

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, NOVEMBER 4, 2019

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney (arrived 7:42), Doug Molde, Kyle Nuse, Eric Osgood

Others: Brian Story, Rosemary Audibert, Robin Story, Charles Gallanter, Lois Frey, Rob Rodriguez, Louise von Weise, Peggy Williams, Kim Dunkley, Scott Meyer, Greg Tatro, Jasmine Yuris, Charlotte Reber, Cal Stanton

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 7:00.

**2. Additions, Changes to Agenda**

Eric added discussion of the storm event. Brian S. said the item on the procedure for sale of the trailer should be deleted; he is still doing research on that. Mike added discussion of the sheriff's budget

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

**Mike moved to approve the minutes of October 14, 2019, Doug seconded and the motion was passed.**

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

Rosemary said we got a bill from Ship Seven for back rent on the trailer we now own at Katy Win. She recommends that we pay the rent only for October. This is the same trailer we plan to sell. Brian said he would dispute their claim that we owe the back rent on the trailer lot. It wasn't our trailer until October of this year so we should pay lot rent starting in October.

**Mike moved to pay the October lot rent for the trailer the town acquired in Katy Win Park and to continue to pay the monthly rent until the trailer is sold.** Rosemary said we can add any payments we make to the selling price. **Doug seconded.** Doug asked if we will sell the trailer for fair market value or the amount owed in taxes. Brian said he needs to do more research on that. He thinks we may not have to sell it for the amount owed in taxes as we had to before we took possession of it, but Rosemary doesn't believe that is the case and he is inclined to trust her. Mike said the trailer has a broken window and may need fixing up. **The motion was passed.** (Kim Dunkley and Scott Meyer arrived at 7:06.)

**5. Broadband Committee**

Robin Story said the broadband committee has decided to put the emphasis on fiber optic cable as it is less expensive than coaxial cable and offers the best speed. (Charlotte Reber arrived at 7:07.) The committee decided that before making recommendations they wanted to poll the town. They offered an online survey and she had a booth at the last couple of Tuesday Night Lives where she offered people a chance to take the survey. Most survey respondents had internet service from Comcast or Consolidated Communications. Comcast had pretty good scores for speed and reliability and Consolidated had pretty low scores. The

survey didn't ask about customer service. A big reason why people didn't have internet service was that they couldn't afford it. But most said reliability and speed were more important than cost. Email was the most used service. Many people said they used the internet for professional work. People also used it for homework, transfer of large files, streaming video, social media and communication (e.g. VOIP or video calls.) When people were asked how important various factors were, the most important was privacy, safety, security and consent (which probably has different meanings to different people.) Net neutrality was second. It is a reasonable assumption that people care about things like security of their data and how ISPs are using their data. To some people privacy can mean they don't want the ISP to turn their data over to a law enforcement agency without warning and to others it might mean they don't want to get a virus. So we can't really draw conclusions about that. But the importance of net neutrality to respondents implies that people are interested in browsing privately.

The broadband committee will recommend that the town pursue a fiber district model, starting at least with the Village of Johnson. They have identified 3 possible administrators. MCFiber is one. They are ready to go, starting on French Hill. They have great word of mouth. With the non-disclosure situation it can be hard to get a clear answer about the details of what they would do and there is an issue we would have with any private company: if we have a 5 or 10 year contract for them to be the sole provider and we create a townwide monopoly, then they could potentially increase prices or cut service.

Kingdom Fiber is another possible provider. The committee will meet with them later this month. They lean heavily on a wireless model, not fiber, though they do have fiber. A wireless model could make it cheaper for the town overall.

The last option is Vermont Electric Coop. A pro for that is local control. They own most of the poles and wouldn't have to worry about pole rent prices. They already have a lot of equipment they could use. But there is a state law which is expected to be overturned in the next legislative session that says utilities are not able to operate as internet service providers. VEC's own charter says they aren't going to be an ISP, but there is talk that they might redo their charter.

No one has the money to provide service to everyone in town. The committee wants to make sure there are no places where people don't have access to high speed internet. It is important for economic development. It raises home values. They would like to look into grants and maybe using the revolving loan fund to help get everyone covered. Charlie Gallanter calculated that at a cost of about \$24K per mile it would cost about \$1.2 million to get service to everyone in Johnson. That would make Johnson a more attractive community to those looking to work from home. Access to reliable broadband makes it easier for people to age in place. It allows them to communicate with home healthcare providers.

Kim Dunkley asked, this would be inclusive of the village? Robin said yes, the village is part of the town. Mike said Robin had said the plan would start with the village. Robin said there is the question of whether to start where density is high and move out from there or start with places that don't have service and move in. The committee actually hasn't decided which

approach to take, so if she said they would start with the village she misspoke. MCFiber is currently doing a demo mile on French Hill on their own initiative. They are under no obligation to give us last mile coverage. They will put in what they want and charge what they want.

Scott asked how many people took the survey. Robin said 94.

Kyle asked Scott if the village has talked about this. Scott said they have talked about something similar. There was obviously concern about cost. If the village electric utility were to incur that cost it would be detrimental.

Robin asked what percentage of the village doesn't have Comcast. Scott said he doesn't know. Robin said she doesn't know if there are any houses in the village that Comcast wouldn't be able to service.

Kim Dunkley asked if there are grants from the state available. Robin said the existing presence of Comcast makes it hard to apply for grants.

Charlie said Comcast is available to 71% of Johnson. He assumes that is most of the village. To wire the other 30% of the town means crossing Comcast lines. His numbers are based on 50 miles of Class 2 and 3 roads. At a cost of \$18K a mile plus 313 drops, the total cost is \$1.3 million. Waitsfield Telecomm says the cost is \$4500 per customer, which comes out to \$1.4 million. The only way we could get all the things we would like to have (net neutrality, security, etc.) is with a public financing option. That has been done in many places. The mechanism is called build-operate-transfer. We would float the bond and contract with a builder-operator to build a system that would be a monopoly for a certain time. When the bond was paid off we would own it. That is probably a preferable method.

An alternative is to let VEC do it. The problem is that they are not allowed to use ratepayer money to do anything with fiber. That is where the selectboard comes in. VEC has applied for grants. They can't even use their own money to plan for fiber. They have to get a state grant. They are competing with LCPC for the grant money. The board has a delegate to LCPC. He would encourage the board to urge LCPC to back off trying to get that money and leave it for VEC.

He is not sure that Johnson can do it as one town, but two towns can form a communication district and can get municipal bonds with the fiber as their security. We can write the bond in such a way that we can forward the proceeds to the builder-operator and obligate them contractually so we own the system when the note is paid off. We don't want to be an ISP but we would not mind having oversight of the ISP. We are looking for privacy, safety, security, etc. and about the only way we can get that is the build-operate-transfer model. If MCFiber builds a system there is nothing we can do about it. We can't stop any fiber company from running fiber. We can't regulate it.

Kyle said MCFiber is doing a trial. Where does that leave us? Rob Rodriguez said the same as now. Charlie said MCFiber would like to get some of the Community Action Grant

money. The town could get some control by extending them a loan; otherwise we have no control. Robin said we could say we would help them develop under certain conditions such as a requirement that they have to go to the last mile.

Eric asked, if Vermont Electric Coop goes ahead with their option, would they go to every residence that doesn't have VEC power? Charlie said no, only to residents that have power. Eric asked, their power? Charlie said he doesn't know. Eric said they wouldn't own other companies' poles. Charlie said according to Rich Westman VEC only owns 55% of the poles they use.

Robin said the most expensive poles are the Route 15 poles. They have high rental fees, but that's also where the density is. Charlie said VEC doesn't have a plan yet because they can't spend money on planning. Mike asked which are the most expensive poles. Broadband committee members said those on Routes 15 and 100C. Greg Tatro asked, what if Consolidated doesn't want us to use their poles? Charlie said legally they have to allow it.

Charlie said if we include DSL, the percentage of the town covered is higher. Eric asked what the gap is. Rob said there are 312 who don't have any service or may have slow access through Consolidated. Charlie said there are about 170 residents who don't have any service.

Greg asked if Consolidated is considered high speed. Rob said in the village Consolidated can probably meet the standard to be considered high speed (25 mbps download speed, 3 mbps upload speed) but beyond a certain distance from the hub they provide lower speeds and are not considered high speed. Robin said those who rely on the internet for professional work and need to transfer files, participate in conference calls or do screen shares need better than 25/3. Charlie said the people getting 25/3 from Consolidated also have Comcast available. There are 312 that don't have access to 25/3.

Doug asked if it would be worth having Vermont Electric Coop come in to talk to the board about where they are going. Charlie said there are at least 3 directors on the VEC board who are interested in providing internet, but they have to get others interested and have to get regulatory changes before they can do anything. The board can lobby legislators about the law change. But the VEC charter also needs to be changed.

Doug asked about the advantage of a two-town district. Charlie said there is the advantage of being able to issue non-recourse bonds to finance the system. Then we have to find someone to build and operate it. MCFiber is one possibility. There are other companies that might be interested.

Eric asked how the committee envisions providing service to the 30% who still need it. That last mile is probably the most expensive. What subscription rate is going to repay the bond and be affordable? Has the committee looked at that? Charlie said the break even figure tends to be about \$90-100 per subscriber. People he talked to who have MCFiber pay \$100 a month and also have phone service. They are happy with it. MCFiber needs 6 customers per mile and would like 10 per mile. Their plan is not to have drops to buildings in Comcast territory yet, but there are Comcast customers who would prefer to switch for better, faster

service. Mike said even \$90 a month would be cheaper for customers because they could roll all their service into that fee. If we had fiber through the whole town people could do away with separate satellite and telephone costs and it would be cheaper. Charlie said there are more potential customers than the 312 who don't have service.

Robin said in lower income areas we could use wireless mesh networks to provide access. That has been done in lower income areas of Detroit. It would not be as fast but would still be better than 25/3. Wireless reduces infrastructure cost.

Doug asked if the selectboard will have a report from the committee after the Kingdom Fiber meeting. Committee members said yes; they will be doing other work, too. Robin said at this point the committee is looking for selectboard approval to pursue a fiber option. (*Nat arrived at 7:42.*) Doug said he thinks anything but fiber is shortsighted. Robin agreed.

Charlie said the broadband committee would like to have booth space at town meeting. Robin said they would like to provide education and gauge interest. Mike said he would support the committee any way he could. Eric said he is sure we can make space available at town meeting.

Charlie said the committee will be back from time to time with reports. (*Robin and Charlotte left at 7:45.*)

**6. Right of Way Access Policy Review**

Brian said he heard back from VLCT about legal review for our right of way access policy. (*Cal Stanton arrived at 7:45.*) He reminded the board that our current policy needs updates. We used the VLCT model as a basis for updates, so we decided to ask them to do the legal review. It will cost \$276 to \$460 for them to do the legal review. **Mike moved to authorize paying VLCT up to \$460 for legal review of the updated right of way access policy, Kyle seconded and the motion was passed.**

**7. Racial Justice Workshop Details**

Brian said he has had a couple brief conversations with Bor Yang about when she could come to do the racial justice workshop. They are pretty accommodating so we should request what works best for us.

Kyle asked how long the workshop will last. Brian said he believes close to 4 hours. He thinks we will have the workshop and discussion on the same day, a Saturday. Another option is to split it up into two days, with a listening session on one day and conversation on another day, but he didn't think that was the board's inclination.

Mike asked, would it be around 1:00 to 5:00 pm? Brian said that time sounds good to him.

Eric said we are heading into budget season and the board will be attending budget meetings. For the general public, we are heading into holiday times. Typically a good time to get people to come out is in January or February. Brian suggested the second or third weekend in January and the board agreed to that. Brian asked if we want an early afternoon start time. Board members indicated whatever works for Bor Yang would be fine.

Cal Stanton asked if it will be all on one day. Board members said yes. Brian said there will be opportunities for follow-up on other subjects. We will start with an initial workshop on implicit and explicit bias. Cal said he doesn't feel strongly either way but it might be worth having the workshop first, giving people time to digest, and then having the discussion another time. Brian said we discussed that option. His feeling was that that didn't seem like it would be as popular an option. But Bor Yang has offered that option. Eric asked if Cal thinks we would lose people if we did it over two days. Cal said maybe, but maybe we would gain people. Eric questioned how it would be if people came to the discussion without having been part of the workshop.

Peggy Williams said she is in favor of doing the whole thing at once. If the board wants to follow up, she thinks that is great, but people's attention isn't concentrated if it is split up and everyone may not come out for the second one.

Kim said we may be able to get a local facilitator to continue the discussion so people can talk about where we go from here. She assumes we will want to keep going.

Jasmine Yuris asked if the location has been chosen yet. Eric said no, we would get a feel for how many people are anticipated. If it is over 49, it won't be at the municipal building. Brian said we have a couple of options. The first choice would be the municipal building. But he expects we probably will need to go elsewhere. Kyle said maybe when we set the date we should reach out to the elementary school. Brian said their schedule will be difficult on Saturdays. Rob said they will be booked every Saturday from now to March. Brian said Jenna's Promise has community facilities. Cal said he suggests a taxpayer-funded public space if possible. Brian said we may not have that option but that would be our first choice. Kyle asked if the school gym is booked on Sundays as well. Rob said not that he knows of. Peggy suggested the college. Brian said he thinks that would be an option as well.

Jasmine asked if town staff and village trustees will be expected to go to the workshop. Eric said everyone will be invited. Jasmine asked if there are expectations in place for certain people. Eric said we can't have an expectation that employees will go because they will not be paid. If we wanted to pay them we could require them to go. Kim asked, could the town swap time for them? For instance, could they take an hour off each week of December and spend 4 hours at the workshop? Doug said he thinks we should offer the opportunity and leave it up to them whether to go. The complexity of arranging time is fairly difficult. Kim asked, could the town offer them the choice to take an hour off each week if they go to the workshop? Mike said there is no reason we couldn't consider that.

Scott said, if the workshop could be during the work week, would the board support having employees go as mandatory training? Eric said the workshop is being scheduled more for the convenience of the public and the board. Brian said a number of employees have expressed interest in attending. He thinks we can do other things to make it attractive and interesting.

**8. *Update on Robert Wood Johnson Foundation Healthy Communities Award***

Brian said we have submitted our application for the Robert Wood Johnson grant and it has been accepted. We had a good coalition of people working on that. Jenna's Promise donated a lot of time and effort. CHSLV was a big help. North Central Vermont Recovery Center

donated time as well. The college put in their support. The application will be considered for the next round.

**9. Fire Service Contract**

Brian showed the board a draft fire service contract. It is not the final contract; the village has not submitted their cost for next year. It just has the updated language that addresses our request for more control in case we sign a contract and the budget gets voted down at town meeting. It also cleans up the start and end dates for the contract. With board approval he will send it to the village with these changes. The board agreed Brian should send it to the village.

**10. Light Industrial Park Update**

Brian said there are two pots of available EDA grant money related to disaster recovery. One is for the 2017 weather event in which Johnson was lightly affected but a disaster was declared for Lamoille County. If our application for that money is not successful we will apply for money related to the 2018 ice jam. The application process for that will be different, with a faster turnaround time. For both of these a decision will be about 3 months out. The conversations he has had with federal representatives are very positive. They like us for this application. There are three criteria to qualify and we meet all three, which is pretty unusual. One is being involved in a federal declared disaster, one is community need based on per capita income and one is our designation as an Economic Opportunity Zone. Either application would be for the full road construction and infrastructure amount plus a final engineering study, a total of a little over \$1 million. We will apply for either one or the other of the grants.

Nat asked, these require a substantial local match, right? Brian said they do. In kind contributions are eligible but to be competitive they want to see a local stake and a guaranteed local match. They want to see us secure 20% of the amount, which is in excess of \$200K.

Nat asked if the match can come from our loan fund. Brian said we can use money from the loan fund but the rules we wrote for the loan fund don't allow us to loan out that much. But money from the fund will probably be a component of the money we raise. It is important to remember that in kind contributions are still eligible for the match but to be competitive we have to be able to demonstrate a way to raise over \$200K.

Doug asked how we do this without breaching our promise to citizens that it would be all grant funded. Charlie said he doesn't recall that promise. Eric said we said it was our intent to use grant funds but he doesn't think there was a promise. Mike agreed. Eric noted that income from sale of industrial park lots will repay the town's expense.

Brian said currently Seth Jensen from LCPC and Ben Rose from Vermont Emergency Management are helping him to write the nexus statement we need for the application, which talks about the nexus of need and opportunity and the relief this grant will provide. If that looks good for 2017 eligibility we will complete the application for that money. Otherwise we will do a nexus statement for the 2018 incident. That incident had greater local impact but the application requires faster turnaround. It will take 30 days for their response to us and then we will have 30 to 60 days to put in a second round application.

Charlie said his recollection when we voted for purchase of the property is that all the infrastructure would cost \$1,020,000. Will everything – water, sewer, roads, etc. – all be covered by this grant? Brian said it will cover roads and infrastructure but not necessarily subdivision. Eric said the intent was to do the main artery and not feeds to all the different lots.

Greg asked how many lots there will be. Eric said 5 are projected but the number is not set. It is dependent on needs. If one large business wanted to take all the space, they could.

Greg asked if the town could presell lots to get the \$200K. Eric said a lot of businesses will not be interested until we are further along. Brian said if we can sell the lots we can use a portion of the proceeds to pay the local match. Eric said we could also try to secure other grants to fill the funding gap. And we will most likely do some in kind work so we won't have to pay \$200K, but we have to be prepared to show we could. Mike said we could also sell municipal bonds to the public.

Kim asked if the town has jumped through all the hoops of Act 250. Brian said there are a handful of permitting things that are still required but they are part of the estimate we have for final engineering and would be covered as part of the money we seeking.

Nat asked how the grant applications fit into Brian's workload. Brian said there has been a pretty significant time commitment so far. He is almost done with the round one application. Round two has a tight turnaround once we hear we are qualified for it. It is probably worthwhile for us to look into finding assistance specific to this. The cost of hiring a grant administrator or project administrator is something we can roll into the grant application. He thinks it probably would be worthwhile, especially with FEMA requirements related to the disaster on Friday and budget season. LCPC or Duncan Hastings would be good candidates. LCPC has capacity. They could research grants for meeting the \$200K gap. Mike asked what the charge is. Brian said it will depend on the number of hours we get Seth Jensen for. Some towns have also taken a few hours from the finance department at LCPC in addition to Seth's hours. We will have to negotiate a specific contract. Eric said he thinks we need to remember that Brian had a lot on his plate before, and now we will have FEMA coming in and he will be involved in that. LCPC is probably a great choice. Mike asked, it can't cost more than a couple of thousand? Brian said he wouldn't anticipate that it would. (*Louise and Peggy left at 8:22.*) The board agreed to contract with LCPC for assistance with grant applications.

#### ***11. Review Dilapidated Building Ordinance***

Brian distributed copies of a draft dilapidated building ordinance. Doug said on p. 2 it says habitability is defined in accordance with a particular state statute but he couldn't figure out where there is a definition on that statute. Other than that, he likes the ordinance. It gives us the ability to have a designated town officer, it has a notice requirement and a right for people to request hearings. It gives us standing to deal with problems that have existed for quite a while. It is a great improvement over the prior abandoned building ordinance. He thinks there is a need in this community for the ordinance.

Kyle asked who will be enforcing this if we pass it. Doug said the selectboard is the hearing body. Eric said we would have to name an inspector. Doug said he thinks the officer named



to do inspections should be Brian. It's an important job and we want it done by the rules. Citizens need to be dealt with fairly.

Mike asked if Doug is saying that he is okay with the ordinance if statute is referenced properly. Doug said yes.

Eric asked, this draft is from our attorney? Brian said yes.

Nat asked if this has more teeth for enforcement than our solid waste ordinance. Brian said not especially. Our penalty is to assess fees, but as with our solid waste ordinance someone may have no ability to pay the fees. Nat said then we are at a dead end. Doug said he thinks there is also injunctive power in a statute. Eric said the ordinance does mention that. Doug said he would want the lawyer to answer the question about whether we have the ability to go to court to seek an injunction. Mike asked, doesn't it imply that under penalties? Eric showed Doug that section. Doug said he thinks so. Brian asked what an injunction would do with someone who has no ability to pay. Doug said we are after performance, not pay. Brian asked, what if they don't have the ability to pay for demolition of their building? Can they forfeit the building so that we own the lot? Lois Frey asked if the town could put a lien on the property. Nat said yes, but that doesn't make them comply. Charlie said the town could foreclose, clean it up and sell it. Doug named a section of the ordinance where it says if the owner doesn't file a remediation plan or fails to comply we have injunctive relief. Eric asked if we have similar language in our solid waste ordinance. Brian said he would have to look. Mike said if we don't, we should.

Doug said since this basically does away with all similar ordinances we ought to see if our solid waste ordinance is a competing one that is repealed by this. Brian said that is a good point. Doug suggested asking the lawyer that.

Greg said some buildings may be loaded with lead or asbestos. It could get expensive if the town takes the property. Testing for fuel in the ground may be needed. There could be a lot of liability. Brian said that is his concern. If we have to take it on when someone has no ability to pay, it could be a bottomless pit. Doug said this is a tool when dealing with someone. They have a deed, a mortgage, an insurance company. This brings another force on them that hopefully will cause them to fix the problem. Consequences related to the town becoming owner have to be considered when we consider remedies we might choose.

Kyle asked how we will let people know about this ordinance. Eric said it will be posted and it won't take effect for 60 days. There will be an opportunity for voters to raise a petition and require a townwide vote.

Doug said he thinks we should ask how this type of ordinance has worked for other towns. Has there been any enforcement action?

Brian said he will ask the lawyer how this interacts with our solid waste ordinance and other town ordinances, about the definition of habitability, and who else has implemented this. He

will reach out to other municipalities that have implemented it about how their enforcement actions have worked out.

### ***12. Discussion of Storm Event***

Eric thanked all the board members who participated during the storm event. He was impressed with the work they did. They took care of people upstairs in the municipal building and served as eyes and ears for him in the community. Their contributions were huge. Overall he thinks the response to the event went well. We are getting accustomed to what we need to do and so are Sterling Market, the post office and the library. They put flood gates up. Pomerleau had a team here that dumped sand and then removed it during the night.

Eric would like permission to look at more possible uses for the constables in events like this. He asked Tracy Myers to do a wellness check when a call came in and there was no one else to do it. There was a point where we needed to shut down Route 15 and did not have the resources to do it. We had a lot of trouble getting AOT to respond during the storm. If we had our own constables and they were trained in traffic control we could have used them. During the event the fire department had to deal with a structure fire and a gas tank leak so they were occupied. All the LCSD deputies were called in but they were split among 3 towns. We had one here, but that was not enough. Eric thinks in the future we could use the constables more.

Mike said Kyle did an outstanding job with the families that were displaced. She got donations on Facebook. Kyle said that was a big community effort. Eric said the Red Cross couldn't get here for a while so we were on our own. Nat gave thanks to Kyle and the generosity of the community. He said if he lost his house the last place he would want to be would be the meeting room in the municipal building. It is functional but not family-friendly. One idea he had is getting area churches on our call sheet. The faith community might be effective in helping displaced people. They could put out through their church social media requests for things like diapers, formula and a place to stay. Eric asked, they are on our list, right? Brian said they are not part of our regular call-out. In the past, the Red Cross has been here. But this time for a variety of reasons they were not able to make it here until many hours later. Nat said if there were 20 or 30 people displaced it would be chaos, but maybe they could be relocated to a church.

Nat said we are fortunate to have such an excellent fire department. The work they did all day long was incredible.

Doug said he is Eric's deputy but he is not necessarily the best suited. He would entertain the idea that others who are closer to town or are here more often might be better suited to taking on the position of second in command. He called in during the event but he wasn't able to be part of the eyes and ears on the street.

Kim said another resource, especially for kids, is the Lamoille Family Center. They might know families that might take in displaced people and they have a place toddlers can play. United Way is another resource. And we could ask if other emergency response trained people in our community are willing to be volunteers. Nat said that is a good idea for something like traffic control.

Nat said our highway department also deserves a lot of credit for the long hours they put in. They got roads back to passable condition quickly. Kyle thanked the office staff and the library employees and trustees. Eric said Jeanne Engel was going to ask the library trustees about flood gates for the library. Jasmine Yuris said they will definitely look into that. The library would have had a dry basement if there had been flood gates inside the doors. They had just under an inch of water in the basement all day. Kyle thanked Greg Tatro for opening Jenna's House and offering it as a place for people to stay as needed. That could be an option when it is more completed.

Kyle said she is always thinking about how we can improve on getting word out to people about what is going on. Maybe we should come up with a protocol rather than just personal Facebook pages.

Brian said we learned a lot at the emergency exercise just before this event. We think we have some redundancy, but the same couple of people are redundant for a lot of things. If neither Brian nor Eric is present that cuts off a lot of things. He said the village crew did a terrific job and so did our town highway department. They worked long hours on Friday and Saturday and reopened virtually all roads quickly. The highway department helped out with wellness checks on isolated people that could only be accessed using highway department equipment. The 5K race on Sunday raised quite a bit of money for the displaced families. Kyle said it raised \$875. Sixty-six people ran or walked. Lisa Crews and Jasmine Yuris did a great job putting it together.

Doug said he thinks we need to continue to push on improving our roads. We should consider the damage that didn't happen because of road improvements that have been done. Eric said compared to surrounding communities our roads held up well. Brian said he would say the maintenance our crew does contributed to that. A lot of our neighboring communities had extensive damage, some to some recent work.

Mike said we need to get more detour signs. There should have been a detour sign by Gould Hill Road so people didn't have to turn around when they found the road was closed. The state is supposed to do it but we need to have a plan to take ownership and close the road and put signs up for the good of everyone. Eric said under emergency situations we can legally shut the road. It is wise is to have people trained in traffic management here. Mike said if we had signage we could have had signs with arrows. Eric said usually we have the fire department's manpower available, but they toned out. If they had been available they could have done traffic control. They did do some when the flooding first started. The sheriff's department was stretched thin because everyone was experiencing flooding.

Charlie said there was a post on Front Porch Forum about calling 211 to report flood damage. He fixed all the damage he had and is not making an insurance claim. Does it help for him to call? Eric said there may be an opportunity to get reimbursed from FEMA. (*Jasmine left at 8:59.*) Charlie asked if it helps the community for him to make a claim. Eric said no, it could help Charlie individually.

Brian said Jeanne Engel and the library were terrific. Jeanne was instrumental in helping us deal with the loose propane tank. She informed us it had broken loose, which made a huge difference to that neighborhood. The fire department did a great job getting out in the water and securing it. Eric said it was a 1000 lb propane tank – literally a bomb. If not for the flood waters we would have had to evacuate that whole area of the village. Brian said a huge disaster was averted.

Eric said Vermont Emergency Management called today and advised us that there probably will be a FEMA rep coming to town in the next few days. They wanted to make sure we state that work on Scribner Bridge and Rocky Road might be eligible for 406 mitigation money because we have had a study done on possible solutions for that area. The mitigation money could pay for improvements rather than just paying to put the road back the way it was.

Brian said people who have damage should call 211 to check for eligibility for reimbursement. Calls are not needed to collect damages to meet qualifications as in a disaster so people should not call if they don't need assistance.

Brian handed out copies of the study that was prepared in 2013 on alternatives for Rocky Road. (*Kim and Scott left at 9:03.*) When the Gihon River rises, the water wants to flow around the bridge and that will prevent the river from rising too much and washing out the bridge unless there is a massive flood. It saves the bridge but washes out the road and dumps material into the river, which affects water quality and brings financial cost to the town to do road repairs. To try to mitigate the cost the town looked into alternatives to building the road back the way it has been. We haven't received financial support for this in the past but we are hoping there might be an opportunity to implement a better solution.

Eric said p. 8 shows all the alternatives and potential costs. The cheapest option was a low water crossing.

Kyle asked if Brian is saying that the water does what it does because the bridge is there. Brian said it is not because the bridge is there but because the road between the river and the house is lower than the bridge. It scours out quickly and that gives more capacity. Doug asked, isn't the throat of the bridge too narrow? The road now is essentially a low water crossing.

Mike said he thinks removal of the bridge may be worth serious consideration. Alternative routes are available. The historical components of the bridge have been significantly altered. The structure is undersized and may contribute to problems. The only part of the bridge that is in good condition is the roof. All the rest needs repair. He thinks the board should consider abandoning the bridge or removing it and placing it in another location. Kyle asked if that would have to go before the voters. Brian said we could make that decision. Kyle said many people are attached to that bridge. Mike said it's not a historic bridge. It's not a true covered bridge made of wood. Nat said a variation on that option is leaving it for pedestrian use but abandoning the road on either side. He thinks that should be considered, given the costs and the fact that the river wants to move where it wants to move. He agrees that it probably won't

be popular with the community. Mike said we have to look at all alternatives to save money for our town.

Nat said Hunter Road would be totally isolated if the bridge were removed. Eric said we would have to maintain Rocky Road as far as Hunter Road. Nat said that section is what is getting washed out.

Mike suggested doing some things to protect the road like using rip rap. Nat said that seems like what we are trying not to do. Eric said if we bought the home at the corner we could move the road. According to the study, it would cost about \$100K to remove the bridge and about \$100K to relocate or purchase the house. Nat said the low water crossing, by comparison is estimated to cost \$75K.

Mike said if we removed the bridge abutments that would open up the channel and then we might not have to buy the house. Doug said he wonders how much wider the channel would be. He assumes there is a lot of ledge there and that the crossing is there because the channel is narrow.

Eric said we should see what FEMA tells us.

Doug said he wouldn't generally be in favor of getting rid of the bridge unless we are finding that it will need to be replaced and can't exist in its current form. Nat said we wouldn't have to take removal of the bridge to the voters but he thinks it would be wise. Eric said when the Powerhouse Bridge collapsed the board discussed replacing it with a steel or cement bridge but it became clear to the board that the public wanted a covered bridge. Nat clarified that if the board were to decide we wanted to remove the bridge, we would want to bring it to the voters, but we are far from making that decision. Eric said the Powerhouse Bridge is not considered an original covered bridge; only the Scribner Bridge is. *(Charlie left at 9:19.)*

### ***13. Class Action Lawsuit against Pharmaceutical Companies***

Brian said we have received a letter asking if the town is interested in joining a class action lawsuit against pharmaceutical companies regarding opioids. Attorney General T.J. Donovan strongly recommended joining. Eric and Mike said we are in it unless we opt out.

Greg said he thinks it would be good for the board to explicitly support it. He thinks the lawsuit is a good thing. Eric asked what we would do if we support it. Brian said he doesn't think there is any action to take but if the board supports it he will take a more active interest in keeping aware of developments. Board members agreed they support the lawsuit.

Nat said the letter from T.J. Donovan recommended that towns consider participating in the negotiation class on top of not opting out of the lawsuit. Doug said he thinks we ought to send a letter saying that we are delighted the lawsuit is being brought and asking what our participation would be in the negotiation class and what our time involvement would be. Nat said there is a URL for answers to frequently asked questions in the letter. Eric suggested that Brian come back to the next meeting with thoughts about whether to take further action. Greg offered help if it is needed. *(Greg left at 9:25.)*

#### **14. Discussion of Sheriff's Budget**

Mike said we have to do something about the sheriff's budget. They have to bring in more revenue. He hears talk about 80 warnings and 20 tickets. People are witnessing speeding cars or cars with lights out and seeing that the deputy doesn't go after them. People are asking what we are paying for. People in the community are asking for tickets to be written. Nat said LCSD is writing more tickets per capita than the Stowe or Morrisville police departments. The warning to ticket ratio is similar to that for other towns or the State Police.

Nat said he told Roger Marcoux that the initial budget he showed won't fly in Johnson and he needs to get costs down. They talked about ways to reduce service. There is cost to personal property if the police are not available in the middle of the night. The budget committee is working hard to make sure the budget is in line with inflation or slightly higher.

Mike said it is getting to the point where people won't be able to pay taxes, especially if Montpelier makes changes to current use. He knows some young people who are leaving this week to move to another state. We can't continue to tax ourselves into oblivion. Nat said Roger has gotten that message and agrees and understands.

Nat said he will press Roger to go to Waterville and Eden this year and suggest they buy into patrol. Brian said now is the time to ask communities to buy in so they can work it into their budgets this year. Nat said it would help if we could get one or two other towns to help with costs by paying for a certain number of hours of patrol only per month. Kyle asked, that won't cut into our service? Nat said it will reduce our service by that number of hours. That is a consideration.

Brian said this new LCSD budget does include a fully staffed sheriff's department. They have been down one position for a while but that is no longer the case, so we have more coverage. Nat said he is pressing Roger for more information on the impact of that on the budget. Eric said we were paying overtime costs in the past to get the same coverage. Brian said we will delve deeper into what makes up the salary line.

Mike said he hears that the sheriff's department doesn't seem to be doing enough for the opiate crisis in Johnson. He tells people we don't know much about what goes on behind the scenes. He asked if Nat can share anything about that. Nat said those investigations are going on; they take a lot of time and money. He believes LCSD is working hard on the opiate crisis and doing good work. A majority of detective time is taken up on sexual abuse cases, often against children. There are a lot of cases that are not in the paper for privacy reasons. That is incredibly important work, and time consuming.

Doug said to him contracting with LCSD rather than the State Police is almost like casualty insurance because of what could happen if the police are not here when we want them here.

Mike said he has nothing against the sheriff's department; he is just trying to pare the budget down.

Lois said there is a perception that things are not getting done. The sheriff's report in the paper tends to be about the lesser things. They are not putting out information on detective work like sexual assault cases. Nat said he thinks the editorial bent in the sheriff's report in the paper can trivialize the real work being done.

Brian said what we gain with the sheriff's department that we would not have with the State Police is the investigative services and attention to local needs. Eric said the State Police won't come out for minor things in the middle of the night. Even responding to an active burglary recently took them an hour. Doug said this is a statewide problem the legislature needs to address. Kyle said she thinks the majority of Johnson appreciates LCSD's service but doesn't want to feel they are being taken advantage of. Mike said he tells people if we had to run our own police department it would cost more.

**15. Review Old Business**

Nat said Walter Pomroy has stepped back from the trails project. Our next step was to have him consult with our attorney on Act 250 issues. Can we continue to do that? He can stand in for Walter. Brian said the village was taking the lead on that. It was their attorney who was going to be consulted. The board agreed Nat should represent the town to work with the trustees on the trails project. Eric said he thinks we should keep moving forward. Doug said he might help Nat with that.

**16. Adjourn**

The meeting was adjourned at 9:44.

*Minutes submitted by Donna Griffiths*