

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, JUNE 18, 2018

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Eric Osgood

Others: Brian Story, Rosemary Audibert, Brian Krause, Lois Frey, David Butler, Sue Lovering, Kerrie Lohr (Lamoille Housing Partnership), representative from J. Hutchins, Charles Gallanter, Kelly Vandorn and her husband

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:00.

2. Additions, Changes to Agenda

Brian added discussion on how much work should be done on the municipal building this year. Nat added acceptance of a resignation on the Rec Committee.

3. Review and Approve Minutes of Meetings Past

Mike moved to approve the minutes of May 21 and June 6, 2018, seconded by Nat. Nat the person listed in the May 21 minutes with an unknown last name was Peg Williams. **The motion to approve the minutes with that name corrected was passed.**

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

Rosemary said The Skinny Pancake (DBA Love Local Catering) has submitted a catering request. They want to serve beer and wine on July 1 from noon to 10:00 pm at the event at Willow Crossing Farm. Their request says 100 people are expected to be served.

Nat moved and Eric seconded to approve the catering request from The Skinny Pancake (Love Local Catering) for July 1.

Nat said he had spoken to Roger Marcoux about this event. Roger didn't know much about it but had heard there would be large crowds. Nat put him in touch with Heady Vermont, the group putting on the event. He met with them and the private security force that will be at the event and it sounds like they had a good conversation. They told Roger the maximum crowd size would be 2000 people. Roger was pleased with the security group. He felt many of his concerns were addressed. He said it seems to be a well organized event. Nat thinks in the future we should have a better protocol for making sure LCSD is put in the loop early when there are going to be events so they can voice concerns and have them addressed early. He noted that events can lead to overtime from LCSD. (*The representative from J. Hutchins arrived at 7:04.*)

Mike said he feels we should look into asking the group holding an event to pay for any resultant overtime from LCSD. Nat said some other communities have ordinances around special events. We could look into that. Mike said he doesn't think there should be extra expense for the town due to an event. Nat agreed that we should look into it.

The motion was passed.

Rosemary said she had talked to Union Bank about a line of credit we can use to cover expenses while waiting for tax payments. Spending 2 years' worth of paving money at one time can lead to cash flow problems.

Mike moved to authorize Rosemary to get a \$200,000 line of credit from Union Bank at an interest rate of 1.99%, Nat seconded and the motion was passed. (*Charles Gallanter arrived.*)

Rosemary said current uncollected taxes are \$120,802, a little more than 3%. That is \$60K better than the past two years.

The board discussed when to hold a meeting to set the tax rate. Brian S. said the board will need to meet the first week of July to issue a warning for the Australian ballot vote on form based code that must be held because of the petition received.

Charles Gallanter questioned what Brian had said about the deadline for having the vote. He believes August 8 is the last date the vote can be held. Charles read a section of statute stating that the board must call a special meeting within 60 days of receiving the petition. Brian said our attorney cited a different section of statute and said we had to warn the meeting within 60 days of receiving the petition.

The board agreed to set July 6 at 5:00 pm as the tentative date and time for the meeting to set the tax rate.

Brian said the section of statute Charles read says we have to call a special meeting within 60 days of getting the petition. He thinks issuing the warning is calling for the meeting. Our attorney cited a different statute. Charles said he would disagree that calling the meeting means issuing the warning because the statute also says the vote can be held at the annual meeting if the annual meeting falls within the 60 days. Eric said the board should proceed with the understanding we have and consult the town's attorney to make sure our understanding is correct.

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

Brian K. described some places where guard rails were installed, repaired or replaced. He said now that the public works department has a different set of employees, all employees agree they would like to work four 10-hour days per week as discussed last year. The board agreed that would be fine. Brian said he thinks they will start that schedule next week. Their workday will start at 6:00 am. He will be on vacation for 2 weeks starting next week. Jason will be the contact person for the first week and Ray will be the contact person for the second week.

Brian K. asked if there is an issue with doing 2 years' of paving work together. Rosemary said it is only a financial issue. Eric said we will not have had any tax money come in yet to pay for the part of the paving that is budgeted for the fiscal year starting July 1. Brian K. asked if it would be better going forward not to combine 2 years' worth of paving. Eric said we have always felt we could get a better rate if we combined two years' worth of paving

budget to have a bigger project. We will hopefully save by doing this even though we will have to pay some interest. (*The Vandorns arrived at 7:20.*)

Nat asked if Brian K. had had a chance to check on studies of the gravel bores. Brian said not yet.

Eric said we may hire the 5th person for the public works crew by the end of the summer.

Eric asked what is being purchased this year. Brian K. said a big truck. It has been ordered and is being made now.

Mike asked if Brian K. has a preference about when the 5th employee is hired. Brian K. said the sooner the better, as long as it works out with the budget. He would like to have enough time to get the person trained before snow falls. September would be nice.

Mike asked about the paving bids that had been received. He asked where Brian thinks the difference in tonnage estimates is coming from. Brian K. said he is not sure, but the important thing in the bids is the per ton price. They are just guessing at how much they will use for a shim coat. Their tonnage estimates may vary. They can't know until they do the job how much they will need. So the most important factor affecting what we pay is the per ton price.

6. *Planning Commission Report*

David Butler said at their last meeting the Planning Commission finished revisions to the town and village energy chapter. He believes it needs to be approved at the LCPC level and the selectboard level.

The Planning Commission agreed to offer David Williams a seat on the board. Brian S. said David Williams would like to attend one more Planning Commission meeting before he decides whether to join it.

David Butler said the Planning Commission agreed not to meet in July or August unless a special meeting is needed. (*Sue Lovering arrived at 7:26.*)

David said he believes the Planning Commission may work on river corridors next. Some members agreed to assist with public outreach on the upcoming vote if needed. Eric said the primary will be in August and if the form based code vote can be held at the same time it saves the town from having to find workers for two separate votes. There has to be a public information meeting within 10 days of the vote and it would be helpful to have Planning Commission participation in that.

7. *Recreation Committee Reserve Fund*

Brian said the Rec Committee is going to make significant expenditures this year on park maintenance issues. There are goals that need to be replaced, some fencing for ball fields needs repair, and the pavilion at Old Mill Park needs major repairs. They will need to make a significant withdrawal from the recreation reserve fund. Heather Rodriguez will be starting as rec coordinator July 1. There is interest in reviewing work she has done so far this year as a volunteer and seeing how much of that falls under the rec coordinator job description and

possibly giving her retroactive pay. There was some discussion about ways the town might help with this. He told the rec committee that the public works crew might be involved in demolishing things, but not putting up anything new. The estimate for repairs to the pavilion at Old Mill Park is about \$2500. There was a question about whether that would be a town or a Rec Committee expense.

Eric said we could withdraw money from our buildings and grounds reserve fund. Before any retroactive pay is provided it should come before the board. Brian said it will.

Nat said there is about \$21K in the recreation reserve fund. The Rec Committee got quotes of \$6K to repair baseball fences, \$2135 for soccer goals, and \$2500 to line the parking area and drive with boulders to keep vehicles off the fields. The total is \$10,635.

Nat moved and Mike seconded to allocate up to \$10,635 from the Johnson Recreation Reserve Fund for baseball fence repair, soccer goals and lining the Old Mill Park parking area and drive with boulders.

Brian asked about the pavilion. Eric asked if board members feel the town should take \$2500 out of the buildings and grounds reserve for pavilion repairs. Mike said he thinks it should come out of the rec reserve fund. **Nat and Mike agreed to a friendly amendment to the motion, adding \$2500 to the total to be taken from the Johnson Recreation Reserve Fund for repairs to the pavilion at Old Mill Park. The motion was passed.** (David Butler left at 7:39.)

8. ***Sue Lovering – Risks and Remedies Related to Emerald Ash Borer***

Sue Lovering showed a video about the emerald ash borer. Infestations of this insect will lead to costs to communities for removal of dead trees, tree replacement, and public outreach. Death of ash trees can decrease property values and cause erosion. It is recommended that communities watch for infestations, do an ash tree inventory, have a public education plan and plan for tree removal and disposal. Coordination with other communities is suggested.

Sue said there is a lot of good news. We already have a preparedness plan, though it needs to be updated. We have a well educated tree warden and tree board. There are around 2000 ash trees in public rights of way in Johnson, but there are no village trees, witness trees, etc. that are ashes. There are 440 ash trees that are hanging over roads. Eventually they will probably be infested and then all will die in 2-4 years. It costs around \$300 per tree to remove a medium to large ash tree. If we paid for all those trees to be removed it would cost around \$133K. We need to think about preemptive cutting and about where to store wood from cut trees and what to do with wood that has been chipped small enough to destroy ash borer larvae. We should think about working with neighboring towns. The state and federal governments have announced they won't send any money to towns to deal with the ash borer. It is currently four towns away. We have a state highway running through our town, which puts us at high risk. We have an invasive insect preparedness team. Team members have information they can put on people's doors if they see a large ash tree in someone's yard. There is a way to treat trees preemptively. It has to be done by a licensed pesticide applicator. It costs \$1-7 per inch of tree diameter. A lot of towns in the midwest have put programs in place where they offer to pay half the treatment cost of a citizen has a tree they want to keep

and not have the town cut down. Sue believes that if there is a healthy tree leaning over the street, unless the town passes an ordinance the town has to go through the tree warden and get the landowner's permission to cut the tree. The town can't cut it unless it presents a hazard.

Sue said the group is looking for new members and for ideas about working with the rest of the county and finding a storage place for wood.

Eric asked if the wood can be cut into firewood and given to a local firewood program. Sue said it can as long as it is cut in winter when the bug is dormant and it doesn't go out of the county. Currently the whole state is in quarantine, but the ash borer is only found in 4 towns. The quarantine means people can't move firewood in or out. Lumber can be shipped if it is kiln dried and permitted by the government. Log lengths can be shipped if the bark and the first inch beneath the bark are removed. We can find a way to use infested wood – for instance, making lumber to be used in town. Mike said the school burns chips. Infested wood could be used there. Sue said the problem will be that everyone will be selling the same thing. And chipping the wood down to the 1-inch size needed to kill the larva requires a tub grinder. There are not that many around and they will be in high demand.

Sue's group did not inventory state roads or the college. The state says they will take care of those. But they haven't answered the question of what will happen if trees are falling and they can't get to them because they have too many towns to take care of. Sue thinks we need a backup plan.

Sue would like the board to think about where we might locate a storage area. It can be located in another town if we get other towns to work with us. She thinks it is likely that several towns would like to get together. Stowe has said they would like to work by themselves. It is possible Cambridge might want to be involved.

Sue's group would like more people to get involved. Right now they are in the planning stage. The ash borer may not come for 10 years. Now that Parker & Stearns and Manchester Lumber are gone the only high risk area in town is Maplewoods Campground. They will create a sick tree there by girdling it. The borer always goes first to an unhealthy tree. In a few years they will cut down the tree to see if it is infested. There is literature on the ash borer at the campground for campers. The purple traps were part of a federal program. We could probably get hold of those and put some up.

Nat said it would be good for Sue to give the board some specific things they can do. Sue said the first is to identify potential space for storage. Another thing would be to figure out how the town wants to go about cutting in rights of way. Sick or damaged trees should be identified and those should go first. Maybe we could also identify trees that are healthy but would be a problem in the future.

The current emerald ash borer plan is on the town website. Eric asked, should the plan be brushed off and maybe beefed up a little and will it give us direction on what we should focus on? Or is it more general? Sue said it is very detailed. Her group can bring it up to date.

She thinks it is worthwhile for everyone to read it. We can hold public meetings. We need to find money to cut trees and decide who will cut ash trees if we get the ash borer. The town should consider whether to have a town employee licensed as a pesticide applicator to treat trees.

Brian K. asked if there is any value to the lumber if ash trees are harvested before the borer gets here. Sue said yes. We have to have the lumber inspected.

Nat summarized that the town should identify space to store cut trees, identify damaged trees and see if someone on the highway crew would be interested in being a pesticide applicator. We also should make sure our public works employees can identify an ash tree. Eric said it could be helpful for highway employees to have training on what they should be looking for. Sue said her group can have an informative meeting with them.

Lois said the video Sue showed and others on the emerald ash borer are on the Conservation Commission web page.

9. *Nomination to Fill a Library Trustee Vacancy*

The library trustees have nominated Kelly Vandorn to join their board to fill the vacant position. **Nat moved to appoint Kelly Vandorn to the library trustee board, Mike seconded and the motion was passed.** Eric said she is appointed until the next town meeting, then she is up for reelection

10. *Facility Use for Lamoille Housing Partnership*

Brian said Lamoille Housing Partnership has submitted a facility use request for an event at Legion Field. Kerrie Lohr said there will probably be about 50 attendees and 20 volunteers, for a total occupancy of around 70. Brian said they will have live music and food. The Alchemist will serve under a special event license that is available to beverage manufacturers. They don't need a catering permit. Kerrie has given Brian a copy of Lamoille Housing Partnership's insurance.

Eric asked if they will need a noise ordinance waiver. Kerrie said there will be a trio of musicians. It will probably not be very loud. Nat said he would suggest getting a noise ordinance waiver to be safe.

Mike moved to approve the facility use request submitted by Lamoille Housing Partnership for an event at Legion Field, Nat seconded and the motion was passed.

(Kerrie left at 8:12.)

11. *Paving Proposals*

Brian S. said we received 4 paving proposals. He and Brian K. reviewed them and liked them all. All the companies are well qualified.

Eric invited the representative from J. Hutchins to speak. The J. Hutchins representative said different contractors have different tonnage estimates because they are trying to guess the quantity of shim they will need. The way to award the contract is based on who offers the lowest price per ton because any contractor will end up using the same amount for the project.

Eric said J. Hutchins offered the lowest price per ton.

Mike moved to accept the paving bid from J. Hutchins, Nat seconded and the motion was passed. *(The J. Hutchins representative and Brian K. left at 8:15.)*

12. Review Petition for a Popular Vote Re: Form Based Code

The town has received a petition calling for a popular vote on form based code. Brian S. said the recommendation is to hold the vote on primary day, August 14. We believe that conforms to the requirements for holding the meeting. He will double check.

Charles said he believes August 4 is the last day the vote can be held. Absentee ballots and early voting have to be available 20 days before the vote, which is July 13. There has to be public notice of the vote 15 days before that. The latest the warning can appear in the New & Citizen is June 28.

Eric said the board won't decide tonight which interpretation of statute is correct because there are no experts here. It would be unfortunate if Charles were correct because it would mean getting justices of the peace here for 2 full days to staff the polls and count ballots. That would be difficult.

The board agreed to plan to meet Friday evening if our attorney's original interpretation turns out to be incorrect.

13. Lamoille County Sheriff's Department Contract

The town has received a contract for the 2018-2019 year to sign. Nat said his concern about the proposed reserve fund is that if Roger Marcoux were ever replaced by a new sheriff the reserve fund could be absorbed into the budget. How do we hedge against that?

Brian said Roger is committed to maintaining the reserve fund, but he is not aware of any limitations on changing his mind and altering the purpose it was set aside for. *(The Vandorns left at 8:26.)*

Nat said we are agreeing to significantly increase the amount of money we are paying for the contract based on the idea of a reserve fund but there is no guarantee that money will be there when it is needed to buy new vehicles. He is sure if Roger is still sheriff he will use the reserve fund as planned, but if he is not there is no guarantee.

Mike said he is also uncomfortable with signing the contract. Restrictions on the reserve fund should be spelled out.

Eric said a new sheriff won't be held to what Roger agreed to. Brian said the contract says we pay a certain amount. Roger gets the money and allocates it the way he sees fit. The budget he provides is to give us confidence in his operation. We can't tell him how to spend the money.

Mike said we can ask for a clarification. Eric said Roger could promise in writing that he will dedicate the money to new vehicles but if he leaves there is nothing to hold a future sheriff to the same agreement.

Nat said town reserve funds can only be used for a specific purpose. There is no legal mechanism restricting use of this reserve fund in the same way.

Brian said he has a great deal of confidence that the next person would continue this because it is a good policy and because if they broke the previous agreement we might not renew the contract. Calling it a reserve fund and not using it for the stated purpose would be very misleading and would give us cause to renegotiate the contract. Eric said a flag would go up if we saw the reserve fund increasing and Roger not purchasing equipment. Mike said he thinks we are okay.

The board signed the contract

14. Budget Discussion

Rosemary said we should have a \$132K surplus in this year's budget. Eric said we planned on a surplus of \$151K. Brian said we didn't plan to spend all the anticipated surplus. We planned to spend \$138K on reducing taxes. Brian said there is cash on hand in addition to the surplus. The \$138K included both surplus and cash on hand from the prior year. We might be okay at the end of this year.

15. Compensation Rates

Brian said the plan is to move the highway employees to the new pay scale starting July 1, with the exception of Jason, who will make more with his old rate until he achieves the next level of qualifications. He will need an adjustment to his current rate and he will be moved to the new pay scale later.

Eric said historically we have always given town employees the same increase given to joint employees. Brian's annual review in August is when the board would typically set his compensation. (*Sue left at 8:40.*)

Brian said the new pay scale has a 2.5% increase over current pay rates written into it so people moving to that scale don't need an additional increase. Jason's pay need to be increased by 2.5% and Ray needs to be moved to the new scale. Ryan is already on the new scale because he is a new hire.

Mike moved and Nat seconded to move Ray Gilcris to the new public works department pay scale and to keep Jason Whitehill on the current pay scale while increasing his pay by 2.5% and the motion was passed.

Nat moved to increase Brian Krause's pay by 2.5%. Mike said he thinks Brian might deserve 3%. Eric suggested increasing his annual salary to \$65K. Brian S. said his recommendation for tonight would be to give Brian K. a 2.5% increase and to allow Brian K. to be part of the negotiations for any compensation increase over that. **Mike seconded and the motion was passed.**

16. Waiver of Noise Ordinance for 2018 Tuesday Night Live

Mike moved to approve the noise ordinance waiver requested for Tuesday Night Live with no conditions. Nat asked who lets the sheriff know about noise ordinance waivers. Eric said typically when we approve a noise ordinance waiver we share it with the sheriff. Nat

asked Brian if he does that. He said not always, but he can make it more part of the procedure. Eric said the sheriff's department should be notified in case they get a call about the noise. **Nat seconded and the motion was passed.**

17. Grants-In-Aid Letter of Intent

Brian said a letter of intent for the Grants-In-Aid program is due June 22. The program provides grants for projects that improve town road impact on water quality. There are two grant areas, one for road work and one for equipment. Brian K. has a couple of ideas but we don't have to commit to what we will do with the funds. (Lois left at 8:52.) **Mike moved to sign the letter of intent for the Grants-In-Aid program, Nat seconded and the motion was passed.**

18. Parking on Lendway Lane

Brian said overflow parking from the rail trail and Old Mill Park can block passage on Lendway Lane. Local residents have requested that parking be limited to one side of the road. He wants to do research on our authority to restrict parking but he thinks it is okay for us to put up no parking signs. Nat said he believes there is at least one no parking sign now on the right. Brian said if we have one we probably would extend that no parking zone and enforce it. He suspects we will need an ordinance to give it any teeth.

Nat said that whole area needs a plan for traffic movement and parking. Brian said he thinks we will have to go for a planning grant for that. Eric said we need to take into account parking for the ball fields, the rail trail and snowmobiles.

19. Mud Abatement

Brian said we will not do any significant amount of mud abatement this spring due to our financial position.

20. MRGP Fee

Brian said the MRGP fee has been slightly revised. There was going to be a flat fee for all towns. Now there is going to be a tiered system. Our fee will be just under \$2K and we had budgeted \$3K. Part is due at the start of the year and part is not due until June 1 of next year.

21. Posting for New Public Works Position

Mike moved to authorize Brian Story to post the new public works position. Mike said he would like to see someone hired by August 1. Eric said it might be hard to get someone that soon. We have to post the position and do interviews and then the person may need to give their current employer 2 weeks' notice. Mike suggested planning to hire by mid-August. Nat asked if Mike wouldn't prefer to see savings from waiting until September 1 to start the new employee. Brian said there could be significant savings from waiting. The board agreed to try to have the new employee start by September 1 at the latest. **Nat seconded and the motion was passed.**

22. Update on Town Revolving Loan Fund

Brian said Duncan is moving ahead with the revolving loan fund. He will have more time to devote to that task now that his work for Cambridge is finishing up. Brian met with John Mandeville about the loan fund. LEDC should be able to provide some help.

23. Update on the Light Industrial Park

Brian has a meeting coming up with Seth Jensen from LCPC to talk about modifications to our outlined lots and plan for the light industrial park. We are looking at grants to come up with a more shovel-ready plan. Altering the density might make the park more competitive. We can increase the density somewhat while remaining mindful of neighboring properties.

24. Lamoille County Sheriff's Department Report for May-April 2018

The monthly sheriff's department report was emailed. We got a more detailed report that Brian thinks we will continue to receive on a weekly basis.

Eric said he has noticed the sheriff's department presence lately. Brian said he has communicated that the increased presence is working out well for us and we appreciate it.

25. Recreation Committee Resignation

Nat moved and Mike seconded to accept Lisa Crews's resignation from the Recreation Committee. The board agreed to send her a letter thanking her for her service. **The motion was passed.**

Mike suggested sending David Goddette and his wife a letter thanking them for their years of community service. The board agreed to that.

26. Municipal Building Repairs

Brian said we got two estimates for siding work on the municipal building – one for replacing siding from where the work stopped last year up to the edge of the entryway and one for doing the whole entryway as well. He and Meredith didn't think doing part of the entryway would be a good idea. The estimate to do the larger area is \$45K.

Mike said he feels we should get an estimate from another contractor rather than just awarding the contract to the same contractor used last year. He doesn't think we are being responsible with the town's money if we award a contract without having a comparison. Nat said the contractor we already used knows the building and what needs to be done, but there is no harm in getting bids. Eric said we should have had this discussion earlier. Mike said he assumed we were going to put it out to bid.

Brian said the trustees haven't voted yet but they talked about spending \$45K to do the whole side of the building. He suggested that we solicit a couple of alternative bids, which would be faster than putting out an RFP. Eric suggested that Brian share this discussion with Stanley, the contractor we used last year. He asked if we could get bids by July 15. Brian said he hopes so, but this is a busy time for contractors. Mike suggested putting a notice in the paper also.

27. Bill from Johnson Fire Department

Eric said he and Brian had looked over the bill from the Johnson Fire Department related to work done during the flood event and looked at the contract and they had questions about whether that was an eligible bill to submit to us based on the wording of the contract. Eric asked Brian to have our attorney review it.

Mike moved to go into executive session under the provisions of 1 V.S.A. § 313 to discuss communications from our attorney concerning the fire department bill, Nat seconded, the motion was passed and the board entered executive session at 9:27. The board came out of executive session at 9:41.

28. Adjourn

The meeting was adjourned at 9:44.

Minutes submitted by Donna Griffiths