

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, AUGUST 18, 2014

Present:

Selectboard Members: Kathy Black, Doug Molde, Eric Osgood, Howard Romero

Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Steve Smith, Lois Frey, Bob Selby, Richard Spiese, Lydia Menendez, Bob Ross, Ken Smith

Note: All votes taken are unanimous unless otherwise noted.

1. *Call to Order*

Eric called the meeting to order at 7:06.

2. *Review of Agenda and Any Adjustments and Additions*

By consent, the board added appointment of a new Conservation Commission member and discussion of the possibility of the town waiving the late fee for homestead declaration filing to the agenda.

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

Rosemary said she hasn't officially closed out last year yet. The tax sale is set for September 30. At least one board member should be there if possible.

Doug moved to authorize Eric to sign the audit engagement letter from Graham and Graham, Kathy seconded, and the motion was passed.

Rosemary said she won't be at next month's meeting because she will be at a Clerks and Treasurers Association meeting in Killington.

Last Thursday the Agency of Transportation did a compliance check on 4 grants for the town. They suggested that we have two people sign each check and that we have a procurement policy. (*Duncan arrived at 7:11.*)

There was discussion about recognizing Bruce White on his retirement.

4. *Road Commissioner/Road Foreman Report and Any Action Items*

Steve said there has been 5.4 inches of rain since the last meeting. The new mower arrived on July 22, one day after the town completely finished all mowing. The sand pile is half done. We will start screening from our own pit as soon as we can. Mud abatement on Clay Hill was started today. (*Bob Selby arrived at 7:21.*)

Duncan said there are 9 or 10 applicants so far for Bruce White's position. Eric suggested 3-5 candidates should be chosen to present to the board.

5. *Review and Approve Minutes of Meetings Past*

Howard moved to approve the minutes of July 21, 2104, Doug seconded, and the motion was passed.

6. *Manager's Report*

Duncan said SD Ireland was the low bidder for paving. Pike's bid was considerably above SD Ireland's. Kathy asked if Clay Hill will be ground down. Duncan said yes. Some of the road is

to be milled before repaving, some shimmed, and some pulverized. Kathy asked if we need to make plans for dealing with water issues at the bottom part of Clay Hill. Duncan said the plan is to leave the area by the storm drains for next year in case it has to be dug up. Kathy asked if the section of road where she and Eric live will stay the same level. She suggested we might want to think proactively about a swale or dry well. Duncan said there used to be a paved swale in that area. Now it is mostly grassed over. Steve said the pavement went to the sidewalk at one time. Kathy said she thinks the grass planted there makes the road look narrower and slows people down. Speed can be a problem on that road. Eric asked if the swale directed water to the catch basin. Duncan said yes. The village had a contractor on Clay Hill today trying to locate the last 2 buried manholes. They were going to see if they could find the pipes between the two catch basins on either side of the road. The village is going to try to clean them out with a Vactor. But Steve Towne says those “storm drains” are only 4 inches in diameter, which isn’t big enough to carry much water. Eric said not paving that area makes sense because the village will clearly need to put in something bigger. **Howard moved to accept SD Ireland’s bid for annual paving, Doug seconded, and the motion was passed.**

We have been asked to install a culvert on the Rail Trail near the empty structure. Because of the contaminated soil in the area, we can’t dig so we would need to put in additional fill to raise the trail bed enough to provide cover over the top of the culvert. Duncan thinks a 10 or 12 inch culvert would be adequate. **Doug moved to install a culvert on our property as requested for the Rail Trail, Howard seconded, and the motion was passed.** (*Richard Spiese arrived at 7:36.*)

Duncan said Ken Smith, a resident on Patch Road, came to discuss his concerns about the condition of Patch Road. Duncan gave him a copy of the Class IV Road Policy and told him he and his neighbor could get 150 yards of gravel between them if they applied for a right of way permit, but he still wanted the opportunity to talk to the board.

Duncan said we need to discuss at some point an hourly rate for use of the village tractor. We were also supposed to keep track of how often it gets used so after about a year of operation we can see how many hours it has been used by the village and the town and use that as the basis for a maintenance policy.

7. ***Planning Commission Report***

Bob Selby said the last Planning Commission meeting was dominated by discussion about selection of a steering committee for form based zoning. The prevailing view on the Commission is that the steering committee ought to be a self-selected group of volunteers. They felt a committee of 12 people would be optimal but decided it should consist of volunteers who present themselves, operating on the assumption that there will be some attrition. Wednesday evening is the time set for people to present themselves and make it clear that they intend to serve. The Commission will let Paul Dreher organize the committee and go from there. At least 3 Planning Commission members will attend steering committee meetings on a rotating basis to observe but they are not planning to serve on the committee as active members. Bob thinks more than 12 volunteers will show up on Wednesday. He is not sure what the composition of the committee will be.

Howard asked how obstinate people on the committee will be dealt with. Bob said there were at least 2 motions that were not seconded to the effect that the committee members should be appointed in order to control for that sort of thing. At the moment there is no control for the possibility that there may be people there who arrive with a certain agenda. He feels the task is to design form based code, not debate the merits of form based code for Johnson. That debate will happen when we have code fitted for Johnson so people can see for themselves what it will mean for the town.

Eric asked who will assure that the committee complies with open meeting law – posting agendas, etc. Bob said his understanding is that Dreher will be responsible for that. (*Lydia Mendendez arrived at 7:49.*) Eric asked if he will get meeting minutes to Rosemary within 5 days. Bob said he hasn't asked him about minutes, or about a note taker. Eric said that should probably be one of the first items of business. Bob said he will let Dreher know that those details will need attention.

Bob said the Planning Commission discussed application for municipal grants but took no action. They decided to leave the decision to the boards, realizing that all competing projects are important. (*Bob left at 7:51.*)

8. *Manager's Report (continued)*

Lea had previously sent out a copy of the Vermont Recreation Trails Program Grant Agreement for the trail graveling and renovation project. Kathy moved to authorize Duncan to sign the Vermont Recreation Trails Program Grant Agreement, seconded by Howard. Eric suggested tabling this until after the board heard what Richard Spiese had to say about potential contamination issues at Old Mill Park. Kathy withdrew her motion.

Sharon Duffy is willing to continue as Health Officer. **Howard moved to reappoint Sharon Duffy as Health Officer, Doug seconded, and the motion was passed.**

JSC has applied for a fireworks permit for a September 20th celebration. Northstar Fireworks will do the show and store the fireworks. Duncan asked Northstar to provide a written plan showing compliance with our checklist. He hasn't gotten it yet, but they are a reputable company and will presumably comply with our requirements. They have provided a certificate of insurance. **Kathy moved to authorize Eric to sign a fireworks permit for Johnson State College for September 20, 2014, contingent on receipt of a written plan addressing the checklist items on the permit application, Howard seconded, and the motion was passed.**

JSC has applied for a noise ordinance waiver for September 20. They will have a DJ, not a band. Howard moved to approve the noise ordinance waiver for Johnson State College for September 20, with the standard conditions, Kathy seconded, and the motion was passed.

The town has been requested to proclaim September to be Childhood Cancer Awareness Month. The requested proclamation was printed in the agenda. Eric asked, we aren't endorsing any particular business or non-profit by passing this proclamation, right? Duncan said that is right. **Kathy moved to issue the following proclamation:**

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in more than 15,000 of our country's young people each and every year.

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Vermont Children's Hospital at Fletcher Allen in Burlington, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kids Recognition Award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

The Town of Johnson hereby proclaims September to be Childhood Cancer Awareness Month.

Doug seconded and the motion was passed.

Duncan said VLCT PACIF does commercial inspections of town and village owned properties, a few each year. We have a report on the values from their perspective. They are pretty close to the values we are currently insured for. Insured values in most cases are just slightly under the assessed values. They will use those values next year as the basis for our insurance premiums. We can challenge them if we want to.

Duncan has received complaints from the Bushnells about traffic and the logging operation on Tree Farm Road. LCSD has responded numerous times and found no issues. Green Crow is expressing concern that they are being harassed by the complaints. The Town of Eden has a bridge posted for a certain weight at the end of our road. Trucks going over the bridge could be exceeding the posted weight limit, but as far as Duncan knows the weight limits for Johnson highways are not being exceeded.

9. *Possible Acquisition of Beard Parcel*

Lydia Menendez of the River Conservancy said there will be a celebration at 1:00 pm on September 7 to recognize the conservation of the Journey's End parcel and thank all those involved. She thanked the board for approving the plaque to be placed at Journey's End. She said the Beard family has contacted the River Conservancy about purchasing the parcel they

have for sale on School St. The River Conservancy would place a conservation easement on the property and then donate it to the town if the town wanted it. She is here to answer any questions, discuss the merits and any concerns and hopefully learn whether the selectboard wishes the River Conservancy to move forward with the purchase.

Howard said he thinks it is a great idea. People have been using the swimming hole adjacent to that property for many generations. Eric said he doesn't see anyone coming out against it.

Lydia said the River Conservancy has signed a purchase and sale agreement. They will need to raise money, primarily through a grant application to the Vermont Housing and Conservation Board. If the grant is awarded it will provide the bulk of the funds. The River Conservancy would like a letter of support from the town. **Kathy moved to direct Duncan to write a letter in support of the River Conservancy's purchase of the Beard property and the donation of the property to the town, Howard seconded, and the motion was passed, with Doug recusing himself.**

Lydia said she looks forward to communicating with the town through the Conservation Commission and Duncan about progress on the purchase. The town will need to participate at the point of closing. She also would like to explore how the town might be able to assist the River Conservancy in attracting funds intended for municipal recreation. And she would like to hear anecdotes about the Beard property and why it is special to the town. Doug said George Pearlman has pictures of some nice brown trout that came out of there this year.

Lois said she hopes everyone will consider naming the property something related to Hubert and Florence Beard. Lydia said there is a stipulation in the purchase and sales agreement that there be some form of tribute to them.

Lydia said if the site is left to revegetate, over the years it will turn into a forested parcel. The town can decide whether to mow and maintain it or turn it into a forest with picnic tables. It can become what the town wishes.

10. Manager's Report (continued)

It was agreed that Steve Smith, Duncan, and Eric would review applicants for Bruce White's position and then present a smaller number to the board.

Duncan said the trustees have proposed a simple policy for signs on jointly owned municipal property: no signs other than those for specific municipal purposes. Howard said that makes sense to him. Kathy asked if the policy would apply just to the municipal building property. Duncan said yes. Doug said the municipal building lawn is a place where groups could put notices and expect quite a few people in the community to see them. By agreeing to this policy, we would be saying we did not feel it was important to provide that opportunity. **Howard moved to adopt the policy proposed by the Village Trustees for signs on jointly owned municipal property, Kathy seconded, and the motion was passed, with Doug opposed and Eric voting in favor along with Howard and Kathy.**

11. Old Mill Park Discussion

Richard Spiese of the ANR Sites Management Section had come to answer any questions about Old Mill Park water quality test issues and state concerns over contamination. Duncan explained

that Bob Ross of Ross Environmental (our consultant) had also been asked to come, as the board had asked him to develop a reasonable testing protocol mainly related to use of the ground surface, but it appears that protocol would not address SMS concerns about leachate on the bank, etc.

Eric asked, why are we coming back here 15 years after ANR signed off on the site? Richard said in 2010 when the water line was being extended a large amount of petroleum was discovered. When it was reported to ANR, they were able to use federal dollars to investigate why. The contractor said it might make good sense, since talc material was once processed at the site, to look for metals in the ground water and soils. ANR agreed to that for a small additional cost. The contractor looked for metals and discovered exceedances of a number of standards of some metals of concern. The village, the town, and VTrans all came into the Vermont Cleanup Fund as responsible owners. The cleanup project has been moving ahead. A contractor has been hired. ANR has requested some additional followup work since the town water supply is not far away, to assure the town and village that there is no petroleum contamination of the water supply. There probably isn't much connection between the two sites. Metals were discovered in soil and ground water samples where the mill was located. His understanding is that that was not tested during the Act 250 process, so during that process no one had that information. *(Ken Smith arrived at 8:25.)* Review of work done in the past shows there was an exceedance. A letter was sent to the current owner of the property about the exceedances and they have agreed to hire an environmental consulting firm. He spoke with their consultant and he thinks there is a chance to get them to take a look at the ball fields. One minor exceedance area was identified there in the mid-1990's. The metals of concern are arsenic, nickel, and antimony, in that order of concern. Howard asked where the exceedance occurred. Richard said at a monitoring well roughly in the middle of the ball fields. Why it wasn't looked at at the time, he doesn't know.

Doug said he remembers the subject of arsenic in the river coming up during the Act 250 hearing. He is concerned about the safety element relating to the connection to the village well and people using the river. He doesn't understand how we got to this point. It seems the ball got dropped. People had reliance on ANR's decision. If we had had this information at the time the acquisition was taking place, we might have acted differently. Richard said ANR was addressing one release, not saying the whole facility was clean. The Act 250 project was about the ball fields but there was no regulatory requirement to do a closure assessment when the talc mill closed. If the town or village had acquired the property through the normal banking process that would have been looked at. As time goes on we learn more and more. Looking for the metals has created a lot of work, but it probably was good that he decided to have that done. It could lead to corrective action or perhaps just putting a notice there so people won't dig and change the conditions of the property.

Duncan said we felt we were acquiring a parcel that pretty much had a clean bill of health. Now a concern has been raised, so we hired Bob Ross's firm to do a proposal for testing related to ground activities. But from one of Richard's emails it sounds like he is not so much concerned about ground waste but more about leachate over the bank and contamination in the stream. What should the town do to minimize risk to the public? Richard said clean soils were brought in as part of the Act 250 process with the idea of creating a separation distance to be safe for

users of the field. And surface water diversion work was done to minimize surface water going through contaminated soils to minimize any impacts to the river. The effect on the river of different contaminated areas is cumulative so because now the other bank is of concern, he has asked the consultant to roll in the ball fields and consider both areas. He is not sure yet if there is a risk.

Eric said during soccer season hundreds of kids use the fields. If one scrapes his knee, is there any exposure? If we work on the recreation trail around the ball fields and dig up dust, what do we have for exposure there? What if a fisherman down below eats a fish from the river? The village well is just a few hundred feet downstream. There is an organic farm that pumps water out of the river and sprays it on their food and then sells it at a farm stand. What is the exposure to the public? Richard said he doesn't know. ANR is taking steps to figure that out. Eric asked if we should be warning people. Are we exposed for litigation now that we know this? Richard said he has no first hand information about whether there are impacts. If ANR finds that out, they will make a recommendation to the town and village if it seems appropriate. There are potential contaminants around us everywhere.

Doug asked if it would be appropriate for us to provide notice. Richard said his agency is not saying now that we should put up a notice. When and if they know there is a big enough problem they would recommend that we put a notice up. There has been sampling in the river. There is arsenic, but it is below the standard for drinking water, so swimming and fishing are not a great risk. Doug asked for clarification about what "below drinking water standards" means. Richard said the standard now is 10 micrograms per liter. He has seen numbers of 5 and 6 micrograms per liter from the river. And people don't drink untreated surface water. Howard said we are talking about chemical exposure, not biological. Richard said chemical exposure tends to be more of a lifetime concern. Whatever is happening today is probably less than when the facility was operated.

Richard said he believes the talc mill site is not connected to the village well. ANR is working to confirm that. Duncan said many studies have been done and he believes very strongly based on the geological assessments that have been done that the village water supply is very well protected from any surface water contaminants. We went through a very rigorous process to site that well and it is tested on a very regular basis. Doug said members of the public periodically express regret that we can't use the well on the talc mill side of the river. Duncan said we were expressly forbidden by the Water Supply Division from even considering that.

Duncan asked if it is safe for us to assume that, given that ANR has not issued health alerts or health warnings, we can feel confident that use of Old Mill Park is okay. Richard said he has no information indicating that people should not use the park as it is being used today. Regarding the property next door, it depends on what the use there is.

Duncan asked Bob his opinion. Bob said he thinks it's too early to put the town on alert that they have to do anything. There is preliminary data that has to be evaluated further. That is what is being done. If something needs to be addressed, the state usually lets you know immediately. He thinks the biggest thing is not to change the use of property. Even if there are going to be modifications for trails, the town should evaluate carefully before starting to dig. Richard agreed

that the town should evaluate before digging and make sure the soil or rock under the fill is managed properly. Duncan said we would only excavate 3 or 4 inches deep. He thinks the Act 250 caution was only if we were going to dig 18 inches deep or more. Richard said any digging that goes below the fill is what we need to worry about. He guesses we would be allowed to dig below the fill, but we would need to take precautions. *(Richard Spiese left at 8:51.)*

12. Manager's Report (continued)

Eric asked Bob Ross about the solid waste landfill. Bob said the permit officially expired last year. We were in a post monitoring program and that permit expired. At that point the state usually evaluates to see if monitoring can stop and the landfill can go into post closure care. Because the permit expired, the state looked at all historical ground water monitoring data. Two wells exceeded standards. That triggers some actions that may need to be taken. One of the biggest concerns is whether brown water is migrating off site. The state had requested an evaluation be done to assess whether there is potential for migration off the landfill property. The Gihon near the landfill is probably a natural barrier. One evaluation method that is less expensive than putting in more monitoring wells is to take samples from the river. That is the receptor the state will primarily be concerned about. The one supply well nearby has been tested regularly, with no indication of impact from the landfill. The likelihood of significant offsite migration is low based on the geology, but the state needs data to base a decision on. Sampling the Gihon River to see if there is impact there would be a reasonable cost way to get data. He thinks there is probably no impact. If the state gets data indicating no impact, he thinks they are likely to be amenable to reducing or eliminating monitoring requirements.

Duncan asked about the sampling regimen. Bob said he would suggest collecting 3 surface water samples as a one-time event – one from upstream, one from midstream, and one from downstream. He would make a recommendation for monitoring based on that. We can probably get the current requirement to monitor twice a year reduced, but the state needs some rationale for making their decision.

Eric asked if this is something Bob would provide for us. Bob said his firm could provide that sampling. They would want to run it by the state to see if it meets their objectives and will satisfy their request for additional work.

Doug asked about the permit expiring. Should we have renewed it? Is it like a driver's license? Bob said the solid waste group recently underwent reorganization. This spring they started to review all the open landfills. Most landfills in the state went into post closure monitoring at the same time and now the state is starting to look at and formally close them. Normally the town would get a notice that the permit was expiring and needed to be renewed. The letter that was sent out took everyone by surprise. It initially came across as saying the town was in violation, but after talking to the state he thinks that was a misinterpretation and the state was really just following up on the permit that expired. They want evaluation of whether or not there is offsite migration potential, and based on the evaluation they will decide on future monitoring.

Doug asked if there is anyone between that property and the Gihon. Bob said he thinks the town may own right to the river. The land on the opposite side of the river is undeveloped. There is really no other receptor in the immediate area but the river. The town may be able to petition to do post closure care even if a monitoring well is in exceedance.

Duncan said he thinks we need Ross Environmental's help in drafting a plan. He thinks Bob's idea to run a proposal by the state is good. Can it be done in time to present a cost proposal to the board at next month's meeting? Bob said yes. **Doug moved to authorize Duncan to hire Ross Environmental to draft a proposal and to communicate with ANR and then bring the proposal to the board for approval next month, Kathy seconded, and the motion was passed.** *(Bob Ross left at 9:06.)*

13. Ken Smith – Class IV Road Request for Maintenance

Ken Smith said Patch Road is starting to erode pretty badly. A gully is forming by his house. If it goes much longer, it will be a serious problem requiring more maintenance. He mostly maintains the road himself, but is reaching the point both financially and physically where he can't do more. He doesn't think it would take much work, just grading it or crowning it. Probably if it is not done within the next year it will become a major problem. He read the town's policy. He has lived there for 35 years and hasn't asked the town for help. The road's condition will affect emergency access and the ability of property owners to get fire insurance. It is not a long section that needs work.

Eric said unfortunately if the town provides any kind of service beyond our policy for one individual, there could be legal issues for the whole town. Some towns did get into trouble for situations like that. Our policy is to offer a certain number of yards of gravel for any property owner on a Class IV road that requests it and fills out a right of way permit. There is a \$75 fee for the permit, as well as a \$10 state fee. A ROW permit is required for anyone who works on the town's right of way, for instance if they are putting in a driveway.

Ken asked if a group of landowners could all get gravel with one permit. Duncan said everyone submits a permit and each permit holder gets 75 yards of gravel.

Ken said everyone has access to come onto that road, not just those who live there. He feels the town should have some responsibility. If the residents have to take responsibility for maintenance they would like to know what it would take to have the road thrown up so residents could limit the amount of people on it. Eric said there is a process. The residents would have to draw up a petition and come to the selectboard and it would be the board's discretion whether to accept the request. There would have to be a public hearing. Howard said if that happened, residents wouldn't get gravel from the town. Ken said some of his neighbors feel in the long term it would be beneficial to them if the road were thrown up. Doug said there is a requirement that the town consider the public good.

Ken said when he first moved to Patch Road, it went all the way to Hoag Road. At one point, one of the residents took it upon himself to close it. It is not a through road now and doesn't do much to serve the public, other than those who live there. Duncan said the right of way still exists and the town could re-establish that road if it wanted to.

Doug asked how many miles of class IV roads we have. Duncan said almost 13. Doug said anything we do on Patch Road we have to make available elsewhere.

Ken said there is no balance. With this policy, the town is not going to provide any maintenance. Duncan said the prior policy said there would be no maintenance. This provides some.

Ken asked, if the town maintains ownership, is there a way the road could be posted as just for residents? Doug said he understands that we can't prohibit traffic on town highways except for four-wheelers. He pointed out that there is a process to make a Class IV road a town highway. If the residents maintain it for a year then we generally will approve moving it to a Class III designation. Ken said he doesn't have the resources to do that.

Ken asked, if all his neighbors wanted to try to have the road thrown up, would they have any chance of success? Howard said he thinks there would be very little chance. Duncan said he thinks board policy says it is the preference of the board to retain roads. But by statute a citizen has to present a petition with no less than 5% of voters signing and the board has to have a public hearing. The actual language of the statute refers to finding it is in the public good to throw up the road. That is a fairly high standard. If the residents were to petition the town to take over the highway as a Class III road after bringing it up to Class III standards, that would require the same process. There would have to be a public hearing and the board would have to determine it was in the public good. Then we would get reimbursement from the state for maintenance. We have done that with two sections of road that citizens upgraded. Eric said the only road he can recall the board throwing up was a very short dead end section.

Ken said he thinks it would be hard to turn it into a Class III road because of what his neighbors would want. He mentioned that it has been moved from the old road, probably by 15 or 20 feet.

Eric said the state doesn't give the town any money for Class IV roads. Duncan said if there is an incident on a Class IV road, it is not FEMA eligible unless it has been maintained. And FEMA would only pay for structures that are maintained, not the road itself. *(Ken Smith left at 9:29.)*

14. Manager's Report (continued)

Howard moved to authorize Duncan to sign the Vermont Recreation Trails Program Grant Agreement, Kathy seconded, and the motion was passed.

Duncan presented some ideas for a fireworks permit policy. He contacted an insurance agency and asked if there is a rider to cover fireworks displays. They said they didn't know of a rider, but a typical homeowners policy does not exclude fireworks. So he thought it would be appropriate for us to require a certificate of insurance from the homeowner naming the town as an additional insured. He also suggested charging a fee for the permit; requiring a fire truck and a couple of firefighters at the site or on standby and charging a fee for that; regulating days of the week and hours of the day; tying the fireworks permit to issuance of a noise ordinance waiver; and requiring a detailed plan to be filed delineating display, discharge, and fallout areas and distance to property lines and closest residences, designating the person in charge, and describing plans for emergency services and control of spectators and the general public. He suggested we might want to consider adopting a policy as an interim measure and migrate toward an ordinance. Howard asked what the benefit would be of naming the town as an additional insured. Doug said then if someone were injured and we were sued for issuing the

permit we would have the insurance company defending us and paying the judgment. Duncan said the person he talked to at the Division of Fire Safety told him that many Chittenden County towns are refusing to issue fireworks permits on the basis that they cannot be assured that the person handling the display is responsible.

Howard said he thinks charging a fee is a good idea. Regarding requiring a fire truck and fire fighters, are we going to distinguish between a licensed company and an ordinary person? Duncan said his understanding is that professional companies need fire safety plans. Some towns are requiring a fire engine to be present. That could be at our discretion. Doug said he thinks it would be a good idea to have a fire engine there if the person in charge of the display is not credentialed. Howard said he agrees, but how does the policy separate out the two classes of people? Duncan said it could be based on the classification of fireworks. One class of fireworks requires a professional to set them off.

Board members agreed the general ideas Duncan listed were good. Eric suggested we could adopt a policy and see how it goes and then decide about an ordinance. The board asked Duncan to draft a policy.

Eric, Gordy, Steve Towne, Steve Smith, Rosemary, and Duncan met last Friday for initial discussion on opportunities/needs/changes/challenges surrounding multiple future retirements. They would like to prepare a working document then get both boards together to discuss their ideas. There are a couple of things that came out the discussion that the village is considering, including taking a harder look at the benefits of smart metering and outsourcing utility billing and the possibility of subcontracting linework of the electric department.

It turns out that the Patch proposal for the trailhead building was not based on the actual bid package and therefore was not the low bid. They resubmitted a bid, which was higher than the next low bid. Duncan checked with the next low bidder to see if he could still do the work, but he said he would not be able to. So Patch is now the low bidder after all. Duncan still has some questions for them about what was included in the bid.

It appears that FEMA has accepted that Coddington Hollow is an eligible site. They are now assessing whether the cost of repairs is going to be more than 50% of the cost to replace. If it is more than 50%, they will pay for replacement costs (of the existing structure.) At that point we will have to advocate for mitigation funding to replace the structure with what will be required of the stream alteration permit process.

The Holcomb House Committee has not met again since our last meeting. Duncan has on his list of to-do items to prepare a draft RFP to go back out and solicit proposals. Given where we are in the season, would the board be willing to pay for assistance with drafting the RFP? Howard said he thinks we should. Duncan asked if the board would like to consider including several alternates for roofing. We originally asked for standing seam but it seems getting a contractor to bid on that may be problematic. There is also a "hidden fastener" steel roof that is a good product. Do we want to get a quote for an asphalt shingle roof? The board agreed we should stick with a steel roof, but should include whatever kind of steel roof will get bids.

Howard asked how far apart we and the Jewetts are on a price. Duncan said he hasn't heard back from the Jewetts since he and Eric met with them. We are not that far away, around \$6-8K.

15. Conservation Commission Appointment

Lois said Louise von Weise has expressed interest in serving on the Conservation Commission. She has been to a couple of meetings. **Doug moved to appoint Louise von Weise to the Conservation Commission, Kathy seconded, and the motion was passed.**

Lois said the River Conservancy is looking for someone from the town to speak at the Journey's End celebration on September 7. Howard said he could do it. *(Lois left at 9:58.)*

16. Consideration of Waiving Late Fee for Filing Homestead Declaration

Kathy said she did not file her homestead declaration and got a nonresident tax bill because it was newly required this year. Rosemary said there was actually only one year when filing was not required. There is a \$60 fine for failing to file on time. Linda Martin informed Kathy that it is not a state fine. The town has the discretion to charge it or not. She wonders if the town wants to consider waiving the fine. People who live here are being fined for not reminding the state they are citizens. Duncan said the state has to know whether or not you are a resident. He said he also failed to file and paid the fine. Kathy said the law is there to catch people who are no longer citizens and fail to notify the state. But people are being fined who continue to be citizens but miss the filing date.

Doug asked if we put the revenue from fines in our budget. Eric said no, but there is an expense to us when people file late. Rosemary has to redo the tax bills. If someone becomes eligible for the prebate after filing, the town will have to send a new bill. Rosemary said a lot of older people who had someone else do their taxes didn't get it filed. Duncan said he uses H&R Block and they don't notify you need to file. Rosemary said the fine is 6 % of each person's tax. Eric said we should look at the amount of work caused when people file late. We don't want to encourage people not to file on time. Kathy said she doesn't think people will make the same mistake next year. Eric is saying a fine is necessary for a deterrent effect but having to have one's taxes corrected twice is also a deterrent.

Doug said he thinks this should be put on the agenda when all five board members are present. Duncan asked if Rosemary has any way of knowing how many people received the fine. Rosemary said she can get a dollar amount and she may be able to see the number of customers, too. She has probably done a dozen modified tax forms so far. People have until October to file. Rosemary thinks we will probably have another 25. Doug asked how long it takes to handle each one. Rosemary said a couple of hours total for all of them. Duncan said he would love to see the state modify its process and put the homestead declaration on the tax form instead of on a separate form where it is easy to miss.

17. Adjourn

The meeting was adjourned at 10:13.

Minutes submitted by Donna Griffiths