

JOHNSON SELECTBOARD MEETING MINUTES
REMOTE PARTICIPATION VIA ZOOM TELECONFERENCING
MONDAY, OCTOBER 5, 2020

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Brian Story, Rosemary Audibert, Lisa Crews, Scott Meyer, Michael Salem, Kim Dunkley, Beth Foy, Marla Emery, Lois Frey, Rick Aupperlee, Offie Wortham, Athena Parke

Note: All votes taken are unanimous unless otherwise noted.

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

1. *Call to Order*

Eric called the meeting to order at 7:00. He said he intends not to turn on the chat room and if the meeting is Zoombombed he will immediately adjourn it.

2. *Additions, Changes to Agenda*

Eric added possible action on two proclamations. Doug said he wants further discussion on the house at the corner of School Street and 100C.

3. *Review and Approve Minutes of Meetings Past*

Doug moved and Nat seconded to approve the Board of Health minutes of September 21, 2020.

Doug said the minutes show Willie Noyes saying that the deficiencies will not be corrected, but he thought Willie had said they would be corrected. Brian said he thought the same thing. Donna said what she put in the minutes was what she had understood him to say. (*Kyle joined the meeting at 7:05.*) Doug withdrew his motion. It was agreed to get clarification on what Willie had said.

Kyle moved to approve the minutes of the regular selectboard meeting of September 21, 2020, Doug seconded and the motion was passed.

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

Brian showed information on cash on hand as of June 30, 2019. Rosemary said we ended the year with \$611K in cash. Then she took out all the reserve funds (\$507,749), leaving cash on hand of \$103,988. Delinquent taxes are \$154,992.58 and \$131,735 was committed to reduce this year's taxes, leaving an uncommitted balance of \$127,245.75.

Eric asked how the emergency fund got so big. Rosemary said it has been growing over the last few years and we got about \$25,000 from FEMA that went into it. Eric noted that the voters also voted to put some money in the fund. Kyle said that was about \$20,000.

Eric said the board needs to decide what to do with the \$127K. The Historical Society board requested that their FY20 year-end balance be rolled over into FY21.

Kyle asked if Brian has any recommendations. Brian said the idea of doing a proper audit came up at town meeting and in discussion with the Historical Society. He and Rosemary are interested in following through with that. They would like to draw up an RFP and start getting

pricing and incorporate an audit into the budget at least for the next year and possibly going forward. Regarding the Historical Society request, it is probably worth talking to the town's attorney. The wording in the article approved by the voters is fairly loose about what has to go into the reserve fund and what doesn't. It is probably worth having a little more detailed conversation with the Historical Society and the town's attorney so we know how we can use this money. The Historical Society also has more options than some other groups for drawing money out of their reserve fund.

Doug asked if we are starting to put money away for when the gravel pit is exhausted. Brian said no, there is no reserve fund appropriate for purchasing gravel or a new gravel pit. Or for reclaiming the existing pit, Eric added. Doug said those are expenses we will have. Brian said that is not an option available to us tonight for the money we have at the end of FY20. When planning for town meeting we may want to talk about having a reserve fund for the gravel pit. Doug asked, even if we have surplus, there is no way of saving for the gravel pit from it? Brian said the ways for us to hold onto funds are pretty restricted. We can use reserve funds but they have to be voter approved and the article has to describe how the money goes into and out of the reserve fund. We can definitely hold onto money for highway projects from one year to another but general funds are a little trickier.

Mike said he thinks we ought to find a way to hold onto this the best way we can. Eric said that would mean going to the voters with a proposed budget for next year.

Brian said the Historical Society surplus is part of the \$127,000. Eric asked how much of that is Historical Society surplus. Mike said according to the information shown it is \$6,692.75. Eric said so we are down to about \$121,000 that is not committed.

Nat said he is confused by these reserve funds. He thought the email Duncan sent after our last discussion on this topic was quite interesting. To him it seems like all these different reserve funds have different rules based on how they were set up and approved by the taxpayers at town meeting. He doesn't think we have clarity on any of that. We should pull out all those motions from town meeting. Brian said they are mostly included as an appendix in our capital equipment plan, but that doesn't include everything. Updating that is a project he is working on. Nat said Duncan talked about the Historical Society funds in relation to the discussion we had last year regarding a contribution to the capital equipment fund, which was controversial. He is not clear on what we are and are not able to do.

Mike asked if Duncan was talking about backing the approximately \$800 we gave to the Historical Society for heating out of the surplus. Brian said no, he doesn't believe so. Mike said his sense was that we could back that out. Eric said no, that was money they already spent. He thinks we are just reimbursing them for 50% of it.

Eric said before we act on the Historical Society's request we need clarification from our attorney and the Historical Society.

Mike said he thinks an audit is a good idea. Rosemary said it has been a few years since our last audit. She would like to recommend that we have an audit every year.

The board authorized Brian to go to the town's attorney to get more information on reserve funds and access funds.

Rosemary said ballots went out last Thursday and Friday. Most people got them on Saturday. The post office has returned several hundred because the addresses were not correct or the people had moved. We will be dealing with that this week.

Mike moved to authorize Eric to sign warrants on behalf of the board, Kyle seconded and the motion was passed with Doug abstaining as he had not gotten the warrants in time to review them.

Kyle asked if the ballot drop box has been put up. Rosemary said yes, beside the bulletin board. Kyle said she wonders if we should put out a Front Porch Forum post about it. Rosemary and Brian said we can do that. Brian said it is very obvious. Rosemary said we have gotten about 40 ballots. Doug said people need to know it is there. Eric asked if Rosemary intends to shut off the small drop box. Rosemary said she doesn't think so. Some people may want to put things inside the building instead of leaving them outside.

Nat thanked Rosemary for her very informative Front Porch Forum post on voting procedures.

5. *Revised Facility Use Form*

Brian showed the board an updated facility use agreement. He said it tightens it up a little and makes it easier for us to manage. The village has not seen it or taken any action on it. When Brian was the only one handling facility use requests he liked taking them to the selectboard to approve but now between him and Lisa he thinks they have a pretty good handle on activities on town property. He proposes that Lisa and Brian approve facility use requests, leaving it up to their discretion which ones come before the selectboard. The board agreed to that. Kyle suggested that Brian's Friday report could include information on facility use requests.

Doug said for an application that only involves town property he doesn't think the agreement should say town and village. He thinks if it is just for town property it should say "Town of Johnson." Brian said we have signed facility use permits most often for solely owned town properties and he suspects the village most often signs them for solely owned village property. It doesn't come up that often for jointly owned properties. So he thinks Doug's suggestion would be fine. He could say "town and/or village" or we could put in a blank where we would write in which it was. Eric said it would be nice to have one form and not three different ones. Doug said he thinks we should have three forms – one for the town, one for the village and one for joint town and village property. Mike said he thinks we should take Doug's advice. Nat said he thinks Doug makes a good case. Kyle agreed. The board agreed that there should be three different forms. Brian said he will make one for the town only one for joint town and village properties and he will submit the town and village one to the village for their approval.

6. *Property and Casualty Intermunicipal Fund (PACIF) Renewal*

Brian said our PACIF insurance is up for renewal. We have to provide an agreement this week or let them know we are going out to bid for alternatives. He has been happy with them. They provide good insurance at reasonable rates. He doesn't think it is worth the effort to go out to bid. He suggests we complete the renewal form. Mike said the increase in cost is modest

compared to other insurance increases. Brian said the increase across the whole fund is 1.5% but we have a good safety record so our actual increase based on our experience modifier may be even smaller than that. **Mike moved to renew the PACIF insurance policy, seconded by Doug.** Brian said the next policy will include new vehicles we have purchased. He thinks the cold storage building might be underinsured. He will look at that with PACIF. **The motion was passed.**

7. Racial Justice Committee Volunteer Selection Process Discussion

Brian said it seemed to him that board members had different ideas about how we were going to interview people and make appointments to the Racial Justice Committee. This is an opportunity to discuss that. We can either have a special meeting or make appointments at the next regular meeting. Tonight we should focus on how we will interview people. A pretty good option that Eric suggested was to have the selectboard members interview people then do ranked choice voting on candidates, which could be done in executive session or over email. Then the board would make appointments either in an executive session after the interviews or in the following meeting.

Eric said he and Brian checked with VLCT and we are able to go into executive session for committee appointments. Under the circumstances he thinks that would be a good idea. We got quite a few candidates and we will only be able to select three. We don't want anyone to feel offended by our evaluation of candidates if we did it in open session. He thinks if we weighted candidates based on ranked choice voting hopefully that would narrow down the slate so the board could talk about only the top four or five candidates rather than having to talk about the whole slate. Each board member would rank their first, second and third choice candidates. We would assign, say, 15 points for first choice, 10 for second and 5 for third. Then when all votes were submitted Brian would tally them and see who the top 3-5 people are.

Doug asked what the board would do with those people. Have another vote? Eric said the board would get into negotiating but we would not have to negotiate on every single candidate. Doug said he wonders if we would want to rank the top four or five. Brian said he doesn't think we have to only pick three people. We could rank everyone and then pick a cutoff and not examine those who got under a certain number of points. Doug asked how many candidates we presently have. Brian checked his list. Nat said he thinks what we are talking about sounds more or less fine. He would say we should keep it as simple as possible. He thinks this is just a way of trying to get early consensus to organize the conversation and it won't obligate our final vote in any way. Brian said we have 9 applications.

Kyle asked, are we as a board clear about the type of candidate we are looking for? Eric asked the board's thoughts on that. Kyle said she thinks she has made herself clear. It would be nice to hear what others are thinking. Doug said his interest is that there will be practical implementation where the rubber meets the road. He is looking for people who will be in favor of moving racial and economic justice ahead. Mike said he feels the same way. Nat agreed. He said he thinks the couple of documents the board has spent a lot of time working on already to establish the committee really define that and express where the board is coming from as a whole. That is what we are looking for. Eric said he would echo those same comments. We are looking for a group to look at all the proposals that come before them that this board doesn't have the luxury of time to dive into and come back to us with recommendations. Kyle said it

sounds like we are in consensus that this committee is for moving racial justice forward and we are looking for candidates that also believe that and believe racism is an issue in Johnson that needs to be addressed.

Eric said we will have to set a special meeting to interview candidates. The village is interviewing candidates this Wednesday.

Doug said he would suggest rating one through five and saying we will look at the top five candidates. Kyle said she thinks it might be good to have a couple of alternates. Brian suggested ranking the whole list of candidates. He suggested we have all candidates speak for roughly 2 minutes about why they should serve on the committee and then we will rank them all 1 to 9. The top five will get additional scrutiny, then the board will vote on the top three from that. If we rank all of them then if something happened with our top choices and we needed others we could go to the sixth person because we would have them all ranked. Doug said he understood Kyle to say that we might appoint alternates in addition to the three. Kyle said yes. Doug said he thinks if we are looking at saving time we don't want to run down one through nine. Brian said we didn't discuss appointing alternates with the village when we talked about the committee. The alternates wouldn't have voting power. If one of the three members left we would have to appoint one of the alternates to take their place. Eric said he thinks Kyle's point would be to have a person in the wings if someone was not able to serve. Kyle said yes. Eric said it wouldn't be like the alternates were sitting in on meetings identified as alternates. He said he doesn't think we would have to rank more than three people each to get the top five candidates because the rankings probably won't all be the same.

Nat said with nine candidates he would like to be respectful of everyone's time. Maybe there should be a time limit for each candidate to speak and a specific amount of time for the board to ask questions. Eric said he thought we would give each candidate two to three minutes and then at the end open it up to board members to ask questions to each candidate or to all. Nat said he thinks the board should also be limited as to time. Eric said he thinks we will limit it to around 30 minutes at most.

Scott Meyer said he is a board member on a non-profit. They have standing members already vetted and ready to go, ranked, so if someone steps off the board they don't need to make an appointment. He doesn't think the trustees would have an issue with standing members for the Racial Justice Committee and the village would probably do the same thing if they had more of a selection.

Doug asked about letting candidates see other candidates' interviews. When we have met in person for interviews we haven't let people see each other's interviews. Eric said with employee interviews we have done it that way. With committees we have always interviewed people in front of each other. It has been more informal.

Brian said he will figure out a good date when all board members are available.

Kyle asked if the board wants to have prepared questions to ask everyone. Mike said that would be the fairest way to do it. Brian said he would suggest having at least one prepared question.
(Michael Salem joined the meeting at 8:14.)

8. *Sale of Some Gymnastics Equipment*

Brian showed a list of gymnastics equipment proposed for sale. Former gymnastics instructor Becca Johnson would like to purchase this equipment. The equipment is not currently being used. A number of the items are redundant with other equipment we have. If we got a good program together in the future we would have to rebuy a handful of things.

Lisa Crews said Becca was teaching a more advanced program because of her skill set and because she was willing to spend more time setting up and moving equipment. We have a beginner program. We would keep enough equipment to run up through an intermediate program. Most of the equipment we would be selling won't still be usable if it is kept rolled up too long.

Kyle asked if Lisa likes Becca's offers. Lisa said she thinks they are reasonable because all the equipment is very used and she feels Becca is a very honest person who wants the best for this community. Becca sent a whole program with no compensation when we started the Tumble Time program. She is offering a little over \$1,100 for the equipment she wants. Everything that was purchased came through money from running the gymnastics program, not a line item funded by taxpayers.

Mike moved and Kyle seconded to sell gymnastics equipment to Becca Johnson as proposed. Eric said it should be noted that this was not put out for bid. Mike said he thinks it would be difficult to put the equipment out to bid. People would try to buy just one or two items and it would take a lot of time to show the equipment. Kyle asked if Becca will pick up the equipment. Lisa said yes. Nat asked if the proceeds go to the recreation reserve fund. Lisa said they will go into the rec budget somehow. She doesn't know where they will be put. Nat suggested putting them in the reserve fund. Then they will be reserved for the rec committee permanently. **Mike and Kyle agreed to the friendly amendment that the revenue will be put into the recreation reserve fund. The motion was passed.**

Kim Dunkley said she wonders if it is possible to keep the funding within the gymnastics program. If the Rec Committee does find an instructor willing to teach to that level they might want to purchase equipment. Brian said there is not that level of specificity in the reserve fund. The money would go into the reserve fund that is for recreation use. He thinks new equipment is something that would qualify for a reserve fund expenditure. Nat said the benefit of putting the money in the reserve fund is that the money will be there whenever an instructor is found.

9. *Executive Session for Employee Recruitment*

Nat moved to enter executive session for employee recruitment as allowed by 1 V.S.A. § 313(a)(3), inviting Michael Salem and Brian Story, Mike seconded, the motion was passed and the board entered executive session at 8:24. The board came out of executive session at 9:30.

10. *Update on Evaluation of New Gravel Pit*

Brian said he and Brian Krause met with the consultant this morning. He is a little more positive about the new land owned by the Nadeaus that they are interested in possibly selling us. They

are going to go there tomorrow to look at the site in person and start thinking about what it would take to use it as a gravel pit. There is a decent amount of cover over it – about 30 feet of dirt that we don't want. Eric asked if we could use that for reclamation of the old pit. Brian said he hopes so. The consultant said he would support that if we need to go to Act 250 to ask for an opinion on this but hopefully we won't need Act 250.

Mike asked if we would rent the land as we do now. Eric said with the current gravel pit we own the property but not the mineral rights. Brian said we would have to negotiate the purchase once we have an idea what we will get out of it and what it would cost to open it up. Mike asked if the evaluation has been shared with the Nadeaus. He thinks if they know the test results it puts us at a disadvantage. Nat said he thinks that is a good point.

Doug said when we purchased the existing gravel pit he was Bert Nadeau's attorney. He thinks if we go ahead with this he would like to not be involved in any further discussion on it. He doesn't think he would represent Bert but he would recuse himself.

Eric asked if Brian expects to have a recommendation for the board after tomorrow. Brian said yes.

Mike said he would never vote in the affirmative unless the town could completely own the land and mineral rights.

11. Update on Naming Rights and Trailhead Plan

Doug said the ad hoc committee has had considerable discussions about a possible contribution from the Alexander family. A design was drawn up by Howard Romero and sent out with cost estimates. The committee is now waiting for a design by landscape architect Kate Lalley. They asked Lisa if they could appear before the Rec Committee because they feel the Rec Committee should be involved. The Rec Committee is meeting on October 15 and the ad hoc committee is planning to have Kate Lalley's architecture plan at that meeting for the committee to look at along with Howard's plan. Duncan Hastings got an estimate from Steve Towne on what it would cost to bring electrical service to that building with the idea that if electricity was brought there it could also be used to electrify the fields, etc. Doug met with Kelly Frost, the public relations community representative for the Studio Center, trying to get information from her on how to approach this project. The ad hoc committee is planning to bring their ideas to the board on October 19.

Nat said he thinks the public input process needs to be robust. The opportunity for input at the Rec Committee meeting needs to be really clear to everyone. With the bandstand and bread oven projects people said afterwards that they didn't hear about the projects and didn't like how they were happening. To Walter Pomroy's point at a previous meeting, he wants to know exactly what naming rights means legally and what it obligates us to. He is behind this idea based on his idea of what it means, but Walter raised some strong cautions that made him want to know what exactly is being agreed to and the legal ramifications of this obligation. Nat asked if there has been anything on Front Porch Forum saying that the town is considering this and inviting people to come to a meeting about it. Doug said no. The ad hoc committee thought the Rec Committee should be involved and that would be a public process. He didn't think posting

on Front Porch Forum was as good as assembling a committee that could present the project and then people could comment based on what was in front of them.

Mike said he doesn't believe in looking a gift horse in the mouth. He thinks we should strike while the iron is hot. He thinks what Doug is doing is excellent. Doug said he can't guarantee that the Alexander family will find the proposal acceptable but they have been very encouraging with what has been sent to them. Kyle said she thinks this has incredible potential. She agrees that this could be a great thing for the community and we should strike while the iron is hot but we should be smart about it and make sure people know what is going on. If this is able to happen she thinks it will be great. Friends of hers hiking the Long Trail commented on how difficult it is being a hiker in Johnson as there are few lodging opportunities and transportation is difficult. This could be a way to be a more outdoor recreation friendly community. She hopes it works out.

Nat said to illustrate where he is coming from with public feedback, when we started building the trailhead facility an equestrian asked if they there could be a hitch for horses and a horse trough. He and the Rec Committee never would have thought of that. It would have been great if they had. It wouldn't have cost much if it had been built into the original design.

Doug said when the committee started studying this they started thinking about different uses. We might phase the project. They have asked the Historical Society if they would be interested in participating to show information about the industry that used to be there. There could be a display board for attracting people into our community and showing what we have.

12. *Proposed Proclamations*

Eric proposed approving two proclamations – one acknowledging October 17 as Ray Gilcris Day as that is the day of his retirement party and one acknowledging October 26 as Brian Krause Day as that is his last working day. If the board approves the proclamations he would draw them up for board members to stop by and sign. **Mike moved to approve a proclamation acknowledging October 17, 2020 as Ray Gilcris Day and a proclamation acknowledging October 26, 2020 as Brian Krause Day, Nat seconded and the motion was passed.**

13. *House at School St./100C Intersection*

Doug said he wants to know what is happening with the house at the corner of School Street and 100C. If nothing is happening he thinks the town should be an instigator. Brian said we have to follow up on that. He is planning to do so. He has heard they are moving on it. Doug said he thinks the town needs to show concern. Eric said there are two other houses on Stearns Street that no one will deal with if we don't, but the state will deal with that one.

14. *Selectboard Issues/Concerns*

Kyle said she has handed over the torch of Johnson Works president to Joie Lehouillier. The board thanked Kyle for her service as president.

15. *Adjourn*

The meeting was adjourned at 10:03.