

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, OCTOBER 19, 2015

Present:

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

Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Brian Krause, David Butler, Tasha Wallis

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 6:58.

2. Additions, Changes to Agenda

D. Hastings had a few items to add – Cynthia Hennard’s resignation, Travis Hill’s water line and Legion Field water, and an error in posting the agenda for this meeting on the town website. Something went wrong when Duncan tried to post it and it didn’t get posted as far ahead of time as required by Open Meeting Law. We did have it posted in 3 spots and he posted it on the website when he learned it wasn’t there.

3. Review and Approve Minutes of Meetings Past

Howard moved to approve the minutes of September 21, 2015 with the edits suggested by Lea, Kyle seconded, and the motion was passed.

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

Rosemary said we are at 47% of budget spent. Income is at 68% of budget.

Rosemary showed the board the loan servicing agreement from Union Bank for the Community Improvement Fund. The cost is \$3 per payment. **Howard moved to authorize Eric to sign the loan servicing agreement from Union Bank for the Community Improvement Fund, Kyle seconded and the motion was passed.**

Sharon Green will be retiring and will no longer be able to handle tax sales. Sharon recommended Angela Ross, who has done some work for us in the past. Angela is willing to do it. Doug said he is familiar with Angela Ross and knows she is very familiar with real estate. **Doug moved to approve using Angela Ross to handle the tax sale, Howard seconded, and the motion was passed.**

To date we have collected 35% of this year’s taxes, a little behind the previous 2 years.

The new state voter checklist system is up and running. Rosemary sent out about 300 challenge letters to people who don’t live in Johnson. About 100 responded saying it is okay to take them off the checklist and about 100 came back undeliverable. Rosemary is able to use the system to see if they have registered somewhere else in the state but there is usually no way to find out whether someone has registered in another state.

Duncan said the “new” office in the renovated area will get new carpet and baseboards as part of the work. The carpet in the “old” office looks dirty even after being cleaned and one wall does not have the vinyl baseboard. New carpet would cost \$500 and new baseboard

would be \$100. Eric agreed that the carpet does not look appealing. **Howard moved that the town pay for half the cost of replacement carpet and baseboard in the renovated area, Kyle seconded, and the motion was passed.**

Rosemary said she got some furniture from state surplus. Will the town pay for half of it or should the village pay the whole cost, which is a couple hundred dollars? The board agreed the village should pay the whole cost. (*Tasha Wallis arrived at 7:09.*)

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

Brian said the highway crew completed the Waterman road mud abatement project last month. The school sent out requests for snow plowing and salting bids. Do we want to put one in? He hears plowing for the school takes a lot of time. If we put in a bid, he will make sure it is high enough to cover our expenses. Since Daryl West is not coming back there is a vacancy. Daryl worked mainly just during heavy snow events. If we get the school plowing contract we will have to have a replacement for Daryl and have that person come in more often. Brian is not crazy about the idea of plowing for the school but doesn't have a problem with doing it, especially if we have a replacement for Daryl helping us out.

Eric said this probably requires some thought and discussion. For years we have been saying we are almost at the point where we need a 5th person but not quite there. The 2 part-timers filled the gap so we didn't have to hire another full-time person. The village has hired Jeff Parsons and asked if we would like to use him in any capacity, but his availability would mainly be during the summer. He will be busy with village snow removal in winter. He agrees that we can't take on plowing for the school without replacing Daryl and we may be at the point where we need to hire a 5th full-time person. Brian said a 5th person would be very helpful.

Duncan said the advantage of the town plowing for the school was that taxpayers benefitted on the whole because the town got the income. Doug and Eric pointed out that if we have to hire a 5th person in order to make it possible that will cancel out that advantage.

Duncan said the employees put so many hours into CTO in the winter that when they take that time off in the summer it leaves Brian short. A 5th person could help alleviate that. The board also needs to discuss with Brian how to manage the workload so employees don't accrue quite so much CTO time. Howard asked if the CTO time ends up costing us more than straight time. Duncan said yes; it has to be reimbursed at time and a half. Howard said that is a major piece of the calculus for a 5th person. Have we done that calculus? Eric said we did it a few years ago and it came out that hiring another person would about be a wash if we could save as much in overtime as we hoped. Duncan said he thinks Brian has some ideas he can share at budget time about how we can manage the time better.

The board agreed not to bid on snow plowing and sanding for the school.

Brian said he would like to discuss the possibility of taking the town pickup home on a daily basis. He sees many benefits. He could use it to check roads to see if we need to plow. He tries to take a different road home every night to check on them. He could expand on that checking if he had the town truck. Currently we pay for plowing on Coddington Hollow Rd.

from the temporary bridge to the end of the road. He lives up there and could easily take care of the plowing himself so we wouldn't have to hire it out. On weekends and after hours when he gets a call about something like a downed tree on the road, if he had the truck with him he could go right to the issue with the proper signage, equipment, etc. and take care of it most of the time in half an hour or so. The board agreed Brian should take the town pickup truck home on a daily basis.

Brian said now that there is a larger supply of salt he is a little concerned that too much of it may get taken. He suggests closing the gate to the sand and salt area and putting a pile of sand outside it for citizens to use. The board agreed that would be a good idea.

Brian said he talked to Duncan about his idea for Travis Hill's water line and Duncan said it was much too expensive. **Doug moved to enter executive session to discuss Travis Hill's water line and the potential for water at Legion field as it is a subject of potential litigation, Howard seconded, the motion was passed and the board entered executive session at 7:26.** (*Seth Manchester arrived at 7:36.*) The board came out of executive session at 7:38.

Duncan said the Legion Field water situation is not critical. We won't address it this fall. Other issues may inform the decision on providing water to Legion Field. The board doesn't need to act on it tonight.

Brian said he hasn't heard more from Unifirst. The manager was going to send a new service agreement with a 3 year time frame rather than 5 years. Our current agreement doesn't end until next spring or early summer.

Duncan said he is disappointed about the engineering error on the School St./College Hill project. The engineering plans showed elevations that would have resulted in only 6 inches of cover over the drainage pipe. He has a meeting scheduled with Peter DeGraff, president of Otter Creek Engineering. DeGraff has indicated he is very concerned about some of the issues that have come up. Another issue is that one of the catch basins, if it had been installed where the plan showed it, would have been literally on top of the water line. Otter Creek did the water line inspection and drawings. That should not have happened. That catch basin location has been moved. We are knocking against the upper limit of the structures grant. The contractor hit some ledge. Duncan is not sure how much of an impact that will have on the budget. The cost of ledge removal is incidental to the pay item, meaning it is supposed to be included in their bid price. But there is some possibility that because the inverts were improperly indicated on the prints and they have to go deeper than the prints show they could make a claim against us for that.

Brian said we put off paving until spring. Pike has agreed to reclaim it for the same price they would have charged to mill it. If we do it after school is out we can have them do a better job. (*Brian left at 7:45.*)

6. *Planning Commission Report*

David said Cynthia Hennard is resigning from the Planning Commission. He has asked a few people about joining but has not gotten a positive response. (*Nat arrived at 7:46.*) Duncan said we should post the opening.

David said the Planning Commission got bogged down on the energy section of the village and town plan, mostly due to wind power. At the last meeting the commission voted to reserve Butternut, Laraway and Whiteface ridges from all wind power. He doesn't know if that will be a defensible position given that most of the ridges aren't within the town of Johnson. Some of the other wording was rewritten to make stronger hoops to pass regarding criteria like wildlife or watersheds.

Doug suggested that when the plan is finished it should be sent to our lawyer to see if it accomplishes what the Planning Commission is interested in achieving. David said Seth Jensen liked the way we did it. Doug said he would still send it to our lawyer.

Eric asked if there is any timeline for when it will come to the selectboard. David said they are getting closer to a draft of the town/village plan. The board already has the form based code.

David said Planning Commission members are not liking what they are hearing in individual conversations with townspeople about form based code. They have not been successful in getting townspeople into informational meetings. At the last meeting they decided that each Planning Commission member would meet with at least one or two town groups and introduce them to the plan. Hopefully that will get them talking to other people. He is going to go to a Fire Department meeting.

The Planning Commission was getting bogged down in administrative details. David feels that administrative details are the selectboard's job and not necessarily something to be voted on by the town. He thinks the commission should just deal with the code. Once Planning Commission members have all gone to various town meetings they will warn a meeting where a room will be open for maybe 5 or 8 hours and people can stop in and find out about form based code. He doesn't think we will hit the target of voting on form based code at town meeting. He thinks town meeting may be the last information session. He is reluctant to bring it to a vote at town meeting, though that could be done if the selectboard wants. He thinks it is too volatile for vote there. He doesn't see a lot of changes in the code happening between now and the vote. There are a few small things being argued over like the square footage needed to get a building permit. If there is strong public opinion they may change some things but he likes it the way it is.

Duncan said we are facing the reality of not being able to find listers. If we end up going with an appraiser we are going to lose what we had with local listers being around town and seeing when someone was building. He had thought about the possibility of either having a separate ordinance or including a requirement in form based code that anyone building a structure or doing major renovation would have to file a notification with the town. David said his understanding is that that is something the selectboard can do with a pen stroke –

require people to file for a building permit. That would be taken care of for buildings 100 square feet or more if the form based code gets adopted. (*David left at 7:57.*)

7. Tasha Wallis, LCPC Executive Director Introduction to the Board

Tasha Wallis, the new executive director of the Lamoille County Planning Commission, introduced herself. She said she is visiting selectboards to introduce herself and see if people have any questions or issues.

Eric explained what is happening with form based zoning.

Doug said he thinks the regulations intended to reduce phosphorus in Lake Champlain will affect towns. We are also affected by the broad strokes of flood plain corridor planning. It has been a detriment to our town's economic development that broadband is not available everywhere. A group has been working on developing a Lamoille River Paddlers' Trail. It would be very helpful for this whole region to figure out how to fund the rest of the rail trail. Johnson has quite a few people earning good salaries but the housing is not good. Much of it is for people with low incomes. We have an option on land where there could potentially be an industrial park.

Duncan said he thinks there might be an opportunity for LCPC to work with LEDC on the industrial park. He would love to see that coordination at a regional level. He thinks phosphorus reduction will have a significant impact on local taxpayers.

Tasha said she and John Mandeville have talked about having a joint meeting of their boards. (*Tasha left at 8:14.*)

8. Seth Manchester – Solid Waste District Issues

Eric told Seth that the selectboard met last month with the LRSWMD manager and a couple of LRSWMD board members. They are asking us to reopen our 5 year contract that we are about 1 year into. They want to renegotiate it. This is the second solid waste district manager who has threatened to pull out of Johnson if we don't make concessions. What is the long range plan? It is to stay in Johnson or not?

Seth said he thinks so. He doesn't know if it is a threat so much as just that they are trying to communicate that they are not making their bread and butter. They are trying to provide a service. Eric said they said that if they couldn't get concessions and be able to build a roof at the transfer station they would pull out. Seth said they are trying to get the service they get from other towns. The board has been absorbed with trying to handle all the new mandates from the state, figuring out how to process the new materials they will be expected to handle. He sees that they want to continue to provide services in Johnson and maybe expand, for instance by taking compost there. They would prefer not to pay for plowing. He isn't sure what it would cost the town to provide plowing or how much it costs LRSWMD now.

Nat said they said it costs them over \$5K, even though the facility is open only 2 days a week. Howard said it is a complicated plow. He described what is involved in plowing there. Nat said they would like us to sign an agreement like Stowe's, but \$5K in Johnson is pretty significant while it is a much smaller piece of the Stowe budget. Seth said the Stowe transfer station is operated more days than Johnson's. Nat said so they are providing more services in

Stowe. Seth suggested maybe there is middle ground that could be reached. For instance, maybe the town could cover part of the cost of plowing.

Doug asked about other nearby towns that don't have transfer stations of their own and may use ours. What are those towns contributing? Eric asked, why should Johnson taxpayers pay for maintaining the site when some of its users come from beyond Johnson? If maintenance costs were incorporated into the tipping fee then it would be fair for everyone.

Howard said he just checked Casella's fees and they are a lot higher than LRSWMD fees. He is glad our transfer station is cheaper but that says to him that LRSWMD has a cash flow issue which could easily be made up by charging a higher tipping fee. Seth said that has been considered. Howard said he doesn't know of any business that expects other businesses to do its maintenance.

Eric said he recalls that when the town plowed for the school it cost about \$13K. It would be less for the transfer station because it is only open 2 days a week but the distance from town would be a huge inconvenience. Howard said the public is only there 2 days a week but trucks are there other days. Duncan said it would have to be plowed for every storm. It would be a considerable amount of extra work for the highway department. Doug said we are concerned about possibly having to add another employee. We are at something of a breakpoint where more work could make that necessary.

Doug said he is concerned about Johnson's request that if the contract is terminated the town reimburses the solid waste district for an unamortized building that would be a white elephant to the town.

Seth said he can bring this to the whole solid waste board and tell them about the selectboard's concerns. The town gets some benefit from the transfer station. He wanted to find out how the selectboard felt. It seems like maybe we can find some middle ground. He doesn't think the district wants to pull out.

Doug said LRSWMD signed a contract and now they want to renegotiate. He thinks the transfer station is a benefit but it is oversold.

Duncan said he doesn't think it would take a lot added to the tipping fee to cover costs. He doesn't know why any host community should plow or do maintenance. It is unfair to the towns that host and an unfair advantage to those that don't.

Howard suggested raising tipping fees by 25 cents across the board. Duncan said LRSWMD should still be able to have tipping fees less than Casella's because they are not trying to make a profit. He doesn't see why the taxpayers of Johnson should fund any part of the operation apart from tipping fees.

Eric said at one time we did plow the transfer station. As part of the negotiations for accepting the stump dump for the whole district we stopped plowing.

Seth said LRSWMD is just worried about what will happen if they put a lot of investment into the transfer station. They want the town to realize they are putting in an investment.

Eric said since this is the second time he has heard that they plan to pull out if we don't make concessions, he wonders about their long term strategy. Seth said the plans for long term investment tell him they want to be here.

Nat said he wonders what improvements they are looking to make and what the benefits are. Seth asked if the board would like to see the plans. Howard said yes, particularly if LRSWMD wants us to take over the building. Nat said he wonders if money really needs to be sunk into improvements. We have had this site for a while and it has been going fine. Board members agreed they would like to see the plans and a description of the benefits of the project.

Duncan asked if LRSWMD is looking to modify the agreement such that if the town terminated the agreement the town would be on the hook for the unamortized costs. Others said yes. Duncan said that makes no sense. The structures there would have little or no benefit to the town. Probably they would detract from future use. Doug said Stowe's contract is terminable with 180 days' notice by either side. He would want that time period to be the length of the amortization period. Seth said that makes sense to him.

Seth said he will tell his board that the selectboard thinks they should pay for their own plowing.

Doug said what he has heard is that they have economic troubles and they feel uniformity is not in place. We feel that not one size fits all.

Eric said the district is asking us to reopen a contract with 4 years left and asking the town to make numerous concessions and they are not volunteering anything back to the town. Why should we do that?

Seth said he will pass that on. Maybe they can write up something different that limits the town risk during the amortization period.

Duncan said his understanding is that we are the only facility in the county with a stump dump. He wants to know how many years the district sees us being able to continue using it before it is full. What is its projected capacity and what is the closure plan? What will happen when it is full? Doug asked what happens if the contract is terminated. Is there a closure plan then?

Duncan said we don't want to leave the district with the impression that we don't want them in Johnson. We do value the service. There seems to be an emphasis on the fact that our contract is different from other towns'. He doesn't understand why that is a big issue.

Seth asked if the town would be willing to look at how much it would cost to do the plowing if they charged LRSWMD. Maybe a municipality could do it cheaper than a private

contractor. Eric said no, he thinks a private contractor would probably be cheaper. (*Seth left at 8:43.*)

12. Manager's Report and Action Items

Howard moved to accept Cynthia Hennard's resignation from the Planning Commission, Nat seconded, and the motion was passed.

Duncan said he reviewed the email chain about the solid waste district contract. He clearly indicated to Susan Alexander that the board was looking at changes and that the contract was not going to be the same. When he sent it back he thinks their chair had signed it within two days. If they didn't read it, that is their fault.

The road signs for Ben Ober Hill Road were stolen and Brian misspelled the name on the replacement signs. New signs will be ordered. Nat recommended having orders proofread before sending them out. Doug asked if the misspelled signs for Cemetery Road and Foote Brook Road can be replaced.

Eric sent out an email to Gordy, Duncan, Lea, and Sandy stating that now we have a new roof it might be a good time to look at solar panels. The trustees agree it is worth investigating and felt perhaps we should expand it to all town and village owned properties. Sandy's idea was to send out an RFP to solar companies with a listing of all town and village properties. He thinks the companies doing this have a better idea than we do what to propose and what would be most feasible.

Doug said he thinks we should have a committee of volunteers look at this. Eric said he doesn't know who in the community would be an expert. Duncan said he probably knows as much as anyone in the community about the funding opportunities and types of projects that might be possible.

Nat said he doesn't see a downside to doing as Sandy suggests. Howard agreed. Duncan said the trustees agreed with the general concept. Doug said he is interested in having some people investigate but not in having people tell us how to put photovoltaic cells on this site. Duncan said if we empower a group of citizens they could spend a lot of time on one site and then a solar company could say that site doesn't work. Doug said he thinks there is enough opposition to siting in different neighborhoods that it would be good to have it vetted by both sides. Howard said first let's find out what the sites are, then get citizen input. Other than Doug, board members were in favor of moving forward to send out an RFP.

Duncan said there is a grant opportunity to install an electric car charging station which Lea brought to the trustees. They are interested. The site they are considering is the jointly owned municipal building property. Does this board agree to submit a grant application? All board members said they were in favor.

Lea brought a proposal to the trustees to apply for a grant to install a sidewalk on the west side of Railroad Street as far as the library. The trustees were not in favor of that but suggested a crosswalk to allow people to cross to the library from the existing sidewalk. The issue is that the elevation of the existing sidewalk appears to be too high to just put in a ramp

without lowering the sidewalk or building a parallel ramp with landings. It is not as simple as just painting lines across the road. It has to be ADA-compliant. Duncan suggests having Brian and Troy take some elevations to make a determination about the slope of the ramp. The board agreed to that. Duncan said if putting in a crosswalk isn't feasible without lowering the sidewalk then adjusting the sidewalk is the village's issue.

The trustees want to undertake a review of the personnel policy, with particular concern over the CTO section. They appointed two trustee representatives and they want to know if the selectboard agrees to a committee and will appoint two representatives. They also recommend that Rosemary, Duncan and Sandy be on the committee as well as two employee representatives chosen by the employees. Duncan thinks it would be prudent to have a purpose statement for the committee. Doug said he thinks there may be disagreement between the two boards about the purpose of the committee so he thinks that is a good place to start. The board agreed to the committee and agreed that Eric and Nat will be the representatives from the selectboard. Board members agreed that establishing a purpose statement would be a good first exercise for the committee. It would then be approved by both boards.

The trustees would like the town and village to work together to power wash the Municipal Building. The board agreed to that.

Duncan said VTrans would like to know how the town would like to depict the right of way width of Sinclair Rd. Before the discussion started, Howard and Nat said they wanted to acknowledge that they are affected landowners. Duncan said it appears that Sinclair Road was part of the Burlington-Derby Road, which was a 5-rod road. The state wants to depict it on the plan for replacing the twin bridges and wants to know how to depict the width. The town needs to decide if we want this to be a 5-rod road a 3-rod road. To change it from a 5-rod road we would have to go through a reclassification process which would require a public hearing. Eric asked why we would do that. Duncan said it is up to the board. The right of way does not affect homeowners. Howard said it is an encumbrance on the property. Duncan agreed it is, but it would only affect the property if the town wanted to make the road 5 rods wide. If we reclassify the highway we have to survey and put in new markers. At minimum we would have to survey the center line of the whole road. Doug said he doesn't see any reason why we would want that to be a 5-rod road. Duncan agreed there is probably no reason for it to be. The board agreed that it should be depicted as a 5-rod road because that is what it is.

Howard moved to authorize Eric to execute any and all closing documents related to the purchase of the Beard property and conveyance of development rights, conservation easements and public access easements as necessary to complete the purchase and comply with funding entities, Nat seconded and the motion was passed with Doug recusing himself.

Howard moved to approve a resolution to convey the "Grant of Development Rights, Conservation Restrictions, and Public Access Easement" on the School Street land to be conveyed by the Beard family to the Town of Johnson for the Gihon River Swim Park,

and to designate Eric Osgood as duly authorized agent to sign said Grant and all related closing documents for the Selectboard on behalf of the Town, Nat seconded and the motion was passed with Doug recusing himself.

Duncan said GASB 68 requires us to report how much underfunding to the retirement system there has been.

Laraway Youth and Family Center is ready to apply for a VCDP grant. They have asked to have the required public hearing scheduled for the November selectboard meeting. The town would be the applicant so it is really the selectboard's public hearing. The board agreed.

We got a letter from the ANR Waste Management Division about the old landfill. They had a couple of specific questions about water quality monitoring results which Duncan has asked Ross Environmental to address. ANR agrees with Ross's conclusion that the landfill is not impacting the Gihon River. But they think continued monitoring is required. They are strongly recommending that we file for a post closure plan. Duncan has asked Ross to contact him to discuss what this might require and cost.

Downtown Pizzeria and Pub got a warning letter from Liquor Control for serving an underage patron. Does the board want to do anything? Eric said he doesn't think we have done anything in the past for warnings.

We received a pay request from Clemons for the municipal building roof work. Steve Pitkin reviewed and approved it. There is enough money in it to cover the cost of the gutter work. The gutter company started today.

Duncan sent a letter to Edelweiss regarding the tree removal issue. There has been no response.

One of the renovated offices is ready to move into and the other is close.

Johnson State College agreed to pay \$250 of the \$1895 cost of a replacement "Welcome to Johnson" sign. The trustees may be willing to contribute some to the cost. Does the board want to approve replacing the sign? Nat said he thinks the village paid half the cost in the past. Howard said the sign marks the boundary of the village, not the town. He thinks the village should pay for the sign. **Howard moved to approve purchase of a replacement "Welcome to Johnson" sign and to ask the village trustees to contribute toward the cost, Doug seconded and the motion was passed.** Nat said there are a lot of weeds under the sign. It seems like we could pitch in a little more to have someone plant flowers underneath.

The VLCT PACIF insurance application has been completed and returned.

Duncan thinks we probably need a work session meeting to discuss lister positions and listing services. He would suggest having Rose and Rosemary there. Eric will work with Duncan to set a date.

Duncan hasn't had a chance to put together a rate schedule for Evergreen Ledge Cemetery. He phoned Clegg Memorials and left a message asking them to prepare a proposal for cleaning and repairing stones in Evergreen Ledge.

Duncan has been in touch with the state about Codding Hollow. The state has been in touch with FEMA. They have not made a decision yet.

VLCT made a loss control visit in June. They have requested a follow up regarding health and safety recommendations for the town garage, the lower storage garage, Old Mill Park and the skate park. Duncan will respond accordingly.

Howard moved to enter executive session to discuss the Town Administrator's contract, Nat seconded, the motion was passed and the board entered executive session at 9:43.
The board came out of executive session at 10:04.

Howard moved to approve the contract for the Town Administrator, and to authorize Eric Osgood to sign for the Town, seconded by Doug, and the motion was passed. The executed contract reduces the number of hours worked from the proposed first draft of 30 hours, to 23.9 hours per week.

Doug moved to authorize an additional 4 hours per week with pro rata adjustments to benefits accordingly for the Community Economic Development Coordinator to assist the Town Administrator and to designate the position as Assistant Town Administrator with authority to act in the absence of the Town Administrator, seconded by Howard, and the motion was passed.

9. *Adjourn*

Howard moved to adjourn at 10:06, Doug seconded, and the motion was passed.

Minutes submitted by Donna Griffiths