

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, MARCH 20, 2017

**Present:**

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

Others: Brian Story, Rosemary Audibert, Brian Krause, Tracy Myers, David Butler

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

**1. Call to Order**

Doug called the meeting to order at 7:00.

**2. Additions, Changes to Agenda**

No changes were suggested.

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

**Mike moved to approve the minutes of February 21 and March 8, 2017, Kyle seconded, and the motion was passed.**

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

Rosemary said we have received the maintenance of the Grand List payment from the state. ANR PILOT came as well. The maintenance of the Grand List amount was \$12,901 and the ANR PILOT amount was \$16,211. We are at 68% spent of budget at almost  $\frac{3}{4}$  of the way through the budget year.

Current taxes are at 76.49% collected for the year, which is about half a percent better than the prior year. Angela Ross sent a notice of tax sale today for Rosemary to review, then they will set a tax sale date, probably at the end of April or early May. One person on the list has a request for abatement. The board needs to set a hearing date for that. Doug said he will wait until Eric comes to do that.

Rosemary had 5 liquor license requests, from Butternut Mountain Farm, River Valley Store, Mason Enterprises (Bustin' Belly), Downtown Pizzeria (including outside consumption) and Landmark Tavern (including outside consumption.)

Nat asked if Downtown Pizzeria has had outside consumption before. Rosemary said yes.

Nat asked, everything requested is pretty much the same as in the past for all applicants?

Rosemary said yes. **Nat moved to approve liquor licenses for Butternut Mountain Farm, River Valley Store, Mason Enterprises, Downtown Pizzeria and Landmark Tavern and to send the usual letter, Mike seconded and the motion was passed.**

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

Brian Krause said on February 25 when there was heavy snow melt and a lot of rain there was a lot of minor damage to different roads. That has been taken care of. He and Brian S. worked together to submit some grant applications.

Doug asked what grants they applied for. Brian K. said two Category B grants for Spitzer Hill and part of Wilson Road, a Category C grant for another part of Wilson Road, a Category D grant to supplement the Structures Grant for the twin culverts on Upper French Hill, and a Category A grant for a survey and a plan. Brian S. said the Category A grant is a

planning grant that would be used to take the erosion and culvert inventories and turn them into an action plan we can use over the next few years. It's a requirement of the Municipal Roads General Permit and a good practice. Better Roads is providing grants for municipalities to develop inventories and come up with plans. We already have inventories. He asked for a grant to do a little updating on them and then turn them into a capital expense plan for roads for the next few years. Doug asked when decisions on these grants are made. Brian S. said around June.

Brian S. said we have 2 years to spend the grant money. The Category D grant is the highest amount we are asking for. We are planning to do one project with 2 grants. Our Structures Grant this year gave us \$37K for a project that will cost roughly \$47K – replacing two failing culverts on Upper French Hill. They haven't failed yet, but they were cited as high priority and near failure in 2010. Because this project was identified in 2010 the estimate we used was not as accurate as we might have liked. The project will cost much more than we were awarded. We are going to use a Better Roads grant to make up the difference. We will have to provide local matching funds for each grant. We can't use one for the match to the other.

Kyle asked about the salt and gravel supplies. Brian K. said our salt consumption is 70 tons over average. Forty tons of that is probably still in the salt shed. We still have plenty of sand. We have probably used 1000 yards more than last year already. We budgeted for 450 tons and we are now at 520 tons. (*David Butler arrived at 7:14.*)

Brian S. asked if the computer controller for the salt spreader is making a difference. Brian K. said yes, but we only got it working a couple of weeks ago so we won't see significant savings this year.

#### **6. *Planning Commission Report***

David Butler said he cancelled the last Planning Commission meeting because of the storm. Probably it will be rescheduled for next week. Some of the Planning Commission members have pushed to announce the public meeting about form based code. At town meeting they announced it would be April 26 at 7:00. The goal at the next meeting is to combine all the edits and produce, probably not a finished copy, but a copy the selectboard could read. They set up the public meeting with the thought that if they have to cancel it they can. His understanding is that the Planning Commission can have one hearing and then hand it to the selectboard.

David said Bob Hoag would be the second person on the Planning Commission who is against any kind of governmental control. He doesn't see that as being constructive. Nat asked if there has been discussion about that at Planning Commission meetings. David said yes. Doug asked if the Planning Commission has voted on whether to recommend Bob Hoag for the position on the Planning Commission. David said no; no one has officially nominated him. They have not had him in for an interview. Usually the Planning Commission gets a selection of candidates, interviews them, then selects who to recommend. He does not know how to stir up more interest. He has personally invited about 12 people and they have said no. Mike asked if they have tried Front Porch Forum. David said he isn't on Front Porch Forum but his understanding is that it was advertised there. He doesn't know for how long.

Doug said the Planning Commission can informally ask people but officially advertising for open positions is the selectboard's job.

Doug asked if there is any official view from the Planning Commission on appointing Bob Hoag to the empty position. David said if the board wants an official vote he will nominate Bob and ask for a vote at the next meeting. Doug asked if the sense of the Planning Commission is that they would prefer not to have Bob Hoag appointed. David said it is. Doug said he thinks it is the selectboard's role to make decisions on appointments. Mike said in the past there has always been a recommendation from one of the various boards for an appointment. Have we ever gone against it and appointed someone they didn't want? David said he believes the minutes would show that he said in a meeting that he would accept Charles Gallanter on the Planning Commission but that the Planning Commission was not in favor of it.

Nat said his primary concern is the process. He thinks the board hasn't really been explicit about the process. Kyle said there also needs to be clear communication with candidates so they aren't left hanging for a long time.

Doug said during his time on the board he doesn't think the selectboard has ever appointed someone who was a negative to the group they were being appointed to. *(David left at 7:33.)*

**7. Administrator Report and Action Items**

Brian S. reviewed bids for municipal office repairs. *(Eric arrived at 7:34.)* We asked for a fixed price for removing siding in the area where we know there is damage and putting either new or salvaged siding back up and we asked for labor costs for any repairs for damage that is found. We can't predict what will be there. We got 2 bids, from Dustin Miller and Wescom Construction. Dustin Miller's bid was considerably higher than Wescom's. Both have good references. The village voted to accept the Wescom bid, but we need to check to make sure they have workers' comp, are properly bonded, etc. before we can accept the bid.

**Mike moved to accept the bid from Wescom Construction for municipal building repairs, contingent on the contractor having the necessary insurance and bonding, Kyle seconded and the motion was passed.**

Brian S. said the village is taking the lead on this. This project is likely to be more expensive than we had anticipated. It might eat into some village funds reserved for painting the mill house. They might have trouble getting both those things done in one financial year. We might be able to do the mill house work next spring when we are still in the 2017-18 fiscal year and it is a new fiscal year for them.

Doug asked if Wescom Construction is going to be able to finish repairs this year after they find the problem. Brian S. said before we accept the bid we will have to make sure they have enough room on their calendar to finish it this year.

Nat asked if we have a bid for the mill house. Brian S. said we have an estimate. He will get competing bids. We talked about hiring a structural engineer to look at the building before doing painting. Given that it may take longer before we can paint, he thinks it is more likely

that he will get an engineer to inspect it to give some assurance that we are not at a tipping point where waiting longer will make the problem dramatically worse. *(Brian K. left at 7:42.)*

Eric asked Tracy Myers to talk about herself and why she is interested in serving as town constable. Tracy said she has been helping Sharon since she started as constable. She is very aware of what the job entails. She works in EMS at multiple places. She is with Cambridge Rescue, she volunteers with Morristown Rescue, she works per diem for NEMS and she just joined the Hyde Park Fire Department. She also serves lunch at Hyde Park Elementary School a couple of days a week. She likes being busy. She is home more than Sharon during the day. They have somewhat offsetting schedules. She has 4 dogs. She has been on almost every call Sharon has been on. She has been through the kennel process. She used to work in retail and through that and working in EMS she has learned ways to deal with people and calm situations down. She is good at communicating with the public. She used to be a law enforcement specialist in the Air Force.

**Doug moved to appoint Tracy Myers as second constable, Mike seconded and the motion was passed.**

Brian said being a town health officer is also part of the constable job. Tracy said she has been on those calls with Sharon also. Brian said he can talk to Tracy about scheduling training. *(Tracy left at 7:49.)*

Brian distributed the most recent draft of the Hazard Mitigation Plan. LCPC wants to submit it to FEMA in April, knowing it takes close to 6 months to get feedback from them. Eric asked if we addressed all the concerns FEMA had. Brian said he believes so. He went over it with Lea. **Doug moved to approve the most recent draft of the Hazard Mitigation Plan and have LCPC pass it on to FEMA, Mike seconded and the motion was passed.**

Brian came up with a draft policy on appointments to municipal volunteer groups. He sent it out to the groups and got generally positive feedback. It is his attempt to codify how we understand the process to work. The Planning Commission and Conservation Commission were okay with it. He hasn't talked to the library board about it yet, but he will.

In the draft he assigned the role of soliciting applications, posting on Front Porch Forum, etc. to the volunteer groups when they have a vacancy. During the discussion with David Butler this evening it was suggested that maybe that should be our role. Eric said typically it has been the selectboard's role. Doug said he thinks groups should be under the obligation to advise us of vacancies and we should advertise, provide the applications to them and suggest they consider them and pass a recommendation to us. Then we should decide whether to appoint or not. Mike said if the selectboard appoints someone to a group that the group doesn't want that can be a problem. Doug said he thinks we would solicit the group's input. Mike said we will have to decide whether or not to appoint someone the group doesn't want.

Kyle said she wonders if all applicants should at least be granted an interview. Doug said he thinks anyone who applies should be asked in before appointment, at least if there is not a recommendation from the group to appoint the person. Eric said if the board or commission

is unwilling to take the step of interviewing an applicant it would come to the selectboard. If the selectboard decides to appoint the person then the board or commission would be shut out of the decision by their own choosing. He is okay with that. Nat said it might be the selectboard's desire to change the direction of a commission. Eric said the selectboard might want diversity, not just all people who think the same way.

Brian said he will make changes to the policy and circulate it again. Given that we don't currently have a written policy he is comfortable asking volunteer groups to act as if this were the policy in the interim. This is an attempt to capture what we have understood the process to be. Doug said he wouldn't ask groups to follow this because it has mistakes about existing policy.

Doug told Eric what had been discussed with David Butler about Bob Hoag's application to be on the Planning Commission. He said he thinks the selectboard should invite Bob in. Eric said we can put him on the agenda for the next meeting and make a decision that night.

Brian said there was an accident in the municipal parking lot the morning before town meeting. An employee arrived before the parking lot had been treated. It was very icy. The employee slid into one of the pollards of the sign, he thinks on the fire department side. A report was filed with VLCT. Our equipment was not damaged but the employee's vehicle was. Eric said he believes that whole road is on village property. Rosemary agreed. Brian said he will communicate that to VLCT. They haven't made a determination yet what they will cover.

Brian said Verizon wants to put up a cell tower on the Dibden Center. It looks like that would be in line with the regional plan. It will be 55 feet above ground level on the center of the roof on a 12x15 platform. If we have comments we can submit them to LCPC. Mike said he wonders about radiation from the tower. **Doug moved to take no position on the proposed Verizon cell tower on Dibden Center, Kyle seconded and the motion was passed with Mike and Nat opposed.** Brian said he will let Seth at LCPC know we have no comment.

Three wastewater permits were recently issued – one for Doug's old building, one for a property on Lower Main Street where a barn/garage is being converted to a 1-bedroom apartment, and one for the building being built on Railroad Street. Nat said the new building on Railroad Street is much bigger than the old one. Brian said he checked and it isn't in our right of way.

A Better Roads grant application was filed as previously discussed. We applied for A, B, C and D grants.

Brian did not see anything remarkable in the latest LCSD report.

Brian spent some time looking into reclassification of roads. He feels he has a pretty good understanding of what the process would be like to reclassify any of our roads, for instance Mine Road or Gould Hill. It would be the same process if we decided to do anything with Class 4 roads, but that is not anything we are approaching needing to deal with yet. We have

a fair amount of latitude to lower the classification of a road. When it comes to improving the classification we would have to prepare a report for VTrans and do a traffic study. The guidelines for upgrading a road to Class 2 are that it serves the region, has a minimum of 3 rods right of way, total Class 2 mileage is not over 25% of total mileage, and the road has a width of 20 feet shoulder to shoulder. If we wanted to upgrade a road LCPC would help us do a traffic study to see if it supported moving the classification up. Moving down the classification is much easier. All we have to do is provide 30 days notice of a public hearing, then vote on it. We have to invite all property owners on the road to the public hearing. Eric said he thinks they can raise a petition to overrule the decision. Brian said that is right. There is a 60-day reconsideration period.

Eric said the board had previously discussed that the state might be interested in swapping classifications for Gould Hill and Mine Road. The board's justification was that Gould Hill is one of the only village roads that is not paved. If it were a Class 2 road that would give us more financial help for paving. Doug said lowering the classification for Mine Road may open it up to maintaining it at a higher level than we do now.

Brian said when he hears back from VTrans, he assumes he will start on the 30-day notice for a public hearing. We should be able to move quickly on lowering the classification if we want to. Moving up the classification for the other road should take longer.

Eric asked how board members feel about having work session meetings most months to pick away at old business as well as things like a salary plan that the board needs to do this year. Board members agreed to that.

Brian said we got a report of a dog bite. It has been resolved and investigated. Nat asked if the dog was registered. Brian said he believes it was. He said he wants to talk to Sharon and Tracy about improving our dog bite notification form.

**Mike moved to go into executive session to discuss the Jewett property, Doug seconded, the motion was passed and the board entered executive session at 8:42.** The board came out of executive session at 9:12.

**Mike moved to go into executive session for a personnel matter, the motion was seconded and passed and the board entered executive session at 9:13.** The board came out of executive session at 9:20.

8. ***Adjourn***

The meeting was adjourned at 9:20.