

JOHNSON SELECTBOARD MEETING MINUTES
VERMONT STATE UNIVERSITY – JOHNSON
THE ELLSWORTH ROOM, WILLEY LIBRARY
MONDAY, SEPTEMBER 11, 2023

Present: Selectboard members: Beth Foy, Duncan Hastings, Eben Patch, Shayne Spence, Mark Woodward

Others: Carl Rogers, Thomas Galinat, Dean Locke

Note: All votes taken are unanimous unless otherwise noted.

1. *Call to Order and Meeting Kick-off*

Beth called the meeting to order at 6:38. Everyone welcomed new town administrator Thomas Galinat. Duncan said he wanted to recognize Carl for his wonderful and dedicated service as interim town administrator. He did an outstanding job.

2. *Additions or Adjustments to the Agenda*

Duncan suggested having the possible executive session earlier in the evening when everyone is less tired. Beth agreed to move it to follow the discussion on kenneling service.

3. *Review Invoices and Orders*

Eben said he wants to follow up on why we got an invoice from Brosseau Fuels when he thought we had contracted with Fred's.

4. *Review and Approve Minutes*

Eben moved to approve the minutes of August 21 and August 28, 2023, Duncan seconded and the motion was passed.

5. *Selectboard Issues/Concerns*

Duncan said there are some things we have talked about at past meetings that he doesn't want to lose track of. One was drafting something for Bert Nadeau to sign saying that we can have a crusher in the gravel pit. The board agreed that should be done.

Another thing was the request of a citizen regarding work to be done at the Patch Road intersection to turn it from a Y to a T.

Duncan said Carl could not find evidence of a 911 road naming ordinance being adopted. We have a policy, but he wants to make it an ordinance.

Another item is the status of the interlocal agreement with St. George. Carl said there is a copy of the agreement for Beth to sign tonight.

Duncan asked if we decided on the status of either the DRB or a board of adjustment to hear floodplain zoning regulation appeals. He recalls we thought we should ask Stitzel Page & Fletcher for an opinion on whether the DRB should perform that function and if we could have a DRB and a board of adjustment at the same time. Carl said that question has not been answered yet.

Duncan said another item was finding out if the state would allow modifications to our priorities and procedures for our revolving loan fund. That is somewhat urgent because it was mentioned at the meeting on Sterling Market that since we have a revolving loan fund we will be expected

to loan some amount of money to Sterling Market partners if we are going to be applying for any Community Development Block Grant money.

At Duncan's suggestion, there was a moment of silence in recognition of September 11.

Mark said he has gotten many calls about ditching on Plot Road and other places. People are concerned about what will happen in winter if they go off the road. Thomas said he talked to Jason about it this morning. Jason said once vegetation grows in it will look much less intimidating. Thomas was a little concerned himself. Eben said what was done on Plot Road is not any different from ditching on French Hill a couple of years ago or Maple Hill and Collins Hill last year. That type of ditching is a new better practice. Beth said she had the same feedback last year. One thing she was told was that once the grader comes through it widens the road a little so it is less intimidating. She feels differently about it this year than last year. Her road was one of the roads done last year. She doesn't feel concerned about it. Duncan said he thinks in some individual spots the ditching is a little deep, but in general they are following the VTrans standard for ditching. Mark said he is not complaining personally. After the flood the back roads were in good shape and some of that was due to ditching.

6. ***Bills, Warrants, Licenses and Any Other Actions***

Eben moved to approve Sodexo Vermont's catering permit application 31800 for an event on September 16 from noon to 6:00 pm, sending the standard letter, Shayne seconded and the motion was passed.

Eben moved to approve River Valley Store's tobacco license permit application 31221, Shayne seconded and the motion was passed.

Eben moved to approve THC Sisters LLC's tobacco license permit application 31608, Shayne seconded and the motion was passed.

Eben moved to approve THC Sisters LLC's tobacco substitute endorsement application and the motion was seconded and passed.

Duncan said it would be nice to have a treasurer's report, either written or in person. He would also like to see a report on the fiscal year that ended June 30. Beth said she asked Carl about that last week. Hopefully we can get it for the next meeting. We gave approval for a line of credit if we need it. How will we know when we need it?

7. ***Planned Purchases***

Eben said he is supportive of adding one more Zoom license and he assumes the village can pick up half the cost. He suggested trying that for a couple of months. Beth said the cost for a license is \$150 per year. She was questioning whether we need one or two additional licenses. There are also committees that are meeting. Eben said he doesn't think it is required that committees have Zoom. Beth said they don't have a place to meet.

Eben said there is space in other buildings the town owns. We could arrange for meetings to be in the temporary library space or the Holcomb House. Duncan asked if we could also consider trying to set up temporary meeting space in the town offices. Carl said the trustees are meeting there tonight. Beth said wherever we meet has to allow for public participation.

Thomas said the town office space is currently set up so people walk into the back first. It could be changed around so the first small room people come into is a reception area where people could pay bills and the area where people are working could be further back, with meeting space in the middle. Duncan said if we reopen the front door then people will come in from the other side. Technically the office is closed now. Carl said even if we lock the door from the lobby if someone comes in the front door they could go through the holes where sheetrock is missing into the downstairs office space. Eben said his concern about opening is the value of the vault. If we are opening the second floor the elevator has to be open for use, but that means allowing access to the space next to the downstairs offices. Maybe we could put up some sheetrock to separate the space by the elevator from the office space. Duncan suggested that Thomas and Carl think about it and come back with a proposal.

Dean said the skatepark committee has been meeting at Jenna's Café and the Conservation Committee has been meeting outdoors at the welcome center at Old Mill Park.

The board agreed to purchase one additional Zoom license. Beth said if there is more demand we can revisit this.

Eben moved and Mark seconded to approve the \$1200 proposal from Brosseau Fuels for cleaning the library heating ducts. Duncan asked if we have met all the FEMA requirements since Brosseau is the normal vendor used at the library. Carl said yes. We can use past invoices to show that is the case. **The motion was passed.**

8. ***Discussion about Kenneling Service for Animal Control Officers' Use***

Dean said the kennel we have been using has decided to end all services for animal control officers in the area. Johnson, Hyde Park and Cambridge met last week to talk about immediate and long term plans. Right now there is a dog that is being housed at Crystal Earle's house. NCAL only wants to take animals they can easily place with few issues. That dog failed their test. The ACOs reached out to Justice for Dogs but they were full. The kennel we had been using wants to go in the direction of more boarding. They don't want animals from ACOs because they feel there is too much risk of things like disease or fleas. At the meeting of the three towns it was discussed that the Stowe Police have a couple of kennels. That may or may not be a suitable situation. Carl put out a Front Porch Forum post last week looking for another kennel and got no response. In the long term the towns may come up with a collective solution but for the short term it was discussed that each town would need to set up at least one kennel on town property or somewhere else.

Mark asked, when an ACO picks up an animal it becomes our liability, right? Dean said yes. Mark asked if the ACOs have a chip scanner. Dean said yes. That has helped out a couple of times.

Duncan said at one point we had a contract with the kennel. Do we still have a contract? Dean said he could not find any sign of a contract. There are new owners and they want to take the kennel in a different direction. Duncan said he thinks it was irresponsible on their part to stop providing service on such short notice for towns they have had a long-term relationship with.

Dean said he has researched the cost of purchasing 1 to 2 kennels. We can get a 3-wall kennel for \$700-800. We can also get a 4-wall kennel that can be inside or outside. State statute says every town has to have a place where a dog can go if an ACO picks it up.

Duncan said we are only required to keep a dog for a certain length of time and then we can destroy it or dispose of it. Dean said according to a local vet, no vet in the state will put down a healthy dog just because we can't get a place for it.

Beth said she is not comfortable with kenneling a dog on town property. Shayne said he is not comfortable that Crystal has it at her house either.

Beth said she thinks we should talk to the Vermont League of Cities and Towns and the state. Carl said maybe we could ask Rosemary to put something on the clerks' email list.

Dean said since keeping the dog is out of the normal realm of ACO duties he will be trying to put together a proposal for appropriate reimbursement to Crystal for housing the dog. She is trying to connect with rescue groups and find a placement for the dog.

Mark suggested reaching out to people who do dog daycare. Duncan said he thinks finding a solution is a high priority and Carl and Thomas should be involved. Thomas said he would like to reach out to VLCT. He can imagine a scenario where all 3 towns fund building 5 kennels and advertise a business opportunity. The three towns would agree to pay for kenneling service at a specified rate for a certain number of years. VLCT may be able to provide guidance on how to do this while protecting the towns.

9. *Assessor's Errors and Omissions List Dated Sept. 5, 2023*

Eben moved to approve the assessor's errors and omissions list dated September 5, 2023, increasing the assessed value of parcel 260-130 by \$111,400, Duncan seconded and the motion was passed.

10. *Hold-Harmless Agreement with Village*

Beth said she thinks the board needs to go into executive session because there are legal implications. **Duncan moved to go into executive session under 1 V.S.A. Section 313(a)(1) to discuss a potential hold-harmless agreement with the village, Eben seconded and the motion was passed at 7:36.** The board came out of executive session at 8:30.

11. *Quote for Winter Road Salt*

Eben said he talked to people on the road crew. We don't need even close to 600 tons, which is the amount in Cargill's quote. In a typical year we use no more than half that.

Eben moved to accept the Compass Minerals price quote of \$101.65 per ton for salt. His reason for wanting to accept the higher quote rather than the lower one is that Compass has better quality salt with fewer impurities. Some Cargill salt shows up wet, which means we are paying for water. **Mark seconded.** Eben said he spoke to the person who runs our salt truck and he said the salt has been better the last 2 years. Salt from Compass costs \$10 per ton more than salt from Cargill but the cost might come out the same because we will not be paying for water. We can also look at whether the salt from these vendors meets the state's spec for salt.

Duncan said he will have a hard time voting for \$10 a ton more. Shayne said he wonders how much of the weight is water. It would have to be 10% of the total weight to make the Compass

price worth paying. Eben said it is not hard to get to 10%. Duncan asked if Barre encountered issues with Cargill. Carl said the public works department never mentioned any problems with supply or delivery. He never heard concerns about the quality. Eben said \$10/ton equates to about \$2700. You can run through that in a few hours breaking up poor quality salt that is clumped.

Carl said Jason mentioned to him today that an advantage of Compass is that they are able to deliver a larger amount of salt at one time than Cargill's distributor, Barrett Trucking. There are more deliveries with Barrett and someone has to take the time to be there for the delivery. He doesn't know how much time is involved or what the crew would be doing at the time of year salt deliveries come.

Shayne said he is inclined to trust Eben's research and it might be worth paying the higher price for fewer trips.

Eben said we only use 250-300 tons per year on average but if the quote was only for 300 tons and we needed to buy more they could charge us a higher amount. Duncan asked if Compass's quote is also valid for up to 600 tons. Carl said Compass's quote is for up to 400 tons. Eben said we budgeted \$38K for salt this year.

The motion was passed with Duncan opposed.

12. Energy Procurement/Broker Agreement

Shayne moved to approve the Client Representation/Energy Procurement Agreement with Competitive Energy Services and to authorize Carl to sign it, Duncan seconded and the motion was passed.

13. Form Based Code Permit Application Fee

Beth asked if there is going to be a separate discussion about the application form itself. Carl said Thomas is going to put together a draft of an application.

Shayne asked if we have an idea how much time the administrative officer is expected to spend on applications. Carl said he thinks it will vary quite a bit based on the project. The one that is pending is quite simple but in some cases he could see it taking 8-12 hours.

Eben suggested the average time might be 6 hours, so \$300 could be a reasonable fee. Beth said she feels the average time would be less than that.

Duncan asked if there should be different fees for different types of projects – single family house vs. commercial vs. accessory, etc. Carl said the ordinance says required application fees as set by the selectboard shall be included. The board could come up with a multiple tiered fee schedule or a flat rate.

Eben suggested \$200, based on the idea that the average amount of time spent on an application would be about 4 hours and the average employee cost is \$50 per hour.

Shayne said he likes the idea of different fees for different zones. He doesn't think he would want to charge a residential homeowner the same as a commercial property owner. Beth said the zone doesn't determine whether the property is residential or not.

Duncan suggested the fee could be based on the square footage of the building. It was noted that the code says the recommended cost of an appeal is \$250.

Duncan asked if there are certain uses that require DRB approval as a conditional use as opposed to action by the administrative officer. Beth said DRB review is required when the AO determines that the application cannot comply with the standards.

Shayne said Hyde Park's fee is 10 cents per square foot. He thinks that is just for residential properties. Bradford has a minimum fee of \$100. Westfield has an additional fee of \$150 if a public hearing is required.

Eben moved to set a form based code permit application fee of 10 cents per square foot with a minimum fee of \$50, Shayne seconded and the motion was passed.

Duncan asked if we want an appeal or variance fee. Beth said the appeal fee is built into the ordinance: \$250. Duncan asked if that would apply for a variance too. Beth said she wouldn't have a fee for a variance. **Duncan moved to make the fee for a form based code variance the same as the fee for a form based code appeal, Eben seconded and the motion was passed.**

The board agreed to ask the Planning Commission for a recommendation for a new form based code administrative officer as the AO is currently Carl.

14. Appointment to Green Mountain Byway Committee and Destinations/Points of Interest to be Listed on GMB Committee's Website

The board agreed to table this until a future meeting. Beth asked if we can publish a notice asking for interest in being on the committee. Duncan said he is more concerned that we don't have a municipal representative on the VTrans Technical Advisory Committee. Beth asked Duncan to send her a list of all the appointments he thinks are needed. She suggested posting the Green Mountain Byway Committee opening on all the normal channels.

15. Municipal Building Flood Repairs

Eben said we should put up sheetrock to block off the office area so the vault can be secure. We should also think about fixing the exterior walls before there are freezing temperatures so heat is not going out. He suggested selectboard members could put up sheetrock. Duncan said he thinks we should find out if we can be reimbursed by insurance or FEMA for the materials. It was agreed that Carl and Ron should put out an RFP for putting up moisture barrier, insulation and sheetrock on the exterior walls.

16. Discuss Use of ARPA Funds – Adding to Budget

Beth said the board has previously discussed adding ARPA funds to our budget. Duncan reached out to VLCT to verify that we can bring them into our budget and use any surplus to feed into reserve funds after that.

Duncan moved to apply the unallocated ARPA funds to the current fiscal year budget, Mark seconded and the motion was passed.

Duncan asked Thomas or Carl to work with Rosemary to implement applying the funds to the budget.

17. Executive Session – Employee Review

Duncan moved to go into executive session for employee review and an update on the community and economic development specialist per 1 V.S.A. Section 313(a)(3), Shayne seconded and the motion was passed at 9:25. The board came out of executive session at 9:40.

Shayne moved to provide \$800 in bonus compensation to Lydia Putvain for her hard work through the months after the interim town manager was hired, Duncan seconded and the motion was passed.

18. Adjourn

The meeting was adjourned at 9:40.

Minutes submitted by Donna Griffiths

UNAPPROVED