

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, JULY 8, 2013

**Present:**

Trustees: Gordon Smith, George Pearlman, Ellis O'Hear, Walter Pomroy, Chris Parker

Others: Rosemary Audibert (Clerk), Steve Towne, Don Blais, Diane Lehouiller, Crystal Ripley, James Watkins, Stacey Waterman, Lorraine McGown, Barbara Burmeister, Pam Aupperlee, Richard Houle, Robert Schulz, Jen Stefanski, Greg Stefanski, Cynthia Hennard, David Grozinsky, Mark Woodward, Annette Vachon, Collin Sourdif, Charles Flaum, Bob Sweetser, Judy Schultz, Jollie Parker, Jeanne Engel, Rick Aupperlee, Kyle Nuse, Eric Nuse, Eric Osgood, Renette Callahan

**Note: All votes taken are unanimous unless otherwise noted.**

**1. *Call to Order***

Gordy called the meeting to order at 4:07.

**2. *Treasurer's Report & Review and Approve Bills and Warrants***

Rosemary said Waterville and Belvidere have made their second installments on the fire contract payment. We billed out for an emergency rescue and an accident. Steve said he is billing Fairpoint for half of the tree trimming costs.

**3. *Review and Approve Minutes***

Walter moved to approve the minutes of June 10, 2013 as amended by Duncan, Chris seconded, and the motion was passed.

Chris moved to approve the minutes of June 17, 2013, Walter seconded, and the motion was passed.

**4. *Wastewater Treatment Facility & Water System Operator's Report***

Steve said 2 water leaks were found today. All the ones we knew of before today have been repaired. One of the leaks found today is a homeowner's responsibility and he has been notified that he needs to address it. There is a substantial leak on Route 15 in the 8-inch line feeding R.L. Vallee's Mobil station. George suggested tying their line into the nearby Studio Center line rather than excavating Main St. Steve agreed that could be a good solution if they would agree to it. He wants to talk to Duncan and R.L. Vallee before doing any excavation, because it will be a major excavation.

**5. *Public Works Superintendent Report***

Steve said village employees will start tree trimming. Walter asked about a dead spruce behind the Village Green lot. Steve said it probably should be taken down if it might fall on a vehicle. He will look at it. We had a broken pole on 100C. Steve is awaiting an invoice from Morrisville Water & Light to bill the insurer of the car pole accident on Route 100C. There are also invoices from the fire department and the LCSD to be included in this invoice to the insurer as well. VTel is done with all its overhead attachment work. Steve will probably have a site meeting this week with the people who will do the excavation for Fairpoint on Route 15 and Pearl St. Village employees have not had a chance to start line striping yet. The Legion Field power supply is live. The new Chevy pickup is on the road and Tom has the 2006 pickup. Steve went to the NEPPA Rodeo with Tim, who participated as a judge. There is a safety meeting on green power on July 24.

Steve said he talked to Ellis this afternoon about potholes in the Village Green lot. His crew will be doing some work on that this week. He met with Chris to talk about the grass strips that were part of the Main St. project. He feels that grass was approved and any changes or any structures would require a right of way permit from the state. Chris said he thinks Steve is right; we need to define what our direction is going to be and get it approved by the state. He can draft a document. His idea is that if an owner wishes for a strip to remain grass, we will maintain it, and anything else needs to be approved by us & AOT and we need to define what will be allowed. Steve said anything other than a grass strip is subject to damage by plowing. Chris said we need to be careful about materials we allow. Large stones could go through a window during plowing. Walter said the grass he has replaced is coming in well. His suggestion is to use his strip as a test plot. If it comes back well in the spring, then we can put in good topsoil and grass seed and start over with the others. Chris said he doubts anything will work well on his trafficked corner. Snow gets pushed over it. Walter said there are a couple of spots like that where we might decide to put down something like pavers. Steve said if we put in topsoil and grass seed, if it is not compacted the skid-steer will scrape it off. Chris said he would like to bring a draft document to the next meeting for review.

Steve said there are some badly broken bricks in the crosswalks. Walter said it is happening wherever there is a dip that makes vehicles bounce. Steve said he will need to do some temporary patching of the crosswalks. He said the fog rails are breaking up, too. David Grozinsky asked if any of the cost can be put back on the contractor. Steve said there is no warranty on any of the Main St. project work because it was federally funded.

**6. Manager's Report**

**Walter moved to approve the preliminary water/sewer capacity allocation requested by Arjay West for Gary Smith located off Crab Tree Lane, pending payment of fees, George seconded, and the motion was passed with Chris abstaining.**

Someone would like to buy the old Johnson Power Plant. The board agreed to postpone discussion of this until a future meeting.

Steve explained that Duncan had signed a New England Consumer-Owned Utilities Emergency Assistance Agreement (a mutual aid agreement with NEPPA.)

A recent News & Citizen article announced that Johnson had been named the statewide winner of the “best public space improvement.”

Jessica Jones applied for an excess water usage adjustment. Ellis noted that the appropriate repairs haven’t yet been done as required by village policy; the water to the leaking toilet has just been shut off. Walter and Gordy pointed out that since a customer can request only one adjustment a year, if the problem is not adequately fixed any additional extra water usage will be at the customer’s expense.

**Walter moved to adjust Jessica Jones's water bill to \$138.57 (3 times the average for the last 3 months), with no interest on the outstanding balance as long as she continues to make payments, and not to make any adjustment to her sewer bill because the excess water went down the sewer, Chris seconded, and the motion was passed.**

Duncan recommends moving ahead and agreeing to the further soils investigations requested by ANR at the former Cyprus Industrial Minerals site. He got them to agree not to require a PCB test.

The Wescom family is interested in a CIG loan to help pay for connecting to the sewer line and would agree to put the house up as collateral. Duncan is getting a cost estimate from a directional bore company for boring across Route 15. He has asked for estimates for the boring to include the differential cost between putting in a line to serve one house and putting in an 8 inch line that would accommodate growth.

A Memorandum of Understanding for the School St. project is in progress.

#### **7. *Maplefields Discussion***

The board moved upstairs for this discussion, as quite a few members of the public had arrived. Diane Lehouiller said she and Don Blais went to a recent Planning Commission meeting. She said the consensus among the Planning Commission members was that the proposed Maplefields project is out of scale for Main St. and that we are powerless without zoning. There are Village of Johnson zoning bylaws that are already written and could be put into place. Where do the trustees stand on implementing these bylaws? Don said Lea said just one thing in the zoning ordinance needs to be changed to conform to the Village Plan. This document is very close to being ready. It would take too long to adopt form-based zoning. Don said a lot of people felt the Act 250 process would not be a good vehicle for protecting the character of the village. He thinks if form-based zoning is what the trustees want, it could be implemented later. This would be temporary stop-gap zoning that could be changed or dropped in the future.

Gordy read an email Duncan had sent to the trustees, with copies to town employees and others. In the email, Duncan described the protocol the selectboard had agreed upon for addressing concerns about Skip Vallee's proposal. They would like the Planning Commission to take the lead and to meet with Vallee to get as many of their concerns as possible dealt with before an Act 250 application is filed. The selectboard hopes the trustees will consider the same approach. They feel it makes sense to send a letter to Vallee signed by the chairs of the selectboard and the trustees, indicating a strong desire to have their development blend into the village in terms of size and scale, traffic, and recent Main St. improvements. The letter would also indicate the two boards' support of working with the Planning Commission to achieve those goals. Duncan said Vallee has indicated the project is on hold for now until more work is completed on his Derby store. He indicated a willingness to come to a meeting towards fall. If Vallee is not willing to work with us on what we want, the Act 250 process can influence the project, but getting involved in that will cost staff time. The project is still far off and we don't have much to work with so far.

Don said the impression he got from going to the Planning Commission meeting was that Act 250 would not be an effective way to protect the character of the village. He said Doug Molde thought Act 250 would act as a nuisance but would not prevent Vallee from doing what he wants in Johnson and that if we want real power we have to have zoning; otherwise we don't have a voice. R.L. Vallee is not the only threat. A lot of similar threats are likely to be coming to Johnson. We need the power to control the destiny of the village.

Dave Grozinsky said his understanding, based on what the Planning Commission has heard from Doug Molde and from Seth Jensen of the Regional Planning Commission, is that the

Village Plan is not helpful unless it contains very specific statements such as "We want to preserve scenic views of the Sterling ridge line looking west." At best it is a blunt instrument. Ideally, the Planning Commission would like to see form-based zoning.

Chris Parker asked who decides on zoning – the trustees or the voters? Don said Lea told him that we would have to modify the zoning document slightly. That would require that the Planning Commission hold a public meeting. Then it would come to the trustees and they would have to hold a public meeting. Then his understanding is that a community vote is not needed; a majority of the trustees can approve zoning for the village. We could get zoning in place in an estimated 60 days.

Gordy said he was on the board when interim zoning was in place. The village had to have an administrator to review projects and the village had to raise taxes to pay for it. If there was a grievance, it went to the trustees. He feels, as did a previous board, that zoning is a controversial enough issue that the trustees should go through a public process before adopting it and should adopt it if a majority of the voters want it.

Walter said the document proposed for adoption includes commercial buildings under 5,000 square feet under permitted uses. It would not give us much more power than we have now. It would affect the Grand Union project more than Vallee's project. He feels there are a lot of problems with this document. It was created by the Planning Commission, not the trustees. He feels it would hurt us more than help us, because it would allow Vallee to say he had met the village's zoning requirements, as what he wants to do fits under permitted uses.

A member of the public said his reading of the document indicates that a gas station is a conditional use, not a permitted use, and the design review board would be able to give an opinion about whether it fits into the village. They could say it doesn't fit the scale or character of the village and choose not to accept it.

A Planning Commission member said the Planning Commission is not familiar with this zoning document. They would want to be thoughtful about whether it is right for this town. The Planning Commission might be able to work with this document and tweak it rather than starting from scratch, but they would need some time to review it. She has heard from a couple of Planning Commission members who would not be in favor of immediately adopting this ordinance. It would be helpful for the Planning Commission to know whether the trustees support work on form-based zoning.

Ellis said he had not seen a plan for the project. Don Blais showed the trustees pictures of the proposed project that Vallee had supplied to the Planning Commission. David Grozinsky said the plan presented to the Planning Commission is to knock down the existing store, church, and canopy and put up a new store exactly the same size as the new Maplefields in Morrisville. There would be 10 gas pumps, not including diesel pumps, and parking for 10 tractor trailers.

Walter said if we push for zoning, Vallee may go ahead and push his plan through faster. We could hurt ourselves more than if we just try to talk to him.

George said the state will have a lot to say about what is permitted on this site, because those are state highways. Don said Vallee has an engineer who thinks they can do this plan. George said

he can't imagine the state going for this plan. Don said it will be great if we can work out a nice solution, but we would be in a position of more power with zoning.

A member of the public said she is hearing the trustees say that maybe Vallee will work with us and maybe the state highway people will make good decisions, but she would like the people of the village to make some decisions about what happens. Without zoning we are powerless to determine what the village will look like in 5-10 years. Without zoning, we are leaving it up to other people to decide what happens in our village. She would be interested to know how each trustee feels about zoning. Others agreed.

Chris said he believes in controls of some type, but he is not sure this document represents our best effort. He agrees with Gordy that this should be a community decision.

George said he is for some type of zoning, but he would like this document reviewed before the village adopts it. He thinks form-based zoning is a great way to go in this town, but it will take time to get that implemented.

Walter asked how many village residents would be agreeable to a 25-30% increase in their tax bill. He said it would probably cost about \$20K for the village to put in place all the pieces to implement zoning. It is a high cost for the village to absorb without having the town share the cost. A member of the public said there are federal funds we can apply for. Walter said not to hire a zoning administrator. George said that is what killed interim zoning. David Grozinsky asked Walter if he would be in favor of zoning if the town and village shared the cost. Walter said if the town were involved he would be very interested in seeing form-based zoning implemented based on the voters approving it. He thinks the existing zoning document is terrible and could have unintended consequences.

Eric Osgood said he thinks realistically it would take closer to 6 months to implement the zoning ordinance that is already written. We will have to make changes and have an attorney review it. Then the Planning Commission has to have a public meeting that is warned with 30 days' notice. Then the ordinance has to go to the trustees and they have to have a public meeting that is also warned 30 days ahead of time. Then they can adopt the ordinance but must wait another 30 days before it can be implemented to give voters time to raise a petition if they desire. Then we have to hire a zoning administrator. That will take some time. It isn't in the budget. Where will the money come from? It might be good to implement zoning but he thinks it is too late for it to affect the Vallee project.

Eric said the selectboard wanted a single voice to represent the community. They thought this was more in line with the Planning Commission's expertise. The Planning Commission has the time to review this project and meet with Vallee. The selectboard doesn't have that time and he guesses the trustees don't either. The selectboard wanted to send a letter to Vallee letting him know the Planning Commission will be the selectboard voice, and they hoped the trustees would tell him the same thing. Vallee has expressed an interest in working with us. That benefits us and it also benefits him because it is cheaper for him to make changes at the beginning of the process than when he gets to the Act 250 process. It is not true that the selectboard, trustees, and Planning Commission don't have much clout. They are all parties to Act 250. The state does listen to what municipal government has to say.

A member of the public asked, doesn't the selectboard realize Vallee has presented this gigantic proposal so he can cut it in half and the selectboard will feel he is working with them and he will get just what he wants?

Gordy said the board needed to move on with its regular business. He expressed appreciation for all who came to express their concerns.

Greg Stefanski said he thinks people want to know what the backup plan is if talking to Vallee doesn't work. It sounds like maybe we don't have one. Diane Lehouiller asked if there can be a special meeting to discuss the zoning plan. Gordy said he thinks the Planning Commission would have to schedule that. A member of the Planning Commission said the Planning Commission will be glad to hear what people have to say at its next meeting.

George said ordinances are a lot easier to put in place than zoning. He wondered if ordinances would be helpful in this situation.

Members of the public left and the board moved downstairs to continue the meeting.

**8. Manager's Report (continued)**

**Walter moved to set the tax rate at 16.56 on the dollar of the 2013 Grand List to raise the sum of \$97,854.00, which was the amount needed from taxes for the 2013 village budget, and the motion was seconded and passed.**

Steve said water loss is at about 39%. He thinks we found about 10-15% of our losses today.

Duncan and Steve still need to talk further with George Lague about the electric system voltage conversion and T&D study.

**George moved to ask the Planning Commission to represent the trustees along with the selectboard in dealing with R.L. Vallee and to authorize the board chair to sign a letter to R.L. Vallee from the trustees and the selectboard expressing a desire to have R.L. Vallee's project blend into the village and to have R.L. Vallee work with the Planning Commission to achieve that goal. Chris seconded and the motion was passed.**

Walter said he is in favor of moving forward with form-based zoning if the town is willing to go forward with it. Why not just have one zoning document for the town and village? Form-based zoning is about what a building looks like, not about what you are doing in the building. We could have various districts with different requirements.

George said he thinks the Planning Commission should ask the state what they think about R.L. Vallee's proposed project. Walter said he suggested that they contact Rob Hall now and they said they would.

**9. Adjourn**

**Chris moved to adjourn at 6:29, Ellis seconded, and the motion was passed.**

*Minutes submitted by Donna Griffiths*