

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, JUNE 20, 2016

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Eric Osgood

Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Brian Krause, David Butler, Jen Burton

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:08.

2. Additions, Changes to Agenda

Duncan added some items: tree warden duties and responsibilities and trees on school property, College Hill structures grant amendment status, noise waiver request, administrator replacement process status, receipt of unified plan and schedule for public hearings.

3. Review and Approve Minutes of Meetings Past

Doug moved to approve the minutes of May 16, May 23 and May 31, 2016 with the date corrected on the May 23 minutes and the edits suggested by Duncan for the May 31 minutes, Nat seconded, and the motion was passed.

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

Rosemary said we are at 85% of budget spent. It looks like we will end the year pretty much on target.

It was agreed to schedule a meeting for July 5 to set the tax rate and have a board of abatement meeting.

Taxpayers have until July 10 to make a grievance. Less than 15 have so far. The board agreed to move toward a tax sale on the same accelerated schedule as last year.

A donation of \$100 for trees has been offered to the town. It was agreed that Rosemary or Duncan should clarify what the donor has in mind and check to see if the Historical Society wants more trees on their property.

Rosemary said the trustees want to give Rhonda Gilcris's daughter Kelley a chance to do the cleaning job. Kelley has agreed to commit to 2 days a week, 3-4 hours at a time, at the same hourly rate Rhonda was getting. She is going to try to get insurance. Otherwise she would be covered by our insurance. **Nat moved to use Kelley Gilcris to provide cleaning services, seconded by Mike.** Doug asked how long her commitment is for. Rosemary said she thinks she wants to do it long term. **The motion was passed.**

Duncan shared a spreadsheet showing what the town would owe to the village for College Hill structures grant work, assuming VTrans approves the amended amount of \$141,097.07. The town would owe reimbursement of \$39,752.66 but the village has already received a paving credit of \$3150, which was included in our calculations of the net cost of the project. Since the village has already received that, it seems to Rosemary and Duncan that the amount

given to the village should be reduced to \$36,602.66. That amount was in the orders already signed tonight. **Mike moved to reimburse the village \$36,602.66 for College Hill structures grant work, Doug seconded and the motion was passed.**

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

Brian said the highway crew took care of the parking area for the Beard swimming hole. They worked with the village crew to install catch basins and storm water piping on School St. Hogback Road is being paved. School St. will be paved next. He is hoping to have rail trail mowing done in time for the opening ceremony.

Duncan said he wanted to acknowledge Brian's work on a couple of things. His expertise was important in accomplishing the drainage work at the corner of Pearl and School Streets. We successfully obtained all 3 of the Better Backroads grants we applied for. Brian did the lion's share of the work of preparing the applications. We received \$38K of grant funding.

Bruce and Mary Beard have offered to donate a barbecue pit and picnic bench for the Beard Recreation Park. Duncan said he thinks at some point it would be worthwhile for the Conservation Commission and/or the Recreation Committee to come up with a plan for the Beard Recreation Park. Nat said he will talk to Lois Frey about it.

There is a grant available for municipal park and rides but Duncan and Brian haven't been able to come up with a good idea for a place to put one.

There is a break in a sewer line at the Historical Society building. Brian is going to try to fix it.

Duncan distributed copies of an Agreement for Construction of Bridge or Culvert Structures on Basin Road. Bob Cross, Michelle Bayard and Michele Antoniazzi are in basic agreement about our doing this work in exchange for easements for the Coddington Hollow project.

We need an Army Corps of Engineers permit for the Coddington Hollow project. They have new guidelines with regard to nesting bats. Under these guidelines, we need a permit in order to destroy or remove any tree above a certain size. There are about 6 or 8 trees of that size that could potentially be affected. We have asked the Corps for authorization to begin the project and not touch the trees until analysis of whether bats are nesting in them. He thinks they will probably grant approval to begin the project. It would be possible for those trees to stay if necessary.

Duncan handed out the engineering study for Garret Hirschak's gravel pit and suggested that board members read it.

Duncan reminded the board that at the last work session meeting Brian had reported that Bert Nadeau was not inclined to let the town dig test pits on his property adjacent to the gravel pit until there is some resolution about removing the remaining gravel in the existing pit. Duncan would like to dig test pits. He thinks we should provide a written response one way or the other about our intention regarding removing the remaining gravel. There is around 20K yards of gravel left and Duncan thinks Bert wants to see us remove it and use it,

regardless of permit issues, because he values thrift. Duncan agrees it would be a shame to leave 20K yards of gravel there, but it would also be a shame to face fines or penalties that could triple or quadruple the cost of getting the gravel.

Nat said we talked about hiring a third party to get the gravel. Are there issues with that? Duncan said we still would have permitting issues.

Mike asked if required training is the main holdup. Duncan and Brian said that is one issue. Brian said currently Chris is the only one who has the initial MSHA training. The rest of the crew are not all going to go through the 40-hour course unless permits for the site are worked out and it is definitely worth it. If we had a safety plan and permits in place, Chris could operate the loader and screener and that would be fine if the others stayed in the truck.

Mike said there never has been a permit. Eric said there never has and there never will be. Duncan said he has concerns about liability exposure. If anything happened he doesn't think our insurance would cover it if the activity were not properly permitted.

Mike suggested that someone go to Montpelier and check into the records. Eric said the state has looked and we have looked. There doesn't appear to be any record of our getting an Act 250 permit or getting exempted from it. Some people have recalled that we were told by Ed Stanak that we didn't need an Act 250 permit, but there is no evidence of that.

Duncan said we don't have the required safety plan. We would probably need to hire someone to develop one as he and Brian do not have the time. How much money do we want to put in to extracting 20K yards of gravel?

Nat brought up the suggestion from a past meeting that Doug get permission from the previous owner of the gravel pit property to look at Doug's records regarding that property. Duncan said Doug checked and there was nothing helpful.

Duncan said if we develop a new gravel pit site and get all the required permits then we could go back in and extract what is left in the current pit. That gravel may only end up getting extracted if we develop an additional pit on Bert's property.

The board agreed Duncan should write a letter to Bert Nadeau explaining the reasons why the town may not choose to extract the remaining gravel from the existing pit and bring a draft to the next meeting.

VTrans is offering us a bypass grant of \$5876 to cover wear and tear to town highways during the twin bridges closures.

Nat said Brian and his crew did a great job putting down fall protection under the swing set at Old Mill Park. They helped the rec committee tremendously.

Duncan said we got the electric vehicle charging station grant. There will be a little work involved with putting it in.

David Butler offered the town gravel from his gravel pit, which he said is fully permitted. He said his gravel is not the greatest. It needs to be blended and crushed. There are a lot of fines in it. Brian said he thinks it is worth looking at.

6. *Planning Commission Report*

David said the Planning Commission received no public comment on the unified municipal plan, which they approved last week. They started work on the administration portion of the form based code. There is research money available through LCPC to ground proof river corridors. Someone would come out to look at streams. The intent would be to show that a broad brush can't be used to establish river corridors and more work needs to be done on them. The Planning Commission needs to find a secretary.

Eric said the Planning Commission needs to give thought to suggesting a town representative to the LCPC board. David said no one on the Planning Commission volunteered. Duncan said recommendations of others would be welcome. (*Jen Burton arrived at 7:51.*) Duncan said the opening hasn't been posted on Front Porch Forum yet, but should be.

Duncan said it is application time for 2016 Municipal Planning Grants. Does the Planning Commission have any ideas about grant applications? David said none they have discussed. Duncan asked if the Planning Commission could use additional resources for anything that needs to be done related to form based code. David said he doesn't think so. It is uncertain who the administrative officer will be if form based code is passed. The makeup of the development review board is also uncertain. His thought is that the administrative officer would be someone already employed by the town or village in the office. There won't be that many applications – maybe 10 a year. In other towns the development review board is appointed. He would guess it would look pretty much like the Planning Commission, made up of volunteers.

Duncan said the flood hazard zoning regs are in serious need of updating. David said there are some things in the mapping that make no sense. There are places included in river corridors that have never been flooded. In order to change that we would have to hire engineers to prove them wrong. Duncan said he thinks that could be in a Municipal Planning Grant. But by the time someone else is hired to do the work Lea used to do it will be too late to put in an application for 2016. We may let this year go by without applying.

Doug said the Planning Commission has had huge projects eating up its time. He hopes Planning Commission members can turn their heads toward planning what is next for the town, generating ideas and providing guidance to Lea's replacement.

Duncan said housing related projects have always been a pretty high priority for awarding Municipal Planning Grants. Eric said that would play well into our Railroad Street concerns. Doug said blighted buildings are a lingering issue. Duncan said LCPC can assist with development of an application but may not be able to assist with administering the grant. But his replacement would be here by the time we got the grant. Doug said he would suggest a grant application focused on blighted housing. Duncan said he can explore that with LCPC. Maybe there could be a way to tie that together with flood hazard regs. The board agreed it

would be a good idea for Duncan to ask LCPC for thoughts and ideas on structuring an application related to housing.

David said the Planning Commission is changing its July meeting to a Wednesday, July 13, to avoid a conflict with Tuesday Night Live.

Eric asked if the selectboard should change the July 5 meeting to an earlier time to avoid conflict with Tuesday Night Live. It was agreed to change it to 4:00.

David said the primary goal at the next Planning Commission meeting will be to complete revisions of the administrative portion of form based code. Duncan said he would suggest having the town attorney review the document once it is complete.

Eric said the board had committed to a town wide vote on form based code. Duncan said that is no longer required. Eric said a special town meeting could double as a second hearing and an opportunity to vote. And then the selectboard has to vote. Duncan asked Rosemary if the vote has to be by Australian ballot. Rosemary said she thinks the selectboard has the only real authority to vote on it. David agreed; even if the town votes in favor of it, the selectboard has to vote to adopt it. Eric said he thinks the vote of the town would be an advisory vote only, so he doesn't think it would matter what form it took.

7. ***Jen Burton – Speed Signs, Lower Speed Limit***

Jen Burton said she wanted to suggest looking into getting solar powered speed signs for 100C that tell how fast drivers are going. That might help with the speeding problem.

Eric said he is not sure how much they cost. Rosemary said she heard a figure of \$4K, but she is not sure if that is accurate.

Eric said his only concern is precedent setting. There are people who complain about speed on almost every road in town.

Duncan said 100C is a state highway. The board could only write a letter to VTrans District 8 requesting that they do a study and consider placing speed signs.

Duncan asked if Jen had a particular location in mind. She said she was thinking of putting them at the beginning of the road and where the 35 mph zone stops. But anything would be great.

Duncan said he had a phone request about signage at the intersection of Collins Hill Road and Route 15. Because of a driveway there, it is almost a 4-way intersection. He asked the person making the request either to put it in writing or attend a meeting and told them the best the selectboard could do would be to write a letter, since it is a state highway.

Mike moved to direct Duncan to contact VTrans and request additional signage or traffic studies 100C and the Collins Hill/Route 15 intersection, seconded by Nat.

Nat said the sheriff's department does respond with targeted enforcement if they get reports of problem areas. **The motion was passed.**

Jen said she would also love to get the speed limit lowered from 35 to 25 on the beginning of Sinclair Rd. Eric said a traffic study would be required in order for the board to do that. Nat asked what the speed limit is on Railroad St. Duncan said it is 25 because it is in village. There is a relevant village ordinance. (*Jen left at 8:15.*)

8. Administrator Report, Action Items and Signature Required Items

Duncan said a concern was raised by the Conservation Commission about possible damage to 4 trees by the school's yellow house when the house is burned. The trustees granted permission for the trees to be damaged or destroyed, but they have no jurisdiction. The tree warden, who is appointed by the selectboard, has roles and responsibilities regarding shade tree cutting and destruction. Noel Dodge, the tree warden, issued a letter to the school board saying that 2 of the trees are old and damaged and he doesn't feel they need further protection and that the fire department should try to prevent damage to the other 2 during the burn. The fire department will try to provide a water screen for the Japanese lilac. The big maple overhanging the building will probably have damage, but the fire department will try to minimize it. Duncan thinks Noel's decision pretty much covers it. But statute allows the selectboard to waive fines and penalties for destruction of trees by granting permission to the property owner to damage them. It wouldn't be a bad idea for the selectboard to grant the school board permission to damage or destroy the trees.

Eric said our only authority appears to be over the penalty for damage. Doug asked who handles the fines and penalties. Duncan said the statute is not clear on that.

Mike moved to give permission to the Johnson school board to destroy or damage 4 trees during the controlled burn of school property, but to direct the school board to make all prudent efforts to save the trees as per the tree warden's recommendations, seconded by Nat. Doug said he opposes this motion. He thinks the selectboard should leave this in the tree warden's hands. **The motion failed, with Doug and Nat opposed.**

The town has received a noise ordinance waiver request from William Bradley for a wedding and reception at 505 Collins Hill Road on July 30, 2016 from 2:00 pm to 11:00 pm. **Nat moved to approve William Bradley's noise ordinance waiver request with no conditions, Mike seconded and the motion was passed.**

It was agreed to try to schedule second interviews for town administrator finalists for June 29. The finalists will also have opportunities to see town facilities and meet town employees. Duncan will follow up with the finalists to see if that date works for them.

It was agreed to schedule the two public hearings on the unified municipal plan for July 18 and August 15, which are regular board meeting nights.

The state is being asked to be relieved of cost obligation for talc mill cleanup, but the state is not paying anything for it. The Petroleum Cleanup Fund is paying for it all. Duncan is trying to get an answer from them about why they are trying to be relieved of cost obligation when they have no cost obligation. Eric asked how we could even relieve the state of cost. Duncan said they are asking to be relieved of any cost obligation under the Petroleum Cleanup Fund

or to have their obligation reduced to 10%. Doug said he doesn't think we should agree. He wouldn't want to set a precedent. Mike said he doesn't think we should agree. Duncan said he sees no advantage or disadvantage from a monetary standpoint. The board agreed to leave the cost share as is.

Duncan had a copy of the new sheriff's department contract. He said there was some discussion at the advisory committee meetings about whether we wanted changes but the committee never came up with specific recommendations. So unless the board has any changes to make his recommendation is to sign the contract as is.

Nat moved to approve the contract with the Lamoille County Sheriff's Department, seconded by Doug.

Nat showed the board information the sheriff gave out at last week's advisory committee meeting. With his new GPS tracker he can give us this information on the number of hours LCSD spent in Johnson during a particular time range. LCSD will get some money to increase traffic patrols, especially during drive times and in trouble spots. Nat told him it would help if the ratio of tickets to warnings were more equitable, with more tickets and fewer warnings. Roger Marcoux agreed that was an issue, but there is officer discretion. The committee talked about maybe asking LCSD to enforce zero tolerance for certain things like cell phone use while driving. Jonathan Ross has been hired full-time for the detective position. He is doing the work of the sex assault unit the state used to fund. Nat asked if that work is for the 3 patrol towns or the whole county. Roger Marcoux confirmed it is for the 3 towns. Morrisville and Stowe are doing their own work. Eric asked who does sex assault work for Waterville, Eden, etc. Nat said he doesn't know, but not the detective. The sheriff stressed that there are many problems with opiates causing devastation to families. The committee will meet again in August to start working on next year's budget.

Mike said he doesn't think the board should be in the business of telling the sheriff we want more tickets and fewer warnings. Eric said there was an imbalance between warnings and tickets compared to Hyde Park and Wolcott. It was skewed heavily to warnings only in Johnson. The board thought it should be the same in all the towns. Mike said there is not a huge imbalance now. He feels we should let it go. Nat said Roger said he does not want quotas. Nat would like to see this town develop a reputation for giving out a lot of tickets.

The motion was passed.

Mike moved to direct the 3 senior members of the board to sign the GIS Internet Services Maintenance Agreement, Doug seconded and the motion was passed.

Duncan reworked the lease agreement for the Historical Society building tenant. He proposes a \$10/month increase in rent, from \$950 to \$960, to cover the added cost for water and sewer increases.

Duncan heard from Bob Cross, Michelle Bayard and Michele Antoniazzi that they are okay with the language in the Agreement for Construction of Bridge or Culvert Structures on

Basin Road that says we will make our best effort to do the Basin Road work this construction season. **Doug moved to authorize Eric to sign the Agreement for Construction of Bridge or Culvert Structures on Basin Road on behalf of the town, seconded by Mike.** Nat thanked Duncan for all the work he has put into the Codding Hollow project. **The motion was passed.**

Mike moved to approve a facility use agreement for Lamoille Valley Church of the Nazarene to use Legion Field on September 10 and 11 from 9:30 am to 2:00 pm and to authorize Duncan to sign it, Doug seconded and the motion was passed.

Mike moved to authorize Eric to sign the agreement with VTrans to accept bypass grant funds in the amount of \$5876.00, Doug seconded and the motion was passed.

The Boy Scouts have asked to use the upstairs space in the Mill House building that was recently vacated by the rec committee. Nat said the rec committee still has some things they want to keep in that space. They are okay with the Boy Scouts using the space as long as the rec committee items can continue to be stored there. Rosemary said the trustees were willing to allow the Boy Scouts to use the space. **Mike moved to allow the Boy Scouts to use the space vacated by the rec committee in the Mill House building, Nat seconded and the motion was passed.**

We have received the VMERS retirement rates for FY17. The town's contribution went up a bit. What went up most was the rate for Grade C employees. The village hired Duncan and voted to allow a Plan C for him. Right now the town doesn't offer Plan C, only Plan B. That might be a subject of negotiation when the board interviews finalists.

Mike asked when Brian Krause's contract is coming up for renewal. Eric said he doesn't have a contract. His position will be renewed when the board does appointments after town meeting. Mike said he feels Brian has exceeded expectations and the board ought to be looking into increased compensation. Other board members explained that he got a pay increase recently after he had been employed for 6 months. Doug said he would say Brian has not exceeded expectations because the board had every reason to expect he was going to be excellent.

We received a copy of the Ambulance Service Agreement executed by all parties.

Duncan made a final application to Vermont's Land and Water Conservation Fund Program for the Beard parcel. We should be getting our final reimbursement.

We budgeted for \$275,000 in PILOT payments and we will receive \$332,220.

Ruggiano is reviewing submittals for SD Ireland's precast concrete structure. Duncan would like to have a preconstruction meeting with Ireland. The work can't start before July 15.

Hogback Road is being paved. Whatever amount of money is left after the other paving is done will be used to pave as far as we can on Clay Hill Rd.

We are still waiting to hear from VTrans whether they have approved the Town Highway and Bridge Standards. Indications are that they will approve them.

Duncan was contacted by Susan Alexander of Lamoille Regional Solid Waste Management District about the lease for the composting facility. He told her the town was not saying no to a lease transfer, just not saying yes without having more information and a better picture of the benefits to the town from hosting.

LCPC prefers that we administer the Municipal Planning Grant for the natural resources inventory ourselves. They are pretty well tapped out. Duncan thinks his replacement can do it.

Doug met with Seth Jensen and Lea about a Brownfields grant program. Seth was going to speak to the trustees about the opportunity. LCPC has money to do area wide planning related to Brownfields. The thought was that they would look at the talc mill site and extend down Railroad St. Rosemary said she thinks the trustees wanted to go with what Seth recommended. Doug said his goal was to further our relationship with the village. He thought they might be interested in looking at Railroad Street and we could cooperate with them.

A request was sent to a property owner to clean out a farm ditch along Hogback Rd.

The Lamoille Valley Rail Trail was looking for a list of things we are willing to do. Duncan gave them a list of what we have done. They would like us to do some mowing for the grand opening.

Duncan is working on the Municipal Planning Grant closeout.

LCPC has been working on the Hazard Mitigation Plan. Eric and Duncan met with LCPC staff and made comments and suggestions. Duncan thinks the plan will be ready for approval at the July meeting.

Butternut Mountain Farms, Howard and Casey Romero and the JSC SERVE program all got honorable mention Marvin awards.

Nat reported on the meeting LCSD deputy Chris Watson arranged between Kim Marble and Josh and Eliza Whittemore. Nat and Bob Sweetser also attended. Kim agreed that she would stop complaining if the Whittemores got rid of their rooster and that if she does have a complaint she will make it directly to Chris Watson who will respond in person. If he hears any noise he will write a ticket. He encouraged the Whittemores to contest the ticket and let a judge decide if the noise ordinance was violated or not. Nat said he was impressed with the way Roger Marcoux and Chris Watson handled the situation.

Lea has sent out draft Flood Hazard Zoning Regulations a couple of times for board review and Duncan doesn't believe she got any comments back. The board needs to come back to this at some point. Duncan will send the draft out again.

Ron Rodjenski has started working on the electric vehicle charging station grant.

Duncan referred the issue of demolition and reconstruction of the burned house on Railroad Street to Howard Romero as Flood Zoning Administrator as the property is within the 100 year flood zone.

Duncan handed out copies of town equipment replacement schedule information from Vermont Local Roads. It shows schedules for a few towns. Duncan thought the board might be interested in the comparison. He doesn't think we are radical outliers.

Duncan has been trying to get a quote for cleaning and stone repair in Whiting and Evergreen Cemeteries and he has been trying to arrange a time for John Clegg, Jr. to meet him at Evergreen Ledge to plot out plots.

Duncan does not know the status of the solar array RFP. Mike said the village is interested in installing an array on joint property so they will have to come to the town.

We have conceptual approval for a new testing schedule for the landfill, with less frequent testing, fewer sites to be tested and fewer chemicals to be tested for.

Duncan met with Bob Sweetser. He is very happy with the parking lot and steps at the Beard swimming hole. He wants to put a fence down his property line adjacent to the town property. He still has a bit of concern about the easement to the right of his garage. Duncan told him he would look into what would take to release him from that easement. He told Bob he thought the board would be unlikely to give up the easement along the river bank. He asked someone at the Land and Water Conservation fund about giving up the easement and she said as far as she knew it would not be an issue for them. Board members agreed that if any legal work is done to give up the easement, Bob Sweetser should pay for it.

Duncan has not had time to look over cost estimates for the industrial park or to follow up on the Travis Hill water line issue.

9. Adjourn

The meeting was adjourned at 9:26.

Minutes submitted by Donna Griffiths