

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, AUGUST 17, 2015

**Present:**

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

Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Brian Krause, Zachary Schuster, another citizen

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

**1. Call to Order**

Eric called the meeting to order at 7:00.

**2. Additions, Changes to Agenda**

Duncan said LRSWMD will not be here tonight. He would like to add to the agenda discussion of putting out an invitation to bid for paving of School St./College Hill. Another thing he would like to add is discussion of a call he got this afternoon from a company with a tentative initial interest in the possibility of siting a solar farm at the former landfill site. Vermont has a program specific to siting solar farms at former landfills. Duncan can let the company know if the board is interested in hearing more. Board members said they would like to hear more.

Nat said he would like to talk about the emerald ash borer preparedness plan some citizens have proposed.

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

**Nat moved to approve the minutes of July 20, 2015, Kyle seconded, and the motion was passed.**

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

Rosemary gave the board information about year end balances. If we fully fund the reserve funds, take the Holcomb House overspending out of buildings and grounds and use \$1600 to cover the library budget error, that still leaves an uncommitted balance of about \$7700. The difference between library expenditures and income this year is about \$1600. That can go towards their budget for next year. Rosemary has not included any money from FEMA for Coddington Hollow. We will get about \$40K but we don't know when we will get it. Duncan said we haven't been reimbursed anything yet for Coddington Hollow. Rosemary said all the Rocky Road reimbursement money was put back toward the budget.

Duncan explained that when he created the budget he mistakenly put the estimated year end amount for the library into the proposed library budget column and the budget amount in the year end column. The net result is that we showed more money than we should have for the estimated year end and less than we should have for the budget. The library is requesting the difference between their actual revenue and actual expense - \$1623. Duncan thinks that is reasonable. Rosemary's figure of \$7700 left includes giving the library that balance.

Doug asked how the cost for retirements fits into this. Duncan said he and Rosemary will try to come up with an estimate of the cost of the retirements. Between him and Steve Smith, the cost will probably be over \$20K. We will have to find places in the budget to get that money.

Or the board could decide to put less money into some of the reserve funds. We are proposing putting \$9K into the recreation reserve fund. They currently have \$29,219 in that fund. We are proposing putting \$7,263 in the building and grounds reserve. That fund has \$82K now.

Doug asked, didn't we commit to transferring the rec committee's balance over to them? Nat said it has been a year to year decision. Duncan said the capital budget plan says we will take the difference between income and expenditures and put it into reserve but the board makes the final decision how much to put in.

Nat said the rec committee does have uses for the money – improvements to Old Mill Park, equipment, etc.

Eric said we have \$7700 we could roll into our current budget to help offset retirement costs but we still need more than that if the cost is \$20K. Doug said our expenditure for Duncan in the upcoming year will be higher than budgeted under our new arrangement. But he wants the rec committee to be motivated and have enough resources. Eric said the recreation reserve fund has nearly \$30K in it already. Duncan said if we put the surplus into a reserve fund it can only be spent for the purpose for which the fund was established. Nat said a small new playground could easily cost \$50K.

Doug asked if the board can defer this decision. He thinks we should think about it. He would be interested in hearing about the needs and plans of the recreation committee and other places we might take money from. Duncan said Rosemary can't close out the last budget year until the surplus has been dedicated. Rosemary said she can but it makes it harder. Eric asked if there is someplace we can dedicate the surplus where we would have access to it. Duncan said he thinks we would want to commit it to unmet budget expenses. Waiting another month to make a decision won't make a huge difference.

**Doug moved to roll over the \$1623 library surplus from FY2015 as requested by the library to offset library expenses in the current year, correcting the budget error, Nat seconded and the motion was passed.**

Doug asked if there are any areas in the budget where we don't think we will spend what was budgeted. Duncan said we could do less of the mud abatement work than we planned. About \$13K of the retirement costs come from Steve Smith's retirement payout, so it would be legitimate to look at the highway department to cover the cost.

Eric suggested it might be beneficial if Rosemary and Duncan could come back with proposals for savings. But that will have to be in October because Duncan will be out during September.

Duncan said he recommends borrowing money to cover School St./College Hill construction costs. The board already approved this in concept. He recommends it because we may also need to come up with money for the Beard parcel and Rosemary thinks financing the School St./College Hill project will give us enough cash flow for the Beard project. Rosemary asked

if \$120K would be a sufficient amount to borrow. Duncan said it should be more than enough. **Nat moved and Doug seconded to authorize borrowing an amount not to exceed \$120,000 to cover School St./College Hill construction costs. The motion was passed.**

Rosemary said we have had less than 20 people enter into tax agreements. Does the board want to start talking to an attorney about a tax sale instead of waiting until the end of December? Eric said he thinks we will have to. We are running \$130K delinquent from last year. **Doug moved to start preparations for a tax sale and to continue with the same attorney used for tax sales in the past, Kyle seconded and the motion was passed.**

Rosemary said the Historical Society has paid their half of the loan. The Clerks' and Treasurers' Association annual meeting is next month and she plans to attend.

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

Brian said he has been here 3 weeks. He feels things are going fairly well. The highway crew has been a little short handed. He gave the board a printed summary of some things his department has been doing and some upcoming projects.

Brian has researched different options for replacing the salt shed and came up with what he thinks is the best building type. A block foundation would be built on the existing pad with asphalt on the bottom to protect the concrete it is sitting on. His crew could assemble the shed. It would probably take a little under a week. Rosemary said we have received the insurance payment for the salt shed. It was a little over \$10K. Board members and Duncan said they thought the insurance payment was supposed to be higher than that – over \$20K. Rosemary went to go look up the amount. Nat asked how much bigger this shed will be than the one being replaced. Brian said it will hold close to a year's supply of salt. Eric said he thinks we have the money to pay for the new one. The cost will be split with the village. Duncan said it would probably be useful if the highway department could hire an extra person on a part-time basis to help with construction of the salt shed. Rosemary said the amount of the insurance payment for the salt shed was \$11,976. She did not have any other information about the amount. **Doug moved to proceed with Brian's salt shed proposal, Nat seconded, and the motion was passed.**

Brian showed the board a sketch of proposed parking at Dog's Head Falls. There is an issue with people driving down the bank and going onto the access road and there has been discussion about stopping them and giving them parking on the road. His plan would provide 206 feet of parking next to the trailhead. His plan doesn't have delineator stakes on the edge of the road. He isn't sure we need them if access is blocked off. We can always put them in later if we need them. **Doug moved to proceed with Brian's plan for parking and access control at Dog's Head Falls, Nat seconded, and the motion was passed.** Duncan said he will let Lamoille Valley Rail Trail and VAST know that this plan is what we are willing to contribute to the process.

Nat said he liked Brian's written report. Board members agreed they would like to see written reports in the future.

## **6. *Manager's Report and Action Items***

Duncan said Paul and Mary Fortin are asking for work to be done at the end of Prospect Rock Rd. The board had authorized removal of a rock in the middle of Prospect Rock Rd. He doesn't know if that relates to what they want or if it has been done. Donna said she was the one who brought up the rock and it was removed immediately after the board meeting when it was discussed.

In answer to a question about the stop sign ordinance that has been in the Old Business section of the manager's report for a long time, Duncan explained that our stop signs are not legally enforceable unless we go through an inventory process and develop an ordinance.

Doug said he would be interested in what the Planning Commission thinks about the function of roads and how that fits into planning and development.

Eric asked if the elm tree on the Edelweiss property line was removed today. Duncan said the tree service didn't come. The village will be taking care of the cleanup work after the tree is taken down.

Brian got a quote from G&K for uniforms, which was a little higher than the quote from UniFirst. One thing Duncan doesn't like about the UniFirst contract is that it is for a 5-year period and it is automatically renewable. The only way to break it is if we have a specific issue with the quality of service, clothes, etc. We have to put it in writing and the company has to have 60 days to rectify the issue before we can ask to get out of the contract. The UniFirst contract has an automatic annual increase in price and automatically renews each year. Their pricing is a little more attractive than G&K's pricing but Duncan would not recommend signing a 5-year contract. Unfortunately G&K has a similar requirement in their lease about having to notify them in writing before cancelling the contract. The board agreed Duncan and Brian should go back and try to negotiate better terms.

Duncan signed and returned the grant agreement for the Better Backroads Grant for Foote Brook Rd. We can't begin work until we get the grant agreement back from the state and that can take a while so he went ahead and signed it.

Duncan has had several recent conversations with the FEMA engineer who originally came out and did the inspection and damage assessment reports for Coddling Hollow. He gets the sense that FEMA is trying to rewrite the original damage assessments to get the value of the replacement work up higher. That is important because the higher it is the better chance we have of getting the mitigation cost. The state has been working diligently on our behalf. We have not made a formal appeal. Eric asked if Brian and Lea are up to speed on how to proceed with this during Duncan's absence in September. Duncan said he talked to Lea about it. Before he leaves he will try to go over it with Brian.

Nat said the rec committee was talking about resurfacing the basketball court and wondering how difficult it would be to coordinate that with the School St. paving project. Duncan said it would probably be reasonable to coordinate. The paving project should be coordinated with the School St./College Hill construction project, which will put it into an October timeframe.

Paving Clay Hill in October didn't work well last year. But we are in the second year of a Class II paving grant and he doesn't know if we can get it deferred into a third year. He can try to find out. If the basketball court happens at the same time, it will be when school is in session. We can put it into the bid as an alternate.

Doug asked who would pay for the basketball court. Nat said that hasn't been answered. Perhaps the school board would pay for it or perhaps it would come out of recreation reserve funds. Duncan said he assumed the town would not be paying for it.

Duncan said he doesn't know what the cost of paving School St./College Hill will be. If there is any money left over his recommendation would be to do at least a shim coat on the worst part of Plot Rd. to try and save it for another 2 or 3 years until we can get more Class II money. He will try to work with Brian to put together an invitation to bid for the School St. project. The question is whether to mill it or reclaim it. There are advantages to doing it either way. Doug said he thinks we need to change the elevation of the road to help drainage. Duncan asked if the board is okay with him and Brian putting out an invitation to bid that the board could act on in September with Brian's advice. The board agreed to that. Nat asked if the basketball court can be included. Duncan said it can be included as an alternate. The board agreed to include a shim coat on Plot Rd. as another alternate.

Keith Morris submitted a noise waiver application for an event at Willow Crossing Farm on Sunday, August 23 from 3:00 pm to 2:00 am. They plan on having a band called Rising Appalachia. To date they have sold 100 tickets. Parking will be on Tim Sterner's property. Camping on the property will be offered as part of the ticket price.

Eric said he would be a little concerned about the event being on a Sunday night, but it would probably be all right if he talks to the neighbors and makes sure they are okay with it. Zachary Schuster, who had come to speak about his noise waiver request and Keith's, said he will let Keith know he should do that.

Nat said he likes sticking to 1:00 am for the end time. Doug said he understands that the event in the spring didn't stick to that time but went until 4:00 am. Eric said if the noise continues after 1:00 am they will no longer have a permit so the sheriff will be able to respond. Doug agreed with Nat. Zachary said he thinks 1:00 am would be a reasonable end time for Keith's event.

**Nat moved to approve a noise ordinance waiver for Keith Morris's event on August 23 from 3:00 pm to 1:00 am, Doug seconded, and the motion was passed.**

**Zachary Schuster's request is for a fall hoedown at Willow Crossing farm, similar to the event in May of this year. The event will be September 25-27, ending Sunday afternoon. Nat moved to approve a noise ordinance waiver for Zachary Schuster for the nights of September 25 and 26 with an end time of 1:00 am, Doug seconded and the motion was passed with Kyle opposed. (Zachary Schuster and the other citizen left at 8:20.)**

Duncan said Lamoille Regional Solid Waste Management District will be here in September. Susan Alexander wants to change the 5-year agreement with the town. The board put some things in the agreement to make it a better deal for Johnson. These are things Susan Alexander says the other towns don't have. Nat said they used to take our Green Up Day tires and then dropped that service, right? Duncan said that is right.

Duncan reviewed what had been discussed at the last meeting about use of the Johnson transfer station as a Debris Management Site in a major emergency. FEMA requires the state to prepare a statewide debris removal plan. The state can't really envision a scenario where use of our site would be required. During Irene they were able to handle all the waste. If we agreed to allow our site to be used as a Debris Management Site, there would be temporary storage of debris at our solid waste facility. It would require the board's approval at the time.

Nat said it seemed like Duncan originally had some reservations about this and then he wasn't at the next meeting to discuss it with the board. Duncan said the state addressed his reservations by saying storage would be temporary. They would remove the waste at the end of the major event and would also require board authorization before using our site. Nat said there is the question of what "temporary" means. Duncan said he doesn't remember if it was defined in the agreement. Eric said it might depend on the time of year.

Duncan said use of our site is in the state regional solid waste management plan. We need to sign off that that is okay.

Doug said he is afraid they will just show up with debris. He doesn't mind saying our site can potentially be used, but he doesn't want to call it a Debris Management Site.

Eric asked if the Solid Waste District submitted this site. Duncan said he would have to go back and read the emails about it. He believes it was submitted at ANR's urging along with all the other larger transfer stations. Susan Alexander of LRSWMD will be here in September. He can send out the email chain he got from ANR again and the board can re-read it and talk to Susan about it when she comes in September.

Duncan heard back from everyone in individual emails that it was okay to mow the rail trail, time permitting and after the roadside is mowed. There has been some work done already on the rail trail.

The low bidder on the School St. Project Alternate 1 was Desroches Construction. **Doug moved to accept Desroches Construction's bid on School St. Project Alternate 1, Nat seconded and the motion was passed.**

Lois Frey learned about a grant opportunity requiring no match that would provide funding to replace steps in the front entrance of Holcomb House. It was time-sensitive so Duncan checked with Eric and then the grant application was sent in.

We have proposals from Vermont Appraisal Company and NEMRC for listing services. Duncan thinks this may require a separate work session meeting at some point. The pricing is

similar in the two proposals. Does the town want to ask the voters next March to eliminate the office of lister and use an appraiser? Rose has said she will stay and do basic maintenance work until she leaves in the fall. She may decide to continue in a limited capacity. Does the board want to put out an RFP to get more proposals to look at? Eric asked how Duncan got these proposals. Duncan said he put out a query on the VLCT manager email list asking towns who they were using and learned that a number were using NEMRC. Vermont Appraisal Company has done work for us in the past. They heard we were interested in soliciting services and asked if they could put in a proposal. Eric asked if Duncan thinks there is value in putting out an RFP. Duncan said there might be. He is pretty confident either of these companies could do the work and do a good job. Rosemary agreed. The board agreed to have a work session meeting after Duncan is back and invite Rose.

There is a dead elm tree between the municipal building and Edelweiss Bakery. We proposed a 50% cost share with Edelweiss and a 50-50 cost share with the village. Edelweiss was asking to pay a 1/3 share based on the contention that more of the tree was on our property. Dave Barra said under normal circumstances both parties are responsible for 50%. Duncan told Ralph at Edelweiss that that board would have to approve anything other than a 50-50 cost share. Is the board comfortable with that? Board members said yes.

The Jewetts have signed the amendment to the option agreement modifying the asking price from \$265K down to \$256K. **Doug moved to authorize Eric to sign the Option Agreement Amendment to Purchase Jewett Property, Nat seconded, and the motion was passed.**

The Holcomb House painting has been done and paid for but there was some overspray that the painter needs to come back and correct. He says he will.

There are two funders involved in the Beard parcel purchase. Vermont River Conservancy has the purchase and sales agreement with the Beards. VRC will end up with a conservation easement. We will need to go through the process of a 30 day notice of intent to convey the conservation easement to the VRC. It will need to be conveyed before obtaining the Land and Water Conservation Fund money. It will work better if the purchase and sales agreement is reassigned to the town, which may require us to come up with the purchase price for a short time until we can be reimbursed by VRC and LWCF. LWCF funds are expected to be provided within 30 days of our taking ownership and conveying the conservation easements to VRC. If we have short term financing for the School St. project Rosemary thinks we have the cash flow for this acquisition. The Beards have no issues with the town assuming the purchase and sales agreement. One thing that is important to them is that the parcel is named to honor Hubert and Florence Beard. A plaque will be placed somewhere on the property.

**Nat moved to approve assignment of the purchase and sales agreement for the Beard parcel from the Vermont River Conservancy to the Town of Johnson, Kyle seconded, and the motion was passed with Doug recusing himself.**

Duncan hasn't had a chance to come up with a proposed fee schedule for Evergreen Ledge Cemetery. We might want to look into having someone plot where the graves are and

identify potential spaces left. Rosemary said she thinks there are at least 20 plots left. Duncan asked if the board is comfortable with telling people they have to pay to have markers put at the corners of plots. Board members said yes. Duncan said Brian has agreed to have the crew do some trimming at Evergreen Ledge.

The Tree Board has been awarded a \$5K Canopy Grant with a \$5K match to provide education and outreach on the emerald ash borer. Sue Lovering is not interested in being the grant administrator and would like Lea or Duncan to do it. Duncan will not be here in September but Lea has agreed to do it and feels she will have time for it. **Doug moved to appoint Lea as Grant Administrator for the Canopy Grant, Kyle seconded, and the motion was passed.**

Nat said the Tree Board has come up with an emerald ash borer preparedness plan. He handed out copies of it. They are anticipating that the emerald ash borer will come here and kill all our ash trees. They did an inventory of ash trees in highway right of ways and found nearly 2500. The emerald ash borer will kill them and then they will be falling down. There are federal regulations about how infested trees can be dealt with. They can only be moved within a confined area. The Tree Board has identified some potential liabilities the town would run up against and how we might prepare for these problems. They have requested that we approve the plan they developed. He is asking board members to read the plan and discuss and vote on it in September. It was agreed to put it on the agenda for next month.

VTrans has issued a right of way permit for placement of informational signs on Main St. for the rail trail and Old Mill Park.

The Old Mill Park Trail is complete and has been paid for. Kyle said her only complaint is that the trail is a little soft on a bike. Duncan agreed. He said if we had the time and the calcium chloride and the crew could put some down that would probably firm it up. Brian can take a look at it.

Sharon dealt with a trash complaint at DJ's Deli.

Duncan had repair work done on the Whiting Hill Cemetery fence and submitted bills and accident reports to PACIF. The cost was \$500. PACIF is going after the insurance of the person who caused the damage.

Duncan reviewed and signed the contract with Clemons for the municipal building roof project. He is waiting for it to be returned by the contractor. The estimated completion date is September 25.

A letter was sent to Dan Perkins thanking him for his service as Town Lister.

Eric looked into the number of speeding tickets and warnings issued. He said in the report showing numbers from January through July we didn't look too out of line compared to other communities. Duncan said the trustees were not so concerned with the comparison between

towns. They were more concerned about why there were not more tickets instead of warnings. Eric said LCSD is aware that we are watching this now.

Dana McKnight is able to do the office renovations. Duncan has applied for a public buildings construction permit but doesn't have it yet. We can't start work until we get it.

We have received an Act 250 application packet for Ithiel Falls Self Storage. Duncan thinks they are planning on putting in another unit.

Casey Romero asked about getting access to public water on Legion Field. Providing water out of the alumni building at the school is not really an option because the meter and plumbing froze. The other possibility, which could be fairly costly, would be to tie into the water main and put in a curb stop. This would be primarily to provide water for Tuesday Night Live, which happens for 8 weeks in the summer. Nat said it would also be handy for maintaining a smooth surface on the ice rink. Duncan said that is true, but we would have to figure out some way to keep the water from freezing in winter. On the plus side, the trustees recently modified their fee schedule to charge less for cemeteries and publicly owned parks. The monthly charge will be less for the water fountain at Old Mill Park and the skate park. Legion Field would be eligible for the same lower rate. There would be some cost involved in providing water to the field. He assumes the town crew could do the excavation work. Tapping into the village water main would be more difficult. We would need someone to come in and do that. Eric said if we were going to do it we would want to do it before we pave School St. Duncan agreed that ideally we would. Eric asked if there is any way to tap into the line going to the yellow house. Duncan said that would be possible. But if water is needed in that building the curb stop will be wanted for that. Curb stops can't be shared so we would need our own separate curb stop. Duncan said maybe we could tap into a fire hydrant. That would save digging up the road. He would have to talk to Tom Elwood about that.

Duncan said he is okay with discussing his contract in open session. The board agreed there was no need to discuss it in executive session. Eric reviewed highlights of the proposed contract. The work week would be 30 hours. Now Duncan works 40 hours and splits his time between village and town with 40% for the town. He is requesting to retain 80 hours of CTO time. That would save the town paying out the 80 hours. We would just put it back in the bank so he would start with time in the bank. It would be converted to the equivalent for his new salary. The contract gives him vacation hours at his current rate. He would be considered a 10+ year employee instead of a new hire. Duncan said he will be compensated for 20% of his hours in the sick leave bank. That leaves around 360 hours. He is asking to be able to carry 144 hours in the sick leave bank, to be deducted from the total amount of sick leave eligible for the 25% payout when he retires.

Duncan said his new contract can't be executed until after a full 30 days of separation so he is just asking for conceptual approval tonight.

Doug noted that the contract is for 366 days rather than 365. Duncan said that is okay with him.

**Doug moved to authorize Eric to sign the proposed employment agreement with Duncan Hastings to be effective after he has ceased employment with the town and village for 30 days, Nat seconded, and the motion was passed.**

Duncan said he has talked to Travis Hill. There are a couple of things related to a possible resolution of his situation which are in the hands of his attorney, so he believes it is appropriate to discuss them in executive session. **Nat moved to enter executive session to discuss issues related to Travis Hill's water line, Doug seconded, the motion was passed and the board entered executive session at 9:23.** The board came out of executive session at 9:45 with no action taken.

**6. Adjourn**

The meeting was adjourned at 9:45.

*Minutes submitted by Donna Griffiths*