

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
TUESDAY, MAY 31, 2016

Present:

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

Others: Duncan Hastings (Administrator), Brian Krause

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:01.

2. Additions, Changes to Agenda

Duncan added discussing of the gravel pit and composting. It was agreed to start with the gravel pit discussion, followed by an executive session.

3. Gravel Pit Discussion

Duncan said he had spoken to Alex Nadeau, who said the Nadeau pit has years and years worth of additional resources and he didn't think it would be a problem if the town purchased all its gravel there. Alex suggested looking at Bert Nadeau's property, where there is what he believes to be a huge mound of sand and gravel. Brian met with him today. Bert Nadeau sold the town the land where the town pit is and he still owns the acreage around it. The two parties could agree to the town purchasing additional land. There are some codicils in the deed that require us to leave the pit in a certain fashion and notify Bert when we feel the gravel is exhausted. He has the option to repurchase the land at that point. Bert said Alex wanted the town to know that, while there is plenty of gravel still in the Nadeau pit, they can't make any guarantee that it will be available to us. The Nadeau pit is for sale.

Duncan also contacted Garret Hirchak, who owns the MSI pit on Route 15. He provided Duncan a detailed geological report and summary, but Duncan doesn't want to get into the details unless Garrett authorizes him to make the information openly available. There are significant gravel and sand resources still available in that pit and Hirchak would be interested in talking to town about some form of agreement.

Duncan feels it is likely there is a large amount of gravel on Bert Nadeau's property but there is no way to know unless we dig test holes. Bert is willing to discuss selling property to the town. Duncan thinks it is worth digging some test holes with a backhoe. Brian agreed. If it looks promising then maybe we could do some core bores, which would give us a very good idea about future gravel resources. Duncan said he thinks we have to have that information if we are going to go to the public and say we want to buy, develop and permit a gravel pit.

Nat asked, there was a quality issue with gravel from our current pit? Brian said we are not crushing it. If we opened up a pit we would want to bring a crusher in. Duncan said a codicil in the deed prevents us from having a crusher in the existing pit. Bert said if we bought more land he would have no issues with us having full access to a crusher. We would hire someone to come in and crush. Brian said Hyde Park has a crusher come in about every 3 years. Duncan said he feels a crushed gravel product is the way to go. He thinks using crushed gravel will save money in the long term.

Nat moved to authorize Brian to enter into a written agreement with Albert Nadeau allowing access to his property and to dig test pits on Albert Nadeau's property after the agreement is obtained, Kyle seconded and the motion was passed with Doug recusing himself.

Eric said if we decided to develop another pit then our employees would have to get all the mandatory training. Once they had that training maybe then they could remove the remaining 20K yards of gravel from the current pit.

Brian asked if the problem with using the current pit is just the lack of training or the lack of proper permitting. Duncan said he would say both. It appears we need a permit and don't have one. Bert authorized Doug to make available his file with regard to the acquisition of the gravel pit property in 1998. And Duncan looked at the file kept by Dick Sargent, who represented the town then. He didn't find anything conclusive. Eric asked, if Ed Stanak (the Act 250 coordinator at the time) had not released us from the requirement to have an Act 250 permit, how would the state not have required it of us? The state would not have allowed us to open and use the pit without the permit. Duncan said a memo from Ed Stanak sent in May 1998 said he was enclosing an Act 250 permit application. Doug said he feels there is some digging into records that might be useful. He doesn't believe it is correct that the state wouldn't let us use the pit without an Act 250 permit. That would depend on complaints. But he doesn't think any attorney would have let that major question go by. Duncan said if the agreement with the seller said the town would be responsible for acquiring any and all needed permits he thinks the town attorney would have assumed the town would file for them and it wouldn't be a problem for the sale of the property. Doug said he recalls it was structured to be exempt from needing a permit.

Kyle asked, if we buy additional property and do all the permitting correctly, would that help us with the current pit? Duncan said he suspects as soon as we buy adjoining property Act 250 will assert jurisdiction over the whole property and look at the existing pit. He thinks we would have to disclose that we had developed a closure plan or were agreeing to develop one that met Act 250 requirements and then it would be permitted as part of the new gravel pit. He doesn't see anything in the Act 250 rules and regulations that would allow us not to have a permit.

Duncan said there are some things built into the deed with regard to closure. We would require a legal opinion about what the deed requires us to do if we decide to suspend operations. Eric said he thinks the board should be able to make a decision by the end of summer and then either just close the pit down or not. Duncan said if the board wants to acquire additional land for a new pit we would need to budget next year for an engineering study and the permit process. We would have to negotiate a price. We are several years away from opening a pit. Eric said if there are promising results on the adjoining land we would send our employees to training and then get the gravel out of the existing pit while working on opening the new one. But we need test pit results before we decide. Brian asked, if we do our test pits and results don't look good, are we going to look anywhere else to purchase

property? Eric said he doesn't think we have gotten to that bridge yet. The board will have to decide.

Brian said he has to finish seeding and mulching one of the banks in the pit. The board had previously approved a motion directing employees to stay out of the pit, but he would like to go in to do that work. The board consented to allow employees to finish seeding and mulching in the gravel pit.

4. *Executive Session – Personnel*

It was moved and seconded to go into executive session to discuss a personnel issue and job applications, inviting Duncan and Brian to remain, the motion was passed and the board entered executive session at 7:41. Brian left at 7:51. The board came out of executive session at 8:11.

5. *Facilities Use Application*

Jim Rose submitted an application to use town property for electric bike rental. **Nat moved to authorize Duncan to sign the facilities use permit for Jim Rose, seconded by Kyle.**

Doug said he is not in favor of issuing the permit. He thinks this use is good, but he feels we need a policy. Eric said he agrees we need a policy, but he thinks the board decided to approve permits like this on a case by case basis for right now. Duncan said we do have a facilities use policy. Nat asked if it addresses commercial use of municipal property. Duncan said no. Doug said he doesn't know how the board will handle it when the next person asks to sell something else on town property. Eric said we already allow all the vendors who want to sell at Tuesday Night Live. Doug said that is more intermittent. Duncan said Jim Rose's use will also be intermittent. The permit allows him access on Fridays and Saturdays from 9:00 am to 6:30 pm until October 15. Nat said he thinks it is worth pursuing a policy before next summer. **The motion was passed with Doug opposed.**

6. *Compensation Study*

Eric, Kyle and Duncan have provided comments to Ron Rodjenski. Anyone else who wishes to comment can do so. Ron is working on the study. He and Duncan both agree that it is important to find out what people's take home pay is, not just what their hourly rate is, because amounts of overtime worked can vary. Eric would like to see skills being weighted more heavily than longevity in determining pay increases.

7. *Composting Facility*

Duncan said the village has been approached by the solid waste district about hosting a composting facility for the whole district on the town property by the transfer station where the village used to have a sludge composting facility. The village hasn't used that facility for a number of years. The village owns the facility and leases the property from the town. Eric said the town would have to sign off if there is a change of use of the property. This would be a change of use.

Eric said he thinks the trustees felt, and he thinks the selectboard would agree, that if we are going to be hosting composting for the whole district there ought to be compensation for the town and village for use of the site. Duncan said part of the agreement with the district would be that the village could compost its sludge there. The village could save \$20K a year by doing that. It may be that the town would want to ask the village to make a contribution in the form of a lease payment. Their current lease is up in 2025 or 2026.

Doug asked what people living near there will think about a composting facility. Will there be a smell? Eric said the state is being mandated to compost. Doug said we are not mandated to take the composting materials. He would like to say yes to this but he would like to know more about it.

Duncan said he thinks this is probably a good idea but he sees no reason the village should be the sole beneficiary. Eric asked if the solid waste district would pay us for a lease. Duncan said he thinks the village thinks they should pay the village.

Doug asked if we can assume there won't be water quality issues resulting from this use. Duncan said he would assume that is correct.

Eric suggested one option could be to release the village from their lease and contract with the solid waste district ourselves. Duncan said the lease says that if the village doesn't renew it then the town owns the property for no additional money. Currently the village owns buildings and facilities within the compound. If we cancelled the lease his supposition is that that would cancel the ownership interest. He doesn't know that we could break a lease like that.

The solid waste district is asking for approval in concept in order to allow them to apply for a grant. Duncan said he thinks we should make it clear that we have the right to pull the plug. We don't want to lend the wrong impression by agreeing in concept that we are willing to change the lease. If the board has any reservations we should make that clear.

Eric said he asked the solid waste district if the contract for a composting facility would be connected with the current contract. Their reply was that there would be two separate contracts. Duncan said he thinks the contracts should be considered jointly. There is going to be a benefit to the district and to the village. What benefit is there to the town? Doug said more road maintenance will be needed and there could be more neighborhood complaints. Eric said he doesn't think the board will want to make more concessions. He thinks we will look for more compensation.

The solid waste district's grant application deadline is before the next selectboard meeting. Doug said their memo says specifics will be determined before any work begins. Duncan said they are asking for "support and agreement." What does that mean? Eric said he reads that as conceptual agreement only. They are just trying to apply for the grant. Doug said they seem almost to be asking for a letter of intent stating that we would approve this use of the facility. Duncan said he reads it as asking us to make a commitment that we are willing to change the lease and allow the use. Eric asked, why wouldn't we just be giving verbal support? We could give verbal conceptual support with some consideration to Johnson being compensated. Nat said we would also want more understanding of the impact on the neighborhood.

Doug moved and Nat seconded to send a letter to Susan Alexander and Gordon Smith indicating that the Johnson selectboard would be willing to enter into negotiations regarding the proposal to sublease the biosolids facility on Wilson Road in Johnson to

the Lamoille Regional Solid Waste Management District to repurpose the site to begin composting food scraps, but that the selectboard is not currently assenting to the proposal.

Duncan said a potential benefit to the town is that some of the material currently put into the stump dump could be ground up and used in the process of composting. It might make the stump dump facility last longer and get rid of some material that is not being repurposed.

Doug said what is wrong is that the local site bears the cost and the burden and there is no district-wide sharing. Eric said if there were a lease agreement with the district then the district would pay and all towns in the district would contribute.

The motion was passed.

8. *Other Business*

It was agreed to schedule a meeting at 7:00 on June 7. Job applications will be reviewed at that meeting. Discussion of community and police service priorities will be moved to that meeting. The board agreed Duncan should be at that meeting.

Kyle said she, Greg Stefanski, Walter Pomroy and Gordy Smith met with Chan Parker at Parker & Stearns to talk about putting signs on Parker & Stearns buildings to direct people toward the town and businesses. He was very agreeable. Duncan asked if anyone has looked at the ramifications of the billboard law. It may be a problem if he is advertising other businesses on Parker & Stearns buildings. Kyle said she thinks the signs would not name specific businesses but would say something more like "Shopping and restaurants this way." Specifics of what the signs would look like weren't discussed. She thinks the intention is just to direct people towards town.

Kyle said there was also discussion with Chan about safety of people going by his property while trucks are going in and out and about rail trail users parking where his employees usually park their trucks. Kyle said Chan understands the safety concern but he was reluctant to take steps such as putting in a curb or putting up "no parking" signs. He is fine with the village painting lines across his property, though he said they would disappear quickly with trucks driving over them. The village said they would keep repainting them.

Nat said we have a grant for signage on the rail trail building. We are waiting for information on the graphics from whoever is to provide it. Duncan said he thinks it is coming from LCPC. Nat said we have signs or funding for signs on Railroad St. There will be some on Railroad Street pointing to the parking area. Kyle said Chan Parker was going to put up employee only parking signs. Duncan said he doesn't know that there is a budget for the signs on Railroad St. Lea had asked him to ask the board if they would be willing to pay for signs out of the highway budget. Another thing we could put in place is sharrow markings. That might be more effective than painting a crosswalk in front of Parker & Stearns. Kyle said Walter seemed to think it would be the town's responsibility to paint crosswalk stripes across Railroad Street by Parker & Stearns where the rail trail ends. Duncan said the town owns 50% of the painter. We will either need to buy or create a stencil for the sharrow markings. Nat said he understood that we could borrow Morrisville's stencil. Duncan said

they said we could rent it. Kyle said Chan didn't seem keen on bicycle markings on his property. He was going to check with his brother to make sure there would not be a liability issue. Duncan said he can contact Morristown and find out how much it would be to rent their stencil. Or he can find out how much it would cost to buy one. That might make sense because we will have to paint the markings every year. Duncan said he would like to put a sign next to the trail pointing to the bathroom.

Doug asked if the rail trail committee has a map with Johnson highlights. Nat said one is drafted. They want to incorporate the look and feel of the VAST map.

Eric said he thinks the village got a proposal to put solar panels on the sewer plant. Proposals coming from the solar RFP may just be a village issue. Mike will be able to give the board more information when he is here. Walter indicated that it looks like all the village's available net metering capacity will be taken up.

Eric said when he talked to Dave Manning after the recent lockdown at the school he said good things about police service and communication during that situation. Eric mentioned the idea of a community resource officer to Dave Manning and he was very enthusiastic about it. He thought it would be great for the school. He would love to have a community officer to stop into the school now and then. Dave Manning also brought up the idea of marking safe zones on the town highway. Eric believes a school safety zone would extend 1000 feet from the school building. A lot of people within 1000 feet of the school own guns. There are exemptions for private dwellings. But if someone drives down School Street with a gun in a vehicle, is that a problem? Eric is not sure. Nat said it seems it could be problematic for parents dropping kids off at school with guns in their vehicles. Doug said it's a trap for those people.

9. Adjourn

The meeting was adjourned at 9:10.

Minutes submitted by Donna Griffiths