

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, SEPTEMBER 18, 2017

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Brian Story, Rosemary Audibert, Brian Krause, Beth Foy, Kerri O'Halloran, Eric Nuse, Sue Lovering

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:01.

2. Additions, Changes to Agenda

Nat added discussion on the sheriff's budget advisory committee and on tracking open issues and budget priorities. Eric added discussion of succession. Doug added discussion of the beautification committee and scheduling a beautification committee meeting.

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

Rosemary said revenues for the fiscal year that just ended were 119% of budget and expenses were 100.27% of budget. Delinquent taxes are down to \$81,105. The first installment of current taxes was due last Monday. Taxes are 34.92% collected. That is slightly less than past 2 years because there has been one month less to receive taxes.

Rosemary described 6 adjustments to the Grand List given to us by the assessor. Two only affect the village Grand List. One property was listed in the village Grand List when it should not have been and one village property had the wrong value listed. There were two name changes and two tax stabilization updates. **Doug moved to accept and sign the errors and omissions certificate for the Grand List adjustments, Kyle seconded and the motion was passed.**

4. Additions, Changes to Agenda (continued)

Brian added discussion of crosswalk work the village is doing on Railroad Street for the rail trail and public comment from the Conservation Commission about a conservation reserve fund. Item 6 can also be removed from the agenda as communication is still pending with our attorney.

5. Review and Approve Minutes of Meetings Past

Kyle moved to approve the minutes of August 21 and August 28, 2017, Nat seconded, and the motion was passed with Mike abstaining as he was not at either meeting.

6. Planning Commission Report

Brian said the Planning Commission expects to be able to submit form based code to the selectboard after their next meeting this Wednesday. There was some question about process around their last meeting. Brian consulted our attorney, who said everything seems to be in order.

Kyle has comments about the form based code. Eric said the selectboard can't make substantial changes without giving it back to the Planning Commission. Kyle said the changes she has in mind are substantial. Brian said if the changes are really substantial she should discuss them directly with the Planning Commission.

7. Road Commissioner/Road Foreman Report and Action Items

Brian K. said fall protection has been installed in the playground area at Old Mill Park in preparation for the new play structure that will be put there.

Brian K. said he wanted to make sure everyone is aware that we need to close Upper French Hill at Belding Brook. A box culvert that will be put on that road is being made and should be completed the first week of October. When Brian gets the date narrowed down he will send out notices about when the road will be closed and also put notices on the road.

Nat asked, do we notify Morristown at the same time? Brian said yes, he will notify them. They will let him put a sign at the Morristown end. He notifies bus companies and the sheriff's department as well.

Mike asked about a Gould Hill situation that there had been email correspondence about. Brian S. said he and Brian K. are going to meet with the concerned property owners, hopefully one evening this week, to discuss what the town's needs are and try to see if there is something we can do for the property owners, or at least make sure they understand our concerns.

Mike said it appears as if there was some kind of delay getting back to the homeowners and they were upset. Nat said he got a phone call from a number he didn't recognize and the caller didn't leave a message. Doug said he got an email from one of the homeowners and he didn't notice that it was addressed only to him and not to the entire selectboard. He thought the homeowners were probably also communicating through the chain of command. He didn't even pass the email on. He thinks we probably should educate our citizens about our obligations regarding roads, for instance on Front Porch Forum.

Eric said citizens with road issues should first talk to Brian K., then go up the chain of command, rather than going straight to the selectboard. Doug said he didn't think it was his role to address this concern. The homeowner may not have known how to enter the chain of command.

Brian S. said he got a message a couple of weeks ago that he couldn't understand due to a poor connection. If a call is transferred to his phone he usually just sees the number of the phone in the office that it was transferred from, not a number he could use to call someone back.

Brian K. asked what the homeowner is claiming. Eric said it appears runoff is affecting his property. Doug said it seems that work done on the road led to runoff causing erosion on their lawn and affecting their garage.

Brian K. said Ray has been instructed to de-berm wherever he can. He removed a berm the homeowner had built. Such berms keep water on the road, causing erosion of the road. Brian recently explained the problem to another person who had been building berms and that person understood. Eric asked, these berms are within our right of way? Brian said yes. Doug thinks we ought to make it public what we are doing and why. Brian K. said there are

a lot of other places in town where we have the same issue of people making berms to keep water off their yards.

8. Administrator's Report and Action Items

Brian S. said there were 4 applications for the rec coordinator position. Three people were invited to interviews and 2 were interviewed. Those who conducted the interviews (Kerri O'Halloran, Brian Story, Casey Romero, Lisa Crews, and Beth Foy) unanimously agreed to select Heather Rodriguez. She understands the work very well. She is well-qualified. She has good organization and recreational skills and experience. She serves on the rec committee, but is no longer the president. Beth has taken over as president. We don't have any policy that prevents her from serving on the committee and in the rec coordinator position. But Brian isn't entirely comfortable with it and he doesn't think all board members are comfortable with it.

Beth Foy said the rec committee recommends Heather for the position. The other candidates really didn't meet the criteria. Beth said she understands the concern about conflict of interest but she doesn't think it will be a problem. She thinks we can set guidelines about what would and wouldn't be allowed. Her recommendation is not to allow the coordinator to be an officer or in a position to approve funding. So the person could make recommendations to the committee but not vote on how dollars are spent. Beyond that she doesn't think it will be a conflict. The number of hours we have asked for is a small fraction of the hours the committee spends making youth sports available, so her recommendation is to approve Heather being hired and also not restrict her from being a volunteer on the rec committee because of the number of hours she will put in beyond her rec coordinator job. Beth is happy to help manage it if there is a conflict in any way.

Mike said Beth makes a lot of sense. Kyle agreed. Nat said he is very comfortable with that. He asked, if Heather is not appropriating funds on her own and is not an officer, does that assuage Brian's concerns?

Brian said it clears up his concerns about conflict of interest. He has very few actual concerns about Heather in particular but he doesn't like it as a precedent. It creates a space where something bad could happen.

Doug said he doesn't think Heather should be on the rec committee. It's clearly a conflict of interest. It is not just funding. He thinks she would have to recuse herself in every meeting on every issue.

Brian S. said he is concerned about dividing her time and taking advantage of her volunteer time as a paid employee. It could be easy for us to take advantage of her. However, she doesn't feel that is a problem. She feels she can manage her time.

Nat said Heather currently puts in an unbelievable amount of time for recreation. Beth said in the last two weeks she easily put in 40 hours. Nat said he thinks he should have been pushing harder for more funding for this position for a long time. He feels she does way more than anyone realizes and puts her heart into it. He really wants to see her in this position.

Kyle asked for an example of what she might do as a volunteer on the committee. Beth said the idea is that the hours would allow her to do only registrations, outreach to the community, and administrative functions with her paid time.

Kyle asked, how would she act as a board member? Beth said this is the cloudy part. What the committee should be responsible for is making decisions about recreation but what they are actually doing is getting equipment ready, making sure they have coaches, refs, teams, and games against other teams. This is volunteer work, not what you would expect a committee to be doing. Her expectation for a committee would be that it would do things like budgeting. Her argument would be that she doesn't think you can disallow a parent from volunteering their time for the rec committee. While she understands the concern about conflict, she thinks the conflict actually is in the committee, not in the position. The boundary should be what the committee is or isn't supposed to do.

Eric said he thinks the integrity of Heather is not a question. He is sort of in line with Doug. As much as there is real conflict of interest there is also perceived conflict of interest. This precedent could send us down a slippery road for the future. He doesn't see why Heather couldn't still volunteer but not be on any decision making committee. She would still participate in a lot of the things Beth was referring to and still be a voice there. She would be at meetings expressing concerns and would have influence but, as far as sitting on the committee, he doesn't think that passes the straight face test.

Mike said Beth was saying she could be on the committee but not be an officer. He doesn't see a problem with that. We need to trust the rec committee to police themselves. We could approve hiring Heather with a stipulation that she not serve as an officer. Nat said Beth is also suggesting that we disallow her from voting to approve any funds.

Beth said if there is no policy against it, that is an argument there. Doug said he thinks the argument that the committee is only doing 10% supervision is why we need more funding. It is not an argument for putting Heather in a situation where we can't distinguish between the hours she works and the hours she volunteers. We would have difficulty figuring out worker's comp coverage. It might be hard to determine whether she was volunteering or being an employee if she got into an accident.

Beth said the committee also talked about refining the coordinator position so it only included activities that could fit into the paid hours, until funding is expanded.

Nat said there is an additional concern he has as a rec committee member, which is a bit of a separate issue. In the past the rec committee has had discretion to hire a gymnastics coordinator, archery coordinator, etc. He was a little surprised the offer couldn't just be made by the rec committee for this position. And that caused a delay.

Nat moved to offer Heather Rodriguez the recreation coordinator position on the condition that she not serve as an officer on the recreation committee or be allowed to vote to appropriate any funds on the recreation committee. The motion was seconded.

Doug moved to amend the motion to include a condition that Heather not be allowed to be a member of the recreation committee. Eric seconded.

Kyle asked, but she could still volunteer as a parent? Eric said volunteering as a parent is volunteering. The rec committee provides oversight, sets job descriptions, and approves a budget. He sees it as the governing body. He has a problem with her being on it. It sets her salary.

The amendment failed with Doug and Eric in favor and Mike, Nat and Kyle opposed.

Doug said he feels that if you are a member of the rec committee you have a right to vote on funds and the selectboard can't take that away from you. Mike said he thinks the selectboard can. It's a condition of employment.

*The motion was passed with Mike, Nat and Kyle in favor and Doug and Eric opposed.
(Kerri left at 7:52.)*

9. Conservation Commission – Possible Conservation Reserve Fund

Eric Nuse said the Conservation Commission has been talking about the possibility of forming a conservation reserve fund to use for priority projects in the town. They have been doing some research on that. The natural resources inventory crystallized where priorities could be. It is the purview of the selectboard and needs to be voted on at town meeting. The Conservation Commission would like to start the process so they can be prepared for a presentation and vote at the next town meeting. They have started gathering information from other towns that have conservation reserve funds. They want to get board authorization to use some of Brian Story's time to assist them. They would like to coordinate with him. Later they would check back with the board and see if the board is comfortable with them starting a public process for identifying priorities.

Eric Osgood said there are two ways to get an article before the voters. Voters can raise a petition or the selectboard can choose to put it before the voters. He asked if the board wants to put this article before the voters. Board members agreed to do so. The board also agreed that the Conservation Commission can work with Brian S. on this.

10. Administrator's Report and Action Items (continued)

Brian S. said the capital budget plan is up for renewal. He has started working on a new draft, which he gave the board. We have been replacing our tandem trucks every 12 years. We have talked about moving to a more frequent replacement schedule due to high repair costs we were experiencing. We have compared to neighboring towns. We were the only town on a 12-year replacement schedule. The others were more frequent. In the draft plan, Brian showed the difference in cost between 8-year and 12-year replacement schedules. A 12-year schedule is quite expensive. We only have 1 truck approaching the end of the 12-year cycle. We spent almost \$30K on it in year 11. Brian K. said that is not counting repairs we did in house. Brian S. said the difference in cost between financing for 8 years instead of 12 years is \$7500 per year. We are exceeding that amount in years 11 and probably in year 12. He and Brian K. think we will save money by replacing the tandem trucks more frequently.

The board agreed to schedule a work session meeting for 7:00 on October 2. (*Brian K left at 8:05.*)

Brian S. said FEMA has given preliminary approval to our Local Hazard Mitigation Plan provided we adopt a resolution to adopt the plan. **Mike moved to adopt the resolution to adopt the Local Hazard Mitigation Plan, Doug seconded and the motion was passed.**

Brian said an action item in the plan is working with FEMA on flood mitigation for the library to prevent the library from spilling oil in a flood. At the October meeting the board will get a proposal for developing a plan for working with a FEMA consultant to develop the proposal for that mitigation. Then we can apply for money for the actual work.

Doug said he represents the executor of the McCuin estate. The estate owns an island of about 3.3 acres in the Lamoille River, where the brook on the Hyde Park/Johnson line enters the river. The River Conservancy got a donation that would allow them to buy it. The thought is to have the town own the island. The amount of funds the River Conservancy has to raise is higher if they have to have easements on it requiring them to monitor it annually. They are proposing that something called "right of re-entry" be put in rather than an easement. The town needs to decide if it would accept this island with this legal entanglement. Doug feels the question needs to be passed on to the town's lawyer. The island is worth \$7K, according to the assessors. The idea is that the island would be available for public use. Maybe it would have a campsite for paddlers.

Mike said if we take the island we have liability. Nat said he understands that in the past the Conservation Commission was interested in having it be a spot along the Paddlers' Trail. Doug said the Paddlers' Trail would have someone who could monitor it. Mike said then the Paddlers can own it. Doug said he thinks the board was willing to take it from the McCuins in the past. Eric said it really fits in with marketing Johnson as a destination spot for recreation. This is another item in our tool box to try to get people to come to Johnson. Mike said if the Paddlers owned it we would still get the benefit without the liability.

Doug said the River Conservancy would purchase it and give it to the town. Eric said the question is about the conditions the River Conservancy would put on the town. We would need to have it reviewed by our attorney before agreeing to accept. Doug said he thinks so.

Eric asked if the River Conservancy has shared with Brian what the restrictions would be. Brian said he hasn't gotten a formal proposal yet. We should have our attorney review it. Mike said we could spend a lot of money having our attorney review it and then not even go for it. There could be a motion not to even consider it.

Mike moved not to accept the McCuin island property. Doug recused himself. The motion failed for lack of a second.

Sue Lovering asked if it would become one of the properties the Conservation Commission would oversee. Eric said yes. Sue said the Conservation Commission would like to have a

primitive campsite on the island but would not like to have anything like picnic tables. They would like it to provide wildlife habitat.

Nat moved to have the town's attorney review the conditions that the River Conservancy proposes to put on the McCuin island property, Kyle seconded and the motion was passed, with Doug recusing himself, Mike opposed and Eric voting in favor.

A dog bit a UPS driver on September 11. Brian has records of incidents in 2015 and 2011 in which what appears to be the same dog bit people. We have not received a complaint from the bite victim. The dog charged into the vehicle and bit the driver while he was trying to drive away. The driver came to the town office and reported the incident. We got a report from the doctor but not an official complaint from the victim. Absent an official complaint we are not obligated to hold a hearing but our ordinance allows us to have a hearing and determine if the animal is a vicious animal. Do we want to hold a hearing to determine if the dog is vicious?

Doug asked if we can inquire whether the driver wants to come to a hearing. Brian said he can reach out to him again. Doug said he wouldn't want to have a hearing and not have testimony.

Brian said our animal control officers have confined the dog to its property to watch for signs of rabies. It has had a rabies vaccination. It wasn't currently licensed but the license has been updated. We have testimony from our investigators and from the resident who owns the dog. UPS went to the site and spoke to the owner but they haven't been back in town or in touch since then.

Eric asked, the 2015 incident was in the home? Brian said that is what Sharon believes. Eric said we don't know about the 2011 incident. All we know is that we do have jurisdiction over the incident involving the UPS driver, but the other two incidents may or may not be pertinent.

Eric asked if we want to schedule a hearing date and try to get the UPS driver to at least submit written testimony.

Nat said it seems like we get reports of dog bites almost monthly. Is the difference in this case that the dog has prior bite incidents? Brian said yes.

Nat said he thinks we should get more information on the incident and a hearing is a good way to do that. Other board members agreed. Eric asked Brian to make contact with the UPS driver. He said the board will schedule a hearing after that.

Mike asked what our fine for an unlicensed dog is. Brian said it is \$100 for an initial violation. Subsequent violations have fines ranging from \$200 up to \$500. Mike asked if the dog owner will be charged a fine. Brian said he will have to check if the constable issued a ticket. Mike said there should be a ticket.

Eric asked who plans on attending the VLCT annual meeting on October 5. It appears that only Eric and Brian will attend. **Nat moved to appoint Eric as voting representative for the VLCT business meeting in October, Doug seconded and the motion was passed.**

Brian said he had created an updated version of his contract. He changed it to reflect the base salary after one year and eliminated reference to a probationary period. **Nat moved to authorize the board chair to sign the new contract with Brian Story, Mike seconded and the motion was passed.**

Brian gave the board copies of the RFP for a branding and marketing plan for review. Since the last time the board saw it he rewrote the purpose to reflect discussion at the joint meeting, updated the number of community meetings the consultant will have to attend, and distinguished between “must have” and desirable criteria. There is a date in it that needs to be changed. **Doug moved to approve the RFP for a branding and marketing plan as presented, with the date revision discussed, Mike seconded and the motion was passed.**

Brian submitted the RFP for the old mill house evaluation. It is in the newspaper, on the VLCT website and on Works in Progress.

Mike asked about the request by a private company to use Old Mill Park for an event including alcohol, which had appeared on the agenda again by mistake. Mike asked, the selectboard didn't charge the company for use of the park? Board members said no. They required that there be no glass bottles and that the company provide a contact for the sheriff's department.

Mike asked how many requests we get to use alcohol on town property. Brian said that is the first one he has seen. Mike asked if that precedent is a problem. Eric said he feels we need to develop a policy.

Mike asked Beth what she thinks of alcohol use on our property. Beth said she thinks as long as someone is overseeing it, the sheriff's department knows they are drinking and they clean up after themselves, it is okay. There are festivals all over in summer with outdoor alcohol consumption.

Mike asked, if someone had an accident, could they sue us if they were using alcohol with the town's blessing on town property? Doug said Tuesday Night Live presents the same issues. We have a lack of policy and we are arriving at a point where Johnson will be a destination.

Beth said she doesn't know if our insurance coverage would be void if there was consumption of alcohol. Brian said they indicated we would be covered.

Brian said it is a good point that we don't make Tuesday Night Live follow the same restrictions that were required for this company event. He said people using town property have to have their own insurance. We have waived that sometimes for small groups.

Mike asked, do we want to charge for out of towners? Nat said he thinks that is a separate issue. He thinks the rec committee needs to talk about it and make a recommendation to the selectboard. There are instances where it makes sense and others where it doesn't. Beth said she thinks it should be town-wide, not just the rec committee. The school has fees for out of town and resident users that can be waived. The rec committee will come back to the board with a recommendation. Doug said he wouldn't determine whether to charge or not just based on whether the user was a resident or non-resident. There are economic development considerations as well. Mike said he thinks the amount charged, if any, should be moderate.

Brian said we need to decide on our message when we communicate with townspeople about the possible purchase of the Jewett property. Do we want to focus on any one particular possibility? We have talked about the possibility of the town and village garages ending up on the Jewett property if there is Brownfields-related development in their current location. Or we could talk about having the capacity to take advantage of more opportunities if they become available.

Mike said he doesn't think we should have the town garage at the Jewett site. Eric said he agrees it would make the discussion murkier to talk about that. There is information in an existing summary document that could be turned into bullet points and put on Front Porch Forum – info about the size, capacity, etc.

Nat said the number one question will be, what is the purchase price? Doug agreed people will ask what the price is. He said we should have someone like John Mandeville talk about opportunity viability. He thinks the information Eric is talking about is good background but people will want to know about price and we should give background on the engineering, etc.

Brian asked, do we want to make the studies we have done public? Board members said yes.

Doug said Conservation Committee members didn't know anything about the Jewett property purchase.

Kyle said she could see it being a series of Front Porch Forum discussions. Doug said information should be in News and Citizen.

Eric suggested there should be a press release from Brian for the News and Citizen and follow up information on Front Porch Forum.

Nat asked when the town is voting on the Jewett purchase. Eric said when the selectboard gets form based code we can set a meeting date. It will be in mid November or later.

Beth suggested that the board and Brian tie this into previous plans the town has had. She knows there are plans from 7, 8, or 9 years ago. She suggested making a link between this plan and previous plans and putting together a colorful presentation that runs about a minute and a half. She thinks information on potential revenue generation should be included.

Mike said he knows some will ask why we aren't developing the property we already own across the river. Eric said it is because of the location. Doug said in answering that question we would be telling people there is a Brownfields program on the area the town already owns. Any development coming from that program will be a long process. We can control what happens on the Jewett property and if someone came in in February we could give them a turnkey design. Act 250 is ready to go.

Doug said he wonders if John Mandeville would have suggestions on a presentation. Brian said he will reach out to him.

Nat said if we are going to have the special meeting before Thanksgiving that is 8 weeks from now. Eric said realistically early December is probably more likely.

Brian said he will start moving on Front Porch Forum posts and try to get a press release out before the next meeting.

Nat said he thinks selectboard members should be available if Brian needs their help with communications. He said Brian should let selectboard members know if they can help.

Eric said Brian should reach out to Lea and Duncan to ask where information on the Jewett property is. Brian said he has already gotten a lot of information from Lea.

Brian said the most recent draft of the derelict building ordinance is going pretty well. Dave Barra and he have discussed it a couple of times. Brian is very interested in hearing feedback on it. It doesn't tie to zoning. It gives us powers to make sure a building is secure and requires the owner of a vacant building to apply for a vacant building permit. Dave Barra is pretty sure we can exempt buildings such as warehouses, garages, vacation or resort buildings, buildings only used on a seasonal basis, buildings located on a farm, etc. Brian asked the board to review the draft ordinance. If the board is okay with it he will bring it forward for adoption at a future meeting.

Brian said the arts council is working with the village on putting a mural on the Parker and Stearns building. They don't have a final design yet. They are thinking it might be similar to the maps Kate has done for the town but a little more abstract.

Brian said the village has been taking the lead on marking where the rail trail crosses Railroad Street. It crosses our road so we may want to weigh in. They have a few signs they would like to put up. They would like to pay for them and have us put them up. Brian showed pictures of the signs. The one that warns of pedestrians and bicycles on the roadway is not part of the MUTCD manual we usually adhere to for any signs we put on our roads and right of ways. But it's a common variation. Municipalities use it because they feel it is easier to understand than the "share the road" sign, making it clearer that bikes are supposed to be on the road.

Eric suggested maybe we should change to "share the road" if that is part of the manual.

Doug asked if they are signing the rail trail or the sidewalk. Brian said these signs would be for the roadway near the rail trail, to prepare drivers for people who are coming from the rail trail towards downtown.

Kyle asked if they have talked to Parker and Stearns about this. Brian said they haven't talked about these signs specifically but they have talked about how to mark out the sidewalk in that area. To the best of his knowledge they haven't come up with a definitive solution. Parker and Stearns is concerned about painting sidewalk lines on their parking lot, because people park in different places on the property at different times so it is hard to say that a particular avenue is always safe.

Brian said the village would like to increase signage and also paint lines for the rail trail across the road, probably trying to make it similar to what is in use in other towns where the rail trail crosses the road, though there was some discussion of using an alternate color scheme.

Nat said he welcomes the signs that are proposed. He feels consistency is important from a user's perspective in marking the rail trail crossing. Whenever a cyclist comes to a road they should know if they have the right of way or not. They definitely don't at most rail trail crossings. They shouldn't be given the illusion that they have the right of way at that location. For safety reasons, we don't want drivers to have to come to a halt there. We should go with consistency, not a message that this looks just like a crosswalk. Brian said they discussed alternate color schemes.

Eric asked what they have on Route 15 by Willow Crossing. Brian said nothing. He thinks the rail trail crossings in Hyde Park are white. Nat said the crossing on Brooklyn Street in Morrisville is white and looks like a crosswalk.

Beth said she thinks signs also need to go on the Old Mill Park end. It is hard to see the distinction between the road and the trail by the park.

Doug said he agrees with Nat on consistency. He doesn't want people using the rail trail to think they can step out and drivers have to stop for them.

Nat asked, colors other than white are not recommended by experts? Brian said he has seen colors elsewhere, but the rail trail group has recommended white.

Doug said it is almost like the selectboard is taking responsibility for signing because the village is not putting in a sidewalk. Brian said this is an attempt to make the problem less bad. It is not really a solution. Doug said he is in favor of whatever would make bicyclists and pedestrians most safe. He is not sure this does it.

Brian said the village is talking about getting the highly reflective kind of sign, a bright yellow green. The village is asking for the town's permission to use these signs and for us to install them.

Doug asked, VTrans would say it's up to us? Brian said yes. They would recommend that we follow the MUTSD, but it's not required.

The board agreed to place the signs. Eric recommended replacing the one warning of bikes and pedestrians on the roadway with "share the road." Doug said he thinks "share the road" is less meaningful. The board agreed that Brian can decide which sign to use.

Nat asked if the village is still in the discussion phase on painting the road. Brian said yes. He will make sure that comes to the board. He asked, if the trustees agree to paint the rail trail road crossing the same way rail trail crossings in other locations are painted, would the board still want to hear about it? Board members said yes.

Brian said the archeological survey was done on the area where the bike track will be. No artifacts were discovered. So far the bike project work is coming in under projected cost.

Brian reviewed the procedures for adoption of form based code. Once we receive the code from the Planning Commission we have no less than 15 and no more than 120 days to hold one or more public hearings following 15 days of public notice. We will have to warn the public meetings fully, which means submission to neighboring towns and publication in the paper and onsite. After that we need to hold an additional separate hearing and at that meeting the selectboard can vote to adopt it. We can have a special town meeting and take a vote there to get advice from voters about whether they want the selectboard to adopt form based code, but it will be up to the selectboard whether to adopt it.

Mike said he has heard talk about people wanting to have an Australian ballot vote on form based code. Eric said he doesn't think the vote can be by Australian ballot. The only items we have that are Australian ballot are officer elections, and that was requested by the voters. Mike asked, voters can't ask from the floor for an Australian ballot vote? Eric said no.

Eric said the voters will vote the code up or down in a non-binding vote and then the board will vote. Brian said this assumes we want to call voters in for public discussion and a vote as previously discussed. Eric said a prior selectboard made the promise to voters that they would bring it to them. This board is not bound to that decision but he would strongly recommend it.

Brian asked, for the second meeting do we want to have a special town meeting? The board said yes.

Doug asked, after the hearing if we have substantial changes we have to send it back to the Planning Commission and if not we have a public meeting for a vote to be considered as the board sees fit? Eric said that is right. Doug said it will be subject to potential recall because it will be an ordinance.

Brian said there is a possibility of an Australian ballot vote. If we receive a petition the voters can tell us to hold the vote by Australian ballot. The information he was reading indicated that in that case adoption or rejection would be effective immediately. He believes

the vote would be binding in that case. Eric said he thinks that was written before the statute changed. Originally voters could retain the ability to approve any zoning but then the state changed the statute so only a legislative body can approve zoning. That language sounds like it is from before the statute change. Brian said it is dated March 17, 2017. Mike said it sounds like if there is a petition for an Australian ballot vote then the voters could decide on form based code and the selectboard would have no say. Doug said we would have to ask our lawyer to interpret that.

11. Sheriff's Budget Advisory Committee Update

Nat said Roger Marcoux spent considerably more than anticipated in the last fiscal year. He is not asking us to make up the difference. In the past the budget he has constructed has allocated \$15K per year for a new cruiser. Last year he bought 3 new cruisers. He is advocating putting together a capital equipment plan for cruisers. He probably would end up spending more than \$15K a year. He is proposing putting \$100K of money from other sources into that fund to get it going, along with funds we would contribute. Nat told him we would stipulate that we have a clear understanding of what happens to the reserve fund if our contract is dissolved. Brian made the point that as a reserve fund there have to be limitations on what it can and can't be spent on. Nat thinks Roger is looking to increase the patrol budget. Brian said he hasn't given a number yet. He has a plan to have some cars that are not in the patrol budget. He needs to firm up when a car is or isn't a patrol budget car. There are a lot of questions he has to answer.

Nat said we spend \$160 per person for the patrol budget. He has been trying to compare to other towns but VLCT told him that in Vermont it is virtually impossible to make a town to town comparison.

12. Town Clerk Succession

Eric said he and Gordy had a discussion with Rosemary about succession. Some members of the boards had concern about who would take over if anything happened to Rosemary or she decided to retire. Some people wondered how we could influence that. Our influence is practically nil. Rosemary appoints the assistant town clerk. The voters decide who would replace Rosemary if she retired. In a couple of years Jan will retire. Rosemary expects to continue for a few more years then will be thinking about retiring. There would be an opportunity for Rosemary to appoint an assistant town clerk and train the person to prepare for a smooth transition, with the caveat that the voters would choose who to elect. Gordy and Eric asked Rosemary if they would be able to participate in those interviews. It would ultimately be Rosemary's decision.

Nat said we have the ability to change that. Eric said yes, if the voters approved appointing the town clerk. Nat said he thinks that would be worth looking into. He asked if there is a residency requirement. Rosemary said there is for an elected town clerk but she thinks there is not for an appointed town clerk. Nat said the best person might not be from here. The position has grown into a significant responsibility.

Rosemary said she is hoping to work for 7 more years before she retires.

Doug said Morrisville recently handled this. He is sure Sara Haskins was brought on board with the idea that she would take over and no one ran against her.

Beth said the point about appointment vs. election is a good one. If the town clerk is elected then if we only have one person running we have to have that person. She likes the idea of appointment.

13. Open Issues

Nat said the selectboard has a lot of open issues out there. As a board he thinks we should have more visibility of these things and review them on a regular basis. Eric said maybe at the bottom of the report there could be a section called something like "Parked Items" so they don't fall out of view. Nat said that is what Old Business is. Doug said he would suggest calling it "Old or Unattended Business." Nat suggested "Open Issues." Brian said for a lot of items there is progress, but not enough to take up a lot of time on the item. Eric suggested we could enhance the Old Business section a bit by including more items. Brian said he can do that. Doug said he would suggest having an agenda item to review old business once a month. Beth said she would recommend that the board prioritize the items as a group.

Brian said road reclassification is one item that we do want to act on when it is time for the annual update. Eric said we will have to have a public hearing.

Nat said maybe as issues come up we can recommend them for the Open Issues list.

14. Budget Priorities

Nat said he is starting to worry about the budget for next year. He sees some big ticket items. There is the question of another highway employee. He will push for more hours – at least 20 – for the rec coordinator. The sheriff will ask for more money for capital equipment. And there is the Jewett property. Brian said he will send out a request to committees later this week to begin working on their budgets.

15. Other Business

Mike asked about the status of the Lamb Road issue brought up at the last meeting. Brian said the board deferred action until they hear more from the landowner.

Mike brought up the issue of employee parking at the municipal building. He has seen older customers having to walk a considerable distance. He thinks parking should be open to customers. At most places there are designated parking areas for employees and for customers. He believes there should be a designated area close to the building for customers. He thinks we need to discuss this with the trustees.

Nat said it seems like the supervisor could just go to people and ask if they would mind parking further away. Mike said it was his understanding that would be done. Nat said he doesn't think the board directed anyone to do that

Doug asked what Rosemary thinks. Rosemary said there is no sidewalk. People parking elsewhere will have to walk on the grass and they could fall and hurt themselves. They could be hit by people coming around the curve fast. In winter there are piles of snow in the way. Eric asked if she would prefer that customers not park over there. Rosemary said she thinks there could be a safety issue.

Doug said he thinks we need to look at the parking situation. Nat said he thinks we have more important things to spend time on. Eric asked if anyone thinks this should be brought before the trustees. Mike said he thinks we should hear what they have to say. Eric said maybe we could just gauge the trustees' thoughts on the issue. Doug suggested that Brian get Meredith to talk to the trustees. Brian said he can do that.

16. Beautification Committee

Doug said the beautification committee has \$4K to spend. Gordy Smith has volunteered to be on the beautification committee. Can we set up a committee? Brian suggested that the board appoint some members of the committee now and fill in the rest of the committee as we go forward. Doug said that would be fine with him. Those who have expressed interest in the beautification committee so far are Doug, Kyle, Gordy, Jane Nuse and Todd Haun.

Nat suggested we follow our appointment policy, publicize the committee and invite members of the public to apply for appointment. Brian said the issue is that there is no one on the committee now. The board could appoint a couple of people and then follow the appointment policy to fill in the rest of the committee.

Nat asked if the committee has a mission or bylaws. Kyle asked, didn't the committee have the start of a mission statement by Lea? Doug said he doesn't remember.

Beth said she feels the committee needs to have a purpose defined.

Brian said giving a small group authorization and direction to get started might get them going.

Nat moved to create a town beautification committee, appointing Kyle Nuse, Doug Molde, Jane Nuse, Todd Haun and Gordy Smith to the committee, and to ask the committee to come up with a mission for the group and bring further membership to the board for approval, Doug seconded and the motion was passed.

Brian said we have \$53,900 uncommitted cash on hand. The board has to decide what to do with that money.

Eric asked if we have had any unanticipated expenses. Brian said some highway projects will be more expensive than expected. And we will be unlikely to be able to do enough in kind work on the French Hill project to pay our share. He would like to reserve \$20K for highway projects.

Nat said he would like to find more hours for the rec coordinator. Eric said this is one-time money.

Eric said it would be good if Rosemary and Brian could come back with a recommendation about whether to apply the money somewhere or roll it over to reduce taxes.

Doug asked wasn't there a need to put a fence around a cemetery? Brian said we could use some money to improve fencing at the cemetery on the corner of 100C and Route 15. He

believes we would have enough money to afford that in the cemetery line item. Another thing we could use some money for would be the tax anticipation reserve fund. It has been underfunded. He was thinking of adding \$10-15K to that and using the rest of the money to reduce taxes.

17. Adjourn

The meeting was adjourned at 10:15.

Minutes submitted by Donna Griffiths

UNAPPROVED