

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, AUGUST 15, 2016

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood  
Others: Duncan Hastings (Administrator), Rosemary Audibert (Clerk), Brian Story, David Butler, Mark Woodward, Casey Romero

**Note: All votes taken are unanimous unless otherwise noted.**

**1. Call to Order**

Eric called the meeting to order at 7:03.

Eric said this is Duncan's final selectboard meeting as town administrator. It has been a pleasure working with him and the board wishes him the best in the future. There will be a public event to recognize his service to the community. Eric thanked him on behalf of the board for his service. Duncan said it has been his pleasure.

**2. Additions, Changes to Agenda**

Eric said introduction of Meredith Birkett can be deleted from the agenda, as she had to go out of state. Duncan had two additions: setting a time, date and place for a hearing on an appeal of an emergency health order and review and approval of FY15-16 year end surplus and reserve fund balances. Doug asked to add an update on the library crosswalk.

**3. Review and Approve Minutes of Meetings Past**

**Doug moved to approve the minutes of July 25 with one change: in his motion on p. 8, change "Planning Commission" to "regional Planning Commission." Nat seconded and the motion was passed.**

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

Rosemary said there is a \$13,478 year end balance. She recommends taking \$12,800 from the rec fund, taking \$31,600 from buildings and grounds, adding \$6,798 to the capital equipment fund, taking \$12K from the bridge and culvert fund and taking \$912 from the historical society.

Eric asked, we have not gotten money for the Coddling Hollow project yet? Rosemary said we have received some. That is not factored into this. Duncan said we have received 75% of FEMA's 75% share. Rosemary said that is \$193K.

Duncan said in the budget we proposed taking \$25K from the bridge and culvert fund – \$12K to pay for the town share of the College Hill drainage work and the rest to pay Otter Creek Engineering fees. At this point only the \$12K is being taken out. It doesn't look like we will need to take out the \$13K.

Eric asked if there are any proposals for the \$13K. Duncan said the library took in \$941 above expenses. They have asked to have at least that \$941 available to them for additional projects. They also had in their budget a \$2K line item that they did not spend. They asked, if we had additional surplus, if we would consider applying \$2K toward a library capital improvement project rather than \$941. Eric asked if Duncan is thinking the rest would be for

this building. Duncan said he will leave it to his successor and Rosemary to come up with an RFP for repairs to this building. He is sure the work needed could quickly use up \$10-12K.

Duncan noted that some of what Rosemary proposed was in the budget. Eric said all items we anticipated addressing with cash on hand in the budget have been addressed and we have \$13,478 over.

**Doug moved to approve the end of the year cash on hand with the recommendations of the town clerk and town administrator, Nat seconded and the motion was passed.**

Rosemary distributed the delinquent taxes report. She said probably 20 people on the list have payment agreements. Eric asked if the amount of delinquent taxes is higher than normal. Rosemary said it is about right for this time of year.

Rosemary said the property the town bought at the tax sale in April has been redeemed.

Bustin' Belly Grill and Deli, to be located in the old DJ's building, has requested a second class liquor license. **Nat moved to approve the liquor license request for Bustin' Belly Grill and Deli, with the usual letter to be sent, Doug seconded and the motion was passed.**

**Doug moved to approve the corrections of errors and omissions to the Grand List presented by the assessors, seconded by Nat.** In answer to Duncan's question Rosemary said the corrections result in a net increase for the town and a net decrease for the village. **The motion was passed.**

Rosemary had a letter from a taxpayer asking for a tax abatement due to hardship. (*Mark Woodward arrived at 7:24.*) There will need to be a Board of Abatement hearing in the fall.

Eric asked what came of the recent donation. Rosemary said she needs to contact the family.

Duncan noted that in total for year end we are at 107% of budgeted revenue and 104% of budgeted expense.

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

Duncan said center lines have been done. Brian is getting prices on doing fog lines on Clay Hill, School Street and Hogback Road. Brian is on vacation this week. The village crew will be starting on the library crosswalk this week. Two of our employees will be available to assist with labor or equipment as needed.

Doug asked when work on the Codding Hollow project will start. Duncan said the construction start date was today so it should start any day now.

Doug asked when mud abatement starts. Duncan said we have 3 Better Back Roads grants and a bridge and culvert on Basin Road to complete so the highway crew will have a fair

amount of work ahead for the rest of summer. He is not sure what Brian's schedule is in terms of mud abatement or what section he would propose for mud abatement.

**6. Planning Commission Report**

David Butler said he asked each Planning Commission member to provide edits to the administrative portion of form based code and get those back to him by August 24. He will compile them all into one document and the Commission will have a special meeting on August 31 to review suggested edits and approve that part of the code. At the regular meeting on September 13 his goal is to have a finished form based code document. That is ambitious and he is not sure they will make it but they will try.

David said he has an important question for board members to think about. Board members can email him input or answer the question tonight. Within the village storefront district there are some prohibited uses. Adult bookstores, X-rated movies, etc. are prohibited. And the code says first floor space in that district needs to be commercial, not residential. We have said and continue to say that form based code doesn't control use of space, just appearance. Some on the Planning Commission are saying the code is dictating use. There are a couple of ways around that. The selectboard could adopt an ordinance with those prohibitions and then they could be taken out of form based code. Or if the selectboard did not think the prohibitions were important we would not need to have them.

Doug said he always understood that form based code had a list of exceptions. We don't regulate uses except for those exceptions. He always thought that was proper. Kyle said Paul Dreher told the form based code committee that many towns do have exceptions like that and are glad they have them.

Nat asked how you define what an adult bookstore is. David said he would assume if it is selling products that can't be purchased unless you are 21 then it is an adult bookstore. Duncan said he assumes there are many definitions. We would have to have a clear, defensible definition. Nat said he isn't sure he would care if Ebenezer Books had a top shelf for adults only.

Doug asked why this is a sticking point. David said about half the Commission wants to say we can't dictate use because form based code is not supposed to. To some extent he agrees, but he thinks it is reasonable to say we want to maintain the commercial look of the storefront district and say we don't want heavy industry in that area.

Duncan said he is not convinced the board has the authority to adopt an ordinance restricting uses. The board can only adopt ordinances as specified in statute. Zoning is how we would regulate use. Once the Planning Commission has a draft of form based code ready, he recommends having it reviewed by a legal firm specializing in zoning ordinances. He would suggest Stitzel Page & Fletcher. He thinks that should be done before the first public hearing.

David said in the administrative part of the code they had Paul Dreher identify what is statute and what is not and they are not touching what is statute. Duncan said many of the statutory references can be made by reference rather than by replicating them in the form based code. But it is nice to be able to read them there in the code. David said most of the places they are

in there they are paraphrased, not quoted. He thinks it is good for people to be able to read them without having to look them up elsewhere.

Duncan said if we get to the point where form based code is adopted and a development review board is created, he recommends getting someone like VLCT or Stitzel Page & Fletcher to do a workshop with the DRB so they understand the requirements.

David said it is recommended that the DRB include members of the Planning Commission at the start. Our town's DRB probably needs to have 5 people on it. The zoning administrator could be anyone who works in the municipal office. They would get an application and review it against a checklist.

Eric said his concern is that form based code might not pass if it looks too much like traditional zoning with restricted uses. We might want to get it passed first, then make adjustments in the future. David said he has stressed with the Planning Commission that this is not a document cast in concrete. It can be changed. We just need to get it in place first and experience it and then adjust it based on our experiences. Nat said he thinks it is smart to err on the side of being less restrictive to start.

Brian said he has done some research on form based code. One way use restrictions can be implemented (for instance, a restriction on light industrial use) is to have restrictions in a noise ordinance or have restrictions regarding public accessibility to buildings that would have the effect of making a zone impractical for light industrial use without actually forbidding light industrial use. David said we are doing that with requiring available parking. Brian said most places have found that not restricting use but creating an environment more conducive to certain uses has been successful.

Doug said he would suggest only putting items into the code that people won't object to.

Duncan said it is also worth remembering that the last time we had a vote on zoning it was pretty close. There were some people who thought the proposed zoning wasn't strong enough and voted against it for that reason.

David said the Planning Commission went over the Maplefields plan in depth and chose not to do anything with regard to the plan. They are happy with the changes that have been made. Everything they addressed in the meeting with Vallee has been adopted except that the building will not be a 2-story structure. But he has raised the roof and put on some dormers. The Planning Commission is not going to appear at the Act 250 hearing.

Doug said plan amendments may come in at the hearing. His suggestion would be to appear in case there are amendments. Duncan said if someone, say Brian, appears for the town he could enter an appearance on behalf of the Planning Commission to preserve their right to participate. David said he thinks Meredith is planning to go because of a crosswalk issue. Eric said the village, town and Planning Commission all have statutory party status and should take advantage of it.

David said the Planning Commission is still looking for a secretary.

**7. Recreation Committee Report**

Nat said the Rec Committee is starting an archery program in the next month or so. They are close to having a final draft of the rec coordinator position job description, which has \$5K budgeted for it. The Rec Committee is hoping that person would work with the town administrator. He talked to Brian about it. Hopefully the rec coordinator could have a little space downstairs in the municipal building to use sometimes. Rosemary said once Brian moves into Duncan's office then the space that was Lea's will be available.

Nat said there is a sign near the entrance of Old Mill Park saying horses are not allowed. (*Casey Romero arrived at 7:52.*) Horseback riders like to use the rail trail. The Rec Committee heard a concern about people with horse trailers not being able to park at Old Mill Park. The Rec Committee has no concerns about removing the horse prohibition from the sign. They don't want horses on the ball fields, but Nat feels there is no incentive to ride there and people will ride on the rail trail. He knows Duncan has concerns about horses on the perimeter trail but he is not sure he is too worried about that. He asked what the board thinks about taking down the sign.

Doug said he thinks we should have a designated parking area for horses because there are a lot on the rail trail. He doesn't think they ought to be allowed except in the designated area. He thinks there is a problem with horse trailer parking at Old Mill Park because the parking area is well into the park. He thinks horse trailer parking could be on the road into the municipal building. He doesn't have much faith in cleanup by horse owners. Eric asked, what about the lower building area? There is a large parking area down there and people could go around a loop with their trailers. Duncan said we would just have to make sure people are not parking in front of the doors. Eric said he feels that is a better parking place because there is a loop to turn around. Snowmobiles could use it too if we plowed a big enough area. Duncan said we might need signage in front of doors telling people not to block them. Doug said horses are a desired use on the rail trail so he thinks we need parking for them. The property is shared with the village. (*Mike arrived at 7:57.*) Eric asked Brian if he could talk to Meredith about using the yard by the lower building for trailer parking. If the village agrees, we could put up signs and direct vehicles with trailers to park there.

Doug reminded the board that he had previously brought up the issue of signage in that area. Eric said the whole intersection needs to be looked at.

**8. Public Hearing on Unified Plan**

The selectboard meeting was recessed at 8:00. The public hearing on the Unified Municipal Plan was opened.

The board reviewed the new map for the unified plan. This is the village center designation boundary map that was approved by the state's Downtown Designation Review Board. It is proposed to modify the plan by replacing the existing map with the new one and also adding the language Brian Story had sent to the board in a memo. We have to have two public hearings on the changes to the plan. This is the first one. Brian is going to work on a required report to the Planning Commission about the change proposed by the selectboard. The

Planning Commission has to comment on the proposed changes before the next hearing, which will be at the selectboard's regular September meeting.

Eric asked if there were any comments from the public. There were none.

The public hearing was closed at 8:06 and the selectboard meeting was reopened.

9. ***Administrator Report, Action Items and Signature Required Items***

**Doug moved to add the revised village center designation map and the language proposed by Brian Story in his August 12 memo to the Unified Municipal Plan and to authorize Brian to send a report on the changes to the Planning Commission, Kyle seconded and the motion was passed.**

Duncan said Roger Demar was issued an emergency health order by Sharon. He has formally requested an appeal to the selectboard acting as the Board of Health. (*David left at 8:06.*) The board needs to set up a time and place for a hearing on the emergency health order. It was agreed that Eric and Duncan would work on identifying a date for the hearing. Duncan said he can send all board members copies of the emergency health order. The hearing must be conducted as a formal quasi-judicial hearing, with no contact with Roger or Sharon before the hearing. Roger and Sharon will present evidence and the board will decide whether to modify or dispense with the order.

Arjay West has requested the town's assistance with building a dry hydrant off Gihon Lane, which is off Wilson Road near the bridge. The fire department is looking for a town donation of labor, materials and equipment similar to what was done with the Willow Crossing dry hydrant. It would mean a couple of loads of gravel, some trucking time, and some stone. Duncan doesn't think Brian Krause has had time to put together a cost estimate but the cost would not be much.

Kyle asked what a dry hydrant is. Duncan said it is a hydrant head the fire department can tap into with a pumping truck. The hydrant goes down to a water source like a pond or brook that they can fill the truck from. It is a good mechanism for them to get water closer to a major fire. They are trying to strategically place them throughout town.

Nat said if it is not going to take a lot of Brian's manpower he is all for it. **Nat moved to donate town labor, materials and equipment to assist the fire department with building a dry hydrant off Gihon Lane, Mike seconded and the motion was passed.**

The trustees are recommending placing an AED device somewhere in the municipal building and they are asking if the town wants to pay 50% of the purchase price, which Duncan thinks is typically \$1200 to \$1500. **Mike moved to pay 50% of the purchase price of an AED device for the municipal building, seconded by Doug.**

Kyle asked what an AED is. Eric said it is a device with paddles to be used if someone has a heart attack. Duncan said staff would have to be trained on its use. Eric asked if it should be kept upstairs or downstairs. Duncan said he thinks it would be better to keep it downstairs because it would take a trained person to use it.

Rosemary asked if we should have one in the town garage. Kyle asked if most municipalities have these. Eric said they are becoming popular in public areas like airports. Duncan said he thinks the village was interested because their lineworkers have exposure to electric shock and they were going to have one on their truck. Mike suggested leaving it to Brian Krause to get back to the selectboard if he thinks we need one in the town garage.

Nat asked about the shelf life. Do they need to be maintained or recharged? Are there expenses for that? Duncan said he doesn't know but he suspects they need to be replaced periodically. He thinks they must have a direct connection to an electric outlet. **The motion was passed.**

Casey Romero said this spring two members of the Skate Park Committee resigned. The committee has recommendations for two new appointments: Tim Harvey and George Agnew. She described their background and interest. **Nat moved to appoint Tim Harvey and George Agnew to the Skate Park Committee, Kyle seconded and the motion was passed.**

Casey said the Skate Park Committee would like the selectboard's opinion about developing a second bike track at the skate park. There is a pump track now. There is an appetite for a mellow, more trail-like track. The meadow side of the park loop road seems like a good location. She showed the board a map. There would be no permanent structures, maybe a wooden see-saw type feature. Could they think about using the meadow for a new track?

Eric said that is property we own that is not being used for anything right now. Mike said anything that keeps kids active is good.

Casey said the committee can do some planning and then come back when they have some plans.

Doug asked what competing uses there are. Eric said picnicking is another potential use. Casey said there are picnic tables. Eric said he thinks the board has provided conceptual approval.

Casey said she wants to hear about the water supply permit for Legion Field and she also wonders if the board might want to define policy about other uses for the bandstand, such as possible commercial uses. She was going to contact VLCT to see if there are examples from other towns. There could be fees. There could be music uses other than Tuesday Night Live.

Eric said the town has been approached about using town property by a commercial business providing electric bikes for the rail trail. The board has started to think about looking at a policy on these uses. Duncan said it could mean amending the existing facility use policy.

Duncan said he has a permit application filled out and ready to submit to the trustees for a water supply for Legion Field. The fee is hard to calculate as there is no GPD requirement for a single yard faucet listed in the Rules and there is no specific connection permit fee listed

for public or town use. Because it is a public use there will be a reduced monthly fee and no disconnect or reconnect fee, but it is metered. We will have to put in a water meter. Duncan thinks the application fee should be \$330 (\$262.50 for the connection fee and \$67.50 for the gallons per day usage fee.) He would recommend authorizing Rosemary to issue a check based on the permit fee decided by the trustees, since it may be different from the number he came up with.

**Doug moved to submit the Legion Field water supply permit application to the village trustees for review and approval and to direct the treasurer to issue a check for the permit fee decided by the trustees, seconded by Kyle.** Mike asked if we will pay the whole cost ourselves or try to split the cost with the village. Eric said it's a town facility. But there is shared use. However, the amount involved is small. Duncan said this would be based on tapping into the water service abandoned by the school. The permit fee does not include our cost to install it but that will be done using our labor forces. **The motion was passed.** (*Casey left at 8:31.*)

**Mike moved to appoint Brian Story as Deputy Health Officer, town representative to the LCPC Transportation Advisory Committee, Road Commissioner, Sheriff's Budget Advisory Committee representative, and E 911 Coordinator, Kyle seconded and the motion was passed.**

A dedication/celebration at the Beard property and installation of a bronze plaque will need to be planned. The Conservation Commission recommends retaining the right away along the river on Bob Sweetser's property and they recommend that the right of way between Bob Sweetser's property and Herold's property be abandoned. We would need to contact the River Conservancy and Land Trust to make sure they have no reason that could not be done.

Kyle asked if Bob would be satisfied with that. Eric said yes.

Doug asked if we have to advertise. Duncan said probably yes, because it would be a conveyance of property. But first we need to check with the River Conservancy and Land Trust.

Mike said he thinks Bob Sweetser should pay any legal fees involved. He would think he should pay some kind of fee to cover work already done plus any legal fees for the transfer. Doug suggested that Bob should be responsible for hiring the lawyer to draft the documents and we would be responsible for the cost of having our attorney review them. Duncan suggested having Bob pay the cost of having our attorney draft the documents and then if he wants his attorney to review them he can pay for it. Eric said first we have to find out if we can do it, then we can ask Bob if he is willing to pay any legal fees. Duncan said if he is not willing then the right of way can stay as it is.

Duncan said he and Brian attended a Sheriff's Budget Advisory Committee meeting last week. LSCD provided a rough draft report as to where they think they are relative to the budget. He believes they will have a first draft of the budget for the September advisory meeting. There was talk about the desires of the communities with regard to law enforcement

priorities. The officer responsible for scheduling patrols was there and he heard from all 3 towns about their desire to have more tickets written rather than warnings. Kyle said this month's report shows only 9 tickets and 47 warnings. She questioned how going more than 20 miles an hour over the speed limit can result in a warning. Duncan said he thinks some things like cell phone use while driving should be automatic tickets. Kyle said she feels speeding is a huge issue. Nat said he agrees that cell phone use should be an automatic ticket. Maybe there should be a list within LCSD of things like that. Doug said he has never been on the same page as the rest of the board regarding traffic tickets, but he does agree on cell phone usage.

Duncan said the concept that has been raised before of a code enforcement officer was brought up again by Ron Rodjenski. Roger indicated he would be willing to have a code enforcement officer be within his office. There is no way the three patrol towns can afford a code enforcement officer but if other towns in the county were interested in having an officer available to enforce town ordinances that might make it reasonable. Roger was going to contact Eric about holding a Sheriff's Advisory Board meeting of all the towns to explore whether others are interested. What was not talked about was redirecting the energies of existing staff toward code enforcement. That is something that could be discussed. It is a need all communities have seen and expressed as pressing.

Anyone with ideas for a VTrans Transportation Alternative Grant should work with Brian Story. Ideas Duncan had were installing radar flashing light speed limit traffic control devices (School St., Railroad St., Clay Hill) or making access improvements off the rail trail by Parker and Stearns.

Brian and Duncan met with Green Lantern to review the proposed solar contract with the town. The contract is for 20 years. For the first 10 years there is a solar adder. The rate for any solar project is 19 cents per kWh. The residential rate right now for VOJ is 16.2 cents per kWh. They discount the 19 cent per kWh rate by 12.5%. The contract we would have with Green Lantern would be to purchase from them a number of kWh at a discounted rate of 16.63 cents per kWh. Then we would have the credit of 2.8 cents per kWh applied against that. There would be net savings of about \$1100 a year on town and town/village meters. The easiest way to think about it is that we would get a 12.5 % discount on our rate, which translates into 11.3% cash savings.

Duncan and Brian have both looked at the contract carefully. Brian Callnan of VPPSA would be happy to review it. But since the town is not a VPPSA member he would like Meredith to give permission for the review. Brian Callnan said if the town and school district got together and built a 150 kW array they could do it more cheaply, but it would take an enormous amount of time and investment to do it and we would be responsible for maintenance. And we can't do it because we can't get a CPG. If we could do it, we could do it for a couple of cents less per kWh than Green Lantern's deal. But there would be the cost to build, maintain, etc.

Mike asked if Duncan has heard what the village is pursuing. Mike said he talked to Walter, who told him the village is double checking the proposal that might be too good to be true.

Mike was waiting to hear back from Walter about the joint proposal that would be over the town and village garage. Duncan said the project that sounded possibly too good to be true was rejected by the Vermont Public Service Board. The village rejected Green Lantern's proposal. Rosemary said they are looking at something else.

Eric asked, our electric bill is about \$9200 per year? Duncan said yes. Eric said with Green Lantern's proposal we can reduce it by about \$1000. Duncan said he thinks this is a fairly typical deal. We are not likely to get a better one. We will never pay more than 87% of the base price for the residential rate. The higher the rate goes the more we save because we will be getting a 12.5% discount off a higher number.

Doug asked what the solar adder is. Duncan said it is the difference between 19 cents and the utility's highest residential rate. In this case it is 2.8 cents. For the first 10 years if the price goes up the solar adder is added to the base price. We never get less than the 2.8 cents. After 10 years the solar adder goes away and the price becomes the highest residential rate.

Duncan said the school district is interested in Green Lantern's proposal. JSC is also interested.

Doug asked, would the village agree to the splitting of the bills? Will there be any pushback about which number is ours and which is theirs? Duncan said he doesn't know. We could run it by them. He doesn't see what basis they would have for objecting. They will lose money on net metered customers but they lose the same amount whether the customer is us or anyone else. And there is a benefit to town taxpayers because the town will be getting the benefit of the credits. He doesn't see how the village could care or dispute it. It is a financial transaction between the town and Green Lantern. We are buying credits. Before we finalize the contract we would look at the 3-year historical average and base the numbers on that. He doesn't know how the village can dispute that. It is metered usage.

Brian said the proposed allocation of credits is well below our annual usage for last year. It is based on 90% of a low estimate of historical usage. Duncan said we don't want to generate more credits than we actually use.

Eric said Sam Carlson estimated our usage at about \$30K a year. Is he still interested now that harder numbers indicate our usage is about a third of what he estimated? Duncan said yes. If the town and the school both buy credits he will have some left over. He can sell to private customers but prefers public entities.

Eric asked about next steps. Duncan said Green Lantern is looking for a commitment, ideally in September. We have a draft contract. We will want to come up with a 3-year average and finalize the numbers. The town needs to identify every meter that will be part of group net metering and apply a percentage to each meter for each month. That is where the historical average of usage per meter is important.

Eric asked if we are able to use the whole historical society building, even the rental part. Duncan said that is all one meter. Their usage has gone up and probably will continue to go up and not down.

The board agreed Duncan should have a contract prepared for board signatures at the September meeting. Duncan said assuming the village okays it we will have Brian Callnan's analysis.

Eric brought up sharing legal costs with the school. Duncan said they are still figuring out which attorney to use. There are very few times he would recommend not having an attorney review a contract but this could be one because quite a few towns and entities have already used this baseline contract. If the school has the contract reviewed and finds it acceptable we may not need to have it reviewed. But he asked the school if they would be interested in sharing the cost. Mike said he would rather see what they come up with than share the cost. Doug said he agrees but he would say we should have them hire the attorney and have our attorney talk to theirs and see what their opinion is. He assumes the benefit to the school is substantially higher than our benefit. **Doug moved to ask Brian Story to find out who the school's attorney is and ask Dave Barra to review that attorney's findings regarding the Green Lantern contract. The motion was seconded and passed.** Doug said that would cost us much less than having our attorney review it.

Duncan said he is willing to provide ongoing support during a transition period. He proposes an hourly consulting rate of \$40, plus the IRS mileage rate for travel. Brian Krause hasn't been in his position long and indicated he might like to be able to call Duncan up with questions so both Brians might want to consult with him. Duncan asked if the board would consider covering his health insurance for the month of September.

**Mike moved to pay Duncan Hastings for consulting at an hourly rate of \$40 and the IRS mileage rate for travel and to pay for his September health insurance coverage, seconded by Doug.** Nat asked how it will work. Will we assign specific projects or will Brian call Duncan and then Duncan will start the meter? Brian said he and Duncan had talked before about having some specific projects like the Coddling Hollow project assigned to Duncan. There are other times, such as when he starts preparing the budget, when he will probably call on Duncan for a few days, so there would be a mix. **The motion was passed.**

The monthly reimbursement form for Cyprus Minerals has been filed.

The US Army Corps of Engineers permit for the Coddling Hollow project has been issued and Duncan issued a Notice of Start Date to the Corps as required.

The impounded dogs discussed at the last meeting were transferred to Justice for Dogs as discussed.

We received an email from LCPC indicating some of the changes being considered for water quality stream classifications.

Brian is scheduled to attend a town health officers workshop.

Duncan advised LRSWMD of the board's decision not to proceed with an amendment to our contract with them. Susan Alexander said she could come to a meeting to discuss it. They are also assessing whether to proceed with the roof structure. He reminded Susan that any changes require the approval of the selectboard.

We got an email asking if we had plans to undertake the road improvements at the Scribner Bridge that we got a planning grant for. Duncan emailed back that it would be under consideration if a grant opportunity comes along but there are no immediate plans to implement the improvements.

Duncan prepared a memo codifying the action taken verbally at the last meeting regarding placement of Children at Play signs.

Duncan has copies of the draft Solid Waste Management Facility Certification for the landfill. All adjainers have been notified and the required public notice has been placed in the paper. After the public comment period he expects ANR will issue a final certification, approving the closure plan. When the closure plan is in effect he thinks the number of times we have to monitor will remain the same but the number of chemicals we have to monitor will be less.

The Rec Committee is reviewing the Stowe Insurance proposal for additional insurance coverage for children playing during rec committee sporting events. The insurance the Rec Committee has been getting also covers volunteers like coaches and referees. VLCT also covers volunteers. Brian is trying to find out how much savings there would be if we dropped the volunteer coverage and just covered children. The committee has purchased this medical insurance in order to provide coverage for any child not covered by a parent's insurance. But nowadays there is pretty much 100% coverage for kids. The insurance has not been used once in 15 years. Brian will get more information and pass it on the Rec Committee. There is money for the insurance in the Rec Committee budget. The insurance needs to be renewed before the end of August. The cost is around \$1500 per year.

Doug asked if we have liability coverage without this. Duncan said yes, through VLCT PACIF. That is not part of what Stowe Insurance covers. We have all the coverage we need through VLCT. Stowe Insurance provides supplemental insurance if a student gets hurt and is not covered under a parent's or guardian's policy. There was time when that made more sense but nowadays it would be pretty rare that someone wouldn't be insured. But some people might have a high deductible policy.

Nat said he thinks whether to get this insurance is not a Rec Committee decision but a selectboard decision. Eric agreed because this is a budgetary decision. Mike said there could be a recommendation from the Rec Committee that the selectboard could act on. Doug agreed. He said the Rec Committee is closer to the people who might need the insurance. It would be interesting to have their recommendation, then the selectboard can make the call.

Duncan suggested taking action tonight since the bill is due soon. Brian said it is very likely that we would not reduce the bill by eliminating the double coverage for volunteers. That is a very low risk part of the pool. Coaches don't get injured often. If we want to make a decision we can think of the full \$1500 cost as the likely cost.

Doug said he thinks it is too late to decide tonight to discontinue this insurance but we should include it as part of the budget discussion for this year. He thinks we should go ahead and continue it because there is not enough information to decide now to discontinue it. Eric said he feels this board's responsibility to taxpayers is to protect their liability, not to provide health insurance for kids. Those kids might not even be Johnson residents. He doesn't think it the Johnson taxpayers' responsibility to cover kids from other towns. Mike said it only takes one to make a big problem. This protects the town, right? Eric said no, we are already protected. Duncan said the benefits accrue solely to any child hurt while playing a sporting activity under the auspices of the Rec Committee. Doug said they get coverage without having to sue us or make a claim. Mike asked why it has been paid for 14 years if everyone is so against it. Duncan said the Rec Committee has put it in their budget. They have asked Duncan what the value is and concluded that it was worth putting in their budget. It's already in the budget for this year. He thinks it should be the Rec Committee's decision whether to spend that budgeted money. Beth Foy asked him if they need the insurance and what its purpose is. In the past he gave them the same information he gave Beth. Technically they don't need the insurance. They are fully insured with the PACIF policy. This provides a supplement. Now with new healthcare legislation most everyone is insured one way or another.

Mike asked Nat what his recommendation is. Nat said he thinks he would be comfortable cancelling it. Kyle said it does sound excessive. If her child got injured she wouldn't even think it was the town's responsibility. Doug said 10 years ago a lot of kids were probably uncovered and this protected their families.

**Nat moved not to renew the Stowe Insurance recreation policy, seconded by Kyle. The motion was passed with Mike opposed.**

No Act 250 hearing has been scheduled yet for R.L. Vallee. Brian contacted District 5 about party status. The town is automatically a party and no written filing is required. But if the town does not make an appearance at the first hearing it could lose party status. Duncan recommends filing a letter when the hearing date is announced indicating the town wishes to exercise its party status. He also thinks someone should attend at least the first hearing.

**Doug moved that when the hearing date for the R.L. Vallee Act 250 permit is announced the town administrator is directed to submit a notice on behalf of the town indicating the town wishes to have party status, Mike seconded and the motion was passed.**

Brian wrote warning letters to the businesses who recently received liquor control violations.

Brian will take the lead on the electric vehicle charging station. Brian said he got a list of small communities that recently put in charging stations. He will reach out to their administrators to get information about what they did.

The lessee at 188 Lower Main East has signed the lease. The board authorized Duncan to sign the lease on behalf of the town.

Duncan said he has had to refill the brochure holder at the rail trail trailhead twice, so the brochures are being used. We have a “sharrow” template. Brian will look into painting “sharrow” symbols on Railroad St. Doug suggested it would be a good idea for Brian, as our economic development coordinator, to go to the quarterly rail trail meeting to meet the players. Duncan said we have large rail trail signs. Brian was working on installing them.

Duncan said Dave Barra’s conclusion is that we have a right to ask that Alan Lehouillier’s ditch be cleaned out or that the original drainage way be opened back up. It was agreed that Duncan should sent a follow-up letter to Alan Lehouillier.

Brian sent out a memo today on the industrial park. Mike asked how much we have spent so far on the industrial park. Eric said all we have spent is what we have paid to hold the option, plus the matches for some grants. Duncan said we paid for the initial engineering. Doug said he thought we had spent maybe \$8-9K, plus the option payments. Duncan said the Yellow Wood Associates study was funded largely by a grant. We don’t have to pay any of that back if we do the industrial park. If we don’t do the industrial park we will have to pay some. Rosemary said the option is \$2500 a year. Duncan said we have had the option for 5 years.

Doug said he thinks there might be a benefit in talking to the trustees and getting their input. He doesn’t think many people would attend a public hearing.

Brian said he thinks we should try to more aggressively pursue bringing the purchase price down and if we can’t do that we should let the option expire. He thinks it expires at the end of August. Rosemary said she thinks the expiration date is different from that. Brian said the recommended price range for the land in the Yellow Wood study was \$10-12K per acre. That was borne out in the more recent appraisal done by a group out of Burlington. Brian said he will follow up with Rosemary to find out when the option expires.

**Mike moved to allow the option on the Jewett property to expire if it expires at the end of August, seconded by Nat.**

Brian asked if we want to reach out to the Jewetts. Eric said he thinks we should share with them the information we have received and ask them to lower their price.

**The motion was passed, with Doug opposed.**

Mike asked if the water on Legion Field absolutely has to be metered. It is good for the town and village to have water there. The amount of water that will be used is insignificant. Could we have a hydrant without the expense of a meter pit and meter and just pay a flat rate to the

village? Rosemary said the village made the Lamoille View Cemetery put in a meter. Duncan said there are no more flat rates. Two years ago the trustees adopted a lower public use rate and they don't charge for disconnects and reconnects for public uses. There is still a customer charge, but it is \$5, half the normal charge. Brian has ideas about the meter pit. We could take the meter out in winter, but we might want to use the hydrant to make ice. We could bring electricity to the pit and put in heat tape. Mike suggested spring tile.

Eric asked if everyone is using their new email addresses. Doug said no; he is waiting for the town IT person to help him get his set up. Eric asked that all the new email addresses be sent out to board members. Duncan asked if Brian could help Doug get his new email set up. Brian said yes.

**10. Adjourn**

The meeting was adjourned at 10:15.

*Minutes submitted by Donna Griffiths*

UNAPPROVED