

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, DECEMBER 15, 2014

Present:

Selectboard Members: Kathy Black, Nat Kinney, Doug Molde, Eric Osgood, Howard Romero
Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Steve Smith, Angela Audet, Jeremy Pion, Dean West, another member of the Historical Society

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:00.

2. Review of Agenda and Any Adjustments and Additions

Angela Audet and Jeremy Pion asked to be added to the agenda. Eric said he would give them 5 minutes. Duncan asked to add discussion of Hyde Park's animal control ordinance, acceptance of Jeanne Engel's resignation from the Conservation Commission, and review/authorization of payment for Timberland invoices. The board agreed to the addition of these items.

3. Review and Approve Minutes of Meetings Past

Nat moved to approve the minutes of October 27 with the edits approved by the Village Trustees and the minutes of November 17 and the motion was seconded and passed.

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

Rosemary said the total spent is about 53% of budget. That includes all paving projects.

Rosemary asked if the board wanted to offer the same holiday pay as last year (\$100.) The trustees have already approved this. **Kathy moved to give town employees the same holiday pay as last year, Howard seconded, and the motion was passed.**

5. Road Commissioner/Road Foreman Report and Action Items

Steve said since the last meeting 36 inches of snow have fallen. The highway department plowed 13 times and sanded 30 times. About 1200 yards of sand have been used. Salt has been coming in on a regular basis with very little delay. Town employees have been working with trucks and the backhoe at the Historical Society building. Jason is doing an excellent job. Steve is very pleased with him. Pete Dodge had some equipment problems that interfered with maintenance of Coddington Rd. but the equipment has been fixed and he is currently doing everything Steve wants him to do.

Howard asked about the chain across the entry to Old Mill Park. Steve said there had been a cable across it, but someone ran through it. Duncan asked, didn't we talk about keeping it open for snowmobile access? Howard and Nat said the board talked about it but didn't resolve the question. Howard said he doesn't want to open the area until there are stones preventing people from driving into the fields. Doug said he thought the board decided stones would not be necessary because snow plowing would create a barrier. Howard suggested offering parking at the town mill house building. Duncan said he would not be in favor of allowing parking by the lower building. It could block doors. The board discussed whether to ask Steve to plow the parking lot at Old Mill Park for winter parking. Duncan

noted that VAST doesn't have the trailhead location on their maps for this year and there are no bathrooms this year. There is some room for parking near the park now. Howard suggested the cable should be repaired and the lot not plowed. The rest of the board agreed.

Duncan gave an update on the Coddington Hollow Rd. project. He reminded the board that we have known along there would be an issue of what FEMA would be willing to pay vs. what we will have to put in for a fix. The project worksheet for Coddington Hollow Rd. was approved for payment by FEMA on November 18. We got no notification and he didn't find out until late November or early December. The Department of Public Safety and Homeland Security recommended that we file an appeal within 60 days, even though there is new guidance out that might not require us to file within that time limit. Duncan has formally appealed. We will have to have our engineering firm supply them with a hydraulic study. The engineering firm will also look at FEMA's estimate of replacement cost. The FEMA estimate was about \$73K, which seemed low to Duncan. That cost is important because if the cost with mitigation is within \$100K of the cost without, they will probably roll in mitigation. The engineering firm will have to develop an estimate for construction of a structure that will meet Stream Alteration Rules. All that information has to be put in front of FEMA. Kathy asked for clarification about why we need to appeal. Duncan said they didn't include any mitigation in their project estimates so we are seeking mitigation and trying to get the dollar amount higher. *(Steve left at 7:29.)*

6. Recreation Committee Report

Doug said there was a meeting here on December 2 about the Lamoille River Paddlers' Trail. Most of the attendees were from central Vermont. They included landowners interested in establishing campgrounds, B&B owners, and paddlers. There will be additional meetings near the east and west ends of the Lamoille River. The consensus of those present was that the group should work on the safety aspect – mapping, identifying portages – and providing legal access. Later there will be work on primitive campgrounds. A steering committee will be meeting.

Duncan said there were some modifications needed to the grant application the board had approved for river access in Johnson. Eric said the board had signed a letter of support but the entity that was originally going to apply for the grant was not in a position to submit the application so the town had to submit it. Duncan decided it would be all right to submit an application from the town since it was due soon and there were no matching requirements.

7. Angela Audet and Jeremy Pion – Concerns about Neighbor's Livestock and Solid Waste

Jeremy Pion and Angela Audet described the issues they have had with their neighbor's livestock. They said livestock often come onto their property and have caused damage. They feel some of them are being kept under inhumane conditions. There is also a lot of trash on the neighbor's property. They have called the town animal control officer, who has not done anything. They have called the sheriff's department, who say it is a civil matter.

Duncan said our town ordinance only deals with dogs. Eric said farm animals fall under state statute. Duncan said an animal cruelty complaint can be investigated by a constable, a humane officer, the sheriff's department, state police, or the state's attorney, but the town doesn't have much control over animals running at large. Based on the pictures provided, he said he sees a major violation of our solid waste ordinance. The town constables can enforce

that. If there are only a small number of animals the agriculture department won't investigate. Doug described animal cruelty situations he has tried to get investigated, with no success. Based on his experiences, he thinks a vet diagnosis will be necessary for anyone to take action on animal cruelty reports.

Eric suggested the board could ask Sharon Duffy to investigate possible solid waste violations. Duncan suggested it would be a good idea to for her to be accompanied by David Jones or someone from the sheriff's department. He said there are several tracks to investigate. No one from the town has real training in what constitutes animal cruelty and he is not sure if anyone from the sheriff's department does. Unless an animal is obviously not being fed or watered it can be hard to prove animal cruelty, but he is not saying it is not worth investigating. Animal cruelty has a specific statutory definition. A solid waste violation is a ticketable offense, but based on past experience he can't guarantee the violator will clean up all the waste. The town spent thousands of dollars trying to get a much smaller mess cleaned up.

Angela said they are starting to see rats because of conditions on the neighbor's property. Howard said that is a health issue. Eric said in that case the health officer can get involved. *(Two members of the Historical Society arrived at 7:50.)*

8. Manager's Report and Action Items

The Municipal Planning Grant application submitted by the Department of Housing and Community Development and the Town of Johnson was successful. *(Angela and Jeremy left at 7:50.)* **Nat moved to authorize Eric to sign the Municipal Planning Grant Agreement and the motion was seconded and passed.**

Duncan's initial research indicated that Pearl St. and School St. were 5 rod roads. Now that is in question again. He found clear documentation that in 1938 the state relinquished title to a section of Route 119. His assumption was that the section relinquished was part of the Burlington to Derby highway, which was laid out as a 5 rod road. But the surveyor working for the village looked at the 1827 Burlington to Derby survey description and found that it did not go where Pearl St. and School St. are but where Route 15 and Stearns St. are. There is no doubt that Pearl St./School St. was part of Route 119 and was a state highway until the state relinquished control. The documentation we have does not specify the width of the road that was relinquished. It is entirely possible that the Burlington to Derby highway was not built as it was laid out. Lea will drive down to Middlesex to look at archived microfilm records that may provide more information. This has ramifications for the School St. project and the quit claims. We may need to decide just to call Pearl St. and School St. 3 rod roads.

Duncan met with Dave Barra to discuss the School St. and Duba Field deeds. Dave Barra's associate Richard Fox, who has a deeper background in real estate, looked at all the deeds. There are 3 separate parcels we will be quit claiming to the school. It should be relatively straightforward. We want to make sure we reserve an easement for our drainage pipe in the school parking lot. The school has indicated they will quit claim their title to Duba Field. There is a deeded right of way across the Perkins property, but the deed calls for an annual payment of \$5 for use of the right of way. Failure to pay would mean the right of way would cease to exist. The attorney's opinion was that if nothing else the school has right of adverse

possession. The access to the field has been used openly and notoriously for well over 15 years. We could go to the predecessor in title and ask if they would quit claim out the portion of the deed requiring payment of \$5 or if we get title to it we could just keep using the right of way as it has been used. The attorney advised against paying the \$5.

Doug said he feels that since the school now owns the parking lot jointly with the town they should give their share over to us. Duncan said he raised that with the attorney, who felt it was not necessary to do that separately, but he will raise it again.

Bay State Elevator's annual price adjustment will increase what we pay them by a few dollars.

Minute taker Donna Griffiths asked for an increase in pay from \$16.75 per hour to \$20 per hour. She mentioned the recent increase in the cleaning woman's pay to \$20 hour and said she feels the work she does requires more skill and responsibility than cleaning. And the requirements of the job have increased since she first started, due to changes in open meeting law. She now has less time to complete the minutes and the board depends on her to post them on the website within the deadline. Eric said he feels the change in the job due to changes in open meeting law provides a compelling case for an increase. **Doug moved and Howard seconded to increase Donna Griffiths' pay rate for minute taking to \$20 per hour, and the motion was passed.**

The Vermont Council on Rural Development has requested a contribution. Rosemary said she thinks the board gave \$50 or \$75 last year. **Howard moved to contribute \$50 to support the Vermont Council on Rural Development, Nat seconded and the motion was passed.**

Duncan prepared a Division of Fire Safety General Construction Permit application for the Holcomb House. We will also need a conveyance permit and an electrical permit. This project is taking up a lot of his time. The contractor we had hoped would provide an estimate decided he could not bid on the job, but Gilles Lehouillier became available again and the committee met with him and awarded him a contract for \$68K. That price did not include a number of items such as concrete work, the handicapped lift, electrical, plumbing, or flooring finishes. Due to state requirements, it looks like we would have to get a lift through a company that installs them, which increases the cost. The lowest price Duncan has gotten so far is \$10,600. Do we want to spend that much on a lift that has to be certified and reinspected every 3 years, or do we want to consider installing a handicapped ramp instead? Howard said he thinks we can manage to fit in a ramp. He will look at the site again tomorrow and come up with something to show the building committee. Duncan said Gilles Lehouillier will need a decision very soon about this. How does the board want it handled? Eric said he thinks the board voted to let the building committee hire someone and proceed with work as long as they don't go over the amount available.

Duncan said there is another decision that has to be made tomorrow, about whether to put in a full footing and frost walls for the covered entryway or modify the entry in a way that does not require all that work. The soil there will not make it possible to use the less expensive

alternative footing solution that had been considered. Gilles thinks the frost walls and slab would add about \$7K to the \$68K he bid. Doug said he thinks the decision should be delegated to the building committee.

Eric asked if anyone has concerns about considering a ramp rather than a lift. No one expressed any concerns. Duncan said we are quickly moving towards the \$98K available for the project. We will have to look for cost savings where we can, but he is not sure where they are. He asked if the board is willing to authorize him or him and Eric to review and approve invoices for payment to Gilles Lehouillier between board meetings so he can be paid more often than once a month. **Eric moved to authorize Duncan to review and approve invoices from Gilles Lehouillier and forward them to Rosemary, with Eric or Howard as co-signer, Doug seconded, and the motion was passed.**

Duncan asked about who will make day-to-day decisions on the Holcomb House project. Eric said Duncan has to be the one to make decisions. He is the only one who is here every day. Eric said typically if Duncan has a decision he doesn't feel comfortable making alone he bounces it off Eric and if Eric doesn't feel comfortable about it he calls a board meeting. He thinks decisions about Holcomb House should be handled that way. Doug and Nat agreed that makes sense. Nat said his only concern is that Duncan has many other responsibilities. Maybe we can come up with another plan for future parts of the project.

A Notice of Intent to Sell has been provided by Katy Win Mobile Home Park. When a mobile home park is sold there must be a notice to the town and the residents so the residents are given the opportunity to buy the park. Rosemary said the state is planning to have a meeting for residents of Katy Win at the municipal building in December.

Duncan said the village trustees have made the very difficult decision to contract most outside line work to Morrisville Water & Light. They have been unable to replace Steve Towne with anyone even remotely qualified. Over the course of the next year they are looking at losing two line workers to retirement and another utility. They will retain their trucks and equipment and keep the remaining line workers qualified and trained for at least the next year. Then they will evaluate the level of service Morrisville is providing. Our line workers only do line work 50% or less of their time. The rest of the time they work on streets, sidewalks, sewer, and water. It is difficult to attract qualified, certified line workers under those circumstances. The village cannot pay the prevailing wage rate for qualified line workers. They make \$8-10/hr less than the prevailing wage with us. Increasing costs for providing electric service are hard to spread over our 900 meters without increasing rates. At some point, when the town is looking to replace its highway foreman, the selectboard might consider whether there is an opportunity for a functional merger of the public works and highway crews into a combined town/village department. He doesn't think the village's decision to contract out Electric Department work has budget ramifications for the town, but it will demand a fair amount of his time and attention.

The 2014 Lamoille County Regional Plan has been adopted. (The 2006 plan was re-adopted.)

A community member has asked us to look into a tall pine tree near Evergreen Cemetery. She is concerned if it falls it will damage some stones. It is not located on the cemetery property. Duncan has not had a chance to deal with it yet. All we can do is ask the land owner's permission to cut it if we look at it and are worried.

Duncan has authorized KAS to have access to Old Mill Park and the other test well sites for testing purposes per ANR request for more information regarding talc mill contaminated soils.

Still on Duncan's to-do list is looking into whether we should seek voter approval for tax exempt status for the two apartments in Holcomb House. We may need a legal opinion from Dave Barra.

The trustees approved the rate increase for office cleaning that the selectboard had approved. They also approved the forms and process for complaints of Open Meeting Law violations.

One of the Holcomb House tenants has moved. She did not find a replacement so we are keeping the deposit. The remaining two are looking for another tenant. Duncan told them we expect the full rent whether or not they find one.

Duncan got a written notice that the health order issues at 56 Plains Drive have been addressed. He thinks he would have heard from the neighbor if the issues had not been addressed.

Ross Environmental water quality monitoring at the Johnson Landfill in October 2014 showed one test well at the landfill that continues to have some contaminant exceedances. The testing of the adjacent Gihon showed no exceedances. The question is whether we will be released from the requirement to continue groundwater monitoring at the site. Duncan's guess is that it will not be easy.

Lea submitted a reimbursement request for the trailhead building grant. It has been approved and we have been reimbursed. In spring we have to do a few final items and then we will get final reimbursement.

The revision of the Structures Grant to include engineering is in process.

Jen Stefanski hasn't gotten back to Duncan about whether she will serve as Green Up Day coordinator again. He will check with her.

Eric asked if we ever heard from the Jewetts. Duncan said no.

Gilles Lehouillier has submitted an invoice for \$1,575.00 for demolition work and another for \$1,387.50 for demolition. This was not part of the original scope of work. **Howard moved and Nat seconded to approve invoices from Gilles Lehouillier in the amounts of \$1,575.00 and \$1,387.50 and to authorize Rosemary to make payment and the motion was passed.**

Duncan said the Hyde Park selectboard is very interested in having Johnson, Wolcott, and Hyde Park all have the same or very similar animal control ordinances. Duncan gave the board copies of a proposed Hyde Park ordinance, which is a revision of the VLCT model ordinance. The VLCT model has been revised fairly significantly since ours was adopted based on it. Duncan has not yet read Hyde Park's ordinance. Kathy asked about the purpose of having the same ordinance in all three towns. Does it make it easier for the sheriff's department to enforce the ordinances? Howard said it also could allow the towns to share an animal control officer. Duncan said he thinks both are reasons. Hyde Park's board is also reviewing this ordinance. This is our chance to weigh in on it.

Howard moved and Kathy seconded to accept Jeanne Engel's resignation from the Conservation Commission with gratitude for her service, and the motion was passed.

9. *Adjourn*

The meeting was adjourned at 9:09.

Minutes submitted by Donna Griffiths