

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, FEBRUARY 18, 2020

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood

Others: Brian Story, Rosemary Audibert, Mark Nielsen, Lynda Hill, Linda Molde, Jackie Stanton, Rebecca Flieder, Kim Dunkley

Meeting videotaped by Green Mountain Access Television. GMATV info: <https://greenmountainaccess.tv/>; PO Box 581, Hyde Park, 05655; info@greenmountainaccess.tv or 802-851-1592

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

**1. Call to Order**

Eric called the meeting to order at 7:01.

**2. Additions, Changes to Agenda**

Doug asked, haven't the minutes of January 20 and January 27 already been approved? Brian said yes, they have. They were listed on the agenda in error. Doug said he wants to address that there were errors in the minutes of January 27. Kyle said she wants to talk about the logistics of getting the word out about the racial bias workshop and about providing babysitters during the workshop.

**3. Review and Approve Minutes of Meetings Past**

**Mike moved to approve the minutes of February 3, 2020, Doug seconded and the motion was passed with Kyle abstaining as she was not at that meeting.**

Doug said in the minutes of the joint meeting on January 27, on page 8 Doug asked if the village electric department has a fund balance. The answer that there is a fund balance is in the minutes, but not the complete answer. The trustees have not yet approved the minutes of this meeting. He would suggest deferring any comments until we have what they believe should be in the minutes. Eric said the selectboard has already approved these minutes. The trustees can approve something different from what we approved. He doesn't think we can go back and change minutes that have already been approved. We can make a note at this meeting of what should have been different. Doug said he thinks he thinks people should look at the audio record of the meeting.

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

Rosemary said expenditures are a little over 60% of budget. We should be receiving the maintenance of grand list money by the end of March.

Nat asks what happened with RSVP. Rosemary said they combined with the Central Vermont Council on Aging. Nat asked, did that happen partway through the year? Rosemary said yes.

Rosemary said the town reports have been received at the office. Community members should be receiving them soon.

Rosemary said taxes for this year are a little over 75% collected, slightly above the last two years. All delinquent taxes, except for mobile homes with less than \$600 owed, have been sent to the attorney, and she has sent out her first letter.

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

Brian said he and Brian Krause have been working on the FEMA disaster declaration we received and on regular road maintenance. Everything is going well. We are managing salt, sand and overtime hours pretty well this year. He believes all trucks are running now. We have had some trouble with the salt spreader and he and Brian K. are looking at possibly replacing it a year early and replacing another truck a year late.

**6. Planning Commission Report**

Brian said he has received the draft Class 4 road report from the Planning Commission. Board members will receive it by email.

Kyle asked if the Planning Commission has determined who will be their chair. Brian said not that he knows of. Kyle said she heard they were struggling with that decision. She is not sure if that is something we should help them sort out. Brian said he has asked a couple of people if they would consider taking on the chairmanship but no one has definitely said yes or no to him. He thinks we could at least help them out by making their Class 4 road report available for people to pick up and read at town meeting. Kyle said she would hate to go too long without a chair for the Planning Commission.

**7. Highway Access Permit**

Brian reminded the board that in the Highway Access and Work in the Right of Way Policy, we were dissatisfied with the second paragraph in Section 4. The advice we got from VLCT on legal review was that the paragraph we had originally drafted was too permissive and gave up authority we had to maintain our right of way in a way that could be a disservice to us later. Our concern was that we didn't want to get into administering routine activities of landowners maintaining their own property. We didn't want to excessively burden ourselves or homeowners with reporting, filing or fees. To manage those concerns, Brian drafted a fourth paragraph. He left paragraph 2 with a broad view of our purview and spelled out later that there are certain activities we consider completely permissible that do not require a permit. The list of permissible activities could be amended now or in the future.

Doug said he looked up the relevant statute. The state basically says we have the right to control our right of way and we can say what we don't want to control, and that is the tack we are taking. People's driveways go across our right of way so they are on our property but we don't want to meddle with them. If we did, issues Nat brought up, such as selective enforcement, would exist. He thinks Brian's suggestion is a good way of dealing with this.

Brian said he is happy with the rest of the policy. It provides updates related to the two major concerns he and Brian Krause he had. The new process of giving a notice to proceed and then issuing a permit will make managing and overseeing projects easier and make it easier to ensure they get done properly. Currently there is a one-step process. Someone asks for a permit and we give it to them. Under this new policy we give a notice to proceed but we review the work that they are doing and we issue a final permit at the end. Doug said when people sell real estate attorneys will be looking for these permits. So it is good to have a formal procedure and it is good that these permits exist.

**Nat moved to adopt the Highway Access and Work in the Right of Way Policy as printed, Doug seconded and the motion was passed.**

**8. *Planning Commission Report (continued)***

Eric said now that Kim Dunkley had arrived he would like to go back to the Planning Commission report.

Kim said the Planning Commission turned in the Class 4 road report and they discussed ideas about what else they could work on. Brian had mentioned that they could look at sewer extension boundaries. Some other ideas were brought up. One was whether the Planning Commission would be interested in having input into where marijuana stores might go. The selectboard might want to decide if that should be sent to the Planning Commission. Kim's idea was to look at the town/village plan and go through the bullet points of policies and see if we are doing what we need to do to move forward on those.

Eric said concern was expressed that the Planning Commission is struggling with naming a chair. Kim said yes, the Planning Commission is struggling with a chair and with members. They have not had a secretary for some time. Eric said the selectboard has budgeted for that and has encouraged the Planning Commission to get a meeting minute taker. Kim asked if that is the Planning Commission's responsibility or if Brian can help. Brian said we just need to let Donna Griffiths know when the Planning Commission meetings are and see if she can attend. Kim said they are the first Tuesday of every month.

Eric asked, what is the struggle with naming a chair? Kim said finding someone who is willing.

Kyle asked who is running the meetings. Kim said she has been touching base with Brian to put the agenda together.

Kyle asked if we can put a notice out to the public about the vacancy for members and the chair. Brian said we had advertising out for the vacancy but not for the chair position. We have asked a couple of people if they would join.

Eric asked how many openings there are. Brian said he believes there is only one vacancy on the Planning Commission. Eric asked how many openings there are overall in the town. Brian said we need at least one more constable. We could use more people on the Rec Committee. He feels we have quite a few on the Beautification Committee. Kyle said the Beautification Committee is overfull. Kim and Brian named the people who are on the Planning Commission. Brian said his impression was that David Butler is still a member but is just no longer the chair. Kim said Planning Commission members had heard that he was officially stepping down as of town meeting. Brian said if so, we would have an additional opening.

Doug said he wonders about the utility of soliciting for a chair when the committee appoints the chair and we would hope that the person appointed would be someone with experience on the committee. Eric said it is a priority for the Planning Commission to figure out who will be chair.

**9. *Mark Nielsen to Discuss School Board Matters***

Eric welcomed Mark Nielsen of the LNMUUSD board. Mark said the school board had its annual meeting last night and a number of good ideas came out of it. The school budget includes costs the school board has no control over, such as state mandates and electric rates. Mark is going to find out whether the school district can challenge Hyde Park utility rates because they are a large customer and perhaps get a special rate. There were concerns about the reserve funds that are proposed. Mark will be communicating with Walter Pomroy about that. He has some good ideas that may be able to be brought back to the school district business office. Another idea brought up was increasing the number of people on the school board from 17 to 18.

Next Monday night that will be a budget information session. He wants to see if he can have the business manager provide some clarifying information on taxes.

The last time he was here, school busing was an issue and it still is. Eden, Hyde Park and Johnson all have the same issues. There is a bus company that just went out of business in Morrisville. Mark is curious about how that can help us with bus drivers. He heard from David Manning about a bus that is available.

Mark is going to have conversations with some people who have past experience with the school system to see what he can learn from their experience.

Mark encouraged anyone with questions or issues to contact him at the email address that is on the district website.

Jackie Stanton asked if Mark lives in Johnson. He said he does. Eric asked, he is now the chair of the school board, correct? Mark said yes. Lynda Hill asked if Mark is on the board negotiating committee. He said he is.

**10. *Update Capital Equipment Plan***

Brian said he updated the capital equipment plan. He deleted the statement that we share a tractor with the village because that will no longer be the case. He added a paragraph saying that we will buy a tractor and describing the characteristics the tractor needs to have.

Mike said we need to revise all the references in the capital equipment plan to the highway department, changing them to "public works department." Brian said the article approved by the voters references the capital equipment fund as the highway capital equipment fund. In many places we can replace "highway" with "public works" while leaving references to the highway capital equipment fund. It is a capital equipment fund for highway purposes of our public works department.

Kyle asked what is happening with the jointly owned tractor. Brian said the tractor is owned by the village. Eric and Brian said the village wants a smaller one and we want a bigger one.

Kim asked if the money from this reserve fund has ever been spent for anything other than highway purposes. Brian said no.

It was agreed that Brian will bring a revised version of the capital equipment plan to a future meeting.

**11. Recreation Committee Appointments**

Brian said the recreation committee would like to appoint a few new members. Mike said we will need to appoint people to the Recreation, Beautification and Law Enforcement Options Committees after town meeting anyway. **Mike moved to table items 3, 4 and 6 from the Administrator's Report until the reorganization meeting after town meeting, seconded by Nat.** Nat noted that item 6 is not necessarily to appoint members to the Law Enforcement Options Committee; it is just to discuss it. **Mike and Nat agreed to a friendly amendment motion to table only items 3 and 4. The motion was passed.**

**12. Real Estate Conveyance**

Brian said he came up with an updated Notice of Intent to Sell Municipal Real Estate for 53 Katy Win East, the trailer that we previously tried to sell at auction. We will open sealed bids for the trailer at the first regular meeting in April.

Mike said we discussed having a minimum bid of \$2,000. That is not in the notice. If we advertise that it will be sold to the highest bidder and the highest bid is a dollar, we have to sell it for that.

Nat said he thinks we should put a \$2,000 minimum bid in the notice. He asked what happens if two bids are identical. Mike said the first one postmarked is the winning bid.

**Mike moved to approve the Notice of Intent to Sell Municipal Real Estate for 53 Katy Win East with the addition that there will be a \$2,000 minimum bid, Doug seconded and the motion was passed.**

**13. Law Enforcement Options Committee**

Nat said he met with Susan Bartlett from Hyde Park and Mike Davidson from Wolcott about creating a law enforcement study committee with two members from each town to evaluate options for sustaining law enforcement costs. He wants to make sure this board still wants to participate. Hopefully at our March meeting we can appoint two members who do not have a strong bias one way or the other. The board agreed to that.

Rebecca Flieder asked if the sheriff is elected. Eric said yes, but we contract with two other communities for patrol service. Nat said the legal responsibilities a sheriff has in Vermont are pretty small, just transporting prisoners and carrying out some court duties. So sheriffs often contract out for more duties.

**14. Vermont Planners Association Award Nominations**

Brian said the Vermont Planners Association is seeking annual award nominees. Tasha Wallis suggested the town might want to support Lamoille County Planning Commission's submission of a nomination for Seth Jensen. Brian thinks that is a good idea. He can send a letter of support on behalf of the board. **Doug moved to authorize Brian to send a letter of support on behalf of LCPC's nomination of Seth Jensen for the Vermont Planners Association award, Kyle seconded and the motion was passed.**

**15. Efficiency Vermont**

Brian said Johnson is a targeted community for Efficiency Vermont, which means that Johnson residents and the town are eligible for some additional funds. In addition to existing rebates,

there are bonus credits available for installing qualifying products with qualifying installers. Efficiency Vermont will also provide a dedicated community manager – a point person for contact. Efficiency Vermont will conduct some education and outreach programs here throughout the year. They can provide home energy visits and walkthroughs for businesses. Businesses can get bonus credits beyond what they are normally eligible for. There are additional incentives for landlords, municipalities and nonprofits. Our town garage needs repairs and replacements and an Efficiency Vermont expert has toured it and begun to write a plan for us. We will be eligible for a quite a bit of incentives if their plan works for us.

Doug asked, how did they decide Johnson was an extra need community? Brian said he doesn't know.

Kim said she is wondering if Efficiency Vermont will do anything going backwards in time for the windows that were installed in the municipal building. Kyle said windows are not eligible.

Eric said the information from Efficiency Vermont says the town and village cannot stack their bonuses for one project. If a project takes place in a jointly-owned property, do they consider it a stack? Brian said if he understands it correctly he thinks that means that the town and village could not both ask for credit for the same project.

Brian said Efficiency Vermont needs a town liaison and they asked if he would serve. Eric said he thinks that sounds great.

Mike brought up Jenna's Promise. Brian said they would be a great organization to talk to about this.

Lynda Hill asked, if one building gets an upgrade, would that negate any other building being done? Brian said he the town would be limited in how many projects we could ask for the additional bonuses on, but the town, Jenna's Promise, and anyone else could all ask for bonuses. He doesn't think there is a limit on the total number of projects that can be asked for from this community. Eric asked, each group can just ask for one? Brian said he believe so. Mike asked if \$10,000 is the maximum additional amount beyond what they usually pay. Brian said he doesn't believe so. He believes there is \$10,000 available for each request. He believes there is one project per request.

Doug said when the Efficiency Vermont community manager comes to a selectboard meeting, business owners and homeowners might want to be here. We need to publicize the meeting. Kyle said she thinks the Efficiency Vermont community manager is planning to come to a Johnson Works meeting. She has reached out to Kyle quite a bit.

**Kyle moved to appoint Brian Story as the town's liaison to Efficiency Vermont, Nat seconded and the motion was passed.**

Doug asked, NVU is qualified for Efficiency Vermont bonuses? Brian said he believe so. Nat said Vermont Studio Center should be also.

**16. Board Priority Planning**

Nat said in October we talked about revisiting board priorities in March. He wants to make sure we are all thinking about that for March, perhaps at the reorganizational meeting. Doug said he thinks we ought to ask town committees what their plans are for the year and what they hope to achieve. Eric said maybe that can be discussed at the priority meeting.

**17. Working Communities Planning Grant Update**

Brian said we were selected as one of the few communities to get a Working Communities Planning Grant as part of a coalition led by Capstone Community Action and LCPC. Johnson was a major participant in this effort. We are getting a significant pot of money to do planning and then there will be a second round for implementation grants. The focus is on employment and jobs. There will be a few sessions where we will narrow the focus to a few things that can be implemented. This was a nationally competitive grant and we are very lucky to be able to take part. There will be three pretty long work sessions on this. He is going to one in March. Duncan Hastings, as our representative to LCPC, has volunteered to go to one of the remaining two and Brian and Duncan thought perhaps a selectboard member could go to the third one. Kyle said she would be interested in doing that.

Kim asked if filling empty buildings in town and finding people to move into the industrial park can be a focus of the grant work, tying into jobs. Brian said he thinks attracting employers is going to be part of this. It is a focus he is very interested in. We have some workforce readiness issues but also issues with lack of local employment. There is a lot of work to be had in some other communities, so transportation can be an issue, but there is also an issue of bringing some of those jobs more locally. He is interested in both sides of that. We want to make sure Johnson is well represented in this, but it isn't led by us. It is led by LCPC. Johnson is not the sole focus. Kim said she would love for us to get information about how communities can bring in businesses and developers.

Doug asked about the representation from other towns and agencies. Brian said four municipalities are involved. The Johnson selectboard voted to make us an active participant in this grant process. That led to us having a greater municipal representation than most other communities in Lamoille County. The grant is countywide, but there is a focus in Johnson.

**18. FEMA DR 4474 Update**

Brian said DR 4474 is the official name for the Halloween/November 1 storm event. Board members will see that designation quite a bit on paperwork. We have submitted a public assistance request for the storm event. It is in process. There is a phone call coming up towards the end of February when we will have an opportunity to indicate that we want not just damages but mitigation. It looks like the Rocky Road/Scribner Bridge area meets the requirements for mitigation. We have an existing plan that outlines options and makes recommendations for dealing with that area where there has been repeated flooding. This is a good time to discuss what our options are for addressing the washouts on Rocky Road at the foot of Scribner Bridge. In the 2013 plan there were four recommendations. The first three were to move the house in that area, move the road or move the bridge. Those are all logistically and cost-wise very prohibitive but if we wanted to do any of those things this is our opportunity to receive some financial assistance for what would be a major project.

Eric asked if board members think we should solicit input from voters at town meeting. Mike asked about the recent meeting Eric attended. Eric said at the meeting with FEMA representatives, they were very optimistic on the Scribner Bridge area being eligible for mitigation money.

Eric said one of the options in the consultant's plan is an embedded swale – a place for water to go around the bridge and back into the river with minimal damage. That is one option. There would be a community match. We could also put the road back the way it was. That would probably cost about \$20,000 and FEMA would probably pay for the majority of it, but there would be a community match. Or we could remove the bridge. That would not impact access to any property. One reason to remove it is that its narrow mouth restricts the river. Eric said when he provided testimony to the Senate and House transportation committee he told them about the situation we have there. It got their attention when he talked about potentially removing a covered bridge. He indicated to them that if we decide to keep that bridge, money will have to be invested in it to refurbish it and that is where we would be looking for help.

Lynda Hill asked if Historic Preservation might say that we can't remove the bridge. Eric said he recently read that in order to remove a covered bridge, approval of the governor and Historic Preservation is required.

Doug said he thinks we ought to bring this up to the voters. He is opposed to getting rid of the bridge but he thinks we ought to ask the public and take it from there. Nat said he doesn't see a downside to posing this question. Having read the report, his preference would be to go with a low water crossing. Doug said he agrees that he would be in favor of the low water crossing option but he thinks it is useful to consult the public. Mike said he would also support the low water crossing now that we have some money for it. Eric said we would still have to invest money in the bridge. Mike said it wouldn't hurt to have some analysis on the bridge to see what it would cost to fix. The only good thing on it is the roof. Nat said it is structurally sound. The abutments are sound.

Lynda asked about the possibility of the state taking it over. Brian said it is too short for the state to take over.

Nat said VAST has a strong interest in that bridge. It is one of their only crossings for the Gihon River. And the road serves as a detour. Kyle said the bridge is a tourist destination. Nat said he sees quite a few people with out of state plates pass his house and turn around before they get to the bridge. It might be helpful to have signs on either side of the bridge indicating there is a historic bridge there.

Brian said the bridge needs quite a bit of work. He is interested in applying for a structures Grant to do a study. The state won't give us money to do the work until we do a study. Brian was told it would cost \$5,000 for us to get a cost estimate. He thinks he could find a grant to pay for getting an estimate. He put a request out this week to other communities that have done recent covered bridge repairs to get a ballpark estimate.

Doug said there is no point doing a low water crossing if we are going to take out the bridge.



Rebecca asked, with the amount of water we saw during the Halloween storm, is a low water crossing the kind of thing that would stop a wash out? Brian said it wouldn't exactly stop washouts but it would dramatically reduce the amount of material removed from the roadway and ending up in the river. It would lower the road bed and more of it would be made of larger pieces so it would not wash out as easily. Doug said currently the throat of the bridge is too narrow so water goes where it needs to and wipes out the road.

**19. Light Industrial Park Update**

Brian said he and Seth Jensen have worked on the grant application for the light industrial Park. The application for Economic Development Administration money is going in shortly. With Seth's help he adjusted the budget a little bit. Seth felt Brian's estimates on final engineering were a little low. Seth's own time is another expense and following submission of the grant application he will help us with matching and gap financing, so his part of the budget went up. Brian hopes the application will be in by the end of this week. The timeline for this pot of money moves pretty rapidly.

Eric asked if there is anything we can do to help the application. Brian said not at this point. He has been in close contact consultation with EDA leading up to the application and he thinks that due to all that work we are in a really good position. He has high confidence in it being successful.

**20. Lamoille County Sheriff's Department Report for December 2019**

The sheriff's department report was emailed out.

Nat said around June or July last year he sent around a PowerPoint the sheriff's department had put together on what they had done during the first six months of the year. He asked them to update that for all of 2019 and he recently got that summary of their activities for the last year. He is thinking of putting a slightly amended version of it up on a screen at town meeting.

**21. Racial Bias Training**

Brian said the date of the racial bias training is Saturday, March 7. Kyle said it will be from 12:00 to 3:00. It will be at the JES gymnasium.

Kyle said there is some interest in providing babysitting by qualified babysitters with certification. Would the town be willing to donate money to help pay them? They are thinking they would charge \$10 per hour each for three hours so the total cost would be \$60. The board agreed to pay for that.

Kyle said we really need to get the word out quickly about the workshop in a variety of ways. She thinks there should be a press release in the News & Citizen and it should be put in the event section of the paper. We can use Front Porch Forum, Facebook and Basement Medicine. Brian said he sent a notice for the elementary school newsletter. Kyle said she thinks it is important to formally some groups, such as town and village employees. Laraway staff might be interested. Staff and teachers at JES, school board members, professors and staff at NVU and the sheriff's department could also be invited.

Nat said he will send an invitation to some people at the sheriff's department. Brian said he is already working with the elementary school. He will expand that to include the school board as well and he can also contact NVU and Laraway.

Kyle asked, what about the News & Citizen? We can send out a press release and maybe also give information to Sue Lovering. Brian said he thinks we should get the information to Sue. Kyle said she also thinks there should be a formal article. Brian said he will reach out to Tommy Gardner and see if he wants to do an article. Kyle said she thinks it would be helpful even just to submit a press release. Rebecca said there is space in the campus newspaper, Basement Medicine. The next time it goes to press is tomorrow and then the next time after that will be after the training. She can put something in tomorrow's paper. Eric asked, all the college students will be out of town on the date of the workshop, right? Rebecca said they will be back by March 7. Kim suggested putting notices up at the library and post office. Kyle said she can make posters. Doug asked does the presenter do any advertising outside this area? Brian said no. Kim asked, do we want people from outside this area? Doug said he thinks it is good for anyone to be there who can get benefit from it. Kim suggested posting notices at other area libraries.

Rebecca asked if people need to RSVP. Brian said that is helpful but not necessary. Rebecca asked what email address people should use to RSVP and Brian gave her his email address. He said we would like to have some idea of how many people we will have but the workshop is for whoever comes.

## **22. Review Old Business**

Kim asked about the gravel pit item listed under Old Business. Eric said the lifespan of our existing gravel pit is dwindling.

Nat said he thinks our list of priorities supersedes the list of old business that is on the agenda. He doesn't think the old business needs to be listed on the agenda every month. He thinks we could strike that and just use our list of priorities.

## **23. Racial Bias Training (continued)**

Jackie Stanton said the last hour of the racial bias training is going to be on bystander intervention and microaggressions. She thinks it is important to include that in the text of notices about the event. Rebecca said she can add that information to the notice in Basement Medicine. Brian can add it to other notices.

## **24. Executive Session to Discuss Personnel Performance Evaluation as Allowed by 1 V.S.A. § 313(a)(3)**

**Mike moved to enter executive session to discuss personnel performance evaluation as allowed by 1 V.S.A. § 313(a)(3), Kyle seconded, the motion was passed and the board entered executive session at 8:55.** The board consented out of executive session at 9:31.

## **24. Wage Adjustment Following 6-Month Review for Recreation Coordinator**

**Mike moved to end Lisa Crews' probationary period and grant her a 1.5% increase effective at the end of her 6-month probationary period and the motion was seconded and passed.**

## **25. Adjourn**

The meeting was adjourned at 9:35.

*Minutes submitted by Donna Griffiths*