JOHNSON SELECTBOARD MEETING MINUTES

ALL PARTICIPATION VIA ZOOM TELECONFERENCING

## MONDAY, APRIL 6, 2020

**Present:**

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

Others: Brian Story, Rosemary Audibert, Tracy Myers, Tammy Murray, Charles Gallanter

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

1. ***Call to Order***

Eric called the meeting to order at 7:00.

1. ***Additions, Changes to Agenda***

Brian added possible action on the agreement with the solid waste district.

1. ***Public Hearing – Potentially Vicious Dog***

The board had previously received pictures, written testimony and supporting documents regarding the bite received by Tammy Murray from a dog owned by James Armstrong.

Eric swore in Tracy Myers. Tracy said this is an ongoing problem. She believes this is the same dog that has done this before. Tammy is afraid to walk down the street, as is a neighbor who submitted a statement. The wife or girlfriend of James Armstrong couldn’t even get the dog under control and stated it would be put down. Tracy has been to James Armstrong’s house over a dozen times and he has either not been home or has refused to answer the door.

Eric asked if the dog’s rabies vaccination is up to date. Tracy said according to town records, yes, but she hasn’t been able to talk to the owner directly.

Eric asked, Tracy isn’t aware if the dog is under the required observation? Tracy said she can’t reach the owner. Even the sheriff’s department has tried and failed to contact him.

Doug asked if the dog is licensed. Tracy said yes, last year he was.

Doug asked if the dog responsible for the bite is his German shepherd. Tracy said from what she understands, yes. That is the only large dog she knows they have. Eric asked if Tracy knows the dog’s name. Kyle said a document gives the name as Asia. Tracy said that sounds right. Brian said that is the only dog Armstrong owns that fits the description.

Doug asked who the dog is registered to. Tracy said she believes it is registered to James Armstrong. Brian agreed. Tracy said he got ticketed last year for letting this dog run.

Nat asked Tracy to describe her history with this dog. Tracy said the owners hardly ever have it locked up and it has bitten once before. Numerous times she has driven down that road and it has been running.

Nat asked, this isn’t the same dog we had hearing on a year or so ago? Tracy and Brian said no, this is a different dog.

Kyle asked, the last time the dog bit someone, was the bite this bad? Tracy said she doesn’t think it was as bad as this one, which was pretty severe.

Brian said he doesn’t believe we have had a complaint filed about this dog before. Tracy said just running at large.

Tammy Murray joined the meeting. Eric swore her in.

Tammy described the incident. She said she walking down the road. The dog wasn’t out at first. She turned around and headed back past the house and then the dog started barking. It ran down the driveway and bit the back of her leg. She stopped and put her hands up and started screaming. A lady came out with a stick and tried to get the dog away from her. The dog was circling and barking and growling. A neighbor came by in a car and Tammy asked her for a ride. The owner got the dog to the other side of the car and Tammy got in. She showed the dog bite to the neighbor, who took a picture. A week after the bite she took another picture. Her leg is still swollen and black and blue. Why didn’t the owners have “Beware the dog” signs? Now she doesn’t dare go for a walk and neither do other neighbors.

Eric asked for a description of the dog. Tammy said supposedly he is a German shepherd but she thinks he is a mix. He has black and white markings. He is good sized. He doesn’t look like a purebred German shepherd. The woman owner called the dog Asia and she said he would be put down.

Kyle asked if this was the first time Tammy witnessed the dog running out into the road. Tammy said last year she stopped at the house and could hear the dog barking but it was in a pen or something. The dog has chased cars before. The other day a neighbor said the dog made it hard to drive up the road because the dog was circling the car. All the neighbors are afraid to walk down the road.

Doug asked if the woman who lives with the dog examined the bite. Tammy said the woman put her arm around Tammy and said, “Stay next to me.” Tammy showed her the blood on her leg.

Mike said he saw the pictures of the bite. It is one of the worst he has seen. It is lucky the dog didn’t knock Tammy down and bite her on the neck. That is a vicious dog.

Eric told Tammy that the board would close the hearing and continue with the rest of the selectboard meeting, then go into deliberations later and decide the fate of the dog. Tammy Murray left the meeting.

The dog hearing ended at 7:17.

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

**Kyle moved to approve the minutes of March 17 and March 23, 2020, Mike seconded and the motion was passed.**

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

Rosemary had previously emailed warrants to board members and Brian. Eric asked what the rented excavator was used for. Rosemary said he would have to ask Brian Krause. The public works crew had it for several days in December for a road project.

**Mike moved and Kyle seconded to authorize the selectboard chair to sign warrants on behalf of the board.** Doug asked, do we have to have a separate warned article for this? Eric asked Rosemary if this is allowable and she said it is. **The motion was passed.**

1. ***Open Sealed Bids for Sale of Mobile Home***

Brian opened the two sealed bids that had been received by the town for 53 Katy Win East. The first was from Daniel Cutting for $4,000. The second was from Daryl Mansfield for $3,100.

Eric asked, they both understand that it is sold as is? Brian said yes.

**Mike moved and Nat seconded to sell to the mobile home at 53 Katy Win East to Daniel Cutting for $4,000.** Brian asked if the board wants to provide a time limit for payment. Nat asked if there will be any additional payment for lot fees and back taxes. Brian said there will not be anything paid to us in addition to the bid amount. He noted that the notice of intent to sell states that the closing will take place within 48 hours. Eric said any excess beyond what is owed has to go to the previous owner. The town doesn’t make a profit. Mike disagreed. He said we own the trailer free and clear and we don’t have to give back profit to anyone. Eric said he believes we have to if we make more than what is owed in taxes. Brian said he thinks Eric is correct. **The motion was passed.**

1. ***Meeting Options for Town Volunteer Groups***

**Nat moved and Doug seconded to allow town volunteer group meetings to resume provided the rules of social distancing are followed and meetings are held online and comply with open meeting law.**

Charlie Gallanter said his understanding of open meeting law is that a group still has to have a site where the public can come. Brian said that has been changed by the legislature. As of last week they have made a provision for remote meetings. He will send out a guide on what the procedures have to be. Eric said they are making quite a few exceptions during the COVID-19 situation. Doug said the physical location requirement is temporarily waived during the state of emergency declared by the governor.

Kyle asked, what about minutes? Brian said legislative bodies, which includes the selectboard and Planning Commission, have to take minutes and record meetings. Other groups can meet remotely without having to record meetings. They still have to take minutes.

Charlie asked how meetings are to be warned. Brian said they are warned the same as before. We now have 10 days instead of 5 to post meeting minutes.

Nat asked if there is a downside to asking people to record their meetings. Brian said he doesn’t think so. There is plenty of room on the website, especially if recordings are hosted on YouTube.

**Nat proposed an amendment to his motion, which Doug agreed to, adding that volunteer groups are asked to record their meetings and submit the recordings to Brian Story. The motion was passed.**

1. ***Options for Handling Late Tax Penalties***

Brian said besides discussing late tax penalties we can also discuss the reappraisal. He has gotten a little feedback on that. There are 3 viable options for late tax penalties but the first is not preferred. The board has expressed interest in providing some relief for people experiencing financial hardship due to COVID-19 but the voters set the tax due date and late penalty. The board doesn’t really have authority to influence that date. One option is to hold a townwide vote to change the tax due date or penalties. In the same act that modified open meeting requirements the legislature made modifications that allow a townwide vote by Australian ballot. But it would be expensive. We would have to mail ballots to everyone. And it would increase the level of exposure to justices of the peace when they were counting ballots. He would not call this a desirable method.

Last year when we didn’t get the school tax rate in and had to send out tax bills late we learned that we can’t charge late penalties less than 30 days after we send the tax bills out. There is no penalty for not sending the tax bills out. We could decide to send them later and they wouldn’t be due until 30 days after we sent them. But that might not sit right with everyone. It is legal, but uses a quirk of the law.

The third option is that we could keep the due date and hear abatement requests. We can recognize financial hardship caused by COVID-19 and choose to abate penalties related to the fourth payment on a case by case basis. That uses existing procedures and also provides income to the town from those who can pay on time. It encourages people to pay on time. The downside is that we might have to hear a lot of these abatement requests. We can meet remotely to hear them, but it would still be a lot of meetings.

Eric asked, regarding option 2, haven’t our tax bills already been sent out? Isn’t it just one bill with 4 payments? Rosemary said we haven’t sent delinquent notices for the 4th installment. She believes that is what Brian is talking about. Eric asked, there would be no interest or penalty until after we sent out that notice? Rosemary said that is right.

Kyle asked what the latest is that we can collect taxes. Do we have to collect before our fiscal year ends? Brian said if we didn’t collect before the end of the fiscal year they would go into delinquent taxes. We might end up closing the current year with a deficit, but theoretically next year our income should be increased by a significant amount when we get the taxes in.

Kyle asked what we can afford to do. Rosemary said it is hard to know. It is hard to know if the people whose taxes are overdue will be the same people who have had overdue taxes in past years or different people. We have some large amounts due in July, for instance the sheriff’s department bill and county taxes.

Eric asked if Rosemary has a preference. She said either option 2 or option 3. Brian agreed. Both said they definitely prefer not to use option 1.

Nat said he doesn’t like the idea of taking abatement requests, not so much because of the burden on the selectboard but because people are dealing with enough now. Kyle agreed. She said let’s not make people go through the hassle of asking to abate their taxes. That is also somewhat humiliating. Doug said he is strongly in favor of option 2 because with option 3 we will be unable to discriminate between people who wouldn’t have paid anyway and those the pandemic is affecting. Option 2 allows us to grant a grace period and then call taxes due.

Nat said he hates the idea of subverting the will of the voters at town meeting but he thinks option 2 is the best option. Doug said it should be publicized that the town has a need to meet its obligations and those who can pay should, and that we will call taxes due at a later point and then penalties will kick in.

Eric said at some future time we have to decide when to send the bills out, but we can decide that after May 10. It was agreed to take no action now and to decide later when to send bills out.

Doug asked, shouldn’t we give an indication to taxpayers what we are going to do? Nat asked, can’t we figure out in the next week when we will need money? Kyle said it sounds like Rosemary knows we have bills in July. There was a question about whether borrowing is an option. Rosemary said it is. Doug asked, can we give the public notice that we are delaying sending bills? Eric asked if we should wait until after the May 10 payments have occurred. Doug said he thinks that is not fair to those scrambling to make the May 10 payment. Kyle agreed. Eric said there are repeat offenders who have not paid yet and we are rewarding them as well. Kyle said she thinks that is the risk we have to take. She thinks most people will not take advantage of us. Nat said he thinks the repeat offenders are on the edge financially anyway and they might need the relief as much as anyone.

It was agreed that Brian and Rosemary will come back at the next meeting with suggestions about how long to delay sending out the tax bills. Nat said he thinks the goal is to delay as much as we can without being fiscally irresponsible.

Charlie Gallanter said his property tax bill is dated July 10, 2019. Bills have already gone out, so how can there be a new date? Eric said all penalties and interest kick in after the last payment date. Rosemary sends out a bill when they become delinquent.

Kyle said, let’s say we delay to July or August, but August is when the first 2020 payment is due – would that mean people would have two payments to make? Brian said we can’t just forgive all these payments. At some point we are going to have to catch back up with this year’s taxes and next year’s. His advice would be to delay as little as possible so we minimize the impact of multiple bills coming due all at once. Kyle said she would hate to set people up for more failure. Brian said he is concerned about that. Rosemary said she thinks it is highly unlikely that tax bills will go out in July because the homestead declaration has been delayed until July 15. Tax bills will probably be delayed at least a month from the usual cycle.

Doug said it might be important for us to gather information about what the legislature appropriates and when people are likely to return to employment.

Brian said he wanted to get the board’s feelings on delaying the reappraisal. Doug said he had written a letter to the head of Property Valuation and Review about our quadrennial appraisal. She brought up possible issues with our assessors and our contract and how good our reappraisal would be if we delayed. She recommends that we complete the reappraisal and publish the revised grand list as scheduled. We can do grievance hearings remotely, but the real problem is what we do about site visits. Three members of the BCA have to make a site visit, but that is not a good idea. There was some recommendation that we not go inside but he wonders how fair it is to value the property just on the exterior. He thinks these are exceptional times and we need to appraise as fairly as we can. He will not make site visits. His health is too important. And he doesn’t think he should shunt that risk to other people.

Eric said we could have a hundred appeals when the reappraisal is sent out. He echoes Doug’s concerns about going in everyone’s homes. When someone appeals at least 3 members have to view the whole property.

Nat asked what the timeline on that is. Rosemary said probably July or August. Brian said if we didn’t have any delay NEMRC is looking at the middle of July as the earliest time when they would start the pre-grievance process. Eric said a lot will get resolved at that level but a hundred could get to our level.

Kyle said she is surprised that they are recommending going forward. Brian said everyone he has spoken to has encouraged us to go forward with reappraisal. Nat said if this is still going on in August we have bigger problems to worry about. Hopefully the curve of virus infection is disintegrated by August. Eric said if the virus is still a concern in August, maybe we can get relief at that time. Not going forward means paying more to our assessor and asking them how they were going to adjust the assessments they did in the first three years and whether they could make a similar adjustment if the fourth year is delayed to the fifth year. We are speculating about what the state of COVID-19 pandemic will be. He thinks we should talk to our assessor and ask what we could do to compensate for delaying the assessment. He doesn’t think the people advising us to go forward are looking at the burden on our people. Mike suggested we could just let things continue the way they are and maybe take care of it next year. Eric said an issue is the effect on the CLA. That costs taxpayers in school taxes.

Doug read from what the head of Property Valuation and Review had written to him. She said four years of data is already pushing the data and another year would make it more stale and lead to greater disparity. She doesn’t believe more people will grieve after the reappraisal than this year. Doug said he thinks hopefully next year we will be better able to deal with grievances. If we already have data from 4 years, what is the difference in dealing with 5 years? Can the assessors adjust by a percentage? He would want to ask our people that and he would want to know what it would cost us for another year of assessing. Eric said he would guess that if we waited until next year and used the data we have from the past 4 years, assessed values would be high compared to market values and we would get more appeals.

Mike asked if Doug is saying the assessors can adjust the numbers next year to compensate for the change in the market. Doug said he is proposing asking them if they can do that. He was told that two towns that are in reappraisal asked to be relieved from reappraising and their request will be granted.

The board agreed to invite our assessors to attend the next board meeting.

1. ***Revolving Loan Fund Relief Options***

Brian said we have received a request for relief from payments to the revolving loan fund. He spoke to Cassie Bell. There is broad support for this but not specific guidance. Cassie recommends just documenting how we are handling it and keeping the Agency of Commerce and Community Development in the loop. Brian spoke to John Mandeville, who said that for LEDC revolving loans they have gone to interest only payments for the time being. Brian doesn’t know how that will work for our requestor. Our loan is tied up in their mortgage agreement so they have specific needs. He believes paying interest only would be helpful for them but he is not 100% sure. He hasn’t yet gotten confirmation from their bank of whether that would meet what the bank needs.

Eric asked when they are looking for an answer. Brian said he thinks it can wait for the next meeting.

**Nat moved to grant the request from a revolving loan recipient to suspend payment on the loan for 3 months of payments, Kyle seconded and the motion was passed.**

1. ***Approve Paving Request for Proposals***

Brian had distributed copies of the RFP he wants to put out for paving. The plan is to do paving on Plot Road and Ober Hill Road. We will apply for a paving grant to help pay for paving on Plot Road. That will be pretty expensive because the sub base is in poor shape.

Doug asked, we have the money in the budget? Brian said we have some for paving. He thinks we will be okay even if we are denied the grant but if bids come back too high and we don’t get the grant we might have to modify the scope of work. Right now all grant review is suspended.

**Nat moved to put out the Request for Proposals for paving as presented, Kyle seconded and the motion was passed.**

1. ***Contract with Solid Waste District***

The solid waste district signed the contract we sent to them. Now it needs board signature. **Doug moved and Mike seconded to authorize the chair to sign the contract with the solid waste district.**

Nat asked where this leaves us if we need to use some of that land for trees affected by emerald ash borer. Brian said it leaves us in the same situation we have been in. We own more of the land than the solid waste district is using. We would have to negotiate with them on travel though the portion they are using but there is unused land of ours there.

**The motion was passed.**

1. ***Deliberations for the Vicious Dog Hearing***

**Mike moved to go into deliberations for the vicious dog hearing pursuant to VSA Title 20, Section 3546, Kyle seconded, the motion was passed and the board entered deliberations at 8:22.** The board came out of deliberations at 8:51.

1. ***Adjourn***

The meeting was adjourned at 8:53.

*Minutes submitted by Donna Griffiths*