

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, APRIL 15, 2019

Present:

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

Others: Brian Story, Rosemary Audibert, Howard Romero, Jasmine Yuris, Lois Frey, Anne Mullins, Sue Lovering, Sophia Berard, Mara Siegel, Charles Gallanter, Eric Nuse, Diana Osborn, Ron Osborn, Denise Krause, Dorcas Jones, Jen Burton, Kate Wanner (Trust for Public Land), Mollie Flanigan (Green Mountain Club), Gannon Osborne (Department of Forests, Parks and Recreation)

Meeting videotaped by Green Mountain Access Television. GMATV info: <https://greenmountainaccess.tv/>; PO Box 581, Hyde Park, 05655; info@greenmountainaccess.tv or 802-851-1592

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Doug called the meeting to order at 7:01.

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

Brian added a fiber committee report. He removed the employee compensation adjustment item; that will be delayed until the next meeting. He added action on a noise ordinance waiver request from Vermont Studio Center and noted that discussion about Evergreen Ledge Cemetery should be in executive session as it includes confidential communications from our attorney.

3. Review and Approve Minutes of Meetings Past

It was agreed to defer approval of the April 1 minutes until the next meeting as Nat had suggested extensive changes and Eric is not here.

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

Rosemary said to date we have spent 71.16% of budget. We got our state aid to highways payment today. We should soon get payments for maintenance of the grand list and the equalization study. The tax sale is scheduled for May 10 at 10:00 am.

The town received a liquor license application from River Valley Store and an application for catering for a special event at Vermont Studio Center on June 8 from 3:00 pm to 9:00 pm. Brian said VSC also has a noise ordinance waiver request for the June 8 event. It will be a private event and they expect it to be over at or before 9:00 pm. There will be a band.

Nat said we should do something to help VSC commemorate their anniversary. Brian said they did ask for a donation.

Kyle moved to approve the liquor license for River Valley Store and the catering permit for the June 8 Vermont Studio Center event, Nat seconded and the motion was passed.

Rosemary said last Friday we had our workers' comp audit and it went well. We should get about \$350 back

5. Road Commissioner/Road Foreman Report and Action Items

Brian K. said his crew has started taking care of some potholes and grading. He doesn't think roads will be as bad as normal during this mud season.

Kyle said she wants to schedule time for her and Brian K. to walk Old Mill Park to see what he and his crew can do before she organizes a volunteer crew. Brian asked Kyle to call him to set that up.

Nat said he would love to see progress on the test borings. Brian S. said that is up to him.

Nat asked if Brian K. had seen information about the next emerald ash borer meeting. Brian K. said yes; he plans to attend.

Kyle said a year or more ago we talked about looking at where water is pooling in the village. Brian K. said he can get a map of elevations for the next meeting to show what the issue is. There is not a lot we can do unless we do a reconstruction.

6. Fiber Committee Report

Charles Gallanter said the committee probably will ask the board to bond for construction of a fiber network in Johnson. He thinks it will cost less than a million dollars. The funds would be used to wire the part of the town that is not already wired by Comcast. The committee has been in discussion with one vendor who does not want the committee to disclose too much information at this point. Doug asked what the timeframe for this is. Charles said they think the whole town can be wired within 5 years. A community member asked who would maintain the new fiber network and who would bill for it. Charles said his preference is for the town to maintain ownership of it. The town would lease it to an internet service provider. Charles said before the committee asks for money they will have more details.

7. Planning Commission Report

Brian said he sent a letter to the Planning Commission telling them that the board is interested in having them investigate Class 4 road policies and helping to update our Class 4 road policy. They will look at current use of Class 4 roads and identify stakeholders and impact on the watershed.

Eric Nuse suggested the Conservation Commission might want to get involved. Brian said he will try to facilitate a connection with the Planning Commission.

Duncan said LCPC will discuss the proposed new road and bridge standards at its board meeting next week. They will make a written recommendation to VTrans regarding the standards.

Another thing they are actively working on is amending LCPC's bylaws with regard to appointment of town representatives to the board and also the number of county directors. There is some thought of having town appointments be for a 2 year period rather than 1 year. Does the board have strong feelings on that?

Nat asked the reason for suggesting 2 years. Duncan said some members feel it is a burden to boards to have to annually reappoint members. His opinion it is not a burden and

appointments should be annual. A town can remove a representative at any time without cause.

Nat said he feels it is not a burden and he would rather have it more controlled than less. Mike said he doesn't care. Kyle said she agrees it is not a burden. Doug said he would tend to go with 2 years.

Duncan said they also want to address in bylaws people not attending meetings. If a member misses a certain number of meetings they would submit a report to the governing body, perhaps even suggesting they should not be reappointed or should be removed. That has been policy but it has not always been done and it has not been supported in the bylaws.

Another possible change has to do with county directors. Duncan tends to believe maybe there should be only one county director from any municipality. He is getting a lot of pushback on that. People are saying it is hard to get directors so if we can get 2 good ones from one town, what do we care? County directors are not allowed to vote on regional or municipal plans. Their input is more general.

Brian S. asked how county representatives are chosen. Duncan said they are chosen by nomination from board members. Municipalities can submit names. Howard Romero is a county director. For many years Johnson didn't have any county directors.

8. *Land Acquisition*

Kate Wanner of the Trust for Public Land, Mollie Flanigan of the Green Mountain Club, and Gannon Osborne of the Department of Forests, Parks and Recreation discussed potential acquisition of some land by the state. Kate Wanner said there are 49.6 acres in Johnson and 117 acres in Waterville. The landowner would like to sell to the state and the state would like to buy the land to add to the Long Trail State Forest. It includes a currently unprotected section of the Long Trail. There is only a little over 6 miles of the Long Trail that has no protection. Securing protection for those areas has been a focus of the state, the Green Mountain Club and the Trust for Public Land. The Long Trail provides economic benefit to the state and the towns it goes through. Kate, Mollie and Gannon are here to talk about any concerns the town has. They met with the Conservation Commission last week. The Conservation Commission fully supported and endorsed the project for its recreation value and its value in supporting wildlife corridors. In the last 4 years the state has changed the way PILOT payments are determined. The state now pays the same amount a private owner would pay in taxes. The only tax revenue that will be lost is the local agreement amount of \$2.58.

Mollie Flanigan said the Green Mountain Club is excited about this project. The land will be managed for timber and other uses but Long Trail access will be allowed. Gannon Osborne said his department thinks this is an important project. They are committed to continuing work to conserve the Long Trail throughout the state.

Kate said they are not asking for a donation. They hope $\frac{3}{4}$ of the acquisition price will be funded by the legislature as a line item. The Green Mountain Club and the Trust for Public Land will do fund raising to cover the rest of the cost.

Doug asked if they have talked to Waterville about this. Kate said not yet. Doug asked if there is any tie between the pieces. Can the Johnson sale go through but not the Waterville one? Kate said the owner wants to sell both. If one town does not support acquisition by state, the state would likely try to get at least one piece.

Nat said a letter discussing financial implications for the town makes reference to a new PILOT process. He asked about the new PILOT process. Kate said the new process was implemented by the legislature 4 years ago. It has benefited Johnson. It has meant a big jump in PILOT payments in the last few years for the same amount of land.

Nat asked, this isn't based on the local option tax? Kate said no, it is based on the land the state owns in Johnson. Nat asked what the revenue source is. Kate said the general fund.

Doug asked, if the land ends up as Forests, Parks and Recreation land, he assumes it will have the normal easement and corridor for the Long Trail? Gannon said yes; the Green Mountain Club will have an easement.

Doug asked if there will be active management. Does Forests, Parks and Recreation expect to be on the ground there? Gannon said yes; they actively manage their lands. All their management is determined through a long range planning process. The land would be open to timber management, sugaring, etc.

Mike said he often hears that the state doesn't do a good job of managing timber they own. He asked if Gannon thinks the state is lacking in that. Gannon said no; they do a lot of timber management and they try to do it in a sustainable fashion. Kate said some of most recent forest management plans have significantly increased harvesting levels. Some members of the public are concerned about that. The state is trying to balance all uses and conservation values.

Lois Frey said the Conservation Commission discussed this and one thing they felt strongly about was that this will provide an opportunity to improve wildlife corridors and diversity of tree growth.

Denise Krause said she feels this is a win/win. As a citizen, she is excited about it. She feels proud of every acre we can protect.

Diana Osborn said she and her husband came to support this. The Green Mountain Club and the state have her unequivocal support. She sees no disadvantage and lots of advantages to this project.

Duncan said he assumes traditional uses like hunting will be allowed. Gannon said yes. All Forests, Parks and Recreation lands allow hunting.

Eric Nuse said that is a nice, remote area with no ready motorized vehicle access. There is good hunting there.

Ron Osborn said the Long Trail is used by many people from out of state and from Vermont. It attracts people from as far away as England and Scandinavia. And every through hiker stops in Johnson. Another community member commented that many hikers fill their packs at Sterling Market.

Kate said they would love a letter of support from the town.

Doug said he would be happy to see the forest grow more and be treated less as a productive resource. He would rather see more trees dying there.

Mike moved to direct Brian to write a letter of support for the proposed purchase of land for the Long Trail State Forest, Kyle seconded and the motion was passed.

9. *Comments on Upcoming Road and Bridge Standards*

Brian said he thinks we will want to send some comments on the draft standards. Changes to the standards are being proposed to try to bring them into compliance with the MRGP and Act 64. They ask us to perform pretty significant maintenance on all hydrologically connected road segments (those within so many feet of a water source or repository.) These new standards are intended to make ANR and VTrans requirements match better.

Brian reviewed ideas he and Rob Moore from LCPC had for possibly making up a new draft standard. The new standards are meant to be more in line with ANR standards. ANR has very prescriptive standards in a way that VTrans has not in the past. They are taking away a lot of the right of selectboards to modify standards due to unique circumstances. These road standards are supposed to apply to all roads. We want to implement these standards just for hydrologically connected segments. We have the option of adopting them for all roads or just for hydrologically connected ones. The standards are entirely silent on non hydrologically connected roads. We want to have standards more like our existing standards that would apply to all roads and then have additional requirements for connected segments. That requires a complete rewrite of the standards.

Duncan asked if Brian is going to propose to VTrans that they change the draft to what Brian just described. Brian said yes.

Brian said we used to be able to have a great deal of ability to negotiate alternative standards. He is expecting that ability to be virtually eliminated. We might be forced to adopt the state model with little or no change. If we adopted these standards we would not adopt them for non hydrologically connected roads. But then we wouldn't have anything that applied to non connected roads. If an event damages those segments we probably would be able to negotiate with FEMA and bring those roads back to the condition they were in but we could avoid possible difficulties by making changes.

Mike said we won't be able to afford the new requirements for Class 4 roads. Brian said on Class 4 hydrologically connected roads where gully erosion is present we will have to make repairs within 20 years. We have to determine if roads are worth repairing or if we are better off throwing them up.

There was a question about what percentage of roads are hydrologically connected. Duncan said it will be reasonably high given the terrain most of our Class 4 roads are on. He said throwing up the road is not the only choice. Another choice is reclassifying roads to legal trail status. The town retains the right of way but gives up the obligation to maintain it.

Doug said it seems possible to him that the state might say reclassifying roads to avoid maintenance might not meet their requirements and they might impose a burden on us to deal with water running off trails. He said the new requirements give us a mandate to build infrastructure in places where the Planning Commission might not want us to extend roads. Duncan said the town might have to build a road to get vehicles in to do the repairs to some Class 4 roads.

Brian S. said the draft standards change the description of gravel from processed gravel to crushed gravel. We do not own a gravel crusher so gravel from our pit would no longer qualify. We would like to continue to be able to use our screened gravel. We are asking for the wording to be changed back to processed gravel, which could refer to screened or crushed gravel. Jim Cota, the VTrans district rep, agrees that we can make a good case that our gravel is good for our purposes.

The standards don't make a clear enough distinction between gravel used for the base and the surface of the road. There should be a greater distinction.

They provide a chart to determine proper culvert size. It is determined based on drainage area. But they seem to be restricting our access to the drainage area data we would need to use the chart. If we are going to have to talk to them to find out what size culvert to use they should just say that and not give us a chart to use. It also appears there are a couple of errors in the chart. LCPC thinks there is some reason the data is not loading other than intentional restriction.

In Appendix A there are some contradictory references to applicable road classes that may be copy and paste errors. But they are problematic if they are not errors. The way they refer to ERAF in the document seems circular. There is a table that does not clearly show which items apply to hydrologically connected roads and which do not. Some of the information appears different from the accompanying text. Some appendices have subsections that Brian feels should be separate appendices. The guard rail section is very prescriptive. It only allows one particular end treatment for guard rails that doesn't work well for alternative materials we might want to use sometimes. Appendix A talks about "excessive hydraulic hammering of ledge." Who makes the judgment about what is excessive? There is a section on shoulder berms that says it only applies to gravel roads with drainage ditches. It is when you don't have a drainage ditch that you want to eliminate shoulder berms. Brian wants them to be more clear about whether they are changing the required practice. He thinks it is an unintentional error.

Mike moved to give Brian Story authority to write comments on the proposed state bridge and road standards in conjunction with Brian Krause and Duncan Hastings describing the concerns he expressed to the board, seconded by Kyle

Duncan said he, Brian S. and Brian K. have already met to discuss the draft standards and he has offered his thoughts and comments. He said the town does not have to adopt these standards. Probably not much is going to change in the final standards based on everyone's input on the draft. Whatever comes out the town doesn't have to adopt. The town should look carefully at the cost of not adopting them. Not adopting them means getting a lesser amount of state share in paving and structures grants. Another issue is whether FEMA will penalize the town. If the town doesn't adopt the state standards, Duncan encourages adopting some standards that include significant pieces of what the state is proposing, understanding that MRGP compliance is necessary for hydrologically connected roads. The town could do what Brian suggested or could recognize that we have to comply with MRGP on connected roads anyway and adopt a lesser standard that applies to all roads. Then FEMA would look at our standards and see that we have standards that we built to. On Coddling Hollow Road FEMA was originally going to reimburse for the cost to replace a 4 foot culvert. We fought for 3 years to get them to allow us to mitigate that project but we now have a structure that should never be wiped out by a flood. If we don't have a standard FEMA will just want to give us money to replace what was there. If the standard said we needed something better then they shouldn't be able to argue.

Brian said the Coddling Hollow fight happened even though state law required a study and the state study required a box culvert. FEMA still fought us because we didn't have a local standard that required a box culvert.

Duncan said VTrans indicated they would approve the standards the town has now but they haven't approved them yet. That could be an issue for the town for municipal paving grants and structures grants. It changes the share they will pay. The town needs to look at whether adopting their standards will cost more money than what the town would lose on the local share by not adopting them.

The motion was passed.

10. Historical Society Vacancy

Lois said the Historical Society recommends appointing Mary Jean Smith. **Nat moved to appoint Mary Jean Smith to the Historical Society, Mike seconded and the motion was passed.**

11. Tuesday Night Live/Communications Committee

Brian recommended accepting the resignations of Bill, Meg and Mike and forming a new Tuesday Night Live Committee. He recommended suspending the regular appointment policy because certain skills are needed in committee members and there is a time constraint to get the program off the ground for this year. The board can appoint to the committee from available volunteers. He recommends the board appoint a board chair. Howard asked, doesn't selection of a chair usually come out of the committee? Brian said yes; it is unusual for the selectboard to appoint a committee chair but he recommends it in the interest of insuring that

the Tuesday Night Live Committee is up and running in short order. Nat suggested we give the new committee members some guidance on priorities we feel need to happen quickly.

Nat moved to eliminate the Communications Committee and accept the resignations of Bill Loscomb, Meg Loscomb and Mike Dolan, Kyle seconded and the motion was passed.

Mike moved to establish a Tuesday Night Live Committee, Kyle seconded and the motion was passed.

The board discussed what the charge to the committee will be. Nat said the charge includes arranging a summer concert series on Tuesday nights and overseeing return of equipment from the previous committee members. Nat would like a very formal passover of equipment and an account of what is and isn't returned. Brian said we have a list of all equipment the town has reimbursed for. Nat said he thinks the committee could work with Cal Stanton to learn what he passed off.

Anne Mullins said the committee needs to find out who the sponsors and vendors are. Kyle said Meg had sent a spreadsheet with most of the names of sponsors and vendors.

Anne said the committee needs to know what bands have been booked and if they have contracts. Kyle said none have been booked yet as far as she knows.

Nat said the committee needs a budget. He suggested seeing if the previous volunteers will relinquish the Tuesday Night Live Gmail account. Even if they do, he suggests setting up a townofjohnson.com email address for TNL. He said we also should see if we can get the Facebook page.

Anne said she has talked to someone who might be able to work as a sound engineer. Brian said Tim Mikovitz from Northern Vermont University is interested in helping to some degree.

Doug said he would assume the committee would get Cal Stanton's involvement as much as possible.

Howard summarized items the committee should be charged with addressing: equipment (existing and new), sponsors, vendors, accounting, bands, budget, media matters, and management on the day of the event. Doug suggested that the committee should have a representative at selectboard meetings when appropriate to say what is going on.

Mike moved and Nat seconded to charge the Tuesday Night Live Committee with dealing with equipment (existing and new), sponsors, vendors, accounting, bands, budget, media matters, management on the day of the event and reporting to the selectboard.

Lois asked if the Tuesday Night Live name is available to use. Brian said the former volunteers have indicated they are willing to do whatever the town wants with the Tuesday Night Live corporation. If there is use in keeping it we could keep it, but he thinks they would like to be able to step away from it. The board agreed it should be up to the selectboard, not the committee, to deal with decisions about the corporation.

The motion was passed.

Nat said he wanted to disclose that one of the people volunteering to be on the committee, Mara Siegel, is his wife.

Nine people had indicated interest in volunteering. Lois said she is willing to help with Tuesday Night Live but prefers not to be on the committee. Other volunteers present said they were willing to serve on the committee.

Nat moved to suspend the regular appointment policy in order to make appointments to the Tuesday Night Live Committee, Mike seconded and the motion was passed.

Nat moved to make the Tuesday Night Live Committee a 9 member committee and to appoint Howard Romero, Anne Mullins, Tim Mikovitz, Joie Lehouillier, Sophia Berard, Mara Siegel, Jasmine Yuris, and Jen Burton to the committee, leaving one open seat, Mike seconded and the motion was passed.

The board thanked all the volunteers for stepping up.

Mike moved and Nat seconded to appoint Howard Romero chair of the Tuesday Night Live Committee. Nat said Howard is a logical choice, but we just created a committee with 6 women on it and now are talking about making the old white guy the chair. Some committee members said they recognized that as a possible concern but did not want to serve as chair themselves. Lois noted that Howard has more free time than many other committee members with more work commitments. **The motion was passed.**

Brian said he will post the remaining opening on the committee.

Kyle said one or two people had previously requested that there be some communication from the town about how things have moved forward with TNL. It was agreed that should come from Brian on Front Porch Forum.

12. Comments on VASA Request

Brian said VASA has petitioned VTrans for the right to run in the state's right of way on 100C a short distance in order to connect Rocky Road to Hoag Road. VTrans is asking if the town has any comments about the request.

Doug asked if they would be on the traveled portion of the road. Brian said he thinks the shoulder is a little narrow for them to be only on that. This request is for ATV use. We don't approve or deny the request but we can issue comments if we have strong feelings.

Mike moved to inform VTrans that the town has no objection to VASA's requested use of 100C, seconded by Kyle.

Nat said the only comment he would have is that area goes into a blind corner. Kyle said that is a 50 mph section. Brian said we could point out local road conditions and let VTrans make their decision. Doug said he would feel more comfortable saying we leave it up to VTrans to make a decision based on safety of all vehicles on the road including ATV's.

The motion failed with Nat and Kyle voting no.

Nat moved to inform VTrans that the town will leave it up to VTrans to make a decision on the VASA request to use a portion of 100C based on safety of all vehicles on the road including ATV's, Kyle seconded and the motion was passed.

13. Data Gap Analysis and Priorities for Next Phase

Brian reminded the board that we asked for analysis of the old mill house, the town and village garages and the cold storage building. We weren't able to have a Level 1 Brownfields study done because that would have involved examining the whole 100+ acre parcel and would have been very expensive. So they did a data gap analysis. The result of that is that we are being told the old mill house is likely to have very different conditions than the garages. The environmental consultant on this project suggests beginning the process to subdivide the property to create a new parcel that contains just the old mill house and whatever land we think is appropriate. That will allow them to complete a formal Level 1 study and if necessary a Level 2 study on the old mill house. They think it will have different contamination levels so it would be worthwhile to divide the property and focus our efforts on that section.

Doug asked how we would define the parcel. Brian said he thinks the existing fence would probably be a good division. Doug asked if the consultant could suggest an appropriate boundary. Brian said he thinks that is a good idea.

Nat said the first step would be to discuss it with the village trustees. Brian agreed, since it is a jointly owned property. He said their attention now is focused on the powerhouse building but there is enough Brownfields money to do both. Doug said he would suggest since the trustees are focused on the powerhouse we ask the consultant how he would suggest dividing the property and ask the trustees if they agree to proceed with the process. Nat said he recommends talking to the trustees before we do anything. He feels it is important to communicate with them. He mentioned that on that property we have invested in a generator for the town garages right behind the old mill building. There would be an expense to move that. That is a factor in subdividing. Doug said legally that could be handled with an easement. He said it might be easier for the trustees to respond to a specific proposal.

Mike asked, there is no deadline for this, right? Doug said this money will disappear from LCPC. Mike asked how much time we have to use it. Doug said maybe until September. It was agreed that Brian should talk to Meredith about possibly subdividing the property and proceed if there is some encouragement there.

14. Adoption of Local Emergency Management Plan

Brian showed the board the annual update of the plan. **Mike moved and Nat seconded to approve the updated Local Emergency Management Plan and to authorize Eric to sign it, and to approve the form allowing our emergency management plan to be shared with other communities.**

Doug suggested that Sterling Market should have emergency contact numbers and we should have their numbers. The post office and library were also suggested as emergency contacts.

The motion was passed.

Brian said he will look into sharing something like this with regional partners so they know who to contact.

15. Signing Transfer of East Johnson Sewer to the Village of Johnson

Brian said the board has already approved this transfer. It has been warned and we got no comments. The board signed the document.

16. Signing of the Enhanced Energy Plan

Brian said there is not actually anything to sign for the Enhanced Energy Plan but we warned it and had a public comment session. Now it is appropriate to adopt it. **Mike moved to adopt the Enhanced Energy Plan, Kyle seconded and the motion was passed.**

17. Noise Ordinance Waiver for Lamoille County Field Days

Mike moved to authorize Brian to sign a noise ordinance waiver for Lamoille County Field Days 2019, Kyle seconded and the motion was passed.

18. Lamoille County Sheriff's Department Report for March 2019

The report was emailed out.

Nat said the sheriff's department has been very busy responding to opioid activity. There has been a spate of overdoses. With the Subway being robbed, it feels like it's a crisis. He doesn't have a great idea how we should respond but he feels like we need to be working on it. He commended Brian for volunteering to be on the Governor's Opioid Coordination Council. Roger Marcoux is trying to put together a strategy.

19. Light Industrial Park Update

Brian said he is working on the Northern Borders Regional Commission application. The EDA application has a rolling deadline so he has been focusing on getting the Northern Borders application in before the deadline. He wants to go over the application with Seth Jensen and with the town manager in Fairfax who recently successfully combined EDA and Northern Borders funds just as we want to do.

Doug asked if the board will have to approve that. Brian said he believes the board has already authorized him to seek the grant so no further approval is needed but he will check.

20. Old Business

Brian said there has not been much progress on any old business. Mike asked about conflict resolution training. Brian said that has been on the back burner and he needs to move it ahead.

21. Noise Ordinance Waiver for Vermont Studio Center

Mike moved to approve the noise ordinance waiver for Vermont Studio Center's 35th anniversary event on June 8, 2019, Nat seconded and the motion was passed.

22. Evergreen Ledge Cemetery

Mike moved to enter executive session to discuss confidential communications with the town's attorney, Kyle seconded, the motion was passed and the board entered executive session at 9:44. The board came out of executive session at 10:00.

23. Adjourn

The meeting was adjourned at 10:01.

Minutes submitted by Donna Griffiths

UNAPPROVED