

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, NOVEMBER 16, 2015

Present:

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

Others: Duncan Hastings (Administrator), Rosemary Audibert (Clerk), Brian Krause, David Butler, Greg Stefanski

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Howard called the meeting to order at 7:01.

2. Additions, Changes to Agenda

Duncan added the following items: keeping of Outlook calendar policy, Vermont River Conservancy has advised us they received a grant to build steps to the swimming hole, email from Mike Paradis of NEMS asking when he can present the NEMS budget request, email and letter from Dept. of Public Safety re: Codding Hollow Rd. grant of extension of time to complete project. Howard said he wanted to add an item about a flood resiliency meeting he is going to.

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

Total revenue is 84% of budget. Expenditures are 34%. That does not include any construction bills for the School St./College Hill project. We haven't seen those yet.

Angela Ross sent out notices to people whose properties are up for tax sale. We are starting the tax sale process 3 months earlier than in the past. The second installment of taxes was due last week. We are at 54.26% collected for the year to date.

We have a small CD in TD Bank – about \$8K, from the sale of Chesamore Hall. As part of the agreement for that sale we give the interest to the elementary school every year. Because rates are so low now they would like to change this to a savings account. The bank needs Rosemary to be authorized as a signer on the account. **Doug moved that Rosemary be an authorized signer on the Trustee of Public Money account at TD Bank, Nat seconded, and the motion was passed.**

The trustees have approved holiday pay of \$100. **Doug moved that the town allocate \$100 per employee for holiday pay this holiday season for full-time permanent employees, Nat seconded and the motion was passed.**

4. Road Commissioner/Road Foreman Report and Action Items

Brian said Nadeau is forecasting that by mud season they will be out of 3/4 inch fractured stone so he has stockpiled some. That will result a fairly large bill that we normally wouldn't get until spring.

Brian's personal phone is a Verizon one. For work he has an AT&T phone. He gets reception almost everywhere with his Verizon phone but reception is spotty with the AT&T one. He doesn't get reception at his house with the work phone. Currently he carries his personal phone, his work phone, and a pager. He would like to be able to carry just one phone. David

said they are working to upgrade the AT&T tower at the college to improve reception all over town. It is supposed to be upgraded in early winter. Duncan said we currently have a plan with AT&T and we would have to look into what it would involve to take a phone off the plan. He doesn't have difficulty himself with AT&T coverage. Brian said he tried Lea's phone, which is newer than his. It didn't work at his house either. He took it to 4 places his Verizon phone works and his AT&T phone doesn't and it only worked at one of them. Duncan pointed out that Brian's personal phone is a flip phone; they usually have better coverage than smart phones. Doug suggested finding out when the tower upgrade will happen. The board agreed Duncan and Rosemary are authorized to implement a solution if they come up with one.

Brian said he is taking a town truck home, as authorized by the board. He wanted to find out if it would be a problem for him to use the plow on the truck to plow his own driveway. Howard said no; Brian needs to be able to get out. Doug asked what Duncan thinks. Duncan said he suggested that Brian ask the board. When Steve used to bring a truck home, he plowed his own driveway with it. The board agreed it would be okay for Brian to plow his own driveway with the town truck.

Brian said an ANR representative told him that Foote Brook and Plot Roads would clearly be eligible for grants. That is just the type of thing they want to give grant funds for. Duncan said Brian will be doing erosion control there.

Nat asked if there is any discussion about using brine on town roads. Brian said he would be interested in going that way. He hasn't had time to look into it further but there are several benefits. It would decrease our salt usage and would be a more effective product. It is a product that would be added to our salt. Nat said he hears it sticks to vehicles more and is more corrosive. Brian said the state denies that. They claim it is no different than the brine created from solid salt that goes on the road. He doesn't know of any studies showing whether or not that is true. Duncan said he has also heard from mechanics that brine is worse. But the state is using it on all state highways, so for anyone who drives on state highways it probably wouldn't be a huge additional problem if we also used it.

Nat mentioned the tree workshop Brian recently attended. A community member told Nat that they appreciated the fact that Brian was there. Brian said it was a good, informative workshop.

Duncan said the trustees are in the process of developing a formal written policy about sharing Outlook calendars. They are thinking that if key individuals share their calendars that would enable anyone to look at the calendar and see when a particular person will be in or out. Duncan is not opposed to sharing calendars, but he doesn't know that we need a formal written policy. He would be happier to suggest we try it and see how it works. Brian would probably have the responsibility to post calendar info for the 3 people on the highway crew. It would be a little more administrative. Brian said currently his calendar is on paper, not digitized, but it wouldn't be a problem if he needed to do it. Doug said he thinks it is a bad idea to create a written policy. He thinks we should check this system out and see if there is

any gain. He suspects there won't be much. It was agreed that Duncan should have employees try this out and see how it works.

We got a letter from the Department of Public Safety extending the amount of time we have to use grant funds to complete the Coddington Hollow project. We are still waiting for a final determination from the FEMA Boston office on what they are willing to fund.

The Interim Management Plan for Beard Recreation Park calls for periodic brush hogging – once or twice a year. Howard asked if we will we have a trash can there. Duncan said probably at some point. We will close on the Board property in December.

Brian and Troy are going to get together to look at possibilities for a crosswalk to the library. Brian said there are not many options there for a crosswalk. If it crosses where he was initially told to shoot grades it ends up by the handicap ramp, where there is not a space wide enough for a sidewalk. Further down it would end up in the driveway. He will shoot some grades, but the question of where it would end remains.

David asked if Brian knows about a place where the road shoulder is being undercut by Foote Brook. Brian said he knows about that place and another one. He has talked to ANR about grant funding for work there.

Duncan said an affected property owner called up and said he was extremely pleased with the grant-funded work the highway department did on Foote Brook Rd. near the intersection with Route 15. He thanked Duncan, the board, and the highway department. (*Brian left at 7:34.*)

5. **Planning Commission Report**

David said Seth from LCPC was at the last Planning Commission meeting. He told them that Morristown, Hyde Park, and Cambridge are against ANR's broad control of river corridor areas and LCPC wrote a 4-page letter about it. Howard said he is going to a flood resiliency meeting on the 19th and he intends to bring it up. David said he asked Planning Commission members if they thought we should bring in legislators to discuss ANR's river corridor regulations. They are still discussing that. Nat said the party line as he understands it is that this is a broad brush but ANR would take into consideration local knowledge and circumstances and would cooperate with us. David said the town had 10 days to request changes and those 10 days have already passed. He feels ANR is not proving to be as cooperative as they say they are. Nat asked, so the window for local input has passed? David said that is what he saw in LCPC's letter, but he needs to get clarification. He said he will have Lea print the letter and give it to the board.

David said there was one applicant for the vacant Planning Commission position. The Planning Commission voted not to make an appointment yet but to wait and see if more people apply.

The Planning Commission made some changes to the wording of the energy chapter in the town/village plan and then voted on it. David feels the education chapter and recreation chapter are also done.

The Planning Commission decided to have a period of 6 or 8 hours on December 5 when members of the public can come and get explanations on form based code from Planning Commission and steering committee members. The Planning Commission is still working on visiting with each town group or committee. David was going to meet with the fire department but they decided they didn't want to discuss form based code at one of their meetings. They were given copies of the plan and asked to review it to make sure there is nothing they are concerned about from a fire safety perspective. *(David left at 7:43.)*

6. Recreation Committee Report

Nat said the Recreation Committee is still collecting feedback about possible improvements to Old Mill Park.

Duncan asked if they have given more thought to putting material under the swings. Nat said yes. He believes someone has volunteered to dig. The committee just needs to buy wood chips. At this point it might need to wait until spring. It is a high priority for the committee.

12. Administrator's Report and Action Items

Mike Paradis sent a spreadsheet that was handed out to board members. Does the board want him to come to the December board meeting to present the NEMS budget proposal? Board members said yes.

Duncan emailed Jen Stefanski to ask if she will serve as Green Up Day coordinator again. He hasn't yet heard back from her. **Doug moved to appoint Jen Stefanski as Green Up Day coordinator if she is willing to serve, Nat seconded and the motion was passed.**

Duncan said he has had some discussion with Dave Barra about Travis Hill. He could discuss that in executive session.

Lea, Duncan, and Sandy looked at the Request for Qualifications South Burlington used for solar projects. They will work on our RFQ and get back to the board. How open-ended does the board want our RFQ to be? It could be anything from looking at the combined town and village land and buildings for opportunities for a group net metering system up to options for establishment of a small solar farm or community solar project.

Doug said he is still opposed to the whole thing. He thinks we should figure out why we are doing this and what our needs are. He thinks we should have an energy committee looking at it. He is not opposed to doing it when we have some reason. Duncan said having some options doesn't mean we have to act on any of them. Once we have proposals, that might form a basis for establishing an energy committee to review them. Doug said the Craftsbury energy committee has offered to come down and talk to us about what they do. But they may be a special circumstance. It may be hard to keep people active in this. He is not overly optimistic.

Duncan said the RFQ would be sent out primarily to solar developers to identify parcels to do an assessment of possibilities for solar at each site. We own some parcels that have greater potential for larger numbers of solar panels.

Doug said he thinks we should get Dave Hallquist to come in and talk to us about this. Duncan said he thinks someone from the VPPSA group would probably be more well-versed. Howard said he is in favor of moving this along.

Duncan suggested we could limit the scope of work to solar arrays to benefit group net metered municipally owned buildings. That would be one way to simplify it. Howard and Nat said they thought that would be good. Bigger projects would be more in the purview of the village electric department. *(Greg Stefanski arrived at 7:58.)*

13. Public Hearing – Vermont Community Development Program Grant Application

The selectboard hearing was temporarily adjourned at 8:00 and the public hearing on the Vermont Community Development Program grant was opened.

Greg Stefanski explained that the Laraway School is looking for the selectboard to apply on their behalf for a Vermont Community Development Program grant for improvements at Laraway. Doug asked how different this is from what the board had previously approved. Greg said it is scaled down because they determined they could not afford the previous plan. He showed the board a site plan. The project involves adding parking and pathways, creating storm water collection areas to prevent water from running down the driveway, and adding shop, storage, and office space. The total cost estimate is just under a million and a half dollars. This grant would be \$300K.

Doug asked if people who work at Laraway move to Johnson. JSC professors tend to live elsewhere. He wonders if that is true for Laraway employees. Greg said there is a mix. A lot live in the area.

Greg said as discussed before Lea will have a role in grant administration and Laraway will pay the town back for her time.

Doug moved that the town apply for a Vermont Community Development Program grant in the amount of \$300,000 on behalf of Laraway School to fund the proposal Greg Stefanski presented tonight, that Lea be authorized to be the grant administrator and that the chair be authorized to sign the documents necessary to apply for the grant, Nat seconded, and the motion was passed.

The public hearing was closed and the selectboard meeting was called to order again at 8:29.

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

Gutters have been installed on the municipal building. We are awaiting subcontractor lien releases from the general contractor before issuing final payment. *(Greg left at 8:30.)* **Nat moved to authorize paying the final bill for the municipal building roofing/gutter replacement work, Doug seconded, and the motion was passed.**

Front Porch Forum is requesting a contribution. It could be a budget request or a current contribution or both. The email from FPF says most towns that are contributing are giving between \$100 and \$500. Howard suggested giving \$100 this time and budgeting \$200 for the upcoming fiscal year. Doug said he would not like to make a donation an institutionalized

thing but he is not opposed to doing it on an ad hoc basis. **Nat moved to contribute \$100 to Front Porch Forum, Doug seconded, and the motion was passed.**

Dean asked Duncan to look at Historical Society building costs so the Historical Society could make a contribution to the town for expenses in lieu of rent. Duncan prepared a spreadsheet showing income from the apartments and building expenses (water, sewer, electric, heat, propane.) The total comes out to about \$1500. The Historical Society is fine with an annual contribution of that amount. Duncan thinks we had \$2K in this year's budget for an "in lieu of rent" figure. The board agreed a contribution of \$1500 sounds good. Duncan said Dean's thought was that we should revisit this annually and possibly adjust the figure.

Duncan received a cost proposal of \$1200 from Ross Environmental for completing a post closure plan for the Johnson landfill. We were at the end of the 20 year plan for closure and we were hoping not to have to continue to do water sampling but we learned that the town had never filed a post closure plan. We believe filing this plan will reduce the need for testing but that is not a certainty. There are some test results that continue to show levels of arsenic and other substances that are of concern. Ross currently performs all our landfill monitoring and testing so Duncan thinks it makes sense to have them prepare the plan rather than putting it out to bid.

Doug moved to accept Ross Environmental's offer to prepare a post closure plan for the Johnson landfill for \$1200 and to authorize the chair and/or the town administrator to sign the contract, Kyle seconded, and the motion was passed.

Doug had asked Duncan to research a dilapidated building ordinance. Duncan sent a memo to the board listing the results of his research. Harold said he thinks we want an ordinance similar to Barre's. Duncan said VLCT has a model policy that is really predicated on having an enforced building code. Duncan said he can find out what is happening in Morrisville. The board agreed Duncan should draft an ordinance.

The selectboard will need a work session with the village soon to discuss health insurance. Typically at the same meeting the boards would also consider joint employee wage adjustments, 10% Grand List payments to the village and fire contract prices. Duncan can work with Sandy, Gordy and Eric to try to come up with possible times and dates.

The Lancer Soccer club is selling Christmas decorations as a fund raiser. A community member asked if we would be interested in buying from the club, but the town doesn't buy Christmas decorations.

Duncan had proposed developing an ordinance requiring registrations for construction as a way to keep the Grand List up to date. But he learned that this type of ordinance is not among the list of items that towns can adopt ordinances for. He thinks there are things we can do internally to provide information to the assessor. There are some existing permits that we could provide to the assessor. When someone requests a 911 address, that gives us information, too.

A vote on eliminating the office of lister can be done from the floor at town meeting but the article must state that it will be “by ballot” and we must hand out ballots.

Duncan got some revised cost proposals from the two consultants interested in providing assessor services. Their basic proposals for a rolling appraisal have not changed but he has new proposals to get us from now to the 2016 Grand List. He will have final dollar figures for the December meeting.

Duncan said he doesn't know that there is anything we need to be doing right now with regard to the solid waste district's request for changes to the agreement. Howard said he thinks the ball is in their court.

A VLCT Loss Control Action Plan was filed.

Duncan sent a letter to Cynthia Hennard thanking her for her work on the Planning Commission.

Kyle emailed Duncan about her concern over the number of warnings vs. tickets issued for Johnson by LCSD. In October Johnson had 29 tickets issued and 53 warnings. The other communities have a ratio much closer to 50-50.

Nat said his concern about the monthly report is that it doesn't give much insight into what is going on or what the issues are. He hears Roger Marcoux talk to the media about drug problems but he doesn't see that reflected in the report. There is nothing about long or short term plans LCSD has. He doesn't think we are getting a lot of information for the amount we are spending.

Duncan said a couple of years ago we established a budget and oversight committee. It wasn't very active last year. He wonders if it is time to make it more active again. The committee is for oversight of services as well as budget. It would provide an opportunity to raise concerns. The board agreed Duncan should talk to Hyde Park and Wolcott about reinvigorating the oversight committee.

The personnel policy committee has met twice. It has been a little hard to nail down just what the problems are that need to be addressed and how much of the policy should be reviewed by the committee. Trustees have stated that existing employees should not be hurt by any proposed changes. Employees feel strongly that the combined time off approach is highly desirable and benefits both employees and employer. Nat said the trustees want to see big changes. They don't like the CTO system. They feel there should be separate vacation leave and sick leave that need to be used or lost and we should provide short term and long term disability insurance. The committee has heard from Troy, Jan, Duncan, and Rosemary that employees are very satisfied with the current system and concerned about changes. Nat and Eric have been trying to listen and understand what the problems and concerns are. The big problem Nat sees is that every once in a while we have a big lump sum to pay out to an employee or several employees who leave. That can mess up our budgeting. Nat passed out

copies of some information Troy put together about how our CTO works. He said Duncan gave the committee a memo listing issues he sees with the policy. For instance, we need to clean up the language about when employees can use sick leave vs. catastrophic leave.

Doug asked how many employees are covered by the policy. Duncan said there are 16 between the town and village. He said Rosemary prepared a spreadsheet showing the total number who retired or left since the personnel policy was established in 2004. There were 9. Over that 11 year period the total payout for the village came to around \$5500 per year and the town's payout was around \$3K per year. If the problem is the bump in the budget then that is easily addressed through budgeting. One issue is that out of the 9 retirements, 5 were in the last 2 years - 2 in 2014 and 3 in 2015. He and Steve Smith were at the maximum CTO accrual when they left. The total amount paid out is not huge. If you compare it to the costs of short and long term disability there isn't much difference. One thing that worries him about short and long term disability is that in the past we have had employees who were sick but came in and worked when they were able, because they wanted to. It was valuable to have their input. If you are out on disability you cannot come in to work at all. We will have to hire someone to cover for people who are out, so where is the savings?

Doug said he doesn't see why we would change our system when employees like it and we can budget for payouts. Nat said one thing committee members are saying, which he thinks is a valid point, is that it is healthy for people to take vacations. He thinks we should encourage people to take vacations.

Duncan said the committee hasn't come out with recommendations yet. Sandy has been charged with looking at the impact of using short or long term disability. Duncan is supposed to look at other personnel policies and make comparisons. He believes we are somewhere in the middle with our benefits.

The roofing contractor discovered more rot damage to the building when doing the roofing project. He covered it back up but it is going to have to be addressed next year. It is difficult to know how much it will cost but it could easily end up costing \$10-20K.

We are on track for a December closing on the Beard parcel. Duncan got closing documents for review and he has a phone call in to Dave Barra to discuss any issues in advance of closing.

Duncan handed out a spreadsheet on the School St./ College Hill project. The total grant amount is \$121,875. One change order has been approved and 3 are pending. The total cost of the project is up to \$147,841. Duncan has had discussions with the VTrans Assistant District Transportation Administrator about amending the structures grant. He thinks there are available funds and he has encouraged Duncan to submit an application to increase the grant amount. The town's total share will still increase. Duncan has talked to Peter DeGraff at Otter Creek Engineering. Some of the additional costs are due to design issues and DeGraff has indicated he is willing to make the town whole on any design-related cost increases. Duncan is going to strongly challenge a couple of the change orders. The number for ledge removal looks too high to him. The amount in the bid was supposed to cover any

ledge removal, but the contractor's argument was that if the plans had been correct they wouldn't have encountered any ledge so they didn't include anything in their bid for ledge removal.

Howard asked about Otter Creek's responsibility. Duncan said they have clearly indicated there was a problem in the design and Peter DeGraff is willing to accept financial responsibility for design flaws. He might be less willing to accept responsibility for some other things. Doug asked, what about the ledge removal based on depth? Duncan said that is open to discussion. The town is not the owner of the project; the village is. Duncan will have to work through the village to sort through the change order process. The town doesn't get to deny the change order.

Doug moved to authorize Duncan to file an amendment with VTrans to increase our structures grant amount, Kyle seconded and the motion was passed.

The office renovation work has been completed. A bill from the contractor was in tonight's orders. It was a little less than the original estimate.

The trustees agreed to pay for half the cost of the "Welcome to Johnson" sign. Town and village employees will work together to install it.

Duncan does not have a proposed rate schedule yet for Evergreen Ledge Cemetery. Community members would like to buy a couple of plots. The board had previously indicated they could use the current rate. Rosemary had indicated another person was interested as well. The board agreed the other interested person should also be given the current rate.

Duncan said the cemetery plat is somewhat questionable. He thinks at some point we will have to have it surveyed. Maybe we can get a college student or intern to do the work.

Doug moved to enter executive session to discuss a matter that involves consultation with our lawyer, Kyle seconded, the motion was passed and the board entered executive session at 9:33. The board came out of executive session at 9:53.

Doug moved to ask Duncan to negotiate with Travis Hill to settle the water line damage issue based on parameters discussed in executive session, seconded by Nat, and the motion was passed.

7. *Adjourn*

Doug moved to adjourn at 9:55, Kyle seconded, and the motion was passed.