

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, DECEMBER 16, 2013

Present:

Selectboard Members: Kathy Black, Nat Kinney, Doug Molde, Eric Osgood, Howard Romero
Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), David Manning, David Butler, Danielle Dolisie, Arjay West, Chris Ferguson, Allison Tafuri, Scott Griswold.

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:00.

2. Review and Approve Minutes of Meetings Past

Howard moved to approve the minutes of November 12, 2013; November 18, 2013; and December 2, 2013, seconded by Nat. Several small corrections were suggested. **The motion to approve the minutes with the suggested changes was passed.**

3. Treasurer's Report and Review and Approve Bills and Warrants

Rosemary said with the orders signed tonight we will be at 61% of budget spent. Duncan noted that the figure for law enforcement doesn't include the amount the voters approved adding to the budget. Shouldn't that be added to the originally budgeted amount? The sheriff's department is treating that amount as part of the patrol budget. Rosemary said she will add it. She asked if she should also add the amount that was voted for home health. Duncan said yes.

Nat moved and Kathy seconded to give town employees holiday pay of \$100 each, with joint town/village employees to receive a pro-rated amount from the town. The motion was passed.

Rosemary said delinquent taxes are about normal. She will be sending them to the attorney's office in January. Current taxes are right on schedule compared to the past couple of years, with 55.76% of the total collected.

Rosemary said she had loan papers for the board to sign for the Historical Society purchase. Duncan said Community National Bank had the lowest interest rate based on the RFP.

Howard moved and Nat seconded to approve borrowing \$252,000 from Community National Bank and to sign all the necessary paperwork. Doug suggested signing the papers and holding them in escrow to be delivered only after closing, so as not to borrow the money before we need to pay it out. Duncan said he would like Rosemary to be able to write a check in a timely fashion. Eric asked what we have done in the past. Rosemary said with truck loans the bank gives us the money before we buy the truck. **The motion was passed with Doug opposed.**

4. Road Commissioner/Road Foreman Report

Duncan said things are going pretty well. The new truck is working out well.

Eric said he noticed in the orders signed tonight that about \$20K has been spent on Coddling Hollow culvert work. Will the rest of the work bring the cost to about \$30K? Duncan said he

thinks a bit more, but he has a commitment from GW Tatro to complete the original scope of work within the quote. We have done more than the original scope of work.

5. *Planning Commission Report*

David Butler said grant funding to explore form based zoning was denied because Johnson has gotten a lot of other grants and other towns have not. The Planning Commission decided to ask if the selectboard can put the quoted amount – a little under \$15K – into their budget so the Planning Commission can hire someone (as yet undetermined) to be a facilitator as well as an engineer. The person would have a series of meetings, talking to the selectboard, village, fire department, business owners, etc., and hopefully motivate people in town to understand this is something that is important for our future. Through the meetings the consultant would come up with a basic outline of what everyone in town wants to see that we can use to come up with form-based code. If the selectboard can't come up with the money, he doesn't see this happening for a while. David said form-based code may or may not be right for Johnson. It doesn't say what you can do, it says how you can do it. There is a lot of legal support for zoning, but to his knowledge form-based zoning has never been court tested in Vermont. A lot of communities are adopting it. He believes Hyde Park has adopted it or it will come up this March at their town meeting. South Burlington is working on it. Huntington Village has adopted it.

David said at last week's Planning Commission meeting, there was discussion about moving forward with town planning as it has been done, unless the trustees and selectboard decide to have one merged town and village plan. Eric said he and Gordy have discussed holding a joint meeting. He thinks the possibility of a joint town/village plan should be added to the agenda for that meeting. He also thinks the appropriation for form-based zoning should be brought up with the trustees, as the need for zoning is greater in the village. David said the Planning Commission discussed that, but the ability to raise funds in the village is limited. Eric agreed, but said it will be a problem if the selectboard spends money to research form-based zoning and the trustees aren't on board. David said the Planning Commission is going to bring it to the trustees' attention as well. Eric suggested bringing both items to the joint meeting. Doug agreed that would be a good idea. Does the Planning Commission expect to spend all the money in their budget by the end of the year? David said no. Duncan said there isn't much in there. There is nothing for consultant services. David said the Planning Commission feels if they don't bring in an outside consultant they won't be able to get the community on board with form-based zoning. No one on the Planning Commission or the selectboard has the necessary time or expertise. *(David Butler left at 7:31.)*

6. *Recreation Committee*

Nat said the committee hasn't heard anything about the playground project. There will be minor tweaks to their proposed budget, but the bottom line will be the same as last year's.

7. *Speed Bump Request*

Duncan said the school board has asked the town to look into speed bumps by the school. The last time he looked into it (several years ago) speed bumps were strongly discouraged. But there seems to have been a change in thinking and they are used to some effect on low speed streets, though they are not widely used in Vermont, primarily due to ongoing maintenance issues. His concern would be setting a precedent on a low speed residential street. He would not want to see speed bumps on every street where someone complained cars were driving too fast. That would be a maintenance nightmare. One could argue for their

use in a school zone, but that needs to be weighed against overall policy and maintenance. One could also argue that the street improvements planned (bumpouts, speed signs with flashing lights) will probably be enough to mitigate speed issues. If not, we could consider speed bumps in the future. The road foreman is opposed to speed bumps from a maintenance standpoint.

Kathy said it seems like several steps to calm traffic are in the works. Duncan agreed. Doug asked when those are likely to occur. Duncan said 2015 at the earliest. Doug asked what the maintenance issues are with speed bumps. Duncan said mainly plowing. Kathy said she thinks the board is in favor of having traffic calm, quiet and safe by the school, but we don't want to jump ahead and do more than what we have already planned to put in place until we know if that is effective.

Howard asked what the college is doing. They had removable speed bumps and then they put in permanent ones. Duncan said they don't use one way plows and wing plows. The wing has a leading edge that can easily catch things, and that smashes the wing into the door, which can damage it or break the window. The possibility of the wing catching on speed bumps would be a concern for us. The operator might have to lift the wing going over a speed bump.

Kathy asked what there is in the street plan to calm traffic. Duncan said the design calls for flashing signs showing the driver's speed as well as bumpouts narrowing the road. Howard asked if we could buy two of the flashing lights now. Duncan said we won't recoup the money if we do. Doug asked if the speed problem is directional. David Manning said it tends to be slightly more of a problem coming from the covered bridge, but there is also some traffic coming fast from the other direction. He said the school board's goal is to reduce speed and they know speed bumps will do that. Other ideas seem less certain to work, but speed bumps are a guaranteed fix. That is why the board suggested them.

Eric asked David if he thinks the improvements planned will make the situation worse than it currently is. David said one concern is that people will park across from the school and cut across the street in the location where there is currently a crosswalk. The crosswalk will no longer be in the same place after the improvements, but that place will be the most direct path to the building. The school will have to try to train kids and families to use the crosswalk, but they won't be able to stop them from crossing in other places. If people use the design as planned, he thinks it will be an improvement.

Eric suggested just going with the planned improvements for now. We can always put speed bumps in later. He sees speed bumps as a last resort. Doug asked what speed the school board would like to have by the school. David said he is not sure he is qualified to answer. It is posted at 25 mph now. Duncan said we could go to 15 mph in a school zone. Duncan said he could ask the sheriff's department to put a speed cart there and provide more enforcement. David said he has asked for that from time to time. *(David Manning left at 7:52.)*

8. Fire Contracts

Arjay West distributed fire department budget information. He said the department's current budget keeps the building open and maintains staff but there are no funds to replace small tools. This year the department presented a request to adopt a small tools capital reserve fund

similar to the capital truck plan. An annual contribution will be made to maintain a balance and there will be a plan for purchases. Some budget cuts and adjustments in revenue were made and \$17,400 was added to implement the small tools capital reserve fund. The fire department is looking to raise just under \$12K from the contract towns. The requested contribution for the town of Johnson is \$78,830, an increase of \$8,447.

In answer to a question from Eric, Arjay said the fire department's budget year is January 1 to December 31. Rosemary said we usually pay our fire department funding contribution in November. Arjay said the fire department started planning replacements in the 10-12 year range, but then moved to 16 years. Some guidelines indicate replacement is required at 20 years, so there is still some room but we are on the longer end of the cycle due to money. Eric asked how water rescue will be supported. Arjay said that is one thing the fire department doesn't have a reserve fund for. They hope through grants or fundraising to replace items as needed. There is no real return on water rescue. There is expense for training and small volume in usage. It is difficult to deal with. Doug asked if Arjay thinks the Johnson fire department will continue to have water rescue or if it could be more regional. Arjay said as the money situation becomes tighter they may look at limiting it to a county-wide thing. Right now the fire department has a memorandum of understanding with the state saying that we will respond if they call. As time goes on, one way to reduce the burden may be to just do water rescue for the county, not the state. Duncan said there aren't many fire departments with water rescue squads statewide. Arjay said he thinks there are 5. Duncan said compensation by the state is not attractive enough to incentivize local departments to continue the commitment. Arjay said the state gave us grant money for startup and then we had a commitment, but we have met our obligation. At some point we need to ask if we are going to continue to put our resources and time into water rescue when it is used more out of our area. We may try to reduce our commitment. Doug remarked that there is no one to replace our squad on a statewide level. Duncan said because of that, it would behoove the state to make reimbursement more incentivizing.

Duncan complimented the fire department on their work on the small tools plan and large equipment plan. He said that was many hours of work. He said one thing that has come up before is that the way the fire department is funded, the village taxpayer is paying a disproportionately high price. They pay a large contribution as a village taxpayer and also pay as a town taxpayer. At some point the village and town probably need to look at whether there is a different way to fund this.

Doug asked if the village trustees are in favor of this reserve plan. Duncan said yes, but they are concerned about the escalating cost for the village taxpayer.

Eric asked if the fire department feels these budget numbers are firm. Arjay said yes. He said in the future there will be about a \$1500 increase each year based on inflationary estimates for purchases. Duncan said the fire department budget will be discussed at the joint town/village meeting.

9. *Liquor License for the Former Hub*

Chris Ferguson introduced himself and Allison Tafuri and reviewed their experience in the restaurant business. They are looking to purchase the Hub and change the format a bit and

possibly make a name change. They have a tentative lease with Danielle Dolisie. They are requesting a liquor license. He discussed their plans for the restaurant. Their main purpose is to create a family eatery. They are very experienced with VLC. They plan to strictly monitor guests' drink consumption, have doormen, a softer music style, smaller portions for drinks, and a more upscale drinks menu. Danielle said she is letting the former operator out of his lease. Chris and Allison said they plan to close at 11:00 or 12:00 on non-music nights and at 1:00 or 2:00 on music nights. They have applied for an outside consumption license for a roped-in area.

Duncan asked the board if they wanted to impose any conditions such as hours of operation or limits on live music nights as there had been some complaints in the past. The board did not think it was necessary at this time to impose any special conditions and felt it was important to encourage the new business.

Howard moved to approve the liquor license request from Chris Ferguson and Allison Tafuri with no additional conditions other than the usual letter, Nat seconded, and the motion was passed. *(Danielle Dolisie, Chris Ferguson, and Allison Tafuri left at 8:26.)*

10. NEMS Proposed Budget and Municipal Requests

Scott Griswold said NEMS is asking for a 1.97% budget increase this year. The main increases are in payroll and insurance. As of December 8, there were 259 calls from Johnson, up slightly from the previous year. One of their concerns is that they have had to provide primary coverage for two other services running into difficulties. They don't feel the 5 towns should be responsible for covering for other towns. They had 158 primary calls to other towns. They have been working successfully with both the communities that have had difficulty providing their own primary coverage and he feels things are presently going in the right direction. In the future, NEMS will tell other communities that NEMS needs to know in advance if they need coverage, and NEMS will need to be reimbursed. NEMS also had 202 mutual aid calls to other communities. Cambridge Rescue is currently re-establishing itself. This year NEMS had to write off slightly over \$400K of Medicaid and Medicare payments because of underfunding. The 2013 actuals will end up very close to what was predicted in the budget.

Doug asked about the numbers of calls where we are receiving mutual aid. Scott said he doesn't have those numbers but he can get back to the board with them. It would be less than the amount of mutual aid we provide, because NEMS often has two crews. Duncan asked how many transports NEMS did this year. Scott said the total was 672. Doug asked which town other than Cambridge has needed help with primary coverage. Scott said Morrisville. NEMS had 88 primary calls from Morrisville, but NEMS is working with them and they are getting the coverage.

Duncan said when NEMS is doing a transport, by contract they need to have 2 ambulances. Scott said they have 3 ambulances and they have both a 911 crew and an ambulance crew, so there will always be at least one 911 unit, unless they are out on a call; in that case they would need to bring in another crew or call for mutual aid. They don't have 3 crews at the building but they bring in a third crew if they need to. Duncan asked if Scott feels the service

is adequately providing coverage for both transports and 911 calls. Scott said yes. They could do better, but that would require a huge increase from the taxpayers.

Scott said NEMS is asking for \$80,063 from Johnson, which is 39.04% of their total town appropriations. That is based on Johnson's population at the last census. Duncan asked how call volume relates to population. Scott said it comes out very close every year. The budget figure from NEMS doesn't need to be approved separately; it will be rolled into the town budget. Scott said NEMS will present a new contract after town meeting. *(Scott left at 8:49.)*

11. Manager's Report

Duncan said Linda Jones had given him a Christmas card on behalf of the Historical Society, thanking him for all the work he had done related to the building purchase. When he opened it, he found there was a \$200 gift card to Sterling Market. The personnel policy says that any employee who receives a gift or tip over \$50 by virtue of being a town or village employee must report it within 24 hours. The selectboard and/or trustees will decide whether the gift should be accepted. The gift was paid for with non-town funds of the Historical Society. Duncan said it was nice of them to show their appreciation, but he doesn't feel comfortable accepting it. Doug said he thinks accepting the gift would be a potential problem, because of the interpretations that could come out of it.

Nat moved to deny authorization for Duncan to accept the \$200 gift card from the Historical Society in recognition of the personnel policy, while acknowledging the positive intent behind the gift, seconded by Doug. Doug said he would love to have let Duncan accept the gift but he is concerned about the credibility issue. **The motion was passed.**

Duncan has two requests related to Historical Society next steps. He would like to develop an agreement or memorandum of understanding between the town and the Historical Society regarding the dedicated use of space by the Historical Society and ongoing responsibility for building maintenance and management issues. He would also like to develop a framework on how to proceed with the design and construction of the improvements the loan is paying for. The Society suggests appointing a subcommittee consisting of two selectboard members and two Historical Society members, with Duncan sitting in, to work on these items.

Doug asked about why none of the building is on the tax rolls. What about the rental unit? Duncan said in his mind the rental income will offset building operation costs.

Eric and Howard volunteered to be on the subcommittee. Duncan said he will talk to Dean about possible meeting dates.

Howard moved to accept Carley Coolidge's resignation from the Library Trustee Board and to appoint Debby Gillen to replace her, Kathy seconded, and the motion was passed.

There was discussion about the Planning Commission's request to include a line item in the town budget for a consultant. Eric said it will be discussed at the joint village/town meeting. Kathy asked if we will have to supply the whole \$15K or if they will be able to apply for

another grant. Duncan said if the town and village decide to have a combined plan, that closes the door to a consortium grant. If the town and village no longer have separate planning documents we would no longer qualify as a consortium. But one combined plan would be considerably easier in the future and would require fewer consultant services. It wouldn't close the door on too many grant opportunities. This is the first consortium grant we have applied for since he has been here. We can also apply without being a consortium, but we can get more money as a consortium. The board agreed to add the \$15K line item requested by the Planning Commission to the town budget, pending final review of the budget.

Duncan said replacement of the 1994 Ford tractor and mower is in the capital purchase plan for the upcoming year. As an alternative to replacing the tractor, Duncan proposes an equipment sharing arrangement with the village. We would purchase a "ditchbank" mower and pay the village an hourly rental fee for the use of their tractor. His assumption is that we would sell our 1994 tractor and could roll the revenue from that back into the capital budget. If the board doesn't want to rent the village tractor, Duncan would suggest just hiring a contractor for mowing and not buying a tractor. If we get a ditchbank mower the village could also use it, so there could be some swapping.

Kathy brought up the long term warranty purchase that came up in the past year after an equipment purchase. That cost a lot and it may not be the best way to spend our money. She wonders if there is any policy or research on this. Duncan said we have no policy on extended warranties. We have pretty consistently bought them with the last large pieces of equipment we have bought. Kathy said if year after year we save money not spent on warranties that might be more economical even if a non-warranty repair is needed. Howard said these deals are put together by a company that wants to make money. They rarely benefit anyone other than the manufacturer. Kathy said she thinks if there will be more extended warranty expenditures the board should know about it ahead of time. Eric agreed with Kathy. If we go without an extended warranty for multiple vehicles, the savings could pay for any needed repairs. Kathy suggested we could put the money that would otherwise have been spent on extended warranties in the capital reserve fund instead.

Duncan said Steve Smith thought the small dump truck was scheduled to be replaced this year, but it is not on the schedule until 2015. Steve would like the board to consider a 4 wheel drive model when it comes time to replace it. Duncan asked him to research cost this year.

Duncan asked if board members had any particular budget targets. No one suggested any. Duncan said he hopes to do a salary survey in time for the joint meeting.

After months of negotiation, we have a contract agreement with Lamoille County Sheriff's Department. Roger Marcoux suggested that the contract be approved retroactively to July 1. **Doug moved to approve and sign the contract with Lamoille County Sheriff's Department with Addendums 1 and 2, retroactive to July 1, Kathy seconded, and the motion was passed.**

The clock on the municipal building now shows the correct time. Rosemary said no maintenance has been done on it as far as she knows since it was put in. Duncan is not sure there is any routine maintenance that needs to be done. It is a computerized unit. The trustees approved expenditure of funds if needed. Board members agreed it would be all right to expend town funds on clock maintenance if needed.

Duncan said he and Rosemary had talked about the possibility of opening a bank account with Community National Bank. It gives us greater FDIC coverage. Board members agreed it is within Rosemary's power to make that decision.

Howard moved to sign and send a thank you letter to Vermont River Conservancy for its efforts to secure the Journey's End parcel, Kathy seconded, and the motion was passed.

Duncan has not yet looked at the right of way documents for Project BRF 030-2, related to the bridge replacement near West Settlement Road.

Workers compensation rates went up by 14% this year. All other PACIF rates were kept the same. Overall costs went from \$39,200 to \$43,200. Part of the increase is due to increasing the building and contents values. The only other factor is the "mod" rate (based on claims) and the amount of credit back on the base bill. Duncan has asked PACIF to take a close look at the bills to see if there is anything we can do to reduce costs.

David Barra told Duncan the court has raised questions about the settlement agreement with Michael Halls. We are supposed to go to court tomorrow, but Duncan can't reach Michael Halls. The judge feels we have fined Halls less than the minimum fines due, which Duncan doesn't think is accurate. The judge also has a question about the payment plan not paying the fine within 30 days.

Final costs for the French Hill mud abatement project were \$36,584 (\$73.16 per foot of road.) Kathy asked if Duncan thinks it is worth putting more money in the budget for mud abatement before seeing whether this worked. Howard said if it doesn't work then we can use the money to try something else. Duncan said Steve has a recommendation for the next spot to try.

Duncan has filed two requisitions with the state for reimbursement from the Petroleum Clean Up Fund. We have met our deductible so all costs are now going to the state.

The percentage of health care premium paid by the town/village came out to 91.5%, which Duncan rounded to 92%. He has filed all the paperwork with BCBS. Overall, health insurance costs for the town will go down by almost 15%. But most of this is due to individual changes in plans. If everyone had stayed on the same plan, we would have been neutral.

12. Selectboard Issues/Concerns

Nat asked about the correspondence Duncan had listed regarding blighted buildings. Doug said he has been working with Linda Martin regarding blighted buildings. Morrisville is

trying to get a blighted building bill passed that only applies to commercial buildings in downtowns. That would be a problem for us, because we want to deal with single family residences. Doug thinks it would be useful to facilitate contact with VLCT for Linda.

13. Adjourn

The meeting was adjourned at 9:50.

Minutes submitted by Donna Griffiths