

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, JULY 15, 2019

Present:

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

Others: Brian Story, Rosemary Audibert, Tracy Patnoe

Meeting videotaped by Green Mountain Access Television. GMATV info: <https://greenmountainaccess.tv/>; PO Box 581, Hyde Park, 05655; info@greenmountainaccess.tv or 802-851-1592

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 6:57.

2. Additions, Changes to Agenda

Brian added discussion of a change to the state stormwater permitting system and discussion of the agreement with the solid waste district for operation of the transfer station. Kyle said she would like to talk about getting permission to display the inclusivity statement on Legion Field. Nat asked for an update on Mine Road.

3. Review and Approve Minutes of Meetings Past

Mike moved to approve the minutes of July 1, Kyle seconded, and the motion was passed.

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

Rosemary said the budget status report is probably 98% complete for the year that just ended. We are at almost 97% of budget for expenditures and income is at 103% of budget. Eric asked when she anticipates closing out the last year. Rosemary said she should be pretty well finished by the next regular meeting in August. Current delinquent taxes total \$165,572.

5. Road Commissioner/Road Foreman Report and Action Items

Brian said Brian Krause has been out of town and Jason has been filling in and doing a good job. Recently we approved VASA doing some maintenance on Class 4 roads. He has received a couple of complaints about one road and he is investigating.

Brian said Mine Road is in much the same state as in the winter. It is not where we would like it to be. We will follow up with Tom and make arrangements to remove his structures from our right of way.

Eric asked, we didn't give him a timeline? Brian said the way our permits are written now they are pretty static. You either have a permit or you don't. Our existing permit process doesn't have a provision for temporary structures. We weren't going to interrupt Tom during the sugaring season but we were expecting him to clear out after sugaring season.

Nat said Doug had previously suggested issuing an injunction against Tom. Seeking an injunction, said Doug. Nat asked what that would entail. Doug said it would involve a lawyer.

Doug asked if we have a promise from Tom that he will remove his structures. Brian said yes. Doug asked, in writing? Brian said he would have to check with Brian K. on that. Tom understood that we were giving him permission to finish out the sugaring season, then move.

Doug said he doesn't understand giving a grace period. He shouldn't have been in our right of way to begin with. Brian said we felt getting his voluntary compliance without having to get an injunction was worth it.

Mike said we could send the town crew to rip out the structures.

Brian said he doesn't believe Morrisville would power the power line again in its current state. Nat said there was a live power line there and a groomer went over it. It was fortunate that no one got hurt. That was a scary situation. He thinks we need to push as hard as we can to get Tom's equipment out of our right of way with whatever tools we have.

Eric asked if it would have more clout if we go through the owners of the property. Brian said the owners of the property have been communicated with. He thinks it will be helpful if we inform BASF of any injunction or action against Tom. If Tom can no longer do some of what has been allowed it will affect their use of the property as well.

Eric asked if we can have our attorney send a letter to Tom and to BASF saying our request to remove structures from our right of way must be complied with within 30 days or we will start the injunction process. Brian said he thinks that is a good next step.

Mike said he thinks we should take the structures down ourselves. Doug suggested we could ask our attorney if they think that is a good idea.

Doug asked about what VASA is doing on Class 4 roads. Brian said they wanted to grade and improve drainage on Hoag Road and another road.

Nat asked if sharrows are going to be repainted on Railroad Street. Brian said that was done recently.

6. *Lamoille County Special Investigation Unit and Child Advocacy Center Appropriation Request*

Brian said the Lamoille County Special Investigation Unit and Child Advocacy Center is asking Johnson for an appropriation. This is not part of the sheriff's department. It is a third party organization. They are asking communities around Lamoille County for donations. They are asking for an annual appropriation of \$2200.

Tracy Patnoe, executive director of the Special Investigation Unit said 8 out of 10 towns they serve have agreed to give donations. Waterville and Johnson are the 2 that aren't currently giving money. The Special Investigation Unit is a separate entity from the sheriff's department, though the sheriff's department does investigations for them. She works full time and there is a part-time administrative assistant. Their budget is just over \$160K a year. They coordinate with DCF, law enforcement agencies, mental health, and nurses at Copley. When a report comes in the Special Investigation Unit coordinates with other agencies. They come

in as a team and the victim is interviewed once so they are not retraumatized over and over. They are one of 12 units around the state. Every county has one. They get around \$100K in federal funding and some state funding. They are looking for additional funding for training. Their budget is small. Last year it cost \$1700 to train their staff. In the fiscal year that ended at the end of June the Lamoille County Special Investigations Unit had 109 accepted cases involving child sexual abuse, serious physical abuse and neglect or adult sex assaults – 102 children and 7 adults. Tracy has a heavy workload. That is why she came to the board to ask for the appropriation rather than gathering signatures.

Mike moved and Kyle seconded to budget a \$2200 allocation for the Lamoille County Special Investigation Unit and Child Advocacy Center for the next fiscal year without requiring a petition.

Doug said he is in favor of helping the group get the signatures on a petition. Eric said he would agree with him. We have required everyone else to submit a petition. It would not be fair to those other groups to allocate money without a petition. Johnson has historically been very generous. He doesn't think there will be a problem with voters approving the allocation, but they will have questions about it. After the first year any continuing allocation is rolled into the town budget but the first year requires a standalone article. Board members suggested places where signatures could be collected and offered to help collect them.

Eric said having a representative of the Special Investigation Unit at town meeting will be important. There will be questions from the voters.

Mike and Kyle agreed to withdraw the motion.

Tracy said most Special Investigation Units have a dedicated law enforcement officer but Lamoille County's doesn't. They pay \$20K to LCSD for shared law enforcement. Nat asked, so the Special Investigation Unit is paying part of the detective's salary? Tracy said they pay \$20K to ensure there is someone who can come to their meetings and be available to respond when needed. She feels Lamoille County's special investigation's team is the best team she has ever worked with.

7. *Gould Hill Sewer Extension*

Brian said a property owner on Gould Hill has village sewer going to his property. He would like the option of subdividing his property and having sewer to the new subdivision but depending on how the lines are drawn it is likely the new subdivision would end up outside the village in an area that is not part of an existing sewer service district. The current town sewer service agreement allows us to amend it to include new properties as long as the village and town agree. The village asked if the town would be interested in extending the sewer service area to include this area and providing an allocation out of our current allocation. The allocation for this project would be relatively small. It would be a single family home.

Eric said there was a lot of due diligence about where we wanted the sewer district. We have to be cautious about approving a site outside of that. Prior to having a sewer service district

we had approved some requests outside the village and denied others and it got us into a lawsuit.

Doug said he recalls that one of the two questions we asked the Planning Commission to address was which areas of the community we might want to put into a revised sewer service area. Brian said he hasn't received a report from them on that. He doesn't think they have taken it up. He thinks they have been devoted to Class 4 roads. Doug said he thinks this is a good subject for them when they finish up dealing with Class 4 roads.

Eric said he thinks adding all of Gould Hill to the town sewer service area makes sense because a good part of it is in the village but he thinks someone needs to look at it and do due diligence. Brian said we need an established process for making decisions on who is included.

Mike and Kyle asked about the property owner's timeline. Brian said he thinks he wants us to move on it as fast as we can but he thinks he is pushing us to start the process, understanding that it could be slow, not to have a decision tomorrow.

The board agreed that the Planning Commission should talk about this.

8. *Johnson Farm and Garden and Alan Lehouillier Thank You Letter*

Brian said the Historical Society is drafting a letter to send to Alan Lehouillier thanking him for the donation of the lift used to power wash the Holcomb House. Does the selectboard want to send a companion letter? He could draft it and have board members stop by and sign it this week. The board agreed Brian should do so.

9. *Request for Dust Control on Drag Lot Road*

Eric said he would recuse himself from discussion and voting on this. Brian said the town got a letter requesting dust control on Drag Lot Rd. It is a Class 4 road so we would normally not provide dust control. A resident has COPD and is experiencing difficulty with the dust on the roadway. They would like us to do a chloride treatment.

Mike said he feels treating the road, even based on a medical condition, would open up a can of worms. Others could say they have a medical condition. He thinks we need to stick with current policy.

Nat said maybe we could come up with an estimate of our cost and ask if they would pay for it. Brian said he doesn't think the cost would be too much. He could work with Brian K. to get a cost estimate. Nat said because the resident has a health concern and the road is reasonably accessible by our trucks, he thinks it could be reasonable for us to do dust control if the resident is willing to pay for labor, machine time and materials.

Doug said someone else might have a back problem and have trouble plowing. What conditions will lead us to become a contracted provider of services for a fee?

Brian said he worries about us charging a fee for something a private business could do, inadvertently undercutting someone's business.

Doug said we could indicate to the resident that if they can find someone to hire they could request a permit to do work on the road. Brian said this would fall under Class 4 road maintenance. The board previously directed that we not charge permit fees for that work. The board agreed that the resident should try to find someone else to do the work and get a permit from the town.

10. Town Health Officer Recommendation

Brian said his term as deputy health officer is up. **Mike moved and Doug seconded to reappoint Brian Story as deputy town health officer.** Brian said it is useful for him to have deputy health officer status. Sharon and Tracy are only available so many hours. **The motion was passed.**

11. Amended Waiver of Noise Ordinance for July 20 with a Rain Date of July 21 for Skate Park & Bike Trail

Brian said the June Jam was moved to July and will be this weekend. **Nat moved to approve the amended noise ordinance waiver for the event July 20 (with rain date of July 21) at the skate park, Mike seconded and the motion was passed.**

12. LCPC Reappointment

Brian said the board needs to reappoint him to the Transportation Advisory Committee with Brian K. as alternate and should also reappoint Doug Molde to the Brownfield Committee with Brian S. as alternate. **Mike moved and Kyle seconded to reappoint Brian Story as representative to the Transportation Advisory Committee with Brian Krause as alternate and to reappoint Doug Molde to the Brownfield Committee with Brian Story as alternate.**

Nat asked if we can get a report back about TAC meetings. Are there meeting minutes? A couple of times the board has referred things to them but we never hear back. Brian asked if the board would like a discussion about how TAC works and how things elevate from local consideration to state priorities. Board members agreed they would like that.

Brian said the state asks counties to assign local priorities. Those go into a formula to determine state priorities for paving, bridges, etc. Representatives from all the towns discuss the greatest needs. There is a ranking system. We are allowed to rank a certain number of projects and we may include a couple of extra projects in our report to the state. The local priorities go into the state system for funding. We are one small piece of how they decide funding priorities. We have a good group in Lamoille County. They assign projects pretty fairly. A lot of the work Brian brought to the board about the MRGP and road and bridge standards came out of this committee. It's a good resource for us.

Nat said periodic updates would be great.

The motion was passed with Doug recusing himself.

13. Custodian Job Description and Job Posting

Brian showed the board the job description and posting. He recently added the town and village garages to the job duties. The garages are kept quite clean and the custodial duties would be to clean areas like the bathroom and break room, not the mechanics' shop. In the past the employees have cleaned it themselves but if we are hiring a new custodian to do more work they would like us to send someone over there.

Eric asked, we would charge the village for their share of the work? Brian said yes. This doesn't necessarily warrant being a joint position. It could easily be handled as a town position where the town is reimbursed by the village for a certain number of hours.

Eric asked if the custodian would be an employee or a contractor. Brian said he is writing it as an employee but when we post it he will include language indicating we would entertain contract proposals.

Mike asked how many hours a week the job would be. Rosemary said it is about 4 hours now; that doesn't include the library. Mike asked, shouldn't we post the hours? Brian agreed that makes sense.

Kyle said there are only two times a week someone can go to the library to clean due to its hours of operation. Eric said that should be included in the posting.

Doug said we should specify what type of rooms the custodian will be cleaning at the town garages so they understand they will not be cleaning up oil.

Kyle said Jean Engel had mentioned that the people who clean the Morrisville and Hyde Park libraries do a very good job and she would feel comfortable having them clean the Johnson library.

Mike said the job would probably be a maximum of 10 hours. Brian said that is in the ballpark of what he was thinking.

Nat asked if the library board will be at the table in deciding who to hire. Brian said yes. He said he thinks it would be helpful for the library if we gave them permission to work with the people who clean the Morrisville and Hyde Park libraries until the position is filled. The board agreed to that.

Mike asked, what if the library wants to hire one person and the selectboard wants to hire another? Nat said the library board and the selectboard would work together to come to a decision.

14. Creation of Committee to Manage Community Oven

Nat said Jasmine Yuris and her group have put together a loose mission statement that they are going to solidify. She gave Nat the names of people she recommends be appointed to the committee. **Nat moved to appoint Jasmine Yuris, Ray Kania, Luke Gellatly, Sophia Berard, Charlotte Roozkrans, Liam Murphy and Kyle Nuse to the Community Oven Committee.** Kyle said she thinks she would act as a liaison rather than being on the committee. **Mike seconded. Nat and Mike accepted the friendly amendment that Sophia Berard will serve as the Tuesday Night Live Committee representative on the Community Oven Committee. The motion was passed.**

15. Lamoille County Sheriff's Department Report

The monthly report was sent out by email.

Brian said budget discussions with LCSD have begun. There has been one meeting, attended by Brian and Nat. Roger Marcoux was very insightful about the amount of time and effort that goes into all their patrols. Brian will send out the PowerPoint from that meeting.

16. Light Industrial Park Update

Brian said we should hear any day now about the Northern Borders grant. If we get the EDA grant we can do the final engineering to update the plan for the road to current standards. The Northern Borders grant would be used for construction.

17. Review Old Business

Brian said he has been trying to talk to the Restorative Justice Center about setting up training in September. He has a meeting next week with a soil engineer about the gravel pit.

Mike said old business should include the merger study. Eric said updates on that should be a regular item every month.

Brian said Nat and Scott provided a blueprint of questions and conversations to have with the three people who submitted merger study proposals. He and Meredith wrote letters based on their input and sent them last week. They will be following up with phone calls. They have heard back from one consultant already – not with a new proposal, just with clarifying questions.

18. State Stormwater Permitting Changes

Brian handed out a fact sheet on the new 3-acre stormwater permitting rule. Older construction over 3 acres that was previously permitted is going to have to be re-permitted. There is a draft list of places throughout the state that will be affected. There are several in Johnson. The college, the elementary school and Katy Win trailer park are all on the draft list. They will all receive notices in the next week or two. The public comment period hasn't started yet. The board might start hearing from people about this. There was discussion at one point about whether gravel pits would be included but they are not.

19. Transfer Station Agreement

Brian said our agreement with the Lamoille Regional Solid Waste Management District to operate the transfer station is up. We need to sign a new agreement with them. Due to the emerald ash borer we will probably have contaminated wood we can't transport so if we could use our property as a disposal site that could work out well for us. LRSWMD could roll it in with the stump dump so he doesn't think it would be a big management burden for them.

Eric asked if they are planning on bringing ash wood from the rest of the district there. Brian said they are not planning to use the site for ash wood. We are thinking of asking to use the site for that. Eric asked, do we want to allow them to bring ash wood from other towns? Nat said no. He said it looks like we own a fair amount of land there. He is not sure if we can use some that is not currently part of their yard.

Doug asked what they do with stumps that go there. Eric and Nat said they let them rot. Doug asked if it will be similar with ash wood. Nat said there is some suggestion that the federal government will require ash wood to be chipped into small pieces, which would require an expensive piece of equipment. Mike asked, couldn't the McNeil plant in Burlington burn that

after it's chipped? Nat said he supposes it could or the chips could sit and rot. Once they are small enough in diameter they do not propagate the borer.

Doug said he thinks using the site for ash is a great idea if we don't end up with it completely filling the spot. We need to figure out how much there will be and if any of it would leave and how.

Eric said if we are going to ask for something they will want something in return. Brian said there could be federal money available to them for this. It would be up to them to secure it. Nat said it is our land. We would be asking to use our own land. Mike said we would be telling them we are going to use our own land. Nat said there is a lot of land there. He doesn't think we are crunched for real estate. Eric asked how much of that space is off limits to us. Brian said he will have to investigate that.

Brian said he will work on the agreement. He wanted to see if the selectboard was on board with that as a location for ash wood.

Nat said there will be a meeting of the emerald ash borer group in August. We can ask them about what happens to ash wood.

20. Legion Field Inclusivity Statement Sign

Kyle said a small group of people would like the board's blessing to create a fairly large sign of our inclusivity statement at their own expense to display temporarily on Legion Field for the summer with the hope of doing something more permanent in the future that would be approved by the selectboard. They are thinking of a sign that would be propped up near the oven.

Brian suggested the old scoreboard could possibly be used. We could trim the trees back from it. Nat said the scoreboard could be moved.

Kyle said the group was thinking about getting something done soon for the summer and then spending time thinking about something more permanent with board approval. Kate Westcott volunteered to do the painting of the sign. Kyle is not sure how much space she needs. She doesn't think the sign will be bigger than the TNL sign Cal Stanton painted that is the backdrop of the bandstand now. Mike asked if they could use a 4x8 ft. sheet of plywood. Kyle said maybe it could be something like that.

Doug said he would be fine with using the scoreboard that is there already. Nat said it's not very prominent. He is comfortable letting the volunteers sort out the details. Kyle said the group is thinking that phase one is just getting something up quickly on something like an 8x4 ft. sheet of plywood and maybe next spring or summer doing something bigger with more discussion. She will mention the scoreboard as an option.

Doug said he thinks if it is going to be put near the bread oven it ought to be done artistically and well.

21. Selectboard Issues/Concerns

Eric said VLCT is available to come to selectboard meetings to talk about priorities towns might have. The board agreed to take advantage of this opportunity. Eric said he will let them know.

Kyle said on Saturday the Conservation Commission worked at Journey's End chopping knotweed for about 6 hours. They did an amazing job and board members should thank them if they see them. The same day she participated in shooting for a piece on swimming holes in Vermont, including Journey's End, that will air July 25.

Mike said the village got the impression the town was trying to dump the derelict building ordinance on them. He told Scott Meyer that the selectboard was trying to bring them on board because a lot of the dilapidated buildings are in the village, not drop it on them.

The board agreed not to meet on August 5 unless an emergency meeting is needed.

22. Adjourn

The meeting was adjourned at 8:40.

Minutes submitted by Donna Griffiths