

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, MARCH 17, 2014

**Present:**

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

Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Steve Smith, Bob Selby, Greg Stefanski

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

**1. *Call to Order***

Eric called the meeting to order at 7:00.

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

**Nat moved and Howard seconded to approve the minutes of February 18, 2014 with the edits suggested by Duncan. The motion was passed.**

**3. *Treasurer's Report and Review and Approve Bills and Warrants***

Rosemary said we are at almost 72% of budget spent, with  $\frac{3}{4}$  of the year over. Sharon Green has started the tax sale process. There has been a new Supreme Court ruling regarding notification of taxpayers when their property is included in a tax sale. We have to do more than just send certified letters; we have to have the sheriff physically go and serve them. The attorney will handle this, which will add to our cost. Today we received the final payments for March rent on the Holcomb House. Rent is due on the first of the month.

The board has liquor license requests from several local businesses. Lovin Cup has submitted a letter (but not an official request) saying they would like to increase their hours for outside consumption to start at 7:00 a.m. instead of noon and extend until the town curfew for outdoor consumption. There is no such curfew. There was general agreement that 7:00 a.m. to 10:00 p.m. would be reasonable hours. (*Doug arrived at 7:07.*) The board has some concerns about neighborhood noise and may impose conditions on Lovin Cup's license.

Rosemary said starting this year tobacco licenses no longer have to be issued at the local level.

**Kathy moved to approve liquor licenses for Jolley, Sterling Market, DJ's, Maplefields, and Johnson State College, with the usual letter to be sent to the licensees, Nat seconded, and the motion was passed.**

**4. *Road Commissioner Report/Road Foreman Report***

Steve reported on overtime hours for himself and his crew. He thanked Eric and Duncan for their positive input on Front Porch Forum. Eric asked him to pass on thanks to the highway department for their work during the recent storm. Steve said since the last meeting there has been 35 inches of snow. The highway department plowed 17 times and sanded 22 times. On February 21 we had very icy roads. The highway department worked 14 hours that day. Roads were posted for weight restrictions on February 27. Last week highway department and village water and light employees attended a flagger training class. Fifteen inches of snow fell in the recent storm. We are very fortunate to have two good part-time employees to help when needed. Our salt truck's plow breaks and has to be repaired every time it is used.

A new plow is about \$6K. We have an estimate of \$4K for repairs, not including labor. If we got a new plow it would be transferable to a new truck when the truck is replaced.

Doug asked if there is a way to get Steve to be at town meeting in case people ask questions the selectboard doesn't know the answers to. Steve said probably. Eric said a question came up at town meeting about how often we order salt, but he didn't know the answer. He asked why we aren't having problems with salt when a lot of people around the state are. Duncan said he thinks it might be because we order a smaller amount at a time than some other people do.

Duncan thanked the highway crew for the work they did during the storm. They were out for long hours.

Duncan said it is time to apply for Class II and Structures Grants. We have talked about using a Class II paving grant for School St. grinding and re-paving to be coordinated with the School St. project, which will not go to construction until 2015. All the paving work on School St. and College Hill could then be let out as one bid. How much is done on College Hill depends on whether we get a Structures grant for storm drainage. We are first in line for a Class II paving grant and 10<sup>th</sup> out of 29 in line for a Structures grant this year. Whether we get one depends on who is ahead of us and how much they put in for. Next year we should qualify for a Structures grant. Clay Hill is in bad shape too and it is also a Class II highway. Duncan suggests getting quotes from pavers to look at both School St. and Clay Hill. Maybe there will be enough money to do School St. and some of Clay Hill. There might be enough left over in this year's budget to do some light shimming on Clay Hill to extend the life for a few years, until we are eligible for another Class II grant.

Eric asked how much it will cost us if we have to absorb the whole cost of the culvert on College Hill. Duncan said he doesn't know. The first hurdle was whether it would be eligible for a Structures grant. It was supposed to have to be 3 feet in diameter to be eligible, but VTrans said they would run it through if a hydraulic study showed it needed to be 3 feet in diameter, which it did.

Kathy said she thinks we should address drainage on Clay Hill before more paving gets done there. Steve said he thinks proper crowning will fix the drainage problem. Duncan agreed. He said he thinks if Clay Hill were properly graded and crowned much less water would get to the School St. area. Doug said it seems to him there are culverts that water can't get to on Clay Hill. (*Bob Selby arrived at 7:31.*) Kathy said she thinks we need to be sure we are not directing water into people's houses as an alternative to getting effective storm drains. She thinks the storm drain near her house is clogged. Duncan said that is a larger problem. Kathy said we shouldn't pave the road and exacerbate the drainage problems. Duncan said we could start work on Clay Hill above Kathy's house and pave from there up. But he thinks we will be worse off then. If the road is properly graded and paved he feels we will have fewer of the problems Kathy mentioned. Duncan said if we get a large Class II paving grant to do School St. it will be 3 or 4 years before we get another. He would advocate at least doing some shimming or light overlays on Clay Hill. Kathy said she doesn't think it is a good idea to exacerbate the existing problem by cementing over the road. The road is already higher than

it used to be. It runs water into people's houses. Perhaps the stormwater drainage issue belongs to the village but it affects paving. Doug said he had suggested before that the selectboard try coordinating with the village on a plan for addressing this. Duncan said the selectboard should plan on a joint meeting with the trustees.

Eric asked if we have money for work on Clay Hill. Duncan said he thinks we could use some of this year's budget for that. The board agreed we should apply for a Class II paving grant for School St. and do some temporary shimming on Clay Hill. Duncan explained that shimming is giving the road a crown so water runs off it by adding some asphalt. He thinks we could radically improve the amount of water that gets onto the road without touching the storm drain system. Duncan said he sees no downside to applying for a Structures grant this year. The board agreed to apply.

Duncan said College Hill is not a Class II road. Next year if we get grants we could either have cutting and patching on Clay Hill done with School St. project funds, or we could roll some of the town's annual funds into the work so we would end up with one smooth stretch of pavement. Eric said the latter makes sense if we can afford it.

Duncan said he and Eric met with the environmental consultant and the Site Management person assigned to the talc mill contamination project. There is approximately 4500 cubic yards of contaminated soil. Probably the recommendation will be to remove 1000 to 1500 cubic yards and treat it, or treat it onsite. The preferred option would be to treat it onsite, which would need concurrence of both boards. One place onsite treatment could take place is the sand pit on the other side of the railroad tracks. It might have to be left there for 10 or 15 years. Board members agreed that location sounds fine.

Duncan recently filed First Report of Injury forms for two employees. Both were slip and falls on the road.

Duncan published road posting notices in the paper and he is attaching them to the overweight permits he is issuing. Green Crow (large timberland owners off Tree Farm Rd.) wrote asking the board not to post the roads for spring breakup after the board had already voted to do so. Duncan told them the board had already voted to do it.

Duncan has a few roadside mower quotes. He and Steve will talk about it and make a recommendation to the board. There is about \$10K worth of equipment that can probably be sold, including the old mower. Steve and Duncan will look into selling it. *(Steve left at 7:52.)*

#### **5. *Planning Commission Report***

Bob said the Planning Commission talked about form based zoning at its last meeting. All commission members will research various consultants who are currently working in Vermont, then at the next meeting they expect to have a conversation about exactly what they expect from a consultant and what the money budgeted will pay for the consultant to do.

The Planning Commission also talked about the common plan for the town and village, which will be designed to be approved by both the town and the village. Each commission

member will take a chapter and try to identify areas where the data needs to be refreshed. He wants to involve LCPC so there are no surprises or difficulty getting the plan approved.

Bob has been informed that Suzanne Dodge is going to resign from the Planning Commission and it is possible that another member may also resign. Suzanne is willing to stay on until her replacement is able to start. Bob will let Suzanne know to formally notify the selectboard of her resignation. Nat asked how it has been to have 10 members. Is that too big? Bob said he thinks it has been a breath of fresh air. It has been great to have new voices and energy. It is working well. Duncan said he thought it would be good either for the board to interview candidates for the Planning Commission or for the Planning Commission to interview them and make a recommendation to the board. Eric said he likes it when a committee interviews candidates and gives the board a recommendation.

Bob said the Planning Commission likes the model Newport used for form based zoning. They left formal drafting until the end and began with a series of public meetings with constituents so there was buy-in. The Planning Commission wants to ask the consultant to make that happen here. *(Bob left at 8:05.)*

**6. Recreation Committee Report**

Doug asked if dealing with the ice rink is in the committee's future. Nat said the committee has discussed it. Early next winter they would like to get setting up the ice rink arranged between the town and the fire department. Eric asked what happened with it this year. He thought the fire department was going to take back responsibility for it. Duncan said he and Steve Towne had asked the trustee board about it. There was not overwhelming support for having the village crew continue to put so much time into it and there was a feeling that the fire department had always done a perfectly adequate job, so Steve and Duncan agreed to let the fire department handle it. His understanding is that the fire department talked about it and decided they didn't want to do it either.

Doug said that in connection with right of way access from David Butler we have access to the Lamoille River. Can the Recreation Committee think about providing river access, for instance for kids to fish? Nat said that is a direction he has long wanted to bring the Rec Committee. The members are people who have kids in sports programs. The committee needs one or two other members who are interested in trails, river access, etc. Eric said maybe it would work better for the Conservation Commission to work on things like river access. Doug said he has suggested that the two groups meet and divide up responsibilities. He has been planning on contacting the state about any interest they have in river access. He also thought he would call up the River Conservancy and push them about it.

**7. Manager's Report**

Duncan thanked Eric for his Front Porch Forum posting about the highway crew and the water and light crew.

We have just been advised that the Vermont Community Development Program will expect 50% reimbursement of the \$500K grant for Sterling Market. We have to start making payments on the \$250K as soon as Mike Comeau starts paying interest on the loan, and he has started. We have to send 50% of what we collect to the state. *(Greg Stefanski arrived at 8:14.)* We can start using the revolving loan fund as soon as we have enough money in it to

loan out. VCDP is in the process of preparing closeout documents. Kathy asked how we determine a loaning policy. Duncan said he thinks the closeout documents will have specific criteria about what the money can be loaned for. The selectboard will have to set lending priorities and put together an application process.

#### **8. Local Ordinances**

Eric said Greg Stefanski is part of a group of citizens working with Roger Marcoux to establish what can be done about issues like vandalism. They are looking at a reparative board concept for the town, which will require the selectboard to rewrite ordinances. Duncan will have to spend a lot of his time on village issues, so if we want ordinances rewritten it will probably require paying Lea or someone else to take it on.

Greg said the Johnson Safe Community Action Committee arose out of a couple of public meetings discussing community issues. The group decided to focus on the level of police presence. They also delivered flyers on Railroad, St. John's, and School Streets encouraging people to call the sheriff if they see illegal activity. The group also decided to see if something different can be done when someone breaks the law. Many times justice is not served for a variety of reasons. The proposal is for Johnson to have a volunteer restorative board like Hyde Park's. For the system to work well, our ordinances need updating. Heather Hobart has offered to help with ordinance development. The group's intention is to focus on just a couple of problem areas, like disorderly conduct, and to have a different way to address them – establishing communication between the victim and the lawbreaker and coming up with a plan to make things right, while keeping it out of the court system. Duncan said his inability to devote time to this is not due to lack of desire or interest. This idea sounds like it has merit. He just lacks time. He checked with Lea to see if she had the interest and flexibility to work on ordinances, and she does. He is confident she has the ability to deal with this. She could probably start with three ordinances and it might not be too big a commitment of time. Kathy said it would be good to make our ordinances similar to Hyde Park's. Greg said the group includes some people from Hyde Park. The goal is for the approach to be similar.

Duncan said most of the examples the group has found were from cities that operate under charters. A town without a charter may not have the same legal authority to use a restorative board rather than issuing tickets. We need to find out about that first.

Doug asked if an ordinance would have a financial penalty with an alternative of going to the restorative board. Greg said yes. Doug asked what would happen if the person didn't choose the restorative board. Duncan said a municipal ticket would be issued. Roger Marcoux thinks the officer would hold the ticket for 24 hours and the person could choose to take the ticket and pay it or go to the reparative board, but Duncan is not sure we can do that if we don't have a charter. Greg said his group has not been able to find towns using this approach, just cities. We need a legal opinion.

Eric asked if the board sees value in this and wants to have Lea work on ordinances. Doug said yes, after we find out if we have authority. Kathy asked if Lea would do this work on top of what she already does. Duncan said yes. There is money set aside for selectboard consultant fees. He could see using that. Kathy asked if there is any guess about how many

hours she would need to spend. Duncan said he is not sure. Maybe 2-3 hours a week for a period would go a long way toward getting the first 2 or 3 up and running. Beyond that, it is a longer term issue. We have a multitude of ordinances that are severely out of date.

**Kathy moved to authorize adding time for Lea to support the efforts of the Johnson Safe Community Action Committee, Doug seconded, and the motion was passed.** Greg thanked the board for the support and left at 8:36.

**9. *Manager's Report (continued)***

The board discussed the talc mill contaminated soil further. Eric said he found it interesting that if we say we don't want to keep the contaminated soil onsite the state will take it away, but there is no incentive for us to keep it. Doug asked if there is a downside to keeping it here. Duncan said the downside is that we will have to keep it until tests show it is safe to dispose of it. That could take 10 to 15 years. We could use it after tests show it is safe.

Duncan said he had made some edits to the webpage privacy policy template Lea had sent out, to make it more Johnson-specific. The last page discusses the town's policy on establishing website links. It indicates we will not have links on our site for businesses or political organizations. Our previous website had local business listings. Now people will have to click on the Johnson Connect link to get to a business directory. Lea feels it is important to keep our web page as limited in focus as possible. Duncan told her that it needs to be clear how to access the business directory. Duncan asked the board to review the draft policy before the next meeting.

**Howard moved to appoint Jessica Bickford to the Library Board, Kathy seconded, and the motion was passed.**

Duncan said Steve Towne may need to move to a part-time situation and there is a good possibility there will be another change in employment at the village level which will impact Duncan's time. The selectboard and the trustees also need to be aware that several retirements of key people are probably coming up. Duncan is looking at staying on for a maximum of 2 to 2 ½ years. The boards need to think about whether his position, Steve Towne's position, or Steve Smith's position need to be looked at. The board of trustees has mentioned the idea of a merger. There should probably be a joint meeting of the boards to talk about these things. Howard said he thinks there probably should be a joint committee with regular meetings.

Kathy asked, if Steve cuts his hours, then would it make sense to get other help, as we would have extra money in the budget? Duncan said Steve has taken the interim step of hiring a qualified lineman on an interim basis. He will start part-time with the goal of becoming full-time, probably sometime in summer. But there may be another village employment change at the end of the summer. Doug asked, are we reversing the change in town/village allocation of hours that we just went to? Duncan said we very well could be. Doug said it is clear that the work Duncan is doing now still needs to be done. How do we address that? Duncan said he doesn't have the answer.

Eric said the ball is in the trustees' court. They have to deal with a more immediate issue. We just approved our budget. It will be a year and a half before we could have money to hire someone else. That is a discussion the two boards ought to start having. If the two Steves were to leave, maybe there should be a shared employee supervising their departments, an administrative person under Duncan. Duncan said he thinks that kind of brainstorming is something best done when the two boards sit down together.

Doug said he thinks we need to address how we will fill in what Duncan isn't doing that he had been doing. Duncan said probably he will work more hours in a week and not get paid more for it.

Duncan got an estimate of \$300 to put in an under sink water filter with a separate tap or \$150 if the cold water serves as the tap. Steve Towne said his crew could put it in. If it turns out that they can't, would the board authorize the expenditure of half the cost of installing the water filter? Nat asked why a filter is needed. Rosemary said sometimes there is a lot of chlorine in the water. **Howard moved to authorize expenditure if needed of half the cost to install an under sink water filter in the kitchen of the municipal building, Nat seconded and the motion was passed, with Doug abstaining.**

Duncan corrected the reimbursement report for the 2012 Better Back Roads Grant for Upper French Hill Rd. He had to delete the fringe benefit for labor and revise equipment rates based on VTrans rates. It should not affect the overall reimbursement.

The final plans for BRF 030-2(26) are here and the state wants the selectboard either to sign off saying they have no comment or offer comments. **Doug moved that Howard review the final plans for BRF 030-2(26) and either provide input on behalf of the board or sign saying the board has no comment, Kathy seconded and the motion was passed with Howard abstaining.**

The Historical Society Building Committee has met four times and covered a variety of issues. Work is ongoing to develop a joint use agreement identifying who is responsible for what and setting forth Historical Society rights to use of the building. A lease for the existing tenants has been drafted. The consultant is well into the construction section of the bid specs. As soon as he has a draft copy the committee will meet again and review them.

Eric and Duncan need to meet with the Jewetts to review the appraisal and see if they are amenable to coming down on the asking price.

Doug said he thinks we should ask the state if the "going out of business" signs posted by Bucks are appropriate on a state highway right of way and pick them up if they are not.

Doug asked when the state is going to do something regarding the violation on the Wescom property. Duncan said that is a good question. He hasn't yet seen a notice of violation, and he would expect the town to be cc'd. Doug asked if effluent is still going directly into the river from the Wescom property. Duncan said yes. Doug asked if we can push the state to take

action. Duncan said we can try but it probably won't help. Doug said he will call our legislators and ask them to call the state.

**10. *Selectboard Issues/Concerns***

Eric suggested that the selectboard could fill positions of officers who have to be appointed but don't really do anything (for instance Weigher of Coal) by contacting former selectboard members and asking them to put their names on the ballot. Kathy asked if there is a way for some of those positions to officially come off the list. Eric said for some of them there is.

**11. *Adjourn***

The meeting was adjourned at 9:17.

*Minutes submitted by Donna Griffiths*