

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MAY 19, 2015

Present:

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

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:20.

2. Review and Approve Minutes of Meetings Past

Nat moved to approve the minutes of April 21 and May 5, 2014, Doug seconded, and the motion was passed.

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

Rosemary said with tonight's orders we will be at 90% of budget spent, with about a month and a half left in the fiscal year. We received a monthly bridge rental bill for \$120 and the bill from Tatro for about \$20K. That will come out of the emergency reserve. She asked if we will reimburse that fund if we get FEMA money. Eric said he thought so. Duncan said he would recommend it. We got a \$10K Local Roads Grant for French Hill drainage work. There is about \$30K more in delinquent taxes than last year, which is a difference of about half a percent. Doug said he had talked to the Wolcott town clerk, who said their delinquent taxes are similar to ours.

There is a taxpayer who has declared bankruptcy and is not keeping the terms of his agreement. He is not paying his current taxes as required by the agreement. We have the option to go to court and file a motion. The fee for that will about \$1000. We have a call in to Sharon Green to see if that is billable back to the taxpayer.

Doug said he thinks we ought to consult with a bankruptcy attorney to try to find out what the probability of success is if we file a motion. Duncan said it seems counterintuitive that we would have to pay \$1000 to file. Doug said that would be the attorney's fee for the filing. Duncan asked why we wouldn't file a motion for the court to enforce the terms of the agreement. Doug said he thinks what we really want to do is not enforce the order but lift the stay so we can do a tax sale. Duncan said he thinks it is worth spending a little money to get the opinion of a bankruptcy attorney. Doug said he can help Duncan with attorney contacts. Duncan will get more information and bring it back to the board.

Rosemary distributed a report on rent from the Holcomb House renters. One still owes \$20 for this month. Two of the three are moving out.

Rosemary distributed copies of the RFP for the audit. She will send it out this week.

4. Road Commissioner Report/Road Foreman Report

Steve said since the last meeting we have had 2.8 inches of rain. Coddington Hollow Road was opened up for traffic again on April 22 and Rocky Road was opened on April 28. He got a price on a ditch bank mower of about \$7500. It will not work on the town tractor; we will

need to use it on the village tractor. The salesman said we would get more for our old mower if we sold it ourselves rather than trading it in. We rented Gary Tatro's grader during the past 2 weeks, at a cost of about \$3K. Contrary to what Mark Woodward said at a recent school board meeting, Steve doesn't think it would be wise to go in with the county on one grader. The highway crew put a small parking space on Plot Rd. for Journey's End. Eric asked if the village will be able to use the side mower too. Steve said yes. We will still have to hire out for mowing requiring a boom mower. **Howard moved to authorize purchase of a ditch bank mower contingent on getting the invoice after July 1, 2014, Doug seconded, and the motion was passed.**

Doug said Margo Warden had asked him about the bridge over Foote Brook. She was concerned about the eroding space between the bridge and the berm. She thought it should be filled. Steve said he thinks his crew could probably put something there.

Howard asked when the highway crew will be able to put in a water trench at the skate park. Duncan said the rail trail building takes priority.

Duncan received an email from Dave Prince, a landowner on Coddling Hollow Road, requesting that we do work there. Steve said about 15 culverts need to be replaced on Coddling Hollow Road. The estimated cost for 15 culverts is roughly \$3300. He proposes offering to provide the culverts to the landowners for them to install, along with the 75 yards of gravel each can get. Steve said given the highway crew's workload, he thinks that would be reasonable. Nat asked how easy it is for a layman to install a culvert. Steve and Duncan said they think the landowners will need to hire someone to do it. Doug said if we offered them the culverts it should be contingent on them agreeing to install them properly. **Doug moved to authorize Duncan to reply to Dave Prince and offer to provide up to 15 culverts to Coddling Hollow Road landowners, provided they submit an application for a permit to work on a Class IV road, seconded by Kathy.** Eric said we should remind them about the availability of 75 yards of gravel per resident.

Doug said he participated in the recent site visit on Coddling Hollow Rd. with members of VASA, the Conservation Commission and the Green Mountain Club to explore options for providing an access to the Long Trail from the Gomo lot. They are still at the stage of figuring out what VASA would do and how unwanted access would be prevented. Consultation with Waterville might be necessary. At some point there will be another walk. Gary Nolan of VASA will be there and will offer VASA's excavator. Lois said the next walk is scheduled for June 17. They had talked about bringing in the excavator before that date. She said Dave Hardy of the Green Mountain Club was looking to protect rideability by ATVs and keep off trucks.

The motion was passed. (Steve left at 8:01.)

5. Planning Commission Report

Bob Selby had sent out notices about plans to work with Paul Dreher.

6. Recreation Committee

Nat invited everyone to participate in the race the Rec Committee has planned for Memorial Day.

7. Discussion on Wi-Fi Zone, Town and Village Ordinances, and Flood Hazard Ordinances

Duncan reminded the board that a Vermont Rural Council grant paid for our downtown wi-fi equipment, set-up of web pages, and integration of everything. Now they are looking for the town to assume ownership for the equipment and also to agree to pay for software license renewal after it expires in 2018. If we pay for the license 5 years at a time it costs \$500/year; otherwise he thinks it is \$600/year. Our exposure would be limited to 10 years, so agreeing to renew the software license would obligate us to an additional 5 years after what has already been paid for. Johnson Works would agree to continue maintenance of the web page and try to secure advertising, but they are not a legal entity, so the town would assume ownership of the equipment, with Johnson Works continuing as fiscal sponsor. The general experience of a lot of communities that have wi-fi zones indicates that internet usage is only going to increase and expand exposure to the business community. He thinks it is a reasonable expenditure of town funds.

Kathy moved to arrange with the Vermont Rural Council for the Town of Johnson to assume ownership of the equipment for the downtown wi-fi zone and to authorize Duncan to sign the equipment ownership agreement and a memorandum of understanding with Johnson Works regarding Johnson Works' fiscal sponsorship. Doug seconded and the motion was passed.

Duncan said Lea had sent out a brief synopsis of the current status of town and village ordinances. Kathy said she had seen it, but Howard and Nat said they hadn't. Duncan said he would have her resend it. He and Lea think combining town and village ordinances into one book will be a useful starting point.

Lea has taken a closer look at flood hazard zoning regs. She has a model that has been revised by LCPC and comports with national standards. Duncan thinks it is better and more detailed than our current ordinances. He believes it is to our long term advantage to revise our flood hazard ordinances and also adopt a new Local Emergency Operations Plan. If we did those things, we would have in place three of the four required elements for us to receive a higher level of FEMA and state reimbursements. The last of the four elements would be highway bridge and road standards. Lea would like to distribute a template for flood hazard regs to board members for comments. We could collate questions and concerns and then Lea would like to run those by Taylor Foster at LCPC and ask if any changes we were considering would allow us still to be in compliance with national flood insurance requirements. The board agreed to that plan.

8. Manager's Report

Lea and Duncan looked at Northern Border Regional Commission grant opportunities. There does not appear to be anything we could take advantage of now, but they agree it could be a possible future funding source.

Duncan submitted an application for a parade permit for Memorial Day and it has been approved.

Kathy moved to approve the noise ordinance waiver requested for Tuesday Night Live and the motion was seconded and passed.

The Lamoille County Sheriff's Department recently removed a person from a home and the person had a dog. LCSD wanted animal control to remove the dog and transport it to the pound, but Duncan told animal control not to do it. He told Roger Marcoux we have no legal authority to pick up a dog under these circumstances and remand it to the pound, so LCSD would need to make arrangements to take care of the dog. Roger Marcoux believes there is something we should be able to do, but Duncan doesn't know what. He said he brought this up recently at a Vermont Town and City Managers conference and every single person he talked to said Duncan was right and that under no circumstances should town animal control pick up the pet of someone taken into custody and take the pet to the pound. Nat asked what happened to the dog in question. Duncan didn't know. Howard asked, LCSD isn't proscribed from picking the dog up, are they? Duncan said he doesn't know of any proscription.

The Johnson Food Shelf is applying for a grant to improve their handling of fresh fruits and vegetables. They want to buy insulation; put in a de-humidifier, a hot plate and electrical outlets, and install a used display cooler. Duncan explained which room they plan to put the cooler in. The room is mostly empty now. He told them they would need board approval to make physical changes to the building.

Nat said there could be increased electrical costs for the cooler. Duncan said they pay nothing for electricity now. Eric asked, if we get a master electrician in there to do the wiring and he finds a problem, does that open us up to anything? Duncan said he thinks most of the wiring there is pretty good. If they are running a new circuit out of a compliant panel he doesn't think there should be any problem. If they find a circuit that is non-compliant then we would have to bring the whole circuit up to code. They will need to have a licensed electrician do the work in compliance with code requirements for a public building. If the changes add to the electric bill, it seems fair to him to consider compensation from the Food Shelf. Kathy said sometimes a used cooler is for sale because it is less energy efficient. It may be better to invest in a newer version. Nat said he thinks we should get information on the annual cost to run the cooler.

Doug suggested that the selectboard approve the Food Shelf's request and leave it up to the trustees to make their decision based on more information. Duncan said next time the trustees meet it will be the joint selectboard-trustee meeting. Kathy said the Food Shelf is all volunteer-run. Howard said they don't have any money. Doug said he thinks they need encouragement. He thinks they see the requirement for board approval as a total barrier. Eric said nothing can happen until the trustees meet anyway. Doug said he thinks we should encourage the Food Shelf as a civic organization. It was agreed that both boards will address the request at their joint meeting and meanwhile Duncan should offer encouragement to the Food Shelf. Eric said it would be beneficial if someone from the Food Shelf came in person to the joint meeting.

Duncan contacted an engineer who went and looked at the Coddington Hollow bridge site. He is interested in bidding on the project. Duncan hasn't heard that there has been a FEMA declaration so he doesn't know about funding sources for the project.

Nat moved to accept the resignation of Ron Murray from the Skate Park Committee and to appoint Mike McLaughlin to replace him, Howard seconded, and the motion was passed.

Duncan contacted Dave Barra to ask about possible liability related to the letter from ANR and the recreation fields. It was agreed to discuss this later in executive session.

Duncan said he had a template for a Local Emergency Operations Plan. He would like to bring a proposed plan back to the board for future action. The board agreed.

Duncan believes the emergency management deadline for having in place the four planning elements required to get higher rates of reimbursement is October 15.

Tim Sullivan put in a request for VEC to put overhead wires over our right of way. Duncan signed a form saying it was okay.

We have the CDBG Program Report for Sterling Market. The project can be completed once we have the single audit done.

Howard moved to appoint as members of the Tree Board Sue Lovering, Noel Dodge, Louise von Weise, Court Perry, and Dorcas Jones, Kathy seconded, and the motion was passed.

The school owns Duba Field but does not plan to mow it. It is covered in our mowing contract price from last year. Duncan recommends that the town continue to mow it. The board agreed.

We have had only one letter of interest about the Planning Commission vacancy, from Charles Gallanter. Duncan believes he attended the last Planning Commission meeting, but the Planning Commission has not made a recommendation regarding an appointment. Nat noted that there currently seems to be a gender imbalance on the committee.

Kathy moved to authorize Duncan or Eric to execute the Agreement for Conveyance Inspection with Vermont Elevator Services, Nat seconded and the motion was passed.

Duncan distributed copies of a letter regarding water quality monitoring at the Johnson Landfill related to the 1992 Closure Extension. He finds the report disappointing as it requires us to perform additional closure planning steps and could involve mitigation. He found it surprising that the state did not have the latest monitoring results. The tests were done and we have copies. Duncan suggested contacting the consultant from Ross Environmental who has been doing the monitoring and sending him a copy of the letter. In answer to Kathy's question, Duncan explained that the landfill is at the site now occupied by the Johnson transfer station. Duncan said he isn't sure we should commit to doing anything. He can write and tell the state we need time to evaluate the situation and consult with the consultant who monitored the site. Duncan has seen years' worth of consultant reports and

letters back from the state and he would think if there had been huge red flags someone would have said something.

Larry Klingensmith, who lives in the last house on Clark St., at the end of the paved swale, called. One of his concerns is some erosion at the end of the swale. Steve said we could put some stone there. Another concern was that he had a fair amount of water on his land after snow melt. He wondered if there is anything we could do about that. Duncan and Steve have talked about putting in a dry well so water coming off the hill would first hit the dry well. They told Larry they would continue to monitor the water on his property and see if it is an issue and also try to go over in a good downpour to see how much water there is then. Eric asked if he was receptive to the idea of a dry well. Duncan said yes.

Eric said the town was given a presentation about the Vermont Alert program. Whoever was designated by the town would be able to send out messages to people who wanted to receive them. People can select what types of message they want to receive from our town, others towns, the county, and/or the state. Kathy asked if Eric, as emergency manager, sees this as useful. Eric said yes, he thinks it would be particularly useful in flooding. Duncan said he thinks we would definitely use it. Kathy said there is no cost to sign up, it is a powerful information central and it seems it is easy to use. Nat said it was presented as an effective tool. New York State uses it. **Kathy moved to join the Vermont Alert system, Howard seconded, and the motion was passed.**

Duncan has the bid specs ready for the rail trail trailhead building. **Howard moved to authorize Duncan to circulate a Request for Proposals for the Old Mill Park trailhead building, Nat seconded, and the motion was passed.**

The Historical Society has reviewed and approved the bid specifications prepared for them. The trustees approved soliciting bids for the Municipal Building roof. Duncan hopes to have bids back for the June meeting.

Two of the three Holcomb House tenants are moving out. The remaining tenant has two people who are eager to sign a lease and move in if their applications are approved. Waiting two months wouldn't work for them. They have been told that construction will need to take place and may cause disruption and they are willing to take that chance. The board agreed they should be allowed to go ahead and move in. **Howard moved to authorize the Historical Society Building Committee to finalize the Holcomb House lease and to authorize Duncan to execute it, seconded by Nat.** Duncan said he got the forms he needed from the tenants to apply for financial assistance with insulation. If we are approved we will insulate at least the upstairs and the cellar. If we are approved we have to agree not to increase rent for one year or evict for one year except for cause. The board had no problem with those conditions.

Nat asked if the solid waste district ended up taking our Green Up Day tires. Duncan said they took them, but he believes we will be billed for them. Nat said he noticed piles of tires on Route 15. Duncan said someone was witnessed dumping them and got a license plate number. LCSD was contacted. Duncan will follow up and check on enforcement.

Duncan said Sharon got a complaint about a dog running loose. She knew who owned the dog so she gave the owner a \$100 ticket for having an unlicensed dog and a \$100 ticket for having a dog running loose and she impounded the dog. The owner was very upset. He paid \$80 in boarding and Sharon's \$45 fee. Duncan doesn't know if he has appealed the tickets. Duncan said our first obligation is to make sure owners license their dogs.

9. *Selectboard Issues/Concerns*

Howard asked for clarification about how much space the board wants to give him to negotiate with Andrew Purdy for extra work on the bandstand. Board members and Duncan explained that the motion at the May 8 meeting was to approve the work included in the quote, contingent on Mr. Purdy having insurance. He was also to provide by tonight's meeting a written estimate of additional costs for other pieces of the project. He didn't do that. Doug said the board wants to see proof of insurance before signing a contract. Nat said alternatively there could be a provision in the contract stating it was contingent on proof of insurance. Howard said a check has already been given to Mr. Purdy to pay for materials. Nat said he doesn't think that is what was discussed at the last meeting. Howard said we have to pay attention to the time sequence. Doug said Mr. Purdy should not have the check yet. Eric said we have to insure he has insurance before he starts. Howard said he has materials coming by the end of the week and he thinks he will have insurance by the end of the week too. Howard said he would like flexibility to negotiate on behalf of the town. He has \$7K in the bandstand account. The work included in the quote is \$2K. Nat said he thinks the board's intention was that Mr. Purdy would get started on what he bid on. That would get the bandstand ready for the first Tuesday Night Live. By that point we would have experience working with him and could revisit working further with him. Doug said Howard has raised most of the money and is the most knowledgeable. But, on the other hand, we don't have any numbers. Howard said he will send them out when he has them. It behooves him more than anyone to make the money go as far as it can. **Kathy moved to authorize Howard to negotiate expenditure of up to \$2000 more beyond the quoted cost for work on the bandstand, Nat seconded and the motion was passed.**

Howard asked if the town has any extra water pipe that could be used for the skate park. He needs only 60 ft. and you have to buy more than that at a time. Hearing no offers of pipe, Howard said he would put his request on Front Porch Forum.

Lois asked the board to arrange with the County Sheriff to have officers come periodically to Tuesday Night Live to check things. Eric asked Duncan to remind Roger Marcoux. Board members agreed that having deputies there last year was wonderful.

10. *Executive Session for Legal Matter*

Doug moved to enter executive session to discuss matters having to do with attorney-client privilege relating to Old Mill Park, Howard seconded, the motion was passed and the board entered executive session at 9:34. The board came out of executive session at 9:55.

11. *Adjourn*

The meeting was adjourned at 9:55.

Minutes submitted by Donna Griffiths