

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, JUNE 5, 2017

Present:

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

Others: Brian Story, Rosemary Audibert, Brian Krause, Peter Moynihan

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

Brian added signing a check warrant and discussing an electrician's estimate for timers for the lights upstairs. Nat added a request from the rec committee to allocate funds for rocks for Old Mill Park. He also invited people to come to Free Ice Cream Day at Old Mill Park on June 10. Doug added beautification of Main Street.

3. Discuss a Town Social Media Policy

Brian showed the board a copy of VLCT's model policy. He said that is what the village is basing their social media policy on. He thinks we want to consider something similar. With improper use of social media we can get into violating open meeting law.

Kyle said the village has decided to start a Facebook page. Dave has started to draft a social media policy for the village but it hasn't been adopted yet.

Eric said unless things have changed, in order to have a town Facebook page there has to be someone who owns it. He has a Facebook account that the town has used.

Kyle said most towns have Facebook pages. Morrisville uses Facebook, Twitter, etc. Eric said Rosemary now has a Facebook account. He will put her on as one of the administrators of the town page. Brian said the safest way is to have an employee manage the page. They can't get into the same trouble with open meeting law that board members could. If each board member responds to the same Facebook post that is a meeting and since it is not totally accessible and not warned it is improper.

Kyle said she thinks it would be good to designate one person to manage the page and to get clear about what kinds of content we want to post. The trustees were worried about posting things that could be seen as promoting one business over another. Eric said he can understand that, but if a business was having a special event like the Easter egg hunt at Johnson Farm and Garden he would think we could post about that and not offend another business. Kyle said she manages the Johnson Works account and has never had a business complain about not having their business posted about. Eric said so far he has only posted community-related things.

Nat said he wants to make sure we don't lose control of our accounts. That could happen if, for instance, Rosemary were the only administrator and left under bad circumstances. He

wants a policy to make sure we have control of our accounts and about content. We can make up the name of a person to administer the account.

Doug said he disagrees with VLCT's thought that if we communicate on Facebook it's a violation of open meeting law. They are very conservative in their interpretation. Eric said VLCT and the Secretary of State's office have taken the very conservative side. It hasn't been court tested yet. (*Peter Moynihan arrived.*) He said VLCT and the Secretary of State say it is a clear violation of open meeting law if 3 or 4 selectboard members show up to a Planning Commission meeting, but the Attorney General's office said they would never prosecute that.

Kyle said she can pay attention to what other towns like Morrisville are posting on their Facebook pages. Eric asked if she knows who owns Morrisville's account. Kyle said no, but someone is managing it diligently. She said we will get comments. There is a question of who replies to them.

Doug asked to what extent we put out the policy of the Town of Johnson. Are our posts official positions? Eric said he never posted anything related to positions, just announcements of events.

Nat said the State Police and the Town of Cambridge use Twitter as an emergency management tool.

Mike asked if we need a Facebook page. Nat said he thinks so. Eric said he thinks it is a good communication tool. Mike asked, what about Front Porch Forum? A lot of people are on it. Eric said communication on Front Porch Forum is delayed. Facebook is instant.

Doug asked, is it really an emergency management tool? Nat and Eric said it can be. Doug asked, is it a branding tool? Kyle said it can be. Eric said he has posted about emergency issues and announced events.

Brian said we have our grant application out for branding and marketing research and promotion. He sees our social media use as changing once that is underway. But he thinks we want to think more seriously about what kinds of things we want to do with it now.

Mike asked what is happening with the logo. Brian said we are waiting to hear if we get the USDA grant to match the funds we budgeted (\$5K from the town and \$5K from the village.) If we get the full \$10K in matching funds we are hoping for that should pay for a new website, a more detailed plan and action afterwards. If we don't get the grant we still have \$10K and can do a decent amount of work. We had talked about not getting too involved in branding before we hired a consultant. But there was a request from the Arts Council that they wanted to be involved with designing a new logo. We agreed that if there was a new logo we would want to involve the community in developing it.

The board looked at Morrisville's page. Mike said that is a lot to maintain. Brian said it takes a lot of work to set up, but less to maintain. Kyle said it can be as little or as much as you

want. It can be a half hour a day or it can be more. The more on top of it you are the more effective it is.

Mike asked how people get things on the page. Kyle said it depends on the privacy settings. Someone can share something to the Johnson Works page, but until she approves it it doesn't go public.

Brian said we should think about what we want to get out of it and what we want to post. Events are good. It is best to do it with an employee – probably him, but he can ask Ann or Jan.

Mike suggested looking at Morrisville's policy.

Doug said other town groups already have Facebook pages and we are going to add one? Eric said the other pages are all unique to one group but we are the municipality. Doug said he thinks it would be ideal for emergency management but some things we could post might be repetitive, like if we put something about Journey's End and the Conservation Commission did too. Brian and Eric said we can share things other groups post. Kyle said we will have a different group of friends than the Conservation Commission. The whole point is cross promoting of circles. Mike said so many people are on Facebook that it would be good for business. Eric said if the Historical Society posts something about the governor's visit we would share it on our page.

Brian said he will look into other social media policies like Morrisville's and the village's. Some other towns might have done something similar. And he will see what we can do about managing it on staff. Eric said he would relinquish all administration of it. He thinks it is more proper to administer it in the office.

Doug said he would like an estimate of the time involved to do it well. And maybe that could be converted to dollars.

Eric asked who maintains our website now. Brian said Susan updates it but we have run into some trouble with no one actively managing the back end.

4. *Discuss a Derelict Building Ordinance*

Doug said he has tried for a number of years through the legislature to get clear authorization for an ordinance that would allow the town to tell someone we will essentially condemn their building if they don't fix up things that are destroying a neighborhood. If they don't comply we take the building down and we get a lien on the real estate for money we have invested. We have never gotten that. That is what operates where he is from and it works wonderfully.

The board looked at a derelict building ordinance from St. Johnsbury. Eric asked, do they have a city charter giving them powers we don't have? Brian said many locations that have derelict building ordinances have an agreement with the state. He is not sure if we need an agreement with the state, but the state doesn't seem unwilling to sign these agreements, given the number of municipalities that have them.

Doug said Linda Martin told him that legislative counsel said we have the power to address this now with powers we already have. Most of the ordinances he has seen were based on zoning. Eric said only the teeth he knows of is that the health officer can condemn a place, but that is quite a process. Brian said most places take one of those two avenues.

Mike asked, did the fire department burn down the house by the school? Kyle said they were going to but there were concerns about it. Mike said there are environmental concerns now about burning a house to the ground. It ends up costing a homeowner a considerable amount to dispose of a derelict building.

Brian said in St. Johnsbury a vacant building has to be boarded up and secure and the owner has to be doing something with it, like repairing it or selling it. If you are not doing anything with it you have to get a permit. They do have some zoning. It will be tough to totally decouple derelict buildings from zoning. Eric asked what mechanisms there are without zoning. Brian said because they don't require anything up front in St. Johnsbury, he thinks we might be able to get around not having zoning. They don't require anything for a building permit but we could go after somebody who did something later. Eric said we would have to write an ordinance to address abandoned buildings, which is in essence a form of zoning.

Doug said part of St. Johnsbury's is a public health and safety ordinance and the rest is housing code. Could we do one without the other? Brian said he believes so.

Eric said usually a public health and safety ordinance would deal with occupied buildings. He thinks we can only condemn a building if it's rented. If the owners are living in it, it doesn't matter what shape it is in. Brian said it practically doesn't matter. There would have to be a failed sewer or septic system. Eric said if the building is unoccupied he doesn't think we have any authority. Brian said it has to provide a health risk for someone outside the property. Eric asked how the empty house on 100C could be considered a health or safety risk to someone off the property. Doug said he thinks we should send St. Johnsbury's ordinance to our lawyer and ask him to look at it and see if it is a tool we can use in a town without zoning. Mike said if the property is legally posted there is no safety issue because no one should be there. Eric said then it doesn't help with the problem we trying to address.

Kyle said she wishes there was an alternative incentive that would get people to take care of their properties. Brian said he thinks we should try to have both a carrot and a stick. There should be some mechanism for helping people fix their properties, which we would prefer.

Peter Moynihan asked, what about starting by communicating with the homeowner and saying we are concerned and asking what their intentions are? Eric said the owner of the house on 100C came to a BCA meeting to contest her appraisal because the property was no longer worth what it once was. All we could do was adjust her taxes. Nat said it would be educational to see what her situation is and whether we can help. Doug said in some situations a carrot won't matter.

Mike asked if Vallee ever considered acquiring access from 100C as we had discussed. Brian said we mentioned it and they never mentioned it again. Eric said there may be an issue with

that house. A back retaining wall connects that house and another house and demolishing the burned house could affect the neighbor's. That may be one reason Vallee wasn't interested.

Doug said he thinks we should ask our lawyer if there is anything in the State of Vermont that allows us to write an ordinance to address blighted buildings and what he thinks about St. Johnsbury's ordinance. Eric agreed we should have an opinion from our attorney. Brian said he will get one.

5. *Create a Timeline for the Upcoming Revolving Loan Fund*

Eric said we are starting to accumulate money in the revolving loan fund as Sterling Market pays off their loan. He thinks we have to start lending out money next year. We have to set up the rules. Ken Gibbons, former president of Union Bank, has offered to sit on a committee to develop guidelines.

Kyle asked if this is similar to the village's revolving loan fund. Eric said theirs is unrestricted. They can loan to anyone for any reason. Ours will have strict guidelines.

Doug asked, the guidelines come from the funding source? Eric said yes. Doug asked if we can use the rules from the funding source. Eric said we have to follow their rules, but we can add guidelines of our own about who we want to loan to. Eric read from a letter about the loan funds that they are to be used for business projects for startup and expansion, geared toward job creation, support of economic development, provision of goods and services that benefit the community, purchasing of machinery, equipment, furnishings, or fixtures for business projects, exterior real property improvements to commercial and residential buildings. This is from the Vermont Community Development Program. It probably came from HUD through that program. Doug asked, wouldn't they likely have someone else's canned timeline for this type of thing? Brian said they could.

Eric said the letter says the selectboard intends to start reloaning the funds in January 2017 when the expected amount of loan payback from Sterling Market reaches \$7500.

Peter asked if there is a minimum dollar amount. Eric and Kyle said the minimum is \$1000 and the maximum is \$5000. Kyle said the interest rate is half of the prime interest rate, for a 2-year term.

Doug suggested asking that agency for rules. Eric suggested that Brian ask them. Brian agreed to follow up on it.

6. *Discuss Next Steps for Clock Tower*

Eric said the voters authorized us to enter into discussion with the Masonic Temple about the clock tower. If we have a special town meeting, that would be a good time for a vote if we have a settlement with the Masons.

Doug said he thinks we should invite a proposal from the Masons. We need an arrangement that deals with ownership of the tower, their responsibility for maintenance of the base, and our responsibility for maintenance of the tower and clock. What is their proposal? What are they planning to do for work? We can invite them to come in and talk about it.

Mike said that is a good idea, because we can't fix the tower until the base is fixed. Eric said it would be a dedicated meeting just with representatives from the Masonic Temple. Doug said we should ask them to provide any information they have about the base – structural integrity, etc. We might want to have the ability to purchase the property should they desire to sell.

It was agreed that Brian would work on a letter to the Masons, consulting with Doug and Dave Barra.

7. *Update on Additional River Access Sites*

Doug said the state was interested in potentially contributing to development of river access sites. Doug has talked to the Paddler's Trail steering committee. Noah Pollock is willing to contribute labor to put in a trail. We have to arrange it with David Butler. We have to check into past history. We have an easement from West River Road to Old Mill Park. It would be nice to get a trail along that easement partially done. The idea was to take traffic from the Rail Trail to Main Street by a more scenic route. He thinks we need to look at our grant application that got denied and figure out what was in it. Are we going to need an archeological evaluation, etc?

Eric Nuse just got a \$500 grant to sign public access sites for fishing. Doug thinks it would be good to put those signs around where people are willing to accept them.

Brian asked if Doug has anything about Sloping Falls and the Manchesters. Doug said a meeting was being arranged to talk to the Manchesters. He hasn't seen anything to indicate that the meeting was arranged. He researched the Manchesters' ownership of dam rights. Vermont Electric Coop sold the rights to the Manchesters. In 1902 the falls now known as Sloping Falls were known as Crossing Falls because in dry weather the river could be crossed there. Noah Pollock said he thought he could get money to get an appraisal of the property and he knows someone whose business it is to evaluate locations like this. The dam rights came with a parcel of 4 acres. The Manchesters had indicated it was their intention to get value out of their rights. They had separated out that parcel

8. *Sign Check Warrant*

The board signed a check warrant for repairs to the municipal building.

9. *Light Timer Estimate*

Brian said he got an estimate for adding timers and companion switches for the upstairs of the municipal building. We are also interested in getting a light in the hallway in front of the listers' office. This estimate does not include the hallway light. The cost will be split with the trustees.

Nat said he wonders if our money wouldn't be better spent getting more efficient fixtures. Brian said there is money available from Efficiency Vermont. Eric said it wouldn't be a bad idea to do both. He believes when citizens go by it looks terrible if the lights are left on. It looks like we are wasting money. Nat said he agrees it is a problem but he is not sure it is a \$400 problem. Brian said it would probably take us a year or two to recoup the cost. It would pay for itself in a not unreasonable amount of time. Nat said that is good enough for him. Brian said Efficiency Vermont did say light switches wouldn't be covered but we could apply for credits for new fixtures.

Doug moved to authorize expenditure not to exceed \$400 for the town's half of the cost of installing timers and companion switches upstairs and a light fixture downstairs in the municipal building, Nat seconded and the motion was passed with Mike abstaining as he is related by marriage to the individual who submitted the estimate.

10. Rec Committee Request

Nat said the rec committee has a plan to put trash bins at Old Mill Park. They are hoping to talk to Brian Krause about seeing if the town crew can empty them once a week. Brian said we should talk to the village because they have a mechanism for emptying trash cans. He, Meredith and Troy have talked about it. They already empty cans around town. We might contribute something in return. That would be his first choice, rather than adding a new duty to our people.

Nat said the rec committee has some donated rocks. They are asking the board to approve using up to \$3K from the recreation reserve fund to transport the rocks to line the driveway at Old Mill Park. There will be gates for mowing access. Eric said mowers aren't as wide as cars so the rocks could be spaced so a mower can go back and forth between them instead of trimming by hand around them. That would save money. Brian suggested asking Robert and Sons how wide their mowers are and basing the spacing on that.

Mike moved to authorize expenditure of up to \$3000 from the recreation reserve fund to transport rocks to line the driveway at Old Mill Park, Kyle seconded and the motion was passed.

11. Beautification on Main Street

Doug asked Peter to describe the work he has been doing on Main Street. Peter said when Main Street was redone and we got new grassy areas he came up with the idea of putting in flower gardens. He contacted Meredith and Mark Woodward (owner of a property by one of the grassy areas.) Meredith put him in touch with the District 8 AOT manager, who was not sure who the applicant should be. Peter thought it was decided that the applicant should be the adjacent landowner, Mark Woodward, but then the AOT manager said he had thought about it and decided that Mark should not be the applicant because the State of Vermont owns the land. Meredith had said she did not want the village to have to be the applicant but said if Peter would take responsibility the village was on board. The AOT manager ended up saying the village had to be the applicant and Meredith apparently agreed to that. All this had to be done to apply to plant an annual flower garden.

Nat asked, Mark Woodward couldn't just go out there and plant flowers? Peter said no. Mike said the state doesn't own the land; they have a right of way. Doug said he thinks they have a fee interest. There is a difference.

Nat said this sounds like a great project. What can we do to help? Peter said he just wanted to do this but didn't want someone to tell him he couldn't or had to tear it out so he was trying to go through the proper channels. Until a few days ago he felt he would do the work pro bono. Mark has chipped in some money toward plants and made water available. Then Doug told Peter that the town has a beautification line item and that Eric said it would be available for projects like this. Peter doesn't have a dollar figure in mind. This year is a little different

than the future. This year he is adding soil amendments so he is putting more work into it than he will need to in the future. He could make a list of things that he has had to purchase.

Eric suggested that Peter submit his expenses for materials as an order and the board could sign to reimburse him the way they sign other orders every month. Peter asked, labor time couldn't be included? Nat said we have a lot of people working hard in a lot of areas, giving their time for free. If we pay Peter for his time that will seem unfair to other volunteers. Peter said that makes sense. Brian said as an alternative if the board wanted to include time they could approve a set dollar amount to accomplish a particular goal. It could be treated more like a grant, giving a set amount to develop a flower garden. Doug said he would be happy to consider that type of reimbursement later. This started off as a pro bono effort. He suggested we just pay for materials now and put Peter on the beautification committee to develop a policy to recreate this type of effort across the community. *(Peter left.)*

12. Executive Session to Provide an Update on Real Estate Negotiations Regarding the Jewett Property

Mike moved to go into executive session to deal with real estate negotiations, Kyle seconded, the motion was passed and the board entered executive session at 8:30. The board came out of executive session at 9:25.

13. Executive Session to Review Communications from Our Attorney Regarding the Host Benefit Agreement with LRSWMD

It was moved and seconded to go into executive session to review communications from the town's attorney regarding the host benefit agreement with LRSWMD, the motion was passed and the board entered executive session at 9:25. The board came out of executive session at 9:40.

14. Adjourn

The meeting was adjourned at 9:40.

Minutes submitted by Donna Griffiths