

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MARCH 18, 2019

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Brian Story, Rosemary Audibert, Brian Krause, Allison Tafuri, Lois Frey, Charles Gallanter, Kelly Vandorn, Beth Foy

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 discussion of the rec coordinator position and forming a search committee, notification from FEMA about flood mapping, and discussion of scoring the merger study proposals. Mike added action on the inclusivity statement. Nat added discussion about the process for filling school board vacancies. Kyle added discussion of the logistics of getting a group together to do spring cleaning at Old Mill Park. Eric added discussion about the Green Up Day coordinator.

3. Review and Approve Minutes of Meetings Past

Mike moved to approve the minutes of February 18 and February 25, Nat seconded, and the motion was passed.

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

Rosemary said we are at 62.9% of budget spent. Current taxes are 76.39% collected, slightly less than last year. She gave the board a list of properties going up for tax sale on May 15th. There is one property that sold at tax sale last year that is not going to be redeemed.

The town has received 6 liquor license applications. Hogback Snacks is requesting that the location where outdoor consumption is allowed be changed to a larger area. Allison Tafuri described the area that would be used for outdoor consumption most of the time and the larger area that would be used only if there is a special event. **Kyle moved to approve liquor licenses for Johnson's Sterling Market, Butternut Mountain Farm, Dollar General, and Jolley and liquor licenses and outside consumption permits for Downtown Pizzeria and Hogback Snacks as requested, with the usual letter to be sent, Mike seconded and the motion was passed.**

5. Road Commissioner/Road Foreman Report and Action Items

Brian Krause reminded the board that he had previously talked about no longer plowing or grading a section of Plot Road near the Waterville line. Johnson will finish out plowing that section of road this season but Waterville is going to take care of it in mud season and they will take care of the grading this summer and plow it next winter.

Mike asked about the \$1,100 in the director's orders for a toolbox for Jason Whitehill. He asked if we got our money's worth. Brian K. said yes.

Mike said he saw that we signed director's orders for \$10,000 extra for salt and \$20,000 extra for sand. Brian said we probably won't need to use all of the sand. There is a big demand on

the local resource and if sand were unavailable we would be in a bad situation so he wanted to be sure we had enough. Brian Story asked, didn't we buy it just before the price was about to go up? Brian K. said yes.

6. *Highway Access and Work in the Right of Way Review*

Brian S. said he sent out a copy of the highway access and work in the right-of-way policy draft last week. Since then he has started but not finished working on the application forms. He would like to send it for legal review but the board had a lot of concerns about the interactions with this policy and the Class 4 roads policy. The changes that the board was requesting were really a departure from our current Class 4 road policy. We had talked about asking the Planning Commission to help make updates to the Class 4 road policy. This draft policy as written will have no effect on our current Class 4 road policy. As far as doing maintenance on Class 4 roads, the policy will continue as it is now for the time being. In the future we will update the Class 4 road policy to accomplish the things the board was asking for – making it less burdensome to do work on driveways and in the right of way on Class 4 roads. He wants to find out if the board is comfortable sending this draft for legal review. If the board wants to tackle issues of people doing snow plowing and maintenance work in the right of way on Class 4 roads then we really should do that before we send the policy for legal review. If the board is okay deferring that until the Class 4 road policy is updated then he thinks this draft handled the rest of the board's concerns.

Doug said he thinks it is a good idea to send the draft for legal review. But don't we have to define the highway system in this policy as class 1, 2, and 3 roads and not Class 4 roads?

Brian said he thinks he needs help on how to make this policy and a Class 4 roads policy interact. He thinks we want this policy to apply to Class 4 roads except for some cases where people would not need a permit for certain actions on Class 4 roads.

Eric asked what someone might do on a Class 4 road that would need to be addressed in the Class 4 road policy and not in this policy. Brian said right now if someone wants to do maintenance on a Class 4 road they should get a permit. He would like a more effective way of handling that. Instead of making them get a permit maybe we could just have a register of who is doing maintenance on each Class 4 road and make it a permissible action rather than a permitted action.

Eric said we don't want confusion on the part of people who live on Class 4 roads about which policy applies to them and what they want to do. Is there some way of having a carve-out that indicates that we have a Class 4 policy that deals with Class 4 roads? Brian said there isn't anything like that in here right now. He feels like he needs some legal help with the interaction between the two policies. It could be that we define this policy as pertaining to Class 1, 2, and 3 roads.

Doug said when Brian sends this out for review he should indicate that it has been suggested that since we have a Class 4 road policy we should exempt Class 4 roads from this policy. Brian said he thinks that is a good suggestion.

Brian said he intends to take this to VLCT rather than our private attorney for review. This is based on a model policy VLCT wrote so he expects them to be a little more familiar with the specifics.

Doug said we might ask how other towns are addressing work on Class 4 roads. Brian said he can do that

Nat said the policy talks about diverting the flow of water into the highway. It seems to be saying that you can put fill in if it's not going to divert the flow of water. Brian said yes; if you are not going to change the grade or divert the flow of water you're okay. You can do basic maintenance on your driveway. You can add gravel to fill in a hole in your driveway. You are restoring the grade in our right of way.

The board agreed that Brian should have VLCT review the draft policy and see if they have any suggestions about connecting it to the Class 4 road policy before getting legal review.

Doug said he thought we were going to allow the road foreman the ability to diminish the deposit required as well as increase it. Brian said the policy allows the foreman to increase the deposit above the minimum of \$500 but there is not anything in it that allows for a deposit that is between 0 and \$500. Eric said he thinks \$500 is pretty minimal for road work.

7. *Update on Mine Road*

Brian said the property along the Class 4 section of Mine Road is owned by BASF and they have contracted with Tom Wood for land management. Tom sugars and does some logging on their property. We have asked Tom to get permits for some of his improvements and maintenance on the road and we have had a little struggle with that. Recently while grooming the trail the snowmobile club damaged a power line Tom had run in the right-of-way over the ground. That was a big concern. Even if he couldn't bury it, it would have been good to let people know it was there because it could be dangerous. The town has been in touch with Tom and BASF and the state. There has been a state inspection and the state will require that the power line be buried when the ground is soft enough. We will be responsible for making sure Tom gets a permit for this before he buries it. We have been in touch with BASF to let them know this is a problem and that we need to straighten out the permit situation. We have started an inventory of everything that is within our right of way. There is quite a bit in our right of way on Mine Road.

Eric said this will be part of what the Planning Commission will need to consider – how we deal with maintenance on a section of Class 4 road where no one lives vs. activities done by homeowners to provide access to their property. Part of the challenge for the Planning Commission will be how to write a policy so we have restrictions we need concerning activities such as the ones on Mine Road while allowing property owners to be able to plow and sand their driveways and do normal maintenance. Somehow that will have to be spelled out in the Class 4 policy

Nat asked, we can't compel him to move his gear out of the road now? Eric said we could Mike asked why we don't. Brian said that is what we are looking at now. Our current policy doesn't have any associated fees or fines so there isn't much we can do in between forcing the

removal of everything and just asking him to comply. If he ignores our request to remove items from the right-of-way there are no teeth behind our request. We don't have the ability to issue a fine. Doug said if we want a mechanism he thinks we need an injunction. He doesn't think we should tolerate people building things in our right of way.

Mike asked didn't Morrisville Water & Light say the whole set-up on Mine Road was it illegal? Brian said he left a message with them and they haven't gotten back to him. What they said in an email was that their oversight ended at the meter. It is a violation of national safety codes for a line to run over the ground. It needs to be buried but he has 60 days to fix that because of the time of year. Mike said he thinks even the meter is in the right of way. Brian said we need to check but it does look like it's in the right of way. Nat asked how Morrisville Water & Light could put a meter in our right-of-way without our permission. Brian said it is on a pole that was there.

Kyle asked how much we should deal with Tom Wood versus the company he works for. Brian said he doesn't think we should deal directly with Tom at this point without making sure we're also in contact with the mining company. Doug asked what Tom's relationship is to the mining company. Brian said he isn't one hundred percent sure. Eric said with landlord-tenant situations we can only issue health orders and so forth against a landlord, not against a tenant. This may be similar. We may have to issue an order against the mining company.

The board agreed that Brian should start researching the procedure to have the installations removed from our right of way.

8. *Facility Use Request for Legion Field*

Cal Stanton submitted a facility use request for Legion Field for a Vermont Progressive Party meet and greet on July 14th. **Kyle moved to approve the facility use permit for use of Legion Field on July 14, 2019 for a Vermont Progressive Party meet and greet, seconded by Mike.** Brian said the hours are from 8 a.m. to 8 p.m. **The motion was passed**

9. *Historical Society Vacancies*

Brian said Jane Marshall has resigned from the Historical Society and the Historical Society recommends that Kelly Vandorn replace her. Frank Dodge has also resigned from the Historical Society. We have a couple of other applicants but the Historical Society has not yet made a recommendation for replacing Frank. Duncan Hastings' position as the selectboard representative to the Historical Society is up for reappointment. Duncan is interested in serving again.

Nat moved to appoint Kelly Vandorn to the Historical Society and to appoint Duncan Hastings as the selectboard's liaison to the Historical Society, Mike seconded and the motion was passed.

10. *Conservation Commission Vacancy*

Brian said Laura Branca has resigned from the Conservation Commission. Jared Jasinski has met with the Conservation Commission and is interested in serving on it. **Nat moved to appoint Jared Jasinski to the Conservation Commission, Kyle seconded and the motion was passed.**

11. Hazardous Waste Inspection Report

Brian said there was a recent surprise hazardous waste inspection. We found that our records were a little out of date. Steve Towne was still listed as the contact person. Currently the village and the town facilities are one entity according to the state so they were inspected together. Brian will update the records. He will work with Meredith to investigate whether we can separate out the village and the town so they are designated as two separate entities. If the village were fined for something we wouldn't want to be responsible and they wouldn't want to be responsible if we were fined.

Eric asked if we would be held liable even if something that was found to be in violation was in the village building. Brian said we potentially would be because as far as the state is concerned it is a single entity. Also, we have to make either Brian Krause or Troy Dolan the contact person for both the town and village buildings. Steve Towne is currently the contact person for both the town garage and the village garage because it's jointly owned property. We might not be able to separate the two because both garages are technically owned by both the town and the village even though they are each only operated by one entity. We also have the shared cold storage facility. It may not be possible to create two separate entities but Brian will try to figure that out.

Doug asked if historically there was ever any agreement between the town and the village about indemnification. Brian and Eric said they don't believe so.

12. Lamoille County Sheriff's Department Report for February 2019

The report was emailed to board members.

13. Light Industrial Park Update

Brian said we have submitted a letter of interest for the Northern Border Grant. Brian has a meeting later this week with some representatives from the EDA. He had some questions before submitting our application for an EDA grant and they offered to review our entire application package before it is submitted.

Brian spoke to Don Foote, who represents some people who would be interested in purchasing property at the light industrial park. The sooner we can get a road there, the sooner we can start selling parcels.

14. Recreation Coordinator Position

Brian said he met with the Rec Committee over the weekend. The plan is to post the recreation coordinator position in the News & Citizen on April 2. That will be the day after the next selectboard meeting so the board will be able to approve the posting first. The posting will be out for about a month. We will put together a search committee. The search committee will decide who to interview. There will be two rounds of interviews with the search committee and then it will be brought before the board. Brian is thinking the board will approve a hire in early June and then make an offer and the candidate will start the first Monday after the 4th of July.

Eric asked if Brian thinks we will need two rounds of interviews. Brian said that is his preference. He likes to screen candidates on paper, then conduct an interview, then check references and follow up and have a second interview based on anything that came up in the reference check. Eric said with that plan candidates will have to have three interviews. Brian

said if the board wants to streamline the process he can do that. The board can decide how involved they want to be. He is envisioning it being similar to the process of hiring a highway employee. But the wage scale and responsibilities are not the same. Eric said he doesn't have an issue with the process Brian outlined.

Eric asked, the search committee would be mostly Recreation Committee people, right? Brian said we wouldn't want to have a quorum of Recreation Committee members or a quorum of any group. He thinks we would want to have one or two members from the Recreation Committee, the Skate Park Committee and the selectboard. Nat says Jessica Bickford has been very involved in developing the job description and is experienced in this area. He would like to have her considered for the committee as well. Brian suggested the committee would have a couple of representatives from each of four groups – the Rec Committee, the Skate Park Committee, the selectboard and the public. Beth Foy said she would be happy to help if needed. She could be a substitute. Brian will put together the committee.

15. FEMA Flood Mapping Notification

Brian said we received a letter from FEMA. They're not going to give us any money for this but they're talking about updating their flood maps, which are seriously out of date. The first step for possibly updating those maps will be a couple of information sessions. One of them will be held here next Tuesday from 6:00 to 8:00 pm.

Doug said he thinks we should have somebody there who can ask them what their process for laying out the maps will be. Howard Romero is the floodplain zoning person. Brian said he is hoping Howard will be there.

16. Merger Study Proposals

Brian said that the board has received the merger study proposals. He will send board members a blank copy of a scoring sheet he used, with the idea that board members should each complete that before meeting with the trustees to review the proposals together. The selectboard can have another meeting to discuss the proposals before meeting with the trustees if board members want to.

Eric asked if Brian and Meredith have met about this. Did the two of them come up with the scoring together? Brian said no. Meredith has not shared her scoring. The trustees are at the same stage as the selectboard. They have scoring sheets to individually score the proposals.

Mike said he saw from reading the trustee minutes that they don't want to spend any more money than they have been authorized to, and for some reason they think that if the town spends more money on the study they will have a different influence with the consultants doing the study. He doesn't understand that. He thinks if the town spends more money it doesn't mean that the study will come back more in favor of the town than the village.

It was agreed that the selectboard should discuss the proposals at the April 1 meeting before meeting with the trustee board.

17. Action on Inclusivity Statement

Mike moved to adopt the inclusivity statement the voters approved at town meeting, March 5, 2019, Kyle seconded and the motion was passed.

18. Process for Filling School Board Vacancies

Nat said he wanted to discuss the process for filling school board vacancies because it seems like last time we missed our opportunity for input. He wants to find out what is happening this time. Eric said the first he heard about it was that he saw the notice on Front Porch Forum that any letters of interest are to be sent to him or to the school board chair. By statute we have an advisory role. Eric and Brian said they are not aware of any candidates yet. Brian said as he recalls it, the problem we had last time was that one of the candidates came in after the deadline. This time we could be faced with the same situation as we don't have any candidates yet.

Eric said based on his recommendation and buy-in from VLCT Rich Westman drafted language for the legislature to consider that would allow town selectboards to pick school board members but Sen. Westman told Eric that the likelihood of it moving forward is not high. Brian said in talking to VLCT about this it appears that there is not a lot of opposition to it but also not a lot of support.

19. Action on Inclusivity Statement (continued)

Kyle said the inclusivity statement approved tonight is quite a bit longer than the original one the board approved. She is wondering what the process will be for publicizing it and potentially shortening it for use on certain documents.

Brian said he thinks first we will get the full statement up on the front page of the website. At the original meeting where an inclusivity statement was adopted he had discussed that we might be able to incorporate a portion of it into our letterhead. We need to be more mindful and look for places to include it. If anyone has suggestions about where to use it he would be open to them. Maybe we can put the full statement on bulletin boards in town. At least we can put it on the bulletin board outside the municipal building. And then we can work a shorter version, perhaps one sentence, into town documents.

Doug said there are institutions like the Studio Center or the college that might feel it is good for their business to be able to say they are operating in a town that has this inclusivity statement. We might want to think about whether other organizations might use the statement.

20. Old Mill Park Spring Cleanup

Kyle said she was hoping to start advertising for volunteers to help with a spring clean up at Old Mill Park. She is wondering what the parameters are. She is thinking mostly volunteers would be using tools like clippers but there is work that requires a chainsaw. Liability-wise, what is appropriate?

Nat asked what the Conservation Commission does when they are using chainsaws. Lois said there are number of members that use their own chainsaws.

Eric suggested maybe a group like Laraway or the Boy Scouts would be able to help. Lois said there is a group at the college that does volunteer work. Doug suggested walking the park with Brian Krause first to see what he thinks town employees could do and what volunteers without town equipment could do.

21. Green Up Day Coordinator

Eric said anyone with suggestions of people who might be interested in serving as Green Up Day coordinator should give them to Brian. Brian said will put a posting on Front Porch Forum tomorrow.

22. Selectboard Issues/Concerns

Eric asked if the board has any desire to go out to bid for mowing this year. Brian said we didn't go out to bid last year. We probably should go out to bid either this year or next year. Eric said the last time we went out to bid we selected the same contractor again because they had the lowest bid.

Nat said the library trustees are very interested in having their lawn being included in the mowing contract. Brian said it will be included starting this year.

Mike moved to go out to bid for mowing but Eric ruled the motion out of order because this item was not on the agenda. Eric said we will go out to bid next year.

23. Review Old Business

Brian said he feels the highest priority items are the gravel pit and the Sinclair road right-of-way question. He plans to ask VTrans mapping staff to review the right-of-way question.

Doug asked to add the blighted building ordinance and the clock tower to the old business list.

Kyle asked about conflict resolution training. Brian said for the road crew it appears that we will have to send employees out to get that training but we need to wait until the winter season is over. They can attend training for free if they travel to South Burlington. If we bring trainers here we have to pay for them. Brian said he will work with Greg Stefanski on getting training for the board. Kyle said she has also been looking into possible training for the board and she can give Brian some information.

Eric asked if Brian had talked to the highway department about meeting with them to discuss the call-in policy. Brian said yes; that was tentatively scheduled for the second meeting in April or the first meeting in May. Eric said the first meeting in May would be better.

Charles Gallanter said the Broadband Committee will meet 10:30 next Monday with MCFiber.

24. Adjourn

The meeting was adjourned at 8:24.