

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, DECEMBER 2, 2019

Present:

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

Others: Brian Story, Rosemary Audibert, Lois Frey, Jessica Bickford, Kim Dunkley, Scott Meyer, Brian Raulinaitis, Barry Cohen, Sue Lovering, Sabrina Rossi, Stacey Waterman, Kelly Vandorn, Jeanne Engel, Mara Siegel, Greg Tatro, Jeanne Engel, Margo Warden, Howard Romero, 3 other community members

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

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:01.

2. Additions, Changes to Agenda

The board agreed to add to the agenda possible action on a resolution proposed by the Vermont League of Cities and Towns and discussion of a grant available to the tree board.

3. Review and Approve Minutes of Meetings Past

Mike moved to approve the minutes of November 18, 2019, Doug seconded and the motion was passed. (*Margo Warden arrived at 7:02.*)

4. Library Trustees Report

Sabrina Rossi said the library continues to flood. They have replaced the basement door and put bars on it, applied caulking to the windows and recently put in a new ceiling mounted furnace. There is still quite a bit that needs to be done. The basement windows aren't preventing water from coming in so they should be replaced. And the library trustees would like to install flood gates. Floods are becoming more frequent. In their proposed budget for next year they increased their building capital expense from \$5000 to \$13,700. The budget includes a new dehumidifier, flood gates, wet vacs, new basement windows and also rehabilitation for the parking lot where the retaining wall is falling over.

Stacey said Sterling Market has often been used as an indicator of water levels but by the time water reaches Sterling market there is already upwards of two feet at the library. The library trustees would like the library to be addressed on the emergency management plan. They feel it needs to be higher up on the on the list of buildings to check. It is an essential building for this community. A lot of money is invested in it. The library trustees don't necessarily feel it is up to the librarians to do flood mitigation. They want to make the library more of a priority on the town emergency plan. They feel it would be more cost-effective to prevent damage than to fix it after it happens. (*Scott Meyer and Brian Raulinaitis arrived at 7:06.*) They would like to get flood gates before the next fiscal year.

Eric said he thinks the town probably has enough money in the emergency management fund to pay for flood gates.

Stacey said windows are also a key part of what they want to do. The cost of windows would go into their capital expense line item for the next budget.

Eric asked what the elevation of the windows from the ground is. The library trustees said around 3 feet. Brian Raulinaitis said during the latest flood the windows were about 4 inches from the water. Eric said flood gates protect up to about 2 1/2 ft. Anything over that will go into the building. This recent flood was the fourth highest recorded on the river gauge. Considering that he thinks the library will do well with flood gates. He will talk to Arjay West about the priority order on the emergency management plan.

Jessica Bickford asked if the next step should be for the library trustees to get quotes for flood gates and then come back to the selectboard. Eric said yes.

Sabrina said we need to figure out who will be contacted at the library in an emergency and who will be responsible for putting up flood gates. Eric said it is typically the responsibility of the property owner. The fire department will assist if they are available. It would be the same with the library. Other board members said the town is the property owner. Eric said the town doesn't typically have people who would be out there doing that. Nat said he doesn't think it should be Jeanne's responsibility to put up flood gates. That is not part of a typical librarian job description. It is the town library. He thinks that we are responsible for protecting the assets there. He thinks either the highway department or fire department needs to be responsible for putting up the flood gates. Eric said they could be available as a backup but both of those groups could be busy with other things. Nat said he assumes what they would be busy with would be protecting town assets and the library is one of those. He feels the responsibility should be the town's. Mike agreed. Eric said we could figure out at a future time who will have responsibility. Kim Dunkley said people might want to volunteer to help out with something that important.

Sabrina said currently the library is not mentioned in the emergency management plan. The library board wants the library to be mentioned. Jeanne could be out of town in an emergency so there needs to be an order of people to be called.

Brian Raulinaitis said the trustees are also trying to get involved in emergency situations. He feels it is the town's job to put up flood gates and manage the emergency scene, not the librarian's. She doesn't own the library, the town does. There's no reason not to put a plan in place tonight. It is our library. He was down there with his personal sump pump during the recent flood.

Doug said the fire department and highway department should be first in line but if there is a greater emergency there should be a contingency plan.

Stacey said Sterling Market is a private business. The library is a town building. The taxpayers just put \$5,000 into buying a new furnace for it. Why wouldn't we want to protect it? It seems a more judicious use of money to protect the furnace than to argue over whether anyone from the town has time to put up flood gates. She feels that Jeanne, who does not own the library, should not be responsible for putting up the flood gates.

Doug said we expect our resources to be taxed. If we can't cover it, then what? Kim said we could have a set of trained volunteers who are willing to help out and the library could call on them.

Margo Warden said she does not think it is a good idea to make Jeanne responsible for putting up the flood gates.

Mike said his understanding is that the town is going to take responsibility and on top of that there would be a contingency plan if town personnel are not available. We need to designate someone on the town crew to take care of the library.

It was agreed that the library board will come back with an estimate for flood gates and then the select board will hopefully find money in the emergency budget and discuss who would be responsible for putting up the flood gates.

Sabrina asked, did she hear that the town will be reviewing the emergency plan anyway? Eric said we do review it anyway. Nat said on December 12 there will also be a review of the exercise the town did before the flood. Eric said the review will also cover the recent flood.

5. Potential Tree Board Project

Sue Lovering said the Tree Board has been talking about starting an arboretum. She just heard about a grant for \$5,000 that the tree board might be able to use to get the arboretum off the ground. The application is due January 17. She needs to be able to tell them a basic plan, so we need to talk about where the arboretum would go. We had talked about the possibility of putting it on Duba Field.

Brian said the deed for Duba Field says that it was granted to the high school for use as an athletic field and that all subsequent owners will follow that restriction. We might be able to use part of the field for an arboretum and part for other purposes. There has been interest in using it for a dog park. He is not sure if there is literature on whether dog parks support healthy communities. (*Howard Romero arrived at 7:22.*)

Eric asked how much space the arboretum would need. Sue said at least a couple of acres. The smallest arboretum she can find is probably about three acres. She said the Tree Board had looked at Duba Field and they feel there is not enough room for an arboretum and a baseball field. They would love to have the whole piece. They had talked about having a walking tour through Johnson with trees at various places along the route but sewer and electrical lines prevent tree placement in many areas. They think in the long term an arboretum could be helpful for economic development.

Margo suggested the college could be a possible location. Eric asked, what about the skate park? Sue said they're putting in a basketball court there. Brian said the area east of Wescom Road is not being used now. Howard said the skate park committee has long talked about having a dog park on the east side of Wescom Road.

Doug asked if the Tree Board has to have a piece of land for the grant application. Sue said they would like to see a basic plan. The more concrete she can be, the better.

Mike asked if the strip by the skate park would be acceptable. Sue said she would have to look at it. Open land would be better. Howard said it is mostly mowed grass. Sue said she thinks she knows what area is being discussed and she thinks it would not be big enough. (*Greg Tatro arrived at 7:27.*)

Scott said he thinks an arboretum would be wonderful. The college might be a good place for it. It would be a learning experience for students

Sue asked if Duba Field is off the table. Brian said our deed says it has to be used for an athletic field so if there is not enough room to share it with an athletic use it won't be a suitable location. Eric said other town properties include the Gomo and Pringle lots. Sue said she is thinking it might be ideal to have it in or near the village but it doesn't have to be. Eric said the best thing we can think of right now is the part of the skate park property across Wescom Road from the skate park. Doug said he would like to meet with Sue and Brian to discuss the legal situation with the deed. His opinion about the usage restriction differs from Brian's.

Mike asked if the Tree Board could use a letter of support. Sue said yes.

Sabrina said she has seen arboretums with exercise stations. Perhaps those could be incorporated. Brian said that sounds to him like it would fit the definition of what is required in the deed.

6. VLCT Resolution Request

Eric said the Vermont League of Cities and Towns is asking towns to pass a resolution that looks out for towns' and cities' best interests in the case of legalization of marijuana. (*Stacey and Sabrina left at 7:32.*)

Jessica Bickford handed out some information. She said there are a lot of things in the resolution designed to protect the town. The resolution asks the legislature to allow towns to be able to put a tax in place. When cannabis is legalized it increases medical and law enforcement expenses. Towns need to consider those as well as the impact on youth. The resolution asks for towns to have a right to opt in. Then the people of the town would be able to discuss things like where growers and processors are going to be allowed. (*Jeanne left at 7:34.*) Jessica said she works with Healthy Lamoille Valley, a substance prevention coalition. If towns are able to opt in or opt out we can consider whether Main Street has 21 and over stores or whether we can restrict them to certain areas of town. She knows we don't have zoning so it becomes trickier, but this resolution protects the ability to consider things like that.

Jessica said the Department of Health today went live with some cannabis education materials. Hyde Park recently adopted a healthy community policy. There's a possibility of Johnson adopting that to go deeper in protecting the makeup, youth and livability of our town.

Nat said this resolution reminds him of similar regulations for alcohol sales. Alcohol permits go through the select board and there is a fee. **Nat moved and Mike seconded that the selectboard support the Resolution Supporting Municipal Authority in a Commercial Cannabis System proposed by VLCT, seconded by Mike.**

Doug said he thinks we ought to ask our legislators in to discuss this. He is opposed to this resolution. He thinks it would be like having wet towns and dry towns. He thinks it should be regulated on the state level. He would like to see what our legislators recommend at the state level. He would at least like to have a decision on this resolution deferred until we have our legislators in to talk about it. Eric said he would be inviting legislators to the next regular meeting anyway. VLCT would like the resolution passed before the next legislative session. Whatever our legislators feel should happen, they are only 3 out of 180 legislators. VLCT looks out for all towns and cities. **The motion was passed with Doug opposed.**

7. *Tuesday Night Live Committee Report*

Howard Romero said if the Tuesday Night Live Committee has any money left over at the end of the fiscal year, as he understands it, it goes back to the taxpayers. But in this case “back to” is incorrect because the money was not raised from taxes. The committee is loathe to give it up. They want to build up a fund to flesh out their sound system over a couple of years. Sound equipment is now mostly on loan. They would like to have permission to set up a reserve fund so that they can hang onto any excess to roll into the next year's budget.

Brian said we can encumber funds. If money is committed to an expense we can finish spending it in the next fiscal year. The more detail we have about the planned expense the more justifiable it is to carry it over. (*Scott and Kim left at 7:41.*) Is the board more comfortable creating a reserve fund? We can write into the description of it that no taxpayer funds will go into it. That allows a great deal of freedom for the Tuesday Night Live Committee to spend the money. Or do we mostly want to encumber funds?

Nat said the money raised from sponsors and vendors is given to the Town of Johnson for the purpose of supporting Tuesday Night Live. We can't legally spend it on anything else, right? Brian agreed that we can't. Nat asked, so does a reserve fund become unnecessary since the money is already designated for that purpose? Mara Siegel said the money is raised in one fiscal year and spent in a different fiscal year. That is why we need to encumber funds from one fiscal year to the next. Nat said regardless of what year the money is spent in, it is being raised for Tuesday Night Live, so it is there for that purpose. We are not able to spend it on anything else.

Howard said he is not sure how that relates to the requirement that the money has to come back to taxpayers. Eric asked if Brian can look into it with Rosemary.

Doug asked what large capital expenditures the committee will have after they have a good sound system. Howard said expenses won't be great after the sound system is acquired but that will probably cost a total of \$15,000. The committee won't be able to do that in one year.

Doug asked what the surplus from this year is. Mara said about \$3,000.

Howard said the reserve fund does have a finite use. Ten years from now the committee won't need the reserve fund. They will adjust their income to suit what is needed for operating expenses.

Eric said Brian and Rosemary should look in to this and perhaps a proposal for a reserve fund should be put before the voters.

Howard said the committee discovered last summer that two or three portable toilets are not enough. They have reserved three standard toilets plus one handicapped-accessible one for next summer and they anticipate those being there for the eight weeks of the concert series. Legion Field gets used for other things. They are asking the selectboard to pick up the cost of one of the portable toilets through the summer. Mike said that is not unreasonable. Eric agreed. Brian said the bread oven sees a lot of use throughout the summer. He thinks having a portable toilet there through the summer would be a justifiable expense for the town.

8. *Community Support for Jenna's Promise USDA Grant Application*

Brian said Jenna's Promise is applying for a USDA Grant. Barry Cohen said they are asking for a letter of support from the town. Grant money will be targeted for the Jenna's Promise building.

Nat moved to write a letter of support for Jenna's Promise's USDA Grant Application and to authorize the board chair to sign it, seconded by Mike.

Greg Tatro said the money will be used to upgrade audiovisual equipment so the building can be rented out for business meetings. There will be a large screen, a projector, an internet connection and new wiring. One thing they would like to do with the big screen is have a movie night for kids in town. They also want to rent the space to businesses in the area. Some people they have talked to are very interested. They feel it will be the premier space in Lamoille County to have a meeting. They want to have events and speakers there. They are trying to create jobs and money to support what they are doing.

Eric asked if Brian and Greg could discuss bullet points so Brian can draft a letter. Brian said yes.

Barry said the town could use the space.

The motion was passed.

9. *Budget Priority Discussion*

Brian said he would like to talk about budget priorities. (*Barry left at 7:54.*) We have talked about the difficult nature of affording some serious increases in items we don't have a lot of control over. Health care costs will go up. The sheriff's budget will increase. We don't know what that increase will be yet. We are getting revised numbers. Nat said the increase will be substantially lower than the first draft we saw.

Brian said he thinks the board has an interest in maintaining level services but that would mean a decent budget increase. What is our guiding principle? Is there a specific growth

number to aim for? Do we want to aim for level services? Are there any major projects we are willing to pay for?

Mike said he thinks we need the least impact on taxpayers. Eric said town committees and the highway department usually come in with a wish list if money were no object and the board goes through and makes cuts. We are usually able to come down to an increase somewhere close to inflation. He is hoping we would be able to do the same thing this year. He thinks Brian Krause should not try to control his budget but come in with what he thinks the highway department needs to do the best job they can. And then the selectboard will have to make the hard choices. Brian's first draft should be something of a wish list. Doug said we will ask Brian Krause if he had to let go of something what it would be.

10. Review Dilapidated Building Ordinance

The board reviewed the draft dilapidated building ordinance. Brian said we received word from our attorney that this ordinance does not interact with our other ordinances. It has been implemented successfully in other towns. Brian talked to Bill Fraser in Montpelier. This is based on the ordinance they have that they are happy with. The only change that will be made is to the statutory reference in Section 2. Brian gave the new statutory reference.

Mike moved to adopt the Dilapidated Building Ordinance as of today with the change to the statutory reference that was discussed and to post notification of the adoption of the ordinance, Doug seconded and the motion was passed.

11. Light Industrial Park Update

Brian said our federal contact couldn't make the meeting that he was supposed to have today with Brian. He showed the board the nexus statement for the grant application based on the storm in October 2017. (*Brian Raulinaitis left at 8:06.*) This statement describes the need for the industrial park and how it alleviates challenges we face with disasters. Brian doesn't yet have an opinion from the feds on how strong this is. Our first choice is to go for the pot of money related to the 2017 storm. If that doesn't work out we will write a new nexus statement and go for funding related to the ice jam flooding. He expects his meeting with the federal contact to be rescheduled for Thursday. The other pot of money has a shorter timeline if we are approved. For this one, we have 60 days from approval to the final application. The amount of the grant will be a little over \$1 million.

12. Lamoille County Sheriff's Department Report for October 2019

The sheriff's report was emailed out.

13. Lamoille County Courthouse Budget Meeting

The county courthouse budget meeting will be December 5. Eric said the sheriff's budget meeting will be a week from tonight. (*Margo left at 8:09.*) Brian said he will go to the county courthouse budget meeting. Eric said he will go to the sheriff's advisory board meeting.

14. Public Comment

Sue Lovering said she was appalled by what was said by employees at the joint meeting tonight. She felt their lack of respect was astonishing.

15. Adjourn

The meeting was adjourned at 8:10.