

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

Present:

Selectboard Members: Nat Kinney, Doug Molde, Kyle Nuse (via video), Eric Osgood, Howard Romero

Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Steve Smith, Chris Perkins, Matt Hill, Robert Hill, Linda Hill, Kim Dunkley, David Butler, David Jones

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:00.

2. Additions, Changes to Agenda

Eric reminded the board that when at least one member is participating electronically all votes have to be taken by roll call.

Duncan had an agenda addition he said would probably come up under Steve's report – discussion of a recent diesel fuel leak.

Rosemary swore Doug in.

Eric brought up the sad news that former road foreman Willie Jewett had passed away.

Rosemary said she would send flowers to the family on behalf of the town.

3. Review and Approve Minutes of Meetings Past

Eric said the minutes of February 16 need to be corrected. The motion to approve the liquor licenses should include authorizing the whole board to sign the licenses, not just the chair.

Howard moved and Nat seconded to approve the minutes of February 16, March 3, and March 4, 2015, with the suggested correction to the February 16 minutes. All members voted in favor in a roll call vote and the motion was passed.

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

Rosemary said as of today we are at 75% of budget spent. Income is at 99% of budget. The tentative tax sale date is July 14, but it will probably change.

Howard moved and Doug seconded to approve liquor licenses for the Landmark Tavern and Wicked Wings with the usual accompanying letter. Rosemary said they are asking for the same hours as on the current licenses. **All members voted in favor in a roll call vote and the motion was passed.**

Howard moved and Nat seconded to approve second class liquor licenses for Sterling Market and River Valley Store. All members voted in favor in a roll call vote and the motion was passed.

Rosemary said the state is revamping the statewide voter checklist. She has to go to a 2 ½ day mandatory training on it in May. Same day voter registration may be passed this year. Proposed legislation has come out of one senate committee. The town clerks' association is opposed to it.

5. Road Commissioner/Road Foreman Report and Action Items

Steve said since the last meeting 33 inches of snow have fallen. The highway crew sanded 22 times and plowed 15 times. Sand and salt usage has been a little above average. The crew had to thaw 4 frozen culverts.

Last year the board discussed selling the tractor we no longer use. There is an interested buyer for the tractor and backhoe. The backhoe is being used by a citizen now. We are not charging rent for it. Howard asked if that is policy. Steve said we have let people borrow equipment before without charging rent. The board agreed to ask for bids on the tractor, with a minimum reserve amount of \$6K for the backhoe/tractor package.

The board discussed whether to get an extended warranty for the salt truck to be purchased and whether to trade in the old truck to the dealer or sell it separately. The extended warranty costs \$4800. The dealer has offered \$35K for the trade-in. Howard asked what the \$4800 extended warranty provides beyond the standard warranty. Steve said the standard warranty is a 1-year bumper-to-bumper warranty, with some components covered for longer than 1 year. The extended warranty extends that for another 6 years. Howard said he feels an extended warranty on his personal vehicle has been worth the money and he would urge the board to get the extended warranty. Eric said he just wishes we were consistent about extended warranties. Doug reminded the board about Nat's suggestion that we self insure. Instead of buying an extended warranty, we could set aside \$4800 each time we bought a truck and then we would have the money and would not spend it unless there was a need. Howard asked if he is proposing that we put a new line item in the budget for a self insurance reserve fund. Eric said it would be a maintenance line item. Any money not spent would be cash on hand at the end of the year that we could apply to the budget. Eric said we could potentially spent \$80-100K on extended warranties for the whole fleet. With this big a fleet, even if one truck required significant repairs, we would probably still be ahead of the game if we self insured. Doug said he thinks the time to start making plans to self insure is budget time next year, not now. Steve advised the board to take the trade in offered for our old truck.

Doug moved and Howard seconded to accept the offered price for a new truck and the offered price for trade in of our old truck, and to buy an extended warranty. All members voted in favor in a roll call vote and the motion was passed.

Steve said Jason's 6-month probation is up 2 weeks from today. Steve just found out that Jason has been paid \$19 per hour from the day he was hired, not \$18 as the board had discussed. Eric asked how that could have happened. Rosemary said she would have to look at the offer of employment. Steve said Jason is doing the same work the others are doing and the others get \$20 per hour. Eric said Steve will have to fill out an evaluation on Jason. Jason's compensation can be an item on next month's agenda.

Steve said one of our tandems had a fuel leak yesterday on Tree Farm Road. The fire department, the state hazmat response team, the sheriff's department, Steve, and Duncan were all called. The spill was due to a broken gas line. The fire department's assessment was that less

than one gallon of fuel was spilled. Two gallons is the minimum threshold for reporting a spill and 5 gallons is the minimum threshold requiring remediation. Daryl West reported as duty officer for the fire department. Daryl called the state hazmat officer and explained the situation and felt that would be end of the state's response. Ron Bushnell thinks the amount spilled was a lot more than Daryl's estimate.

Howard asked if the town tried to clean up the gas. Steve said no; it wasn't recommended by the state to do that. He and Duncan discussed it and decided no more cleanup was needed. Some sand was put on it. Duncan said Steve plans to order spill kits including absorbent materials to put in the trucks.

Steve said we use off-road fuel, which is legal for vehicles operated exclusively by a town or village.

Steve said he is planning to retire this summer.

Duncan said he would recommend posting the roads for mud season. **Howard moved and Nat seconded to post roads starting immediately, ending at the date specified in statute, giving the road foreman and road commissioner flexibility to grant special permission on a case-by-case basis. All members voted in favor in a roll call vote and the motion was passed.**
(Steve and Chris left at 7:42.)

6. ***Planning Commission Report***

The Planning Commission recommends appointing Phil Wilson. **Howard moved and Doug seconded to appoint Phil Wilson to the Planning Commission. All members voted in favor in a roll call vote and the motion was passed.**

David Butler, the new Planning Commission chair, said the form based code steering committee has some things on paper ready to be presented at the public forum on March 25. Hopefully the committee will get enough public input to move forward. (David Jones arrived at 7:45.)

David Butler said the Planning Commission spent a long time talking with Seth Jensen about flood resiliency for the town and village plans. There is some language in the plans now that he doesn't like regarding recommendations for rebuilding in certain flood zones. At the next meeting the Planning Commission will go over that language more. The way it reads now any rebuilding within the 500 year flood plain would have to be to the FEMA standard, which increases costs a lot. Kim Dunkley said it is not just the flood plain, but the river corridor too, which includes most of the village. She feels it is just a recommendation, not a requirement, and following the recommendations would save money over time. Duncan said we have to maintain the minimum requirements so people can get flood insurance.

Nat asked about the potential cost to defend form based code in court. What have other towns spent? David Butler said it hasn't been tested much in Vermont. We don't issue many building permits in a year so he doesn't think it will cost the town anything. Permits can be dealt with in 5 minutes. As far as defense of the code, he doesn't know. Nat said other towns have settled out of court. It seems like there is data we can draw from that. Kim said she thinks the Planning Commission could ask Paul Dreher to get information on that. David said he thinks the Planning Commission or another body could form a volunteer development review board which would

keep form based code inexpensive until someone brings a lawsuit. Kyle said this came up a lot at the last steering committee meeting. Paul Dreher said in his experience in Newport (where they issue about 100 permits a year compared to about 6 for Johnson) he has never had to go to court. Everything has been settled out of court. Form based code is very black and white and takes little administrative time. Paul was very optimistic about the financial piece.

David said he understands there are more gray areas in conventional zoning. He said he recommended that the steering committee change the wording of one of the facts they will present. He asked them to say that form based code will be limited to the village *for now*, instead of just saying it will be limited to the village. The town put up the money for the committee's work and he doesn't want it construed that we will be stopping with the village only. *(Kim Dunkley and David Butler left at 7:56.)*

7. Manager's Report and Action Items

Duncan has submitted potential claims to VCLT PACIF from Travis Hill and his tenant Michelle Tallman. Travis Hill claims the town is at fault with regard to his frozen water pipes because the town plowed off a portion of Legion Field over his water line. He is requesting reimbursement of bills related to the frozen pipes. Initial feedback from PACIF is that there is likely to be no coverage under our policy. Michelle Tallman has requested reimbursement for lost revenue from having to close her daycare due to the frozen pipes.

Duncan could find no easement for Travis's water and sewer lines across Legion Field. He suspects the entire area, including Legion Field, was owned by the college at the time the water and sewer lines were put in, so no easement was necessary at that time. But when the college conveyed the property they should have granted an easement. Duncan strongly recommends drafting up easement language and having an attorney review it. He suggests we might do it for Travis at no cost. An easement would allow Travis to maintain, repair, and replace his water and sewer lines.

Eric said Travis emailed today asking the board to address this issue again next month as he couldn't be here tonight. Our insurance company was not optimistic they would cover Travis's claim. Eric recommended he go to his own insurance company.

Doug said we will have to address the question of whether we can plow off the whole field without interfering with the easement. He would like to pass this question on to our attorney. Duncan said this year's depth of frost seems to be exceptional. Matt and Robert Hill said they felt that the lack of snow cover due to plowing and the people driving over the line led to the pipes freezing. Duncan said the line has always been driven across. The Hills disagreed. Eric said by the next meeting we should have heard back from the insurance company.

Duncan said he can work with Travis on an easement, starting with standard easement language for water and sewer lines. He will recommend that both parties have their attorneys review the language eventually. *(The Hills left at 8:13.)*

David Jones has issued 3 tickets for violations of our Solid Waste Ordinance to James Armstrong. Mr. Armstrong wants the selectboard to reduce or void some of the tickets. Duncan explained to him that that is not within the selectboard's power but he can appeal to the Municipal Ordinance Bureau. Neighbors have a right of way across the Armstrong property and

are concerned that placement of an old mobile home and an unregistered vehicle are limiting their use of the right of way to access their property. No width is specified for the right of way. Eric asked, the right of way issue is between the two private parties and we have no jurisdiction, correct? Duncan said that is correct. (*David Jones left at 8:22.*)

Howard moved and Kyle seconded to adopt the Local Hazard Mitigation Plan Annex. All members voted in favor in a roll call vote and the motion was passed.

Paul Daigle is offering to replace some damaged windows in the Mill House office building at no charge if the town/village buys the materials. The trustees had some concerns about allowing someone who is not a contractor to do the work for fear he might get hurt and we would be liable. They wanted to get pricing for window replacement from Parker and Stearns.

Nat said he would like to step back and see what the whole building needs, not just the Food Shelf. We should do what makes sense for the integrity of the building. Duncan said replacement windows don't give a big bang for the buck thermally compared to things like insulation.

Duncan said it had just occurred to him that the volunteer insurance policy the board recently discussed could possibly cover Mr. Daigle. The board agreed that Duncan should check on that and then the issue can be revisited at a future meeting.

A dog was recently picked up and impounded, then turned over for adoption. When the dog was picked up, David Jones did not post the required notice of impoundment for two days, which lengthened the amount of time we had to hold onto the dog.

We have received an Agreement for Planning Services with LCPC. Duncan has asked Lea to review the contract but hasn't had a chance to send it to her yet. **Howard moved and Nat seconded to authorize Duncan or Eric to sign the Agreement for Planning Services with LCPC once it has been reviewed. In a roll call vote, all board members voted in favor, except Doug, who was opposed. The motion was passed.**

We have received an Act 250 notice for a 30-seat Subway at the former Piezano's property. Duncan asked if the board wanted to look at the plans and determine whether the town wants to participate. Howard reviewed the plans and said they looked good.

Doug moved and Howard seconded to sign the Agreement for Fire Services between Village of Johnson and Town of Johnson. All members voted in favor in a roll call vote and the motion was passed.

Numerous residents of Upper French Hill Rd. sent a letter requesting that the name of the road be changed to French Hill Rd. It is possible that an adjoining town may have a French Hill Rd., which would prevent us from using the name. Duncan will have to look into it. Changing a road name is not a decision to take lightly, because it would require everyone living on the road to change their address.

Duncan said if the board wants to continue to use Legion Field for ice skating then we should allow Travis Hill to excavate and insulate his pipes or tap into a different water line. Howard suggested we could put the ice rink over the water line and the parking somewhere else.

Casey Romero is asking if the town can pay the postage for thank you letters for a SK8 Park fundraiser. She thought the cost might be as much as \$600 but Duncan thinks it will be less. We have a postage machine and envelope stuffer so could probably do this quite easily. The board agreed we can assist.

Duncan and a River Conservancy representative gave a short presentation this morning on the grant application. The River Conservancy is hoping the grant applied for could cover 50% of the purchase price.

Duncan has not done anything further on Vermont Alert. He also hasn't had time to do anything on the Journey's End agreement between the Town of Johnson and Glenn and Renate Callahan. He would like to talk to the Conservation Commission and see if there is any way to route the trail on the property we have title to.

Duncan has submitted all the backup documentation to DPS/FEMA for our appeal on the Coddling Hollow culvert. There is no news on the appeal, but we have been issued a Stream Alteration Permit based on the Ruggiano design.

Holcomb House invoices to date total \$48,839. One issue is that there was a water leak in the roof area. Dean was going to talk with Gilles and see if his contractor's liability would cover it. The roof had been rebuilt to change the pitch but hadn't been roofed yet and there was an ice dam. An amended permit for the project has been issued. The Capstone Weatherization people came and found vermiculite insulation in the attic. A small portion of vermiculite from one mine contained asbestos so all vermiculite is treated as if it contains asbestos and is considered a hazardous substance. Capstone cannot do any of the insulation work they otherwise would have done for free while the vermiculite is present. We can wait until there is funding available to properly remove it, after which they could come in. But we are at the end of a long line and those funds have not been very accessible in the past couple of years. We can check for other possible sources of grant funds to remove the vermiculite. Or we can leave it in place and contract with a standard insulation contractor to do the work Capstone Weatherization would have done for nothing. Removal and disposal of the vermiculite could cost \$8-10K.

The state is instituting legal action to enforce an N.O.V. for 620 Lower Main West. The property owner has been required to pump the tank as needed and to reconnect the pipe back to the leachfield. The enforcement office has been checking regularly.

8. Adjourn

The meeting was adjourned at 8:59.

Minutes submitted by Donna Griffiths