 2017

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood

Others: Brian Story, Rosemary Audibert, Brian Krause, Matt Hill

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

**1. *Call to Order***

Eric called the meeting to order at 7:02.

**2. *Review of Agenda and Any Adjustments, Changes And Additions***

Brian S. said the natural resource inventory update could be stricken from the agenda as it had been covered at the last meeting. He noted that the compost facility was on the agenda twice so one of the agenda items could be stricken.

Doug asked to add discussion on a bill related to Class 4 roads. Eric said that could be included in item #14, which is about Class 4 roads.

Brian S. said he wanted to add an item about roads and a request from the Boy Scouts. An executive session may be needed to discuss the compost facility.

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

**Kyle moved to approve the minutes of January 16 and January 20, 2017, Nat seconded and the motion was passed.**

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

Rosemary said expenses are at almost 62% of budget and revenue is at 100%, with more still to come. We still need the fourth payment of state highway money. Eric asked about why we are already at 100%. Rosemary noted that PILOT came in at more than expected.

**Doug moved to sign the Certificate of No Appeal Pending for the Grand List, which has been signed by the town's assessor and the motion was seconded and passed.**

Rosemary said the third installment of taxes was due February 10. We have delinquency of 8.16% on that installment. Taxes are 75.58% collected overall. A tax sale date is not set yet. Today we got a large check with quite a few collections.

Four liquor licenses need approval, for Sodexo (Johnson State College), Jolley Associates, Sterling Market, and RL Vallee. All have previously had liquor licenses. **Nat moved to approve the four requested liquor licenses, with the usual letter to be sent, Doug seconded and the motion was passed.**

Brian S. said he had received the new building envelope standard from the Planning Commission. They are still working on form based code. Bob Hoag has expressed interest in joining the Planning Commission. The board agreed that the opening should be posted and that anyone who had previously applied without being appointed should be encouraged to reapply.

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

Brian K. said the highway crew has gone over all the town roads 49 times in the 52 days since the first of year. They are already a little over budget on salt. Doug asked if he thinks there will be any overtime left for summer. Brian said he thinks there will be a little.

Eric said he understands Brian K. and Brian S. met with highway department employees about some discussions the board had. Is there anything to share about how that was received? Brian K. said he thinks it went fine. They will have another meeting soon and they will try to save more overtime for summer by leaving early when possible on winter days when they start early. Eric asked if the employees understood the board's reasoning of wanting to save some overtime for summer. Brian said somewhat. Eric asked him to reinforce that it is not the board's intent to cut overtime but to move it around to be more productive. He asked how employees felt about the four 10-hour day concept. Brian K. said he thinks everyone is on board with that.

Doug asked about signs that are on the Coddling Hollow bridge ("one lane bridge" etc.) Do they need to wait until summer to come down? Brian K. said yes. There is also a sign the contractor took down that needs to be put back up.

Mike asked Rosemary if the office employees wish they could do four 10-hour shifts too. Rosemary said they have never discussed it. Eric and Rosemary agreed that schedule would be more difficult for the office employees.

Brian S. said he thought the meeting with the highway department employees went well.

Brian S. said there is a section of West Settlement Road that the town has been plowing that is actually a private drive. The historical basis may be that in the past we used it as a turnaround but we don't need to anymore. His suggestion is not leave the residents in the lurch in the middle of the season but to inform them that we won't plow it anymore after this season. Mike asked what predicated this. Brian S. said they left their car in the road a couple of times so we talked to them and looked in our files and realized their drive is not part of the Class 3 road. Brian K. said the private section has a tight turnaround so two trucks have to be sent up there – a smaller one to plow and a bigger one to sand. A few times a car has been in the way. It is very inconvenient for us. We have been grading it and we have installed culverts. His understanding is that we have been maintaining it for some time. The property is a rental.

Doug suggested that we send notice immediately that we will no longer plow it. Eric agreed. Brian K. said he agrees with Brian S. about plowing for the rest of the season but not doing any grading or ditching from now on. Eric said now we are aware it is private property we have liability. We are not supposed to be on private property. What are we exposed to now that we are aware of it? Brian S. said because we are aware of it we will have to ask for access to continue to plow. He believes the landowner, not the tenant, will need to sign the document. Eric suggested that lacking that signature we should immediately stop plowing. Doug suggested we send them notice we would like to stop plowing and invite them to have discussion with the board if they want to discuss when we stop. Litigation over Class 4 roads

tends to look at whether the road has been treated as a Class 3 road so it would be better not to continue doing work on the driveway. The board agreed to discuss this further in executive session.

Brian S. said Steve Smith has been doing some plowing and work for us this season. He has a CDL and knows our routes. He has been doing a good job. He came on at the same hourly rate as our other part-time seasonal employee. Brian S. thinks it would be fair to give him a pay bump because he is more qualified and can do more. The rate for the other part-time position is \$18.50 now and will be \$18.71 in the spring. The lowest-paid permanent employee makes just under \$20 now and will make just over \$20 after the increase in the spring, so he suggests a rate of \$19.50 per hour for Steve. **Mike moved to retroactively increase Steve Smith's pay rate to \$19.50 per hour, Nat seconded and the motion was passed.**

Nat asked if there are any other situations like the one on West Settlement Road where we are doing work on someone's private property. Brian K. said not that he is aware of.

Brian S. asked the board to authorize posting all our roads and bridges with the same weight limits as last spring for the period March 10 through April 30. **Mike moved to authorize posting roads and bridges from March 10 through April 30, 2017 with the same weight limits used in 2016, Kyle seconded and the motion was passed.** Eric asked Brian K. if he feels comfortable waiting two weeks to start posting the roads. There was discussion about the weather forecast. **Mike moved to amend the overweight posting notice to make the starting date March 3, 2017, Kyle seconded and the motion was passed.**

Nat asked if the board could give Brian K. discretion on when to start posting weight limits. Eric said he thought that might be better in the future. Brian K. said maybe the start date could be March 1 and depending on the weather he could delay putting up the signs. Doug suggested Brian S. should have road posting on his list to bring up next February. Brian S. said he thought maybe it should even be discussed in January.

Brian S. said we have talked about giving up the Class 4 roads that have erosion issues that are difficult for us to reach because of the cost and environmental impact of trying to address the issues. There is an in-between option that has been popular with a couple of other towns. We can reclassify the roads as trails. That would maintain our right of way but we would not have to maintain the roads. We would not maintain any bridges or culverts on them. He is not sure how that would affect recreational motor vehicle use. His recommendation is to keep an eye on development of the Municipal Roads General Permit and work with the state on getting them to address our concerns before giving up any roads.

Eric asked, if we classify a road as a trail, what effect does it have on people who live on it? Brian said he is not sure we could do it if anyone's primary residence was on the road. He thinks we could if there was a camp.

Doug said he thinks we are way ahead of ourselves. He thinks our Class 4 roads are tremendous social investments. He would be hesitant to give up rights for future public use.

He considers this a bad idea unless we are being bankrupted by Class 4 roads. He thinks they have tremendous benefit to the future community. Kyle asked if he is thinking of future development. Doug said he is thinking, for instance, of Coddington Hollow Road, which can provide access to the Gomo property, which should be a park. There is also housing going up there. He thinks we should maintain the road. It is legal infrastructure that we should keep. Mike said we would still keep it if were a trail. Doug said it would be difficult for a section to revert to road if it were classified as a trail.

Eric said he tends to agree with Doug. The reason we asked Brian to look into this was to give us options if there is cost we can't afford. Both Eric and Brian testified before the joint House and Senate Transportation Committees. Eric got the impression they weren't aware of a lot of this. It has been pushed by ANR. They heard us and other communities. There may be discussion in the legislature about the requirements. He wouldn't call it a done deal.

Brian S. said he has been speaking to ANR about cost and also about the fact that bringing equipment a mile or two up an unmaintained road means doing more damage to the system than just leaving the road alone. Doug said we are also damaging the system if we do nothing at all to our bridges and culverts. That could lead to serious washouts.

Kyle said her concern is what it would mean if no one is in charge of culverts and trails. Eric said it could be the landowner's responsibility.

Mike said he thinks reclassifying some roads to trails sounds like a great idea. Eric said he would be against it if it restricted public access for ATVs and snowmobiles. We don't have enough money to bring Coddington Hollow back to even a Class 4 standard, but it is a major corridor for VAST and ATVs. Doug said also he thinks there are 11 camps up there and there is land to be accessed. Eric said we wouldn't want to cause anyone to be landlocked. Nat said we legally can't landlock anyone.

Eric reviewed how this discussion started. Due to regulations related to stormwater and phosphorus there will be a huge impact on our communities because of mitigation we will have to do. It looks as if there may be a requirement to deal with Class 4 highways, which we don't currently maintain and get no state reimbursement for. At the last meeting, the board discussed the idea that if we were forced to go in that direction and some Class 4 highways were identified as having runoff issues and we didn't have money to do the required mitigation we might throw up the highway. The board asked Brian to look into that option.

**6. *Matt Hill, State Representative***

Eric welcomed Matt Hill. Eric said he recently sent out an email to Lamoille County legislators about House Bill H 50 on communities' ability to have input on telecommunications siting. Around 2010 the legislature temporarily waived the ability for community input and they have kept renewing that waiver. It is up for renewal again. He thinks it is important for communities to have a say in telecommunications siting. He urged all the delegation from Lamoille to vote against it on the House floor.

Matt said after he got the email he went to the chair of the committee and asked about H 50, which he had not previously heard of. (*Brian K. left at 7:51.*) The chair told him that Karen

Horn opposed the bill. The chair asked her why and she didn't come back to the committee with anything. Matt will go back to the chair and say there is a problem and the House can't just rubberstamp it. He is not on that committee. Eric suggested contacting Karen Horn. Matt said he thinks H 50 drops the sunset clause completely. Eric said any other business has to jump through hoops and we get party status. He doesn't understand how telecommunications can get a free ride.

Matt asked if there is any update about economic development efforts in town or any way he can help. Eric said there is no update on the effort to bring light industry to town, but that is something we have to close soon. If it is something the town decides to pursue, grant money would be helpful. Matt said this year, especially on his committee (Commerce and Economic Development), there has been a big push to help rural areas. Chittenden County has a lot of legislators but a lot of rural people are getting tired of the rest of the state being left behind. With rural communities more in focus there might be opportunities to get some investment for light industry here.

Nat said there has been discussion about another business in town that has left. The town has talked about redeveloping that site. Brian S. said the business is Manchester Lumber. He reached out to the Manchesters and they aren't giving blanket approval but are supportive of Brian bringing a proposal for them to hear.

Doug said he thinks it would be helpful to set up a meeting to get someone here from the state who has resources available. He said the village has gotten a \$50K area-wide Brownfields grant to study Railroad Street. Through that, we might bring in industry to joint town and village land. Kyle said she is on the committee for the Brownfields study. They have found a firm to use for the study and the firm has already brought amazing ideas to the table during interviews.

Brian said LCPC is working on a wood pellet processing study for Lamoille County. Mike said there is a glut on pellets. Too many are producing them already. He suggests asking Manchester Lumber if they think there is a glut of pellets before spending money on a study. Eric said this is an LCPC study for the whole county. Johnson is just one site they are considering.

Doug said the town, village and school board have been having some joint meetings. The school had a reputation for not being high scoring and they have been working hard on figuring out how to rebrand. The selectboard and the trustees also have that on their agendas. In his opinion, the school is excellent. He is interested in suggestions of how we get people to move into this community and find out how excellent the school is and what an excellent place it is to live. Kyle said the rebranding of our town is very important to her as a business owner, resident and mother.

Matt said statewide there is an effort to market for rural areas. Johnson has come a long way from when he was younger. He thinks the numbers of people leaving and moving into Vermont are about equal, but the population is aging. Kyle said when she and her husband picked a place to live they knew they could either pick family or schools and they chose

family. They have found an alternative school system. Ideally they would like to do everything here. Doug said a problem with economic development here is lack of broadband. Matt said that was one of his biggest reasons for running. Rural Vermont gets left in the dust. Phil Scott said it costs too much to wire the last mile. But Matt feels we can use wireless technology instead. He feels one reason young people don't want to move to Vermont is lack of internet access. Many people work from home nowadays.

Doug said there is a Class 4 highways bill to codify the obligations of people who own on the road to contribute to maintenance costs. We think of Class 4 roads as our roads. The public has to ask us for a permit to do work on them. He doesn't feel this bill is a good one. Someone may feel they can move onto a Class 4 road and make everyone else on the road pay.

The board thanked Matt for coming. He left at 7:21.

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

Brian S. said he has a model from VLCT of a call for volunteers to serve on boards and citizen groups. He will make a version specific to Johnson. He put a survey on Front Porch Forum about town meeting.

Mike asked if Brian got any sense of what people want to bring up at town meeting. Brian said he has heard talk about the Dakota Access Pipeline and another natural gas pipeline. Eric said all such items are non-binding. Eric asked if anyone has heard feedback about anything on the warning for the meeting. Brian S. said a couple of people have asked to have something added. He has told them we can't add things but items can be brought up under Other Business. Kyle said a resident brought up Johnson becoming a sanctuary town for refugees as a suggested discussion item. Other small towns are doing that. Mike said the town should obey the law.

Eric said there had been discussion before about all board members posting on Front Porch Forum about town meeting. He plans to post something. Kyle said in the survey one of the highest percentage responses was about having more information prior to town meeting. She would love to see as many posts as possible before town meeting. Nat said he will post something. Kyle said she will post soon about childcare.

Eric asked if board members should introduce themselves at the beginning of town meeting. Brian said we can't discuss candidates who will be on the ballot. We need to be cautious about any intro that could be considered campaigning. He thinks board members could introduce themselves and give their names. There was a case where there was a complaint because someone who was up for re-election gave their report at town meeting. No one on the selectboard is up for re-election this year. Board members discussed briefly giving their names. Brian suggested having name tags and arriving early for conversation before the meeting starts.

Eric said he thinks there will be questions about the clock tower. Doug said he thinks the board should have Steve Engel write an article ahead of time with background information about the tower. He was hoping Brian could find the deed. Brian said he has some documents

related to the clock tower but there are a couple he has heard about that he hasn't been able to lay hands on. Doug said he would like to meet with Steve Engel and coordinate on an information article. He can provide information on the legal aspect. Eric said he thinks topics that might come up at town meeting include the gravel pit, form based code and the Jewett property. Nat could speak to sheriff's department issues. Brian said a sheriff's deputy will be there, but Roger Marcoux will not. Kyle said she has 7 volunteer boards lined up to have information booths at the back of gym. They will talk briefly also. The board discussed when to have them speak. Doug suggested it should be right after the dedication.

**Doug moved to authorize the chair to sign the fire service contract, Mike seconded and the motion was passed.**

Brian said the village is interested in purchasing ergonomic office equipment for their employees. We share some employees and might want to go in on this purchase. They hope to get a grant from VLCT that would pay 50% of the cost. We would share the cost for the shared employees. The only full-time town employees are the two Brians and Jeanne Engel at the library. The total cost is estimated at \$2-3K. With the 50% grant, our share would be \$400-600. Mike moved to authorize purchase of ergonomic office equipment for town employees and to share the cost of ergonomic office equipment for joint town-village employees, Kyle seconded and the motion was passed. Brian said he will bring a price to the board before spending any money. The purchases may be done in a piecemeal fashion if we don't get the grant.

The Jolley store had a first offense for selling tobacco to an underage individual.

The village applied for two grants, one for a mural on a side of the Parker & Stearns building and one to fill the spaces for sculptures in the village. Neither was approved so they will look at other ways to accomplish the same things. Brian thinks the Arts Council will help. Johnson Works has been working with a JSC class that is doing a study on public art. That class probably will handle putting up a mural. For sculptures, the Arts Council will probably do some private fundraising to be able to purchase a couple of pieces. Mike asked if there is any idea what the mural will look like. Brian said he hopes to loop this board into it along with the village and Johnson Works.

Brian submitted the branding and marketing grant application to USDA. He hopes to hear back about it in April or possibly in June. It depends somewhat on the federal budget. Hopefully it will be approved by July 1. We got a lot of good support from businesses in town for the grant application. The grant he is applying for this year will be for planning and next year he will do another grant application for implementation.

The state is getting a grant through Homeland Security for public safety issues. Brian is not sure if we will have anything that falls under the eligible areas. There had been some talk about whether to put AED's on town trucks and the board decided not to. If we could get grant money to pay for them maybe we would want to.

There is another grant available for economic and infrastructure development investments. It is a competitive grant that has a lot of money available. It may be able to provide funding for planning for a light industrial park. He will work on a grant application. Applications are due in March.

Mike said for town meeting we should be able to provide a figure for how much we have spent on the Jewett property and how much of it was grant money. Brian said he thinks we can find out how much we spent on studies. Personnel time will be a little harder to calculate. Mike said maybe we could just have a ballpark figure.

The board reviewed the draft animal control ordinance. Brian said he got a decision back from VLCT that we will not be able to share classifications with other towns. If Hyde Park declares an animal vicious, we can't declare it vicious based on Hyde Park's declaration. We have to have cause under our own ordinance. Mike said it is too bad we can't have a uniform county-wide ordinance. Eric said that is something we could have brought up with our state representatives. Brian said he will send them an email about it.

Doug asked if there is anything in the ordinance saying that we are to be provided notice if a dog is declared to be dangerous. Brian said no, but he can ask about that. He took out all references to neighboring communities. We could add to our ordinance that we would notify other towns if a dangerous animal from our town went to their town and we could ask them to put the same in their ordinance. Doug said there could be a statewide registry.

Eric said he doesn't like the change in penalties from our current ordinance. In the new ordinance it goes all the way up to 5 offenses and the 5<sup>th</sup> offense is only \$100. Our fines were more significant and we only went up to the 3<sup>rd</sup> offense. Mike agreed.

Doug said he thinks we should enforce the requirement for dogs to have tags.

Mike asked if we are going to change the fines. Brian said he can take to the other towns that we want to increase the fines. Eric suggested sharing with them what our current fines are.

Brian reviewed comments from the Conservation Commission on the ordinance. Some of what they recommended is covered in the ordinance. Some of the items they recommended are hard to enforce. Most deal with having dogs off leash in public. Our standard is similar to the previous ordinance. The dog has to be under control (respond to voice commands or be on leash.) If we want to name specific parks where dogs have to be on leash we can do that. The board agreed not to name any specific sites where leashes are required.

Brian said he will revisit the fee structure and anything we get from legal review. We are sharing the cost of legal review with the other towns.

Brian shared with the board an LCPC inventory of all hydrologically connected road segments in Johnson. This inventory was done to an earlier standard, but ANR has assured us they will allow it to serve as our inventory that has to be developed by 2018. Our work plan will be based on it. Our work plan will be what we are going to do for each segment. LCPC



wrote plans for some sections. We don't know yet whether or not we will use their plans. Brian wants to get guidance from the state about road segments that are difficult to reach.

The board has received December and January reports from LCSD. Brian brought up to Roger Marcoux some of the concerns he had with the reports. Roger has offered to have a deputy start attending selectboard meetings when the board asks for it. Brian is trying to get regular monthly meetings started again.

Nat said over a 12-month period the proportion of tickets to warnings is remarkably close in all the towns. About 1/3 of the time a ticket is given. On a monthly basis it can look like the proportion is different for Johnson but over time it is consistent across towns.

Brian said he asked Roger about the January report showing that the number of directed patrols and tickets and warnings for Johnson was lower than typical. It appears that less time was spent in Johnson than is typical. Roger will get back to Brian about that. There were 12 directed patrols in Hyde Park and one in Johnson.

Brian will be going to a Better Roads workshop on grant applications tomorrow. He wants to work on a grant to help pay for the planning we have to do to develop a work plan for the Municipal Roads General Permit and some other capital planning we have to do. He is not sure if the Municipal Roads General Permit work will qualify for the capital planning grant. He will find out more tomorrow.

LCPC has been working on a local hazard mitigation plan. Duncan and Eric had been meeting with Lea on that. We recently got the draft back from FEMA with their comments. We will make changes based on their comments. Meredith is going to try to get more involved with this with Gordy and come to more of the planning sessions than Sandy did. Eric said Lea told him FEMA felt the lines were too blurred between the town and village. Eric and Brian will meet with Lea to work on this.

Brian distributed copies of the proposal sent to the village by LRSWMD for the compost facility. He said he doesn't think it does a good job of addressing the status after our lease with the village expires. The village is going to review this and take it up at their next meeting. Brian will share the concern he has with Meredith. Brian would like Doug to go over the proposal. Brian said he feels the real point of contention is between the village and the solid waste district. He doesn't want to encourage the view that the town is holding up the process. The village's concerns were more complicated than the town's concerns. Our attorney has looked at the proposal but hasn't issued a statement about it. Eric suggested that Doug review it and provide feedback.

**8. *Selectboard Issues, Concerns***

The board agreed to schedule a meeting on March 8 at 5:00 to make appointments.

Eric said he contacted the governor's office about getting the governor to come to Johnson to wind the town clock. We can use that as an opportunity to showcase or advocate for something we could use the governor's help on. Board members should be thinking about that. He also invited Congressman Welch to come back to Johnson to see the new store.

**9. Executive Sessions**

**Doug moved to go into executive session to discuss issues with legal ramifications related to West Settlement, Mine, and Carter Roads, Kyle seconded, the motion was passed and the board entered executive session at 9:44.** The board came out of executive session at 10:13.

**Kyle moved to go into executive session to discuss negotiations on the Jewett property, Mike seconded, the motion was passed and the board entered executive session at 10:14.**  
The board came out of executive session at 10:20.

**10. Adjourn**

The meeting was adjourned at 10:20.

*Minutes submitted by Donna Griffiths*