

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, APRIL 21, 2014

**Present:**

Selectboard Members: Kathy Black, Nat Kinney, Doug Molde, Eric Osgood, Howard Romero  
Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Steve Smith, Greg Stefanski

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

**1. Call to Order**

Eric called the meeting to order at 7:01.

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

**Nat moved to approve the minutes of March 4, March 5, and March 17, Howard seconded and the motion was passed.**

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

Rosemary said with the orders approved tonight we will be at 86% of budget spent. There are two months left in the fiscal year and we are pretty much on track. After we pay these orders we will have about \$66K left in the checking account. Tax payments are due May 10. We may have to borrow. It depends on how the bills come in. The \$66K doesn't include the bridge and culvert or emergency funds. Rosemary suggested waiting another month before the board considers giving authorization to borrow.

There is no date for the tax sale yet. It is usually in July. Current taxes are slightly behind the past couple of years in terms of collection.

Rosemary distributed a spreadsheet on rental income for Holcomb House. Two of the renters are leaving by June 1. Duncan said we need to make a decision about whether we want the third to find other roommates or move out so we can rent to someone else. We don't have a lease with the tenants yet. He has a draft lease ready to go but, knowing that tenants were moving out, it didn't seem worthwhile to have a lease for 3 months. Eric and Duncan agreed it makes sense for the Historical Society Building Committee to address the tenant situation.

There were several liquor license applications. Lovin Cup is requesting hours of 7:00 to 10:00, which is what the board had previously recommended. **Howard moved to approve liquor licenses for Lovin Cup, River Valley Store, Downtown Pizzeria, and Wicked Wings with the usual letter and the same conditions as in the past, Kathy seconded and the motion was passed.**

Rosemary plans to have some records converted to digital form. One hundred and fifty late notices for dog licenses were sent out. Duncan suggested putting notices on the web page, on Front Porch Forum, and maybe in the paper telling people that there have been confirmed cases of rabies in Chittenden County and encouraging them to make sure their dogs are licensed and up to date on vaccines. Only about a quarter of people with dogs license them. We are actually required by law to go house to house and do a survey of dog ownership, but we have never done it. It would be fairly expensive. There is currently no money in the budget for that, but Duncan said we should think about it someday. Doug said he thinks

maybe we should put money in the budget for it. Duncan said it is a fineable offense to have an unlicensed dog. We could probably recoup some of the cost of the survey through fines. Doug asked why we have dog licensing. Duncan said so people get rabies shots. Doug said we should think about putting money in the budget next year for a survey. Nat said he would be concerned about spending a lot of time and money on it if we could go the enforcement route instead and warn people they will be fined if their dog is not licensed. Duncan said the unofficial policy is to give only a warning the first time. The official policy is to give a \$100 fine with a \$50 dollar waiver. We could say there will be no warnings. Nat said he likes that. Eric said animal control officers aren't out there looking for unlicensed dogs. They are normally just responding to a call. Kathy asked what it costs to register a dog. Rosemary said \$4 plus another \$4 for the state, and the cost doubles if the dog is not neutered. Kathy suggested notifying the public that there have been cases of rabies nearby and that Johnson will start enforcing its dog ordinance.

**Howard moved to institute zero tolerance, literal enforcement of the dog ordinance when animal control officers come across an unregistered dog, following a public reminder that all dogs have to be registered, Doug seconded, and the motion was passed.**

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

Steve said since the last meeting there has been 24 inches of snow. The highway crew plowed 8 times and sanded 16 times. The rain, wind, and cool temperatures have increased the amount of muddy roads. Hogback Road was closed due to high water on the 24<sup>th</sup>. There was major damage on Coddington Hollow Road and Sinclair Road. A temporary bridge was installed on Coddington Hollow. He hopes to work on Sinclair this week.

Steve would like authorization to send Ray to Better Back Roads training. The board agreed that would be fine.'

Howard said the water needs to be turned on at the skate park, but someone drove over the hydrant last fall and broke it off. He would love to have someone dig a trench for new pipe to be laid. Steve said his crew won't have time for at least a couple of weeks.

Howard said he and Lea are hoping to start getting some loads of fill at the trailhead site for the rail trail. Duncan said the village did quite a bit of grubbing and cleaning at that site and also put in a sewer line. A water line is going to be put in too. We need fill to bring it up to grade.

Doug asked, if this is a good mud year, is this a fair test of the mud abatement program? Do we want to continue that program? Steve said he and Duncan have been talking about it. He doesn't think we need to go to the extreme we went to with the first one. Doug said he hopes we will continue with mud abatement. Steve said both sides of the mud abatement area got soft and ruddy but where we worked the road is firm. Duncan said he would encourage us to keep on going with mud abatement but he thinks we could still make big gains without going to quite the same extent. We could probably do a longer section of road for less money. Board members agreed it is up to Steve and Duncan to select the areas to work on. Doug encouraged them to do it again this year.

Howard asked if we want to fix Sinclair Road right now. What is the status of the low water crossing? Duncan said we have designs and construction cost estimates and no money to do anything with it. Maybe that could be a Better Back Roads application. We have different costs for different alternatives. He thinks the maximum Better Back Roads amount is \$10K and it would be a 75/25 grant. We might want to apply, in which case we might just want to do the minimal amount to get traffic through there now and then look for funding sources. Steve said that section of road has washed out 5 times since 1984. Howard said he knows of 2 times before that. Eric asked if we could use the bridge and culvert reserve fund for that if there is any left over after Coddling Hollow. Duncan said he thinks that would be a legitimate use.

Duncan said the temporary bridge on Coddling Hollow was set in place on Saturday. Today the contractor did more work on it and he thinks by the end of the day tomorrow it should be in good shape. He recommends we post it at something less than its rated capacity. The board agreed.

The board thanked Steve for all the extra effort during the flood. *(Steve left at 7:51.)*

**5. Recreation Committee Report**

Nat said the two new members of the Recreation Committee are really stepping up. There has been conversation about Heather stepping down from some of her responsibilities and he thinks the new people are ready to take on some responsibilities. He would like to organize a 5K fun run for Memorial Day, strictly on town roads. The board agreed that would be fine.

**6. Manager's Report**

VTrans will be holding a site visit and public hearing on April 23 for the bridge replacement on Route 15. Duncan probably won't plan on being there.

A dog was recently hit on Route 15 and taken to the vet by Dave Jones. The owner was eventually located but said she did not have money to pay for vet care. Duncan suggested the owner sign a release form giving ownership and custody to the town, which would give the town legal authorization to deal with or dispose of the dog and the owner agreed. The Green Mountain Pug Association is willing to pay for the cost of the surgery and arrange for adoption of the dog so Duncan authorized the vet to treat the dog. The Green Mountain Pug Association will be billed as the new owner of the dog but we will probably get about a \$128 bill for boarding, pain medication, etc.

Robert and Sons say they will hold the contract pricing again this year for mowing. They were the low bidders 4 years ago when we went out to bid. Duncan recommends accepting their price again. **Howard moved and Nat seconded to contract with Robert and Sons for mowing at the same price as last year and the motion was passed.**

Sterling Market had a tobacco violation, for sale to a 17 year old.

Duncan filed the annual financial plan we have to file with VTrans to get State Aid to Highways and they have received it.

Charles Gallanter has requested appointment to the Planning Commission. Lea has posted the vacancy and the Planning Commission plans to review potential applicants, so the board will take no action. Doug asked if there is a second vacancy. Duncan said he hasn't heard anything about that.

Duncan reminded the board he had handed out a proposed website policy and privacy statement last month. **Nat moved to adopt the proposed website policy and privacy statement, Kathy seconded, and the motion was passed.**

Duncan gave copies of two letters to the board. One was from the Sites Management Section acknowledging the report from the consulting firm about the former Cyprus Minerals site. They accepted some recommendations and suggested not doing others. Probably we will be looking at soil removal. The other letter was from SMS notifying Cyprus Minerals that they need to develop a plan for continued monitoring on the ball field site and do remediation if needed. There was an Act 250 closure plan that was followed and signed off on, but the person from SMS who Duncan talked to said the agency involved in that plan doesn't have authority over waterways and it is a water quality issue. There were concerning test results that SMS feels should not have been ignored. Duncan said as far as he knows there is no danger to those using the site. He thinks the only risk could come from drinking water out of the test wells, which he believes are capped and covered, and also are down the bank next to the river. Doug thinks we should send notice of this issue to Dave Barra to consider any liability issues. Duncan said he can do that and also put VLCT on notice as our insurance carrier. (*Greg Stefanski arrived at 8:16.*)

#### 7. **Local Ordinances**

Duncan said Lea contacted 5 communities who have adopted a restorative justice model. Hardwick and St. Johnsbury have adopted related civil ordinances. He believes Hardwick has used theirs twice and St. Johnsbury not at all. Under the civil ordinance process authorized by state statute, an officer writes a ticket and the person receiving the ticket has the option to appeal or pay. After the ticket is written a copy is sent to the Municipal Ordinance Bureau, which sets in motion a detailed schedule that must be followed. There is only one way the ticket can be voided. The officer has to fill out a special form and there still has to be a hearing on voiding the ticket. If the person who was issued the ticket doesn't appear, the ticket is not voided. The process is not set up for the intervening step of restorative justice. Duncan asked VLCT if the town can have an ordinance that allows an officer to not issue the ticket until after the person has a chance to go through the restorative justice process. VLCT said statute doesn't really allow for that and that if we wanted to do it we should run it by our town attorney. If he said it would be okay, maybe it would be okay and maybe not, but the VLCT attorneys were not comfortable with the idea. Becky Penberthy provided one other statute on restorative justice which says a municipality may assign an existing restorative justice board to act on its behalf or can create its own restorative justice board. Does that make the board feel more comfortable about creating an ordinance to make this happen? VLCT attorneys said all 5 communities doing this have legislative charters and maybe their charters give them authority. Lea asked a couple of them and they said they didn't have authority in their charters; they just did it.

Doug asked if we can tell people they have to do restorative justice without a ticket. Duncan said no, he doesn't think so. We can adopt criminal or civil ordinances. The civil ordinance process requires going through the Municipal Ordinance Bureau. Doug asked, couldn't the statute about restorative justice be read as creating the ability for us to have restorative justice enforcement? Duncan said he wanted to get VLCT to weigh in on that. VLCT encouraged us to pursue legislative changes that would make it clear in statute that we have the ability to do this.

Greg Stefanski said the restorative justice process seem to be gaining momentum. It seems like there is not clarity in terms of the law, but he feels this is the direction things need to be moving.

Duncan said he still thinks there is a lot of value in having Lea continue to bring our ordinances into the 22<sup>nd</sup> century. A lot of them are really outdated. There are some we don't have, for disorderly conduct or open containers for instance, that Roger Marcoux has said would be helpful for law enforcement.

Doug said he thinks Duncan should follow up on what the restorative justice statute means. Duncan said VLCT said their opinion is just one opinion. If our attorney says it is fine the board just needs to decide which opinion to go with. He can run it by Dave Barra. Doug said he thinks we should wait on that. The VLCT attorneys probably have more experience. Duncan said he would rather go to a firm like Stitzel, Page & Fletcher that specializes in municipal law. G. Stefanski said if we get the opinion that what we want to do is not okay, we could go to the legislature.

Duncan said he thinks it would be good to update our ordinances. Kathy agreed. Duncan asked what the board's feeling is about allowing Lea additional time to draft ordinances for board review. Board members agreed to allow it. Duncan said he will let people know if he gets new answers about the restorative justice process. We will continue to look at that. Greg said the Safe Community group will probably get together again soon.

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

Duncan said we have the option of getting a grant from the state to put signs on River Road East. The signs are 100% free, but we would have to sign an agreement to maintain and replace them for something like 20 years. In the past the board has decided not to accept this grant. Doug said River Road East may need fewer signs than the state wants us to put up. Howard said we will be on the hook if people take the signs. We will have to replace them. Nat said he recalls that Duncan looked into the number of accidents in that area. Duncan said yes; there weren't many. The board decided to take no action.

Duncan had circulated a letter about the talc mill site as a solar site. There is not enough acreage.

There is a law that will apply to us when we do major construction or reconstruction. We are supposed to analyze the construction impact on non-motorized users of the street system. It doesn't require us to perform any specific action with regard to other users of the highway. What we do could be as simple as putting up a few "Share the Road" signs. We will need to

think about this in regard to School St. and possibly Clay Hill. Doug suggested talking about it at a joint trustee/selectboard meeting. Duncan said there are a couple of things we need to discuss at a joint meeting. One is changes to the CDL drug and alcohol policy. We could also discuss storm drains in general and Clay Hill storm drains in particular. Eric said he will talk to Gordy about a date for a joint meeting.

The Conservation Commission supports the appointment of Cynthia Perry. **Howard moved and Kathy seconded to appoint Cynthia Perry to the Conservation Commission and the motion was passed.**

Duncan said Jen Stefanski got permission to use the Village Green for Green Up Day. She wants to know if the road crew will be available to pick up trash as they did last year. The board said that would be fine if Steve can find a road crew member willing to do it. Howard suggested maybe we could find a volunteer to ride along in the truck. The board agreed to authorize overtime for a road crew member to work on Green Up Day. Duncan said if Steve can't find an employee to work that day, we have one truck that doesn't require a CDL. Would the board be okay with a non-employee driving it? Doug asked how the insurance company handles volunteers driving vehicles. Duncan said he can check and see if it is an issue.

We got a letter from the Solid Waste Management District saying they will be unable to accept tires without charge on Green Up Day this year. They will charge us a reduced rate but they will still charge us. Duncan said he seems to recall that when use of the Johnson transfer station was negotiated the Solid Waste Management District agreed to take tires. He thinks they ought to take tires at least for Johnson's Green Up, but the manager said they can't do it for Johnson and not for other communities. Our agreement is due to be renewed this year. The board could ask that a revised agreement specify that they will accept all our Green Up materials. Eric mentioned that they don't compensate us for use of our site. He suggested Duncan could invite them to come and discuss contract renewal. Duncan said our agreement is up in the fall.

The board received two noise waiver requests, one for Field Days and one for a Relay for Life event at JSC.

**Kathy moved to approve the noise ordinance waiver for Field Days with conditions as in the past that security be provided and that the music stop by 11:30 pm, Howard seconded, and the motion was passed.**

The Relay for Life event is May 3-4 from 4:00 pm on Saturday to 9:00 am on Sunday. It will be on the upper athletic fields. They don't say what the noise will be. **Nat moved to approve the noise ordinance waiver for the Relay for Life event at Johnson State College with no conditions, Kathy seconded, and the motion was passed.**

Eric had asked to put VT-Alert on the agenda. He said it is a free system for emergency communication. We could set it up so certain people in the community can access it and send out notifications to people who volunteer to be on the list. They choose how to be contacted –

Twitter, home phone, cell phone, email, etc. We can notify the public about events going on. VT-Alert would need to come in and do a presentation. It wouldn't cost us anything. Kathy said she thinks it sounds good. Eric said he will see what he can set up.

Jari Chevalier is interested in being a lister. Rose and Dan are willing to give her a shot. There was discussion about what her starting pay should be and what Rose and Dan are currently making. **Nat moved to offer Jari Chevalier \$13.50 per hour as a lister and to make the pay raises Rose Warner and Daniel Perkins were expecting starting July 1 effective immediately, increasing Daniel Perkins' pay to \$14.00 per hour and Rose Warner's pay to \$16.00 per hour. Kathy seconded and the motion was passed.**

Doug asked about a ruling in Wolcott related to building a trailhead. Duncan said the ruling was that they needed an Act 250 permit. Doug said the message he takes from that is that we should move on our trailhead as fast as we can. Duncan said we agreed to make some contributions to the rail trail work. We will have to coordinate with the contractor.

Duncan has applied for two Class II construction grants. He included Clay Hill Rd. as part of an application, along with School St. The work would include grinding, removing, and repaving so the pavement level would be no higher than it is now. The board can decide if it wants to do the work.

Doug Williams is just about done with the draft bid specs he is developing for the Historical Society. **Doug moved that if the Historical Society Building Committee reviews the bid specifications and is comfortable with them, Duncan is authorized to put the Historical Society building work out to bid, Nat seconded, and the motion was passed.**

Nat asked about hiring a new highway department employee. Duncan said he thinks we would want the new person to start in June or July. Eric said in the past the selectboard has interviewed highway department employees. We could have Steve vet them first. Howard said he would like Duncan in the room.

Duncan said he has a letter asking if we would like to be a member of the Vermont Council on Rural Development. **Doug moved to pay for an organizational membership in the Vermont Council of Rural Development, Kathy seconded, and the motion was passed.**

#### 9. *Adjourn*

The meeting was adjourned at 9:39.