

JOHNSON SELECTBOARD MEETING MINUTES  
ALL PARTICIPATION BY ZOOM TELECONFERENCING  
TUESDAY, DECEMBER 7, 2020

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood  
Others: Brian Story, Rosemary Audibert, Charles Gallanter, Kim Dunkley, Diana Osborn, Rose [last name unknown], Greg Tatro, Beth Foy, Hugh Albright, Brad Carriere, Eben Patch, Joie Lehouillier, Howard Romero, Duncan Hastings

**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.

**2. Additions, Changes to Agenda**

Doug added an executive session to discuss the possibility of a pledge contract with regard to the construction and improvements to the Johnson rail trail trailhead.

**3. Executive Session to Interview Public Works Supervisor/Road Foreman Candidates**

**Mike moved to enter executive session to interview public works supervisor/road foreman candidates as allowed by 1 V.S.A. § 313(a)(3), inviting Brian and the candidates, Doug seconded, the motion was passed and the board entered executive session at 7:02.**

The board came out of executive session at 8:21. Eric explained that because the agenda showed the executive session lasting until 8:30 the board would take a break until 8:30. The meeting resumed at 8:30.

**Nat moved to authorize Brian Story to make an offer of employment to Hugh Albright for the position of public works supervisor upon a clean background check and reference checks, Doug seconded and the motion was passed.**

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

**Kyle moved and Doug seconded to approve the minutes of November 16, 2020.**

Diana Osborn said she was identified in the minutes as an EMS provider in Morristown. She wanted to clarify that she was speaking as a resident of Johnson and was not speaking for the town of Morristown in any way. She also wanted to clarify that her intent was not to complain about the mutual aid situation but to use it as an example of the kinds of things that town might want to explore in making decisions. Doug said he understood that she was a Johnson resident who worked for Morristown EMS but was not representing them and understood that she was intending to give insight and not complain. Kyle agreed that is exactly how she perceived it.

Diana suggested changing the wording in the minutes to clarify that she is a resident of Johnson who was speaking strictly on her own behalf. Mike asked, in the past, haven't we just included clarification like that in the subsequent minutes? Eric said we could have

clarifying remarks in these minutes or the board could amend the previous minutes. Brian said Diana's additional clarifying statements wouldn't be something to edit into the previous minutes but he doesn't think her request to clarify that she is a Johnson resident changes anything and it helps her to feel comfortable with her statements. Mike said in the past he has brought forth similar things and the board wasn't willing to edit the minutes but only to put clarification in the current minutes. If it is done for one it should be done for all, or we should go back and revisit the actual video. He just wants to see things done the same from meeting to meeting. Nat said he generally favors the approach of not going back and editing previous minutes but putting clarification in the current meeting minutes unless there is something that is factually wrong. Brian said what Diana is suggesting has to do with how she would prefer to be identified. She is not trying to change the content or character of what she said.

**Kyle and Doug agreed to a friendly amendment to amend the minutes to identify Diana Osborn as a Johnson resident. The motion was passed in a roll call vote with Kyle, Doug and Nat voting yes, Mike voting no and Eric recusing himself because he was not at that meeting.**

Kyle said after looking at the video of the joint meeting she wrote Donna to ask if she could add some things that were not included in the minutes – not changing any wording or characterization, just adding pieces she felt were important for content, transparency and context. Donna's recommendation was to bring it up at this meeting.

Kyle moved to approve the minutes of the November 23 joint meeting with the following amendments:

- Include the entirety of Gordy's statement of the things the town could take on if it took on the village general department, starting from hour 1, minute 51
- Show that from hour 2, minute 22 to hour 2, minute 28, Will Jennison left the camera for the entire 6 minutes Rick Aupperlee was speaking
- Include Gordy's statement about how he characterized Kyle's inquiry about why Will left the camera.

The motion died for lack of a second.

Mike moved to approve the November 23, 2020 minutes as submitted. The motion died for lack of a second.

**Doug moved and Nat seconded to approve the minutes of November 23, 2020 with the addition of the entirety of Gordy's statement of the things the town could take on if it took on the village general department, starting from hour 1, minute 51.**

Kyle said Will left the camera and didn't come back on until the vote was taken and then she asked if she could ask why he did that, because it felt so disrespectful, and when he said no, Eric laughed and that felt like we were watching a reality TV show and not taking our responsibility as public servants seriously. This is about how we are treating our taxpayers and constituents. She feels we need to check ourselves there.

Mike said it was none of Kyle's business why Will left the camera. He thinks it is a stretch to insinuate that Will was being disrespectful. It could be that Kyle was disrespectful to ask where he went. Kyle said on the video it looked as if he didn't want to listen. It felt very deliberate. When there is an important public comment, if you are someone who serves the people you wait a few minutes to hear it. This is a pattern of behavior and she thinks it needs to be called out. Mike said Will could still hear the whole meeting and you could argue that Rick was being disrespectful by not showing his face on the video.

**The motion was passed in a roll call vote with Nat, Kyle and Doug voting yes and Mike voting no.**

5. ***Treasurer's Report / Review and Approve Bills, Warrants, Licenses / Any Action Items***  
**Nat moved to give employees \$100 holiday pay each, seconded by Mike.** Kyle asked, in the past we have given \$100 per employee? Rosemary said yes. **The motion was passed.**

Rosemary said digitized land records should be online in no more than 2 weeks. Then we will have 40 years online.

**Doug authorized the chair to sign warrants on behalf of the board, seconded by Kyle.**

Eric asked why payment for a Jeffersonville dog is in the warrants. Rosemary said she would have to look into that. Nat said it says "Jeff dog Lamoille Kennels." He wonders if the dog is named Jeff. Eric said that could be. He took Jeff to mean Jeffersonville.

**The motion was passed.**

6. ***Planning Commission Report***

Charlie Gallanter said he doesn't have anything to report. His understanding was that the selectboard was going to look at what the Planning Commission had submitted, redline it and give it back to the Planning Commission tonight. Doug was concerned about hydrologically connected portions of Class 4 roads but Charlie's understanding was that LCPC identified which sections were and weren't hydrologically connected, so why does the board want the Planning Commission to duplicate their efforts?

Doug said what he thought was that to the extent that a town highway is not hydrologically connected, we probably ought to leave it alone as there is no financial incentive to change it because of the rules related to hydrologically connected roads.

Charlie said he didn't read in the instructions from the selectboard that if a road was not hydrologically connected the Planning Commission should ignore it. After inspecting the roads they don't feel as many as originally suggested should be downgraded and they feel that a portion of Prospect Rock ought to be upgraded from Class 4 to Class 3 – the portion from the end of the Class 3 section to the driveways of the Osborns and their neighbors. That section of road gets muddy in the spring. The property owners that pay tax maintain it as best they can but that one area is beyond their ability to maintain.

Doug said the town has a policy on how a Class 4 road can be brought up to a Class 3 road.

Kim Dunkley asked if any selectboard members had looked at the recommendations the Planning Commission put out a while back and what they thought about the recommendations for changing some Class 4 roads into trails.

Doug said he had read them all and he agreed with the first half but with the second half he couldn't believe how far off he thought they were. He assumes at some point the board will find time to redline the document and give it back to the Planning Commission.

Eric said he finds it difficult to try to go through this document while meeting in Zoom format. Would the board want to push this out until we can meet in person again?

Kim said she heard that information from Rob Moore was very necessary to the Planning Commission's process, but she didn't receive that information. She also wants to know if the Planning Commission is meeting tomorrow on its usual meeting date.

Charlie said no. The Planning Commission's usual meeting date was last Tuesday and he sent out an email that a meeting was not happening. He was waiting for information from the selectboard and decided to wait until after it was received. He would agree that this could be delayed until after groups can meet in person. The Planning Commission prefers to meet in person. He doesn't see any hurry.

Doug asked how long we have until we have to be in compliance with the Municipal Roads General Permit. Brian said in 2024 we have to be in compliance for roads with a slope greater than 10%. He believes it may be as late as 2030 before we have to be in full compliance.

Kim said one thing she that she is strongly hoping the selectboard assigns to the Planning Commission is to look at what is happening at NVU-Johnson. She feels it would be valuable to have proactive brainstorming sessions with the selectboard, the trustees, the Planning Commission and others. For her that is looming much more in the forefront than the Class 4 road issue. Mike agreed.

Charlie said nothing is really required of the town regarding MRGP before 2028.

Nat said he did read the report and was impressed with the amount of work that went into it. His recollection is that shortly after the Planning Commission put out its report, LCPC released results of their survey on hydrologically connected roads. His recollection of the conversation we had was that the selectboard had a strong impression that the LCPC report would have some bearing on the roads we would decide to reclassify. The impression he is getting now is that the Planning Commission is happy with its report the way it is. The list of roads the Planning Commission suggested reclassifying was pretty extensive. It really requires that we look at it road by road and it will take some time to do that. He doesn't just want to kick this down the road for 5 years from now, after so much work was done.

Kyle asked if Brian has the information from Rob Moore that Kim said the Planning Commission needs. Brian said he can put the Planning Commission in contact with Rob

Moore. Charlie said the Planning Commission has the information and it was distributed to all members. Kim said she didn't get it.

Doug said when Rob joined our meeting we had his report but it was hard to figure out from the numbers which the sections were. It is only when the Planning Commission can locate the sections from the report on the ground that Rob Moore's report will be useful to them. Brian agreed that a lot of Rob's information is not easy to place on a map. Charlie said at the last meeting there was an excellent presentation but he doesn't know that the Planning Commission has the mapping capability to meld that information with the Planning Commission's information. He doesn't have enough bandwidth at home to do it. Doug said he thinks we have to somehow get the information translated so it is usable. Charlie suggested kicking that to LCPC. Brian said he thinks there will be a final report from LCPC ready for the next selectboard meeting. He will make sure a map of all road segments is included with that.

Kim said Class 4 roads were the assignment of the Planning Commission so the map would not have to show all roads. Brian said it might be worth coordinating with Rob to focus on what is relevant to the Planning Commission. He will put Charlie and Rob in touch with each other. If every question has to go through Brian that is a roadblock. The Planning Commission should feel free to talk to Rob.

**7. *Planning and Modifications for Town Meeting***

Rosemary asked if the town is going to want to use a tabulator for town meeting and pay the associated cost.

Eric said the first question is whether we want to do Australian ballot voting for town meeting. We don't have to decide tonight but should decide within a month or so. He saw on the news tonight that some communities are exploring the option of delaying town meeting until the weather is good and holding it outside. Mike said he thinks that sounds like a good idea. Brian said there is currently more debate going on about legislation that might be passed allowing further modifications to town meeting. Right now we have the option of going to Australian ballot voting on town meeting day and having an information meeting in advance of that but there are more modifications that may be allowed in the future. Eric said historically information meetings have not been well attended. We wouldn't be able to have back and forth with voters on anything we put forward on Australian ballot and they would have no ability to amend it. There are benefits to having an in-person meeting if possible.

Nat said he feels we should decide now that we are not going to meet in person indoors in the first week of March. Even if we delay the meeting there are practical considerations related to meeting outdoors. The weather may not be conducive. Doug said he doesn't trust the outdoors either. People walk up to you. It would be hard to resist greeting old friends. We might want to see what comes down the road. We might want to address the necessity of candidates getting signatures. Eric said an exception was made in the law. Candidates do not need to get signatures. Brian said there was no provision in legislation about petitions for non-action items for town meeting however.

Eric said the decision about the tabulator would be contingent on whether we are having Australian ballot voting. Mike asked if it is true that a tabulator costs \$2,500. Rosemary said it probably cost at least \$1,500 and we would have to buy special ballots that would probably cost at least \$1,000. Mike said there was no problem counting ballots during the general election. He thinks we should probably not spend money on a tabulator even if we have all Australian ballot voting.

Kyle asked if Australian ballots would be mailed in like during the general election. Eric said people could also vote in person on the day of town meeting.

Eric said this will be revisited on a future agenda.

**8. *Animal Control and Health Officer Compensation***

Brian said he surveyed neighboring towns and looked at the statewide compensation and benefits package survey to compare compensation for health officers. It was hard to compare with the statewide figures because of the data collection model. Among neighboring towns there is no consistency. Some have it as a staff position. But we are paying the least of all the towns in Lamoille County. Tracy asked us to consider increasing the pay a little. Brian's recommendation is to increase it from \$500 to \$750 annually. This is just for the health officer position. He found that our animal control officer pay is about the same as what everyone else pays. Tracy's request was regarding the health officer pay.

Rosemary said it has been many years since we looked at health officer pay. Eric said he thinks the pay may be the same as it was 20 years ago. He suggested maybe we should double it to \$1,000. Doug asked if there are any hourly or incident charges. Brian said only mileage.

**Mike moved to increase the health officer annual pay to \$1,000, seconded by Doug.**

Brian asked if this is for both health officers or just the chief health officer. Eric asked what the difference is in their roles. Brian said in practice, virtually none. Calls go to the chief health officer first. But they both have the same authority and the same duties. The chief doesn't do anything special; she is just listed as chief on the state website. **Mike and Doug agreed to a friendly amendment: \$1,000 for the chief health officer and \$750 for the deputy health officer.**

Diana asked if their workload is affected by the pandemic. Brian said somewhat. We can't get a training scheduled for the deputy health officer so we really only have one health officer currently. Their workload is complicated by the pandemic. We are benefiting by our current chief health officer having EMS experience.

**The motion was passed.**

**9. *Compensation and Benefits for Town Employees***

Brian said at the joint meeting the boards chose a 2% increase for the town clerk and assistant town clerk. Eric added that the boards also chose to drop the employer healthcare contribution to 90%.

Mike said the state is about \$40 million short in the education fund and they are going to pass that on to property owners to the tune of about 9%. More burdens are going on homeowners in Johnson because of the shortfall in education funding. Other people in the community are tightening their belts. A lot do not have the same type of healthcare our employees do. Our employees have the Cadillac of healthcare and pay very little toward it. A lot of people in the community pay a tremendous amount for healthcare. We need to be cognizant of what we are expecting people in the community to pay.

Nat asked what decisions need to be made. Brian said at the joint meeting compensation and benefits decisions were made for the jointly paid town clerk and assistant town clerk. The board had expressed interest in sharing the same changes for the rest of the town employees but the board hasn't voted on that.

Eric asked what the cost of living increase was. Brian said it was about 1.4%. Eric said we gave the jointly paid employees 2% because we cut our contribution to insurance.

Kyle asked, historically we have tried to do the same rates for all employees? Brian said as long as he has been here we have had the same rates. Public works employees are also subject to our rates and benefits package that awards skills and longevity.

**Kyle moved to give town employees a 2% salary increase and cover 90% of their healthcare costs, seconded by Nat.**

Mike said he feels we should not do anything until we find out if we have a bargaining unit in the Town of Johnson. Eric said he thinks we have to assume at this point that there is no bargaining going on and treat all our employees like regular employees. Mike said the question of whether the public works department has joined the union has been unanswered for a long time. Eric said he thinks it is safe to assume they are not taking action on it.

Mike said he thinks we still need to look into a different funding apparatus for healthcare, as he mentioned at the last meeting. We need to find ways to save ourselves money, which could mean giving employees a lesser plan and paying to make up the difference ourselves.

**The motion was passed in a roll call vote with Nat, Doug and Kyle voting yes and Mike voting no.**

*10. Executive Session to Discuss Employee Evaluation*

**Nat moved to enter executive session for employee evaluation as allowed by 1 V.S.A. § 313(a)(3), Kyle seconded, the motion was passed and the board entered executive session at 9:38.** The board came out of executive session at 9:59.

*11. Executive Session to Discuss Possible Pledge Contract for Trailhead Improvements*

Doug suggested the board could call Howard Romero and Duncan Hastings to join the meeting after going into executive session.

**Doug moved to go into executive session inviting Howard Romero, Brian Story, Duncan Hastings and Rosemary Audibert for the purpose of negotiating a contract for naming rights for improvements to the Lamoille Valley Rail Trail trailhead building in**

**Johnson, premature disclosure of which would disadvantage the town, as allowed by 1 V.S.A. § 313(a)(1), Mike seconded the motion was passed and the board entered executive session at 10:00.** Howard Romero and Duncan Hastings joined the board during the executive session. The board came out of executive session at 10:41.

Nat thanked Doug for all his work on this project. **Nat moved and Doug seconded to approve the proposed pledge contract with the Alexander family pending that scheduling concerns are addressed regarding potential state permitting issues and potential pandemic related delays. Nat and Doug agreed to a friendly amendment specifying that the pledge contract approved is the one updated on December 7, in which the date of the selectboard's motion to approve naming of the trailhead for Ted Alexander is inserted, Appendix A shows the structure to be constructed as the one having the appearance of a St. J and LVRR car, and the last two sentences of the third paragraph are revised to "As well as Ted's photo, the shelter will have mounted panels featuring the illustrious history of Johnson, including but not limited to the Johnson Railroad Depot, the Power House Covered Bridge, the original normal school now a campus of Northern Vermont University, Johnson's historic churches and treasured businesses, the old mill which is now the main building of the Vermont Studio Center. The historical panel exhibits may be updated or rotated over time at the discretion of the town."** The motion was passed.

***12. Selectboard Issues/Concerns***

Kyle asked if the public works crew is aware of the new spray painting on the Railroad Street bridge. Brian said he doesn't think so. Kyle said there is new bright pink spray paint. Some private property was hit too.

***13. Adjourn***

The meeting was adjourned at 10:52.

*Minutes submitted by Donna Griffiths*