

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MAY 16, 2016

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Duncan Hastings (Administrator), Rosemary Audibert (Clerk), Brian Krause, Lois Frey, Chris Perkins, Kim Marble, Sam Carlson

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

Duncan added action on the Conservation Commission's recommendation to award the contract for a natural resources inventory, the VTrans request for final comments on the twin bridges project, and the Conservation Commission's recommendation for animal control ordinance amendments. Eric added planning for a work session meeting next week.

3. Review and Approve Minutes of Meetings Past

Mike Dunham said at the April 13 meeting he read part of the April 5 trustee board minutes verbatim and he would like that passage to appear verbatim in the minutes instead of just being summarized. Duncan had sent out suggested edits to the April 20 minutes. **By consent, the minutes of April 7, April 13, April 18, April 20, and April 26, 2016 were approved with the suggested changes.**

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

Rosemary said to date we have spent 80% of budget. Revenues collected are 95% of budget. We have received all our state highway money and all of our PILOT money. Eric noted that we got \$306K and budgeted for \$260K. Mark Woodward told him that for next year the legislature increased the amount by 10%.

Rosemary said the last installment of taxes was due May 10. The percentage uncollected to date is 4.61%. We will do an accelerated timeline like last year for the tax sale. '

We have received an outside consumption application for Wicked Wings. They have had an outside consumption permit previously and they are asking for the same conditions. **Nat moved to approve an outside consumption permit for Wicked Wings with the usual letter to be sent, Mike seconded and the motion was passed.**

Rosemary asked if the board wants to abate the last two installments of taxes for the Beard property acquired by the town or pay ourselves. Nat moved and Mike seconded to abate the last two tax installments for the Beard property acquired by the town. Eric asked, that action doesn't have to be taken by the board of abatement? Duncan said he thinks it does. Rosemary said the board of abatement will have to have a meeting before long. Nat and Mike withdrew their motion.

Rosemary said the 20/20 land records management program contract needs to be renewed. It is renewed every 5 years. The renewal contract price is \$350 per month, which will include all hardware and software. Currently we are paying \$300, which doesn't include hardware.

Doug asked what the program is. Rosemary said it is for recording land records. We are working towards getting enough information into the system so people can search the records on the internet. We are trying to get 40 years before we go live. We are at about 20 now.

Mike asked if we have a plan to digitize all our land records. Rosemary said we will keep going back further and further. We have been digitizing about 5 years worth of records per year. Doug said the reason for digitizing 40 years' worth of records is that that is how far back an attorney needs to look when doing a title search. Mike said he thinks we should look into digitizing all the way back.

Mike moved to authorize Rosemary to sign the contract renewal for the 20/20 land records management program, Kyle seconded and the motion was passed.

Duncan said he understands the concept of waiting to roll out the online records to the public until we have 40 full years, but is there a disadvantage to putting out what we already have? Rosemary said probably not. Doug said he thinks it would be useful to make the records available even if there are not 40 years' worth. There are many things other than a full title search for which fewer years' worth of records are helpful.

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

Brian said he and his crew demoed a few loaders and got prices on them. They all agreed they would prefer a John Deere, even though it costs more than the Case they looked at. The John Deere has handles and a platform that make climbing in and out safer. We have a local John Deere mechanic. The resale value of a John Deere is higher, which makes up for the upfront cost difference. And it is made in America with all domestic steel. We currently have a John Deere.

Duncan said he would like to move to the discussion about the gravel pit before the board makes any decision about a loader, because he thinks it has a bearing. There are some questions about Act 250 jurisdiction over the gravel pit. We are out of compliance with MSHA. Brian estimates there may be another 15 to 20 yards of gravel in the pit that is usable without going to extraordinary efforts. The gravel pit has more visibility now due to rail trail activity. Duncan talked to Ron Rodjenski, who does MSHA compliance work for Hyde Park. Ron's opinion is that the cost of coming into compliance with MSHA is probably not worth it if the pit has 2-3 years of life left. Ron would be happy to help us with MSHA compliance. We would have to pay him. We would have to go through a voluntary compliance program to get an MSHA certificate, which means accepting their report and doing everything the inspectors ask in order to come into compliance. Duncan doesn't see the value in putting in the money necessary to come into compliance for the amount of gravel that is left. If the board wants to go that route, he would suggest holding onto the John Deere loader we have now for a couple of years. After that, if we are not operating a gravel pit he thinks we could buy a smaller loader.

Eric said we were talking about doing test holes. Has that been done? Duncan said no. Personally he doesn't believe it is worth it. In his opinion we ought to have at least 25 years' worth of gravel to make the investment. That site would not be easy to develop for additional gravel resources. The permitting process would be expensive. If we really want to have a gravel pit he believes there may be other locations that would be cheaper and easier to develop.

Eric asked if expanding the gravel pit would drive an Act 250 hearing. Duncan said yes.

Eric asked if we are familiar with any other gravel pits in Johnson. Duncan said he doesn't know. Eric asked how much Nadeau has left. Duncan and Brian both said they think there is a fair amount left there.

Chris asked, isn't the pit grandfathered from Act 250? Duncan said he does not believe so. Steve Smith had always told him the pit was permitted and the permit had a condition saying we would have to submit a closure plan. He contacted Act 250 and they have no record of us applying for a permit or a permit being granted. Eric said Ed Stanak told us when we first acquired the pit that we would need a permit because he did not see evidence that an existing gravel pit was there, though it had been used previously. Eric had the impression that at some point the state relented and agreed that the site looked like an existing gravel pit. Doug suggested the board could ask the previous owner of the land, who is a client of his, for permission for him to look up relevant information in his files. Duncan said he is quite sure he has correspondence in his files that makes it clear the previous owner sold the property without any permits and that it would be the town's obligation to get any required permits.

Mike moved to ask the previous owner of the gravel pit property to authorize Doug to look in his files for information related to the permit status of the gravel pit, Nat seconded and the motion was passed with Doug recusing himself.

Doug asked what cost shifts would be seen if we bought gravel rather than operating a pit. How much more would we pay for gravel? Is there a savings on employee time? What would be the effect on our budget next year if we started buying all our gravel? Duncan said he can try to work some numbers up with Brian.

Duncan said he would say there is some gravel in the pit that would be relatively easy to get out now. One possibility would be to set up a screen in a different location and transport the raw gravel offsite for processing and stockpile it. He thinks that passes the test for Act 250 and MSHA involvement.

Mike asked if the current loader is in good shape. Brian said it is not bad. It is 12 years old. If we keep it a few more years we are rolling the dice. It may break down and need major repairs. But it has been well taken care of.

Mike suggested tabling action on the loader. Eric said he thinks this is a discussion for the work session. We need to look at a cost comparison. He thinks the gravel pit discussion may determine what we decide about the loader.

Nat said it sounds like Brian agrees we would get a smaller loader if we were not operating the pit. Chris said he does not agree. Brian said he thinks we could get by with one that was the next step smaller. Mike said we might be able to save time with a bigger loader. We have to think about that, too. Eric said it would be good to have the cost of a slightly smaller loader for the next meeting. Brian said we will definitely need the bigger size if we keep the pit.

It was agreed to schedule a work session meeting for Monday, May 23 at 7:00.

Duncan said he recommends removing at least part of the guard rails just before the covered bridge by the Beard parcel so the space can be used for parking. We might be able to put in big stones instead of the guard rails. Brian thinks we can do the work with our own forces. That would help Bob Sweetser's concern. **Nat moved to authorize removal of guard rails by the Beard parcel to provide parking space, Kyle seconded and the motion was passed.**

Doug said sometimes at public swimming holes there is sign saying there is no lifeguard on duty. Duncan said we probably should look into our insurer's recommendations about signing. We also need to put up a sign identifying the spot as the Beard Family Recreation Area. And the family had requested a bronze plaque. Lois said she contacted the River Conservancy to see where they got the plaque for Journey's End and she contacted the company but they haven't gotten back to her yet.

Duncan said the property owners on Coddling Hollow have agreed in concept to the idea of accepting work on Basin Road in lieu of cash. They would like to have something in writing from the town as part of that agreement. Duncan would like authorization to put together a written side agreement that would be referenced in the easement agreement defining what work the town would do. He would like to propose a small bridge as an alternative to a 5-ft. culvert on Basin Rd. The stream alterations engineer has agreed to that. (*Kim Marble arrived at 7:44.*) Duncan thinks that would be cheaper than a 5-ft. diameter culvert and a better long term alternative.

Mike asked about the cost of the small bridge. Brian said it would be roughly \$4500, not counting our labor and equipment. Nat asked how often it would have to be replanked. Duncan said he would suggest we use rough sawn hemlock and treat it before it is put down. He guesses it would be good for 10-15 years. Eric asked how often we've replanked the bridge on Reservoir Road. Chris said he doesn't think it has been replanked since he has been here.

Doug asked if some of the money is coming out of the Class IV budget. Duncan said we budget \$5K annually for Class IV roads. He suggests taking \$5K out of the Class IV budget and the balance of the cost would be assigned to the two easements (50% to each.)

Mike asked about the cost of a culvert. Brian said a 5-ft. culvert would cost \$1700 and we would need two. Mike said a culvert doesn't need repeated maintenance. He would rather

spend a little more for that. The long term cost may be more with a bridge. **Mike moved to put a culvert in on Basin Road.** Kyle asked why Duncan thinks a bridge would be better than a culvert. Duncan said we can't use a 20-foot culvert there. We would need to put in a 40-foot one. That is a considerably bigger project. A bridge would give a bigger total opening for floods and would provide a natural stream bottom. **The motion was not seconded and died.** Mike said there will be trouble if someone's foot breaks through a rotten plank on the bridge. (*Chris left at 7:51.*) Doug said just upstream from the culvert there is a huge beaver dam. He believes there is a series of dams. A bigger opening is good in case a dam breaks. Nat said a natural stream bottom is good.

Nat moved to build a bridge on Basin Road as proposed, to compensate landowners for easements for the Coddling Hollow project as proposed, to authorize Duncan to draw up easement and side agreements with property owners and to authorize Eric to sign the documents, Doug seconded and the motion was passed with Mike opposed.

Duncan said in last year's paving plan, for work to be done in this year's budget, we included paving Plot Road as well as School Street and College Hill. He and Brian looked at Plot Road with 3 paving contractors. They all feel it would be pretty much a waste of money to put shim and patch on significant portions of that road. We would be better off to apply the paving money to roads that get more traffic and are more important. Duncan's and Brian's recommendation would be not to pave Plot Road at all, just patch it and include it in a Class II paving grant application in a future year. Their priority would be to put a shim and overlay on Hogback Road. Their next priority would be to pave Clay Hill from School Street as far as the JSC entrance. That would provide additional positive pitch and would preserve that road, which we have put a lot of money into as part of a Class II paving grant. That would pretty much use up the money we have. He has asked Pike to give us an additional quote for paving Clay Hill and two other paving contractors are going to give us quotes for treatment with a rubberized product. We may have quotes by the work session on Monday. If not, Duncan would like authorization for him and Brian to execute a paving contract. The board agreed to wait until Monday.

On June 25 the fire department is going to burn the yellow house owned by the school on School Street. They have requested a road closure. The fire department and school have applied for the air quality permits and burn permits needed. Arjay assured Duncan the property has been evaluated for asbestos removal and other issues needed to obtain air quality permits. All nearby property owners have been contacted. The burn will be going on from about 7:00 am to 3:00 pm. (*Sam Carlson arrived at 8:04.*)

Mike moved to authorize a road closure on School Street for the fire department's planned burn on June 25, Nat seconded and the motion was passed with Doug recusing himself.

6. ***Animal Nuisance/Small Farming in Village – Kim Marble***

Duncan said in the past LCSD had declined to enforce our noise ordinance as related to Kim Marble's neighbor. Now Roger Marcoux has indicated he would enforce the ordinance if it meets all the elements of enforceability. Kim read the applicable part of the ordinance aloud: *The keeping of any other dog, cat or other animal which shall become a nuisance to another*

person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping or screaming. (Brian left at 8:06.) Previously LCSD had declined to enforce the ordinance because it primarily addresses cat and dog noises and not farm animals, but the ordinance does say “other animal.” Nat said in an email Roger Marcoux said patrol will contact the owner and explain the ordinance. Kim said the number of animals her neighbor keeps has been growing. There are pigs, goats, guinea hens, and chickens, including a rooster. They put up a 6-ft. fence so there are no animals on her lawn but the noise is still there. She is all for people having backyard chickens, but this is way overboard. The bells on the goats are loud.

Nat asked if the neighbors own or rent. Kim said they own. They own .2 of an acre.

Nat said his understanding is that our noise ordinance does not affect accepted agricultural practices. Eric agreed that is the board’s understanding. Duncan asked if Kim contacted the Agency of Agriculture. Kim said she did because the urine and manure from the goat pen is going into a stream. Sandy contacted the same person at the Agency of Agriculture to inquire about what is being done. She hasn’t heard back.

Eric asked, so we don’t know if what the neighbor is doing would be considered accepted agricultural practice? Kim said Scott Meyer had mentioned that animals carrying diseases could possibly be a health concern. Eric said that is beyond the selectboard’s authority. If it is deemed an accepted agricultural practice he is not sure what authority the town has. The state trumps town ordinance. But we don’t know if it is accepted agricultural practice. Duncan asked, the Agency of Agriculture was going to send an inspector? Kim said yes – Wendy Anderson, enforcement manager. Sandy said he sent an email to her. She said the trustees are looking into ordinances other towns have.

Nat said the selectboard can’t make an ordinance about farming that applies only to the village. That doesn’t make sense. He thinks the noise ordinance is our best crack at dealing with the situation.

Kim said she would just like the neighbor to get rid of the bells and the rooster. Nat asked if she has asked the neighbor to remove the bells. Kim said a few years ago she found the neighbor was not pleasant to talk to so she hasn’t talked to her recently.

Lois asked if there is a brook running through the yard. Kim said yes. Lois said she is pretty sure accepted agricultural practice would not include animals in the water.

Nat said he can follow up with Roger Marcoux in a couple of weeks. Duncan said he will give Roger Kim’s name. In order to enforce the noise ordinance an officer will have to be there and witness persistent noise. They can’t take someone else’s word. Doug asked if we can call the state and ask about accepted agricultural practices. Duncan said we can but Sandy may be doing it.

Mike said it appears from the trustee minutes that they were going to look into ordinances. He would let them make their own ordinances to take care of this village issue. Kim said the

trustees said they can't use the town noise ordinance. Duncan said a village ordinance could be specific to keeping of livestock.

Mike said he appreciates Kim's good nature, restraint and self control. *(Kim left at 8:18.)*

7. Green Lantern Group Solar Project

Sam Carlson, director of project development for Green Lantern Group, introduced himself. Green Lantern is a solar development company. They do commercial scale net metering projects between 1 and 4 acres, 150 to 500 kW. Green Lantern is arguably the leader in that field of commercial net metering. They had the most permits issued by the Public Service Board the last 2 years running. They have about 39 solar projects in the state. Most of their customers who purchase net metering credits are towns, hospitals, colleges, etc. – public entities that can't take advantage of the tax credits available for solar projects. Green Lantern can take advantage of the tax credits and the entities they work with get electricity savings. They have been around for 5 years now and have been bigger each year. This is a big year for solar projects. Rates will go down in 2017 so people are trying to do projects this year.

They have a proposal for a 150 kW solar array on Jay and Katie Orost's land on Gould Hill. They have sent in an application to the Public Service Board. Duncan said he thinks they are third in line for 150 kW projects. Sam said net metering statues say utilities have to accept net metering up to 15% of load. There are 2 solar companies ahead of them. At the village trustees' meeting Sandy said a landowner who was supposed to lease land for an array had decided not to go through with it, but Sandy doesn't have a formal withdrawal from the solar company. SunCommon submitted an application last week so they are ahead in the queue. But the way net metering capacity is allocated is based on who has a Certificate of Public Good. If Green Lantern gets a CPG before SunCommon they will become #2. The PSB doesn't deal with projects based on when they are submitted. Green Lantern doesn't know yet if they will have a permit and if Johnson will have the net metering capacity for the proposed project. Their policy is always to engage selectboards and trustees when submitting an application.

Green Lantern is proposing to put the solar array on a slope that drops down behind a berm on the Orosts' property. The total height of the array would be 8.5 feet. It should not be visible to people driving by on Gould Hill. There would be an underground connection from the array to the road.

Duncan asked where the last point of the 3-phase service is and how much would have to be constructed. Sam said this would be single phase. A 150 kW array can go in on single phase if it is the right kind of single phase. Johnson Water & Light would have to put in almost half a mile of higher capacity line. Five new 40-ft. poles would be needed to handle the power. Duncan asked if the cost for that is factored into the overall proposal price. Sam said yes and no. He will come back to that.

Doug said he is wondering why the Orosts would volunteer to have this on their property. Sam they would lease their land. Green Lantern will make them an annual payment. There will be a 20-year lease with three 5-year options to extend. Maybe it will help the Orosts pay

their taxes. Most of the landowners they work with are dairy farmers. The lease payments are more than what farmers can earn from hay or corn.

Doug asked who pays the taxes on the array. Sam said Green Lantern. A solar facility is taxed separately from the land it is on. There is a formula set by the state tax department that the listers would use to determine the tax. Then there is a tax on the land. Green Lantern would pay the solar facility tax.

Sam said permitting typically takes 8-10 weeks. They are hoping to have a CPG in 8-10 weeks.

Sam said Johnson Water & Light will not pay them for electricity generated; it will go into the grid. Johnson Water & Light issues net metering credits which are valued in kW. Green Lantern doesn't need the credits. They have to monetize them by selling them to an entity in Johnson Water & Light's service area. The four most likely customers are the school, the village, the town, and JSC. If the town decides to work with Green Lantern, Green Lantern would offer guaranteed savings of 15% on what the town is spending on electricity at no upfront cost. The town and Green Lantern would sign an agreement for 20 years to save 15% on electricity. The savings will be locked as a fixed percentage of the value of the net metering credit, which goes up and down based on the electricity rate. The town will get a guaranteed 15% differential between the value of the net metering credit and what the town is paying for electricity. A net metering credit is worth 19 cents per kW. Green Lantern would sell it to the town for 17.1 cents. The town would use the credit to pay down its electricity bill.

Duncan said the credits are based on the physical output of the solar array. If it is a good year we can get a lot of credits. Another year we might not get as many. Savings are probably also tied into basic kWh usage. Does it affect our savings if we increase our kW usage?

Sam said he doesn't know the town's exact electric expenditure. Lea gave him a figure of \$125K for the town and village combined and the village told him the town's portion is about \$25-30K. If the town pays \$27K a year then a 15% discount would save \$4K a year. There is no upfront cost. There is nothing to lose except that there is a risk that in the future there may be a product that would allow even more savings. If the town wanted to go forward Green Lantern would sit down and look at the annual electricity expenditure and divide by 19 cents and determine how many kWh would be needed to zero out the Johnson Water & Light bill. Some towns want to zero out their bill and some want to just reduce it so they might just buy 80% of what they need.

Doug asked, aren't we just signing up for the credits rather than buying them? Sam said the town and Green Lantern would sign a contract saying the town would buy a certain number of kWh of credits from Green Lantern. The town would pay Green Lantern for those credits. Duncan said in essence it would be a miniature purchased power contract.

Duncan asked who gets the electric bills. Sam said the town still does. There are some parts of the bill that net metering credits don't offset. For most towns, the easiest thing is to set up

an automatic monthly payment. Green Lantern guarantees the town a certain number of net metering credits per year. At the end of the year they see how many we got and what we paid. If it is bad year we might not actually receive as many as we paid for and in that case they reimburse the town. For the 20 years of the agreement the town would always be dealing with Green Lantern. Outside investors might buy shares in the project but Green Lantern will always own it.

Doug asked how Green Lantern sells part of the operating entity. Sam said they set up an LLC and they sell interest in that LLC. Doug asked if they have a standard members' operating agreement. Sam said yes. Doug asked if PSB audits them or anything like that. Sam said PSB knows Green Lantern's track record. They know the way solar gets financed is that there is a developer that mobilizes additional financing, which typically comes for a 7 year period in order to take advantage of the federal tax credit. If this array cost \$600K, 30% of that cost would come back to the investor as a tax credit. There are tax equity funds and other sustainable infrastructure funds set up to provide financing to companies like Green Lantern. They do it for the tax credit. After 7 years they exit and Green Lantern owns and operates the project. The federal tax credit is the primary driver of solar projects across the US.

Doug asked if Green Lantern can sell the credits to non profits. Sam said they could. But investors want to know if those signing up to buy credits are creditworthy. They may not be comfortable with non profits. They like a solid financial basis – towns, schools, etc.

Nat asked what the timeline is. Sam said they hope to get a permit in the next 8-10 weeks. If they get it when there is still capacity, they would move very quickly to build in fall.

Duncan said there was an RFP put out but Green Lantern was not part of it. This proposal is not from the RFP. There was only one proposal from the RFP that is ground-based. It is a combination of roof and ground. Duncan is not sure if that one will survive or not. In terms of the RFP, there may not be a lot out there that makes sense. If this project gets a CPG and there is existing capacity, this may be a better opportunity for the town.

Duncan asked where the village ended up. Sam said they are actively considering Green Lantern's proposal. They asked Sam to send them a draft agreement and he did so. Duncan said he would like to see one as well. He said it is a little complicated because the town and village co-own a number of properties and we would have to determine what proportion of each meter was town or village. (*Sam left at 8:56.*)

8. Recreation Committee Report

Nat said the work on the basketball courts at JES is underway. The final surface still needs to be put on. Brian will help with putting in fall protection.

Nat said there is a Johnson resident who has started a business called Lamoille Valley Bicycle Tours. He plans to rent electric bicycles, renting from different places on different days in Morrisville, Johnson and Cambridge. He plans to be in Johnson a couple of days a week. He was asking for a space near the rail trail trailhead where he could park a trailer and rent bikes out of it. VAST was uncertain about the legality of using electric bikes

on the rail trail, but the business owner insists they qualify as bicycles under state and federal guidelines and says he has already been in contact with VAST about them. Eric said the person he spoke to at VAST was clear that VAST can't authorize their use on the rail trail or not. The state has rules about what is or isn't a motorized vehicle. Nat said he will relay that to the business owner.

The selectboard needs to decide whether the business owner can use a piece of Old Mill Park to rent out bikes. Nat said he thinks this is an awesome thing. The bikes go under 20 miles per hour.

Kyle asked if they can be taken off the rail trail. Could someone rent one and come into the village or go to Journey's End? Nat said the business is going to package rentals as a tour. But people will be able to ride other places besides the rail trail. The business owner was going to approach the trustees about using a village location also.

Lois asked if people using the bikes have to have a license. Duncan and Nat said no. Duncan said they are viewed as motor assisted rather than motorized. He thinks VTrans sees them as similar to an electric wheelchair. He got information from LCPC about who the business owner should contact for a final determination.

Duncan said the business owner has not submitted a facility use permit application yet. Nat said he says he has insurance. Duncan said if the application is submitted before Monday perhaps the board could review it at the work session meeting, or the board could authorize Duncan to issue a permit.

Doug asked what type of analogy we have to this type of use of our municipal property. Duncan said there is probably no similar analogy. Most facility use requests are for a single use. An analogy on the village side is the recurring farmer's market that was on the village green. He doesn't know that we have required facility use permits for vendors at Tuesday Night Live. Doug asked, will we need to have space for the next applicant? Eric said this may force us to think about what our policy should be. Maybe it is not fair if we deal with requests like this on a case by case basis. Doug said he could see others saying if one business is there, why shouldn't they be? Eric said especially if the rail trail becomes widely used, other vendors might want to cash in. He suggested maybe the board could do an interim approval for this year with the idea that we may develop a policy.

Nat said there will be a fun run on Memorial Day.

9. *Recommendation of Conservation Commission for Award of Contract*

Duncan said the Conservation Committee recommends awarding the contract for the natural resources inventory to Arrowwood Environmental. They were not the low bidder, but all the bids were close. The committee has good arguments for selecting the Arrowwood proposal. Duncan doesn't believe the RFP said the low bidder would be awarded the contract. Lois said she doesn't think it did.

Eric asked how much the grant for the natural resources inventory is. Lois said she believes it is \$15K. There is money available to cover the additional cost beyond that.

Doug moved to award the contract for the natural resources inventory to Arrowwood Environmental for \$16,961, seconded by Kyle.

Duncan said this grant in the past would have been administered by Lea. Since she is not here, he would encourage the board to have LCPC administer it.

The motion was passed.

Doug moved to request that LCPC administer the grant for the natural resources inventory, seconded by Kyle. Duncan said as an alternative the board could check with Ron Rodjenski to see if he wants to administer it. The grant will still be going when the new town administrator comes in and the new person could administer it at that point. Doug said he thinks if LCPC starts administering it we should have them follow through. Nat asked how much LCPC would charge us. Duncan said he can get a proposal. They do a certain amount of work for no fee. **The motion was passed.**

10. Administrator Report, Action Items and Signature Required Items

We got a letter from VTrans. They have developed the final plans for the twin bridges project and are looking for final comments by June 22.

The Conservation Commission put together a draft of revisions to the animal control ordinance. Duncan thinks the proposed changes are good but all the LCSD patrol towns are trying to have a uniform animal control ordinance. The Conservation Commission's changes are based on the old template, not the new shared one. His suggestion would be to wait and try to incorporate the changes into the new template. And hopefully Hyde Park, Johnson and Wolcott will all have basically the same ordinance. Right now our ordinance says a dog must be under direct control or leashed if it is off its owner's property. The Conservation Committee's recommendation is that there are certain places where we should require that dogs be leashed, such as the rail trail or Journey's End. Except for those places, we could continue to say dogs must be under control or on a leash.

Eric asked if Ron Rodjenski agreed to come on board. Duncan said yes. He is working on drafting the Hyde Park animal control ordinance based on VLCT's model. He suggests that we have Ron work on our animal control ordinance for us. The board has to approve the new ordinance, then there is a 45-day period within which someone may petition for repeal of it, then 60 days later it goes into effect. Wolcott has already presented a draft based on the VLCT model. Eric asked, just modifying an existing ordinance still requires that whole process? Duncan said yes. The board agreed to ask Ron Rodjenski to work on Johnson's animal control ordinance.

Duncan is still trying to get estimates for work in the two cemeteries. We might be able to do some of the work with volunteer help. Lois said she thinks getting a community committee together would be great.

There are three applications to the PSB for 150 kW arrays. That is more than the total existing capacity for VOJ W&L for the 15% cap on net metered systems. At least one

proposal was submitted as part of the RFP. Duncan's recollection from the joint board meeting was that Walter wanted to put a committee together right away to look at any proposals. We have heard little. His understanding was that Sandy and the village would be driving it. There was only one proposal we got that was a combination of structure and ground mounted panels. Doug said he likes Green Lantern's proposal better than putting panels on our buildings. Duncan said he thinks it is a good proposal. It sounds reasonable. We can wait to see what the village comes up with.

We submitted a quit claim deed for the Bridge 0248 right of way on Sinclair Rd. instead of a warranty deed, as discussed at the last meeting.

Sandy and the trustees asked the selectboard to review two policies they are thinking of adopting, on job posting and projector use. Duncan has a little problem with the job posting policy as written. The board agreed to wait until the work session meeting to discuss the policies.

Duncan said we now have 6 applicants for the town administrator job and he thinks we will get another that might be a good possibility. He thinks most of the applicants so far would not be worth a closer look. The advertisement asked that applications be submitted by May 30 but said the position would remain open until filled. We could readvertise.

ECS has submitted a work plan for talc mill site petroleum cleanup to the Sites Management Division at ANR. The plan calls for physically removing contamination through Vector extraction. All the cost of the work is being covered by the Petroleum Cleanup Fund. We met our deductible long ago. Both Duncan and Sandy have approved the work plan contingent on Sites Management approving it.

We received the grant for the electric charging station. Duncan recommends that Ron Rodjenski bring this project forward. **Doug moved to ask Ron Rodjenski to work on the electric charging station project, Kyle seconded and the motion was passed.**

Nat moved to approve a facility use agreement for The Church of Jesus Christ of Latter Day Saints to use Old Mill Park on the 4th of July for a picnic, Doug seconded and the motion was passed.

The existing tenants in the Historical Society building have asked to renew their leases. **Doug moved to authorize Duncan to renew the leases for the Historical Building tenants for one additional year, Mike seconded and the motion was passed.**

The Conservation Commission recommends that Denise Krause be appointed to the commission. **Mike moved to appoint Denise Krause to the Conservation Commission, Nat seconded and the motion was passed.**

The LCSD report for April 2016 has been sent out by email. Nat said Roger Marcoux gave a presentation to the budget review committee about GPS trackers he is putting on every car. They will make it possible to provide metrics – how much time officers spent in Johnson, etc.

Geo-fences can also be set up to tell us how much time was spent at a specific location such as JSC or Laraway. Roger will eventually be looking for us to help pay for that. The budget review committee talked about the balance between directed patrols and detective work and investigating crime. Roger recommended that we look into starting a town police department. He will always have wage and retirement issues. He has mentioned having only one person per shift on patrol. The person has to do paperwork during the second part of the shift. Roger has filled the detective position but the state's attorney's office has lost a position so the detective is having to do work that person was doing. Roger brought up the idea of a Johnson community resource officer. As part of our contract we could have someone designated to do that.

Duncan said he would characterize Roger Marcoux's suggestion that we look into our own police force in the context of making a comparison to the cost of having LCSD do that same work, with the idea that we would find it more expensive to hire our own officers than to contract with LCSD. Roger has had a very difficult time filling the detective position. He was not able to fill it full time. The person in the position now is working 30 hours a week and Roger has told him he will have to let him go if he can't go to 40 hours. But because funding for the sexual assault investigation unit went away probably 70-80% of the detective's time is spent investigating sexual assault cases. Duncan assumed when this was being discussed that the sexual assault cases the detective is working on were within the patrol towns, but he isn't sure whether that is the case. That is something we should bring back up to make sure we are not funding that work for all of Lamoille County. We aren't getting the results we expected from funding the detective position. That is an outstanding question to hammer out. There is some federal funding available for a resource officer. The federal funding starts at 100% and declines over 4 years. Duncan thinks there is a commitment to keep the resource officer for a certain number of years after the first 4 years. Duncan thinks Roger was responsive to the idea of us coming up with goals and priorities but he brought up the opiate addiction problem. He is spending a lot of time dealing with families in crisis and working on interdiction vs. jailing. Nat said he is organizing a county-wide meeting on June 29 on that issue.

Kyle said at the last Johnson Works meeting the owner of the Landmark Tavern said they found 4 baggies worth of heroin needles in their field on Green Up day. Gary Clark said VSC is finding more and more on their properties as well. The drug issue is more than just on Railroad St. Duncan said he thinks it is a real problem. Roger is very clear that it is here and he is dealing with it. It will be on the boards of the patrol towns to try to come up with priorities and try to coordinate with Roger.

Nat said he would think an alternative to the detective position would be to go with a community resource officer. Eric said that would be a subcontract. The other towns wouldn't be paying for it. Duncan said he would think Hyde Park might need one too. Eric asked, why wouldn't we just hire another patrol officer? Duncan said it would be a different job focus.

Eric asked if Roger Marcoux gave any explanation for not coming to our community meeting. Duncan said the LSCD email address has changed. It is possible Eric and Lea used

the wrong email address when notifying him of the meeting. Nat said Roger met with Greg Stefanski after the meeting and it sounded like he didn't know about it beforehand.

Kyle said she noticed the ticket vs. warning ratio is more even.

Mike asked if we should have our own town meeting on opiate addiction. There could be some cost incurred to address the problem. A lot of people in the town think they are taxed enough as it is. It could be helpful to bring information to the townspeople about the problems we have. Kyle said there used to be a committee talking about how to help make Johnson safer. Johnson Works talked about revitalizing that. Eric said we could have a public meeting just on safety issues. Doug said he thinks we should see how the one at the tech center goes and what kind of turnout it has. We should advertise it strongly here and see if we can get people there who could be a core for local follow-up. Mike said he thinks people are more willing to come to a meeting in our town.

Duncan can take care of the final closeout for the Beard parcel. It can be done by phone.

Duncan is in the process of sending the SD Ireland contract to Ruggiano for review. Then it will be sent to SD Ireland.

Duncan has communicated with the Department of Homeland Security and the state go-between for us and FEMA. FEMA agreed to a \$308K construction cost. In the letter from FEMA to the state they indicated they were accepting Ruggiano's figure. As a footnote they said the \$308K is for construction of the culvert only and doesn't include the \$34K for the temporary bridge, which has grown to \$50K. FEMA hadn't updated their sheets and still had the original cost estimates. Duncan is still trying to work out what the letter meant. But the project is reimbursement based. We just need to document all items we ask reimbursement for. FEMA recently posted on their web page a FEMA construction estimate. It uses the \$308K figure they approved and adds in fees for engineering, cost of contingencies, etc. The total dollar figure is \$355K which is just about where Duncan thinks we should be. He is trying to get them to use their own cost estimate as a basis for their figures.

Paving plans will be discussed further on Monday. Eric said he has a little concern about paving Clay Hill because we just paved it 2 years ago. Duncan said that was just a base coat. He would like to put on a finish coat.

Ron Rodjenski has agreed to the offer for temporary employment consistent with our personnel policy. We will treat him as a town employee rather than a contractor only for the purpose of tax withholding. Kyle asked if he will go to meetings like Lea did. Duncan said no. His work will be limited in focus. He will do an employee compensation study first. He will do research within the county to find out what people are currently being paid and look at the VLCT salary survey. Doug asked how many hours a week he works for Hyde Park. Duncan said between 30 and 40. He doesn't want to work more than 8 to 10 hours a week for us.

LCPC prepared a draft Local Emergency Operations Plan. **Mike moved to approve the Local Emergency Operations Plan as presented and to authorize Eric or Duncan to sign it, Nat seconded and the motion was passed.**

The law was changed to allow hot dog sales at Tuesday Night Live.

The application for post closure certification for the landfill has been submitted. The state is reviewing it.

Duncan said he left Bob Sweetser's request to remove a right of way from his property on the agenda because there was no real decision at the last meeting. Mike asked why we need to keep that right of way. Duncan said because the easement goes along the river, it would provide access for anglers. Mike said we could give a partial release. We could leave the part that goes along the river. Eric said where people are crossing Bob's property is not where the right of way is. Bob can stop them because that is not our right of way. How the right of way is laid out makes no sense to him. Doug said he wonders if it has to do with topography. Eric said he thinks we should leave this on the agenda. Like Mike, he is struggling to see where we would have any use or need for it. Duncan said we would have to find out if we could give it up based on criteria the Land and Water Conservation Fund or the Land Trust might have. He thinks there is value in an easement along the river. He can try to find out from the Land Trust if there are any issues about removing it.

Lea asked everyone to review the draft town and village plan and provide feedback. Eric provided some comments. If anyone has additional comments they have to finalize them and get them in.

Duncan has not had time yet to look over the cost estimates for the industrial park.

The final request to amend the College Hill structures grant has been sent.

The Travis Hill water line issue is not resolved yet. Duncan has not had time to follow up on it.

The highway crew did trimming at Evergreen Ledge Cemetery.

The board discussed what should be on the agenda for the work session meeting. Eric said he wanted to include discussion of what came out of the joint board meeting. If Ron Rodjenski has a highway salary scale model he would like to look at that. Duncan said paving should be on the agenda. Nat said he hopes the board can spend a good amount of time on community development. Eric said he thinks the board should at least look at the whole list of ideas generated at the joint meeting and decide which to select as things we think we can make progress on.

11. Adjourn

The meeting was adjourned at 10:16.

Minutes submitted by Donna Griffiths