

JOHNSON SELECTBOARD MEETING MINUTES
REMOTE PARTICIPATION VIA ZOOM TELECONFERENCING
MONDAY, SEPTEMBER 21, 2020

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Brian Story, Rosemary Audibert, Lisa Crews, Brian Krause, Athena Parke, Joie Lehouillier, Mark Nielsen, Scott Meyer, Lois Frey, Greg Tatro, Cal Stanton, Rick Aupperlee, Duncan Hastings, Diane Lehouillier, Margo Warden, Jackie Stanton, Noel Dodge, one other community member

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 7:01.

2. Additions, Changes to Agenda

Eric said meetings have been going late so he will make a few changes to the way they are run. The chat will not be open. Times are listed for each agenda item and he will try to stick to those. If the board goes over the time he will remind board members and if the board wants to continue discussion they will. At 10:00 he will ask which items left are must-dos and some items on the agenda may not get completed. If any Zoom bombers join the meeting the meeting will immediately be shut down and continued at another time.

Kyle asked what the plan is for public comment. Eric said it will be just like an in-person meeting. Members of the public can ask to be recognized and then they can speak. They can use the “raise hand” feature and Brian will recognize them.

Brian added two agenda items: selecting a voting member for the VLCT annual meeting and a request from the Conservation Commission. Doug added discussion of recognizing the services of Ray Gilcris and Brian Krause. He said both have done spectacular jobs and he thinks the board needs to indicate its appreciation. Eric noted that the Board of Health meeting prior to this one was recessed for deliberations and the deliberations will be either immediately before or immediately after the selectboard executive session.

3. Review and Approve Minutes of Meetings Past

Nat requested a change to the September 8 minutes. On p. 6 he said it would better reflect what he said if “Nat said the selectboard voted to raise that flag twice previous to Rick asking them to take a vote on it again. Taking the same vote over and over again won’t change things” were changed to “Nat said the selectboard voted on raising the flag twice. Nat said he supported it twice and unfortunately that failed. But voting on the same thing over and over again is not productive.”

Doug asked for an addition to the September 8 minutes. After Eric said he didn't understand where Kyle was coming from there was a response from Kyle that was not included in the minutes and he would like that to be added.

Mike moved to approve the minutes of August 24, 2020, Doug seconded and the motion was passed.

It was agreed that Donna should make the recommended changes to the September 8 meeting and the board will vote on approving them in the future.

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

Rosemary said the budget for the last fiscal year is probably 99% complete. There was a difference of \$113,303 between revenue and expenses. She is still working on cash on hand and should have that information ready for the next meeting.

The first installment of the current year taxes is due is not due until next Wednesday. So far taxes are 17.22% collected for the year.

Green Mountain Distilleries has requested a special event permit for an event on October 1 at Moog's Joint from 5:00 to 9:00. The event is outside. **Kyle moved to approve the permit for the Green Mountain Distilleries event at Moog's Joint on October 1, Doug seconded and the motion was passed in a roll call vote with Mike and Nat voting no and Kyle, Doug and Eric voting yes.**

Rosemary reviewed errors and omissions submitted by the assessor. These are changes that need to be made to the grand list. One resident was missing from the village portion. The Town of Johnson industrial park was on the village grand list and should not have been. One person was missing his veteran's exemption and there was an error in Village Water & Light inventory. **Mike moved to accept the errors and omissions corrections to the grand list submitted by the assessor, Nat seconded and the motion was passed.**

Rosemary said the Secretary of State's office gave the town \$1,000 for a drop box for ballots. She has ordered the drop box and it should be here by the end of the week. The highway department will build a cement pad to place it on. Kyle asked where it will be placed. Rosemary said next to the parking lot and sidewalk. Kyle asked if it will go away after the election. Rosemary said she thinks she might make it the permanent drop box. Doug asked if there is a better place for it. Brian said we can look at placing it closer to the front door but he thinks a light and bulletin board may be in the way. Doug asked about putting it inside the lobby. Rosemary said there is not 24-hour access to the lobby. Mike asked if there is any way to increase capacity of the existing box. Rosemary said no. Mike asked, couldn't we build a cage around it? Rosemary said she wouldn't recommend that. Mike said it would be more secure than a drop box outside. Rosemary said the drop box will be cemented in or attached by screws to the sidewalk. Nat asked if this particular box is recommended by the Secretary of State. Rosemary said yes. Mike said he would like to look into retrofitting the one we have. Kyle said she is not worried about vandalism with a freestanding box. Nat agreed. He pointed out that it has been vetted at the state level. Brian said he thinks our current drop box is vulnerable to the same things that the new one would be – vandalism, etc. He thinks it will be reasonably secure and it will be more convenient and have a larger capacity than the current one. He recommends going with Rosemary's proposal. Board members agreed to that.

Mike moved to authorize the chair to sign warrants on behalf of the board, Kyle seconded and the motion was passed in a roll call vote with Nat, Kyle and Mike voting in favor and Doug abstaining because he had not had time to review the warrants.

Rosemary said we should receive paperwork for the land records grant this week. We will receive about \$25,000 in grant funds. Board members thanked Rosemary for getting the grant.

5. *Public Works Administrator's Report*

Brian K. said Basin Road is opened up again. The storm-related washout has been fixed. The UVM project on Clay Hill will start on September 28. It will probably take 2 days to complete but Brian included a third day when he notified adjoining landowners in case there is a problem or weather issue.

Nat said he had sent out pictures showing where the road is eroding under the corner of the house at the School Street/100C intersection. Have we heard from the state on their plan for dealing with that erosion? Brian K. said he hasn't. Brian S. said we have informed the state of the road conditions in that area but they haven't informed us of their response. Nat said it looks like a real hazard. It has eroded past the white line. Doug said we were going to approach that from the standpoint of our ordinance. Brian said it is pretty high on our list for the dilapidated building ordinance. Mike said he understands the owners are talking to the state about it and there will be a resolution soon. Doug asked if there has been any contact with the owners on this. Brian said not recently. He will talk to them and see if they have news from the state. Doug asked if contact has been made with them regarding the dilapidated building ordinance. Brian said he believes he let them know that we were interested in addressing that building and sent a copy of the dilapidated building ordinance

Scott Meyer said one of the culverts being replaced on the Clay Hill project is next to his property but he and his wife don't have a clue about the scope of work. No one has bothered to let them know. They don't know what is being done or who will do the work. Brian K. said the culvert closest to Scott's house is a control culvert. UVM will take pictures and monitor it but nothing will be done there. The next one down the hill will be getting upsized. A new headwall and a bigger culvert will be put in. On the opposite side of the road from Scott's property more rip-rapping will be added. Brian agreed to meet with Scott and show him which culvert he is talking about.

6. *Johnson Recreation Report*

Lisa reviewed some highlights of her written report. COVID- safe soccer is starting this fall. She has been working on what will happen this winter and some side projects related to outdoor recreation. Doug said he thought her report was wonderful. He didn't realize how extensive our recreation offerings were. Nat said in her report she mentioned using her personal tools and bank account. He thinks we need to work on that. Board members thanked Lisa for her work.

7. *Public Works Capital Equipment Purchase of Two Trucks*

Brian S. said two trucks are coming up for replacement according to the capital equipment plan. The single axle small truck and one of the regular tandem trucks are both due for replacement. The single axle truck has worn out a little faster than anticipated so it is being moved up for replacement and the tandem is being moved back a little so replacement of

both will happen next year. The wait list for equipment is long enough that if we want the trucks for next summer we need to order them now but we won't be paying until after July 1, 2021.

Brian K. said for the single axle truck he would like to get an International HV507. It is the same size and weight capacity as the truck it is replacing. It will be used to carry salt and to fill in if another truck breaks down. It can sand and plow. It carries the chloride tank in the summer. Ideally we would have a four-wheel drive for getting up hills but he was not happy with the selection of four-wheel drives and a truck with four-wheel drive wouldn't fit in the shop. So the truck he wants to get is basically identical to what we have now.

Kyle asked if we are looking at the same brand of truck as what we have now. Brian said yes.

Nat asked, are we obligated to purchase the truck if our budget doesn't pass or we find ourselves in financial trouble? Brian K. said he would assume so, but he doesn't know. Nat said he doesn't think we have ever ordered a truck this early, before the budget was approved. Brian S. said he would imagine there would be some kind of penalty for us backing out of the deal, but he doesn't think we would be obligated to pay the whole purchase price. Eric said he would think that dealers would understand when dealing with a municipality that the purchase was contingent on voter approval.

Mike asked if we are going to sell the old truck. Brian K. and Brian S. said we will trade it in.

Doug said he thinks we would need to send the question of whether we are obligated to purchase the truck to an attorney. He would guess that we can't get out of the agreement.

Brian K. said he doesn't have the trade-in amount with him. The quoted purchase price of \$107,855 includes the trade-in.

Kyle asked what the rationale is for getting the same kind of truck that wore out earlier than expected. Brian K. said most of the problems with the current truck were with the rear end because of our hills. For the new truck, he is getting a beefier rear end that can handle the hills better. He got prices on some other trucks but he feels it makes more sense to stick with one company and he decided to do that once he found out he could get a beefier rear end.

For the tandem truck Brian would like to get an International HX620. He considered another option that is \$10,000 cheaper but there are a few reasons he does not want to go with that option. One is resale value. The truck he wants to get will have a Cummins engine. The other has an International engine and International engines are hard to sell because International has had bad luck with their engines for a while. We are trading in an 8-year-old truck with an International engine and only getting \$44,000 for it. Previously we traded in a 12-year-old truck and got \$55,000 for it. When Brian asked why we are getting so little for the 2014 we are trading in, the answer was the International engine. The HX620 he wants to get is a little beefier. It does not have as nice a cab as the other option. It is more of a work truck. He feels it will hold up better than the HV's have. And he likes the reliability of the Cummins engine. He would also like a truck that is like the ones we already have because interchangeability of

parts is a big bonus and if all three trucks are similar it is easier for an employee to go from one truck to another and be comfortable with it.

Doug asked, regarding our budget for next year, don't we have some advantage because we have reserve funds? Brian S. said yes. We should feel comfortable because our reserve fund is doing well and these trucks are within our expected cost. The larger one is \$2,000 less than the anticipated net cost and the other one is \$1,000 more than anticipated. He will have to rebalance the capital budget a little because the price of trucks is rising faster than he had estimated.

Doug asked what we are doing for warranties. Brian K. said he got the longest warranty he could.

Nat moved to place orders for an HP507 and an HX620 truck, Kyle seconded and the motion was passed.

8. *Painting School Street Bridge*

Brian S. said we have had persistent problems with graffiti on the Powerhouse Bridge and it is difficult cleaning the graffiti off. He thinks it is time that we think about painting the bridge. It would make maintenance easier.

Eric asked if Brian is thinking of internal or external paint or both. Brian said he would think both. The internal part is where we have the most problems but he would also like to paint the external part because that is difficult for us to reach.

Doug asked when Brian is thinking about having this occur. Brian said he doesn't have an estimate from a painter yet. He imagines it will probably occur in spring but if he could get someone out this fall he would

Mike said generally bridges are not painted on the inside.

Nat said one graffiti he scrubbed off on the inside of the bridge only took about 10 minutes to remove. He doesn't see much graffiti outside except on the abutments. He is not against painting the inside but he has had fine luck just brushing graffiti off with a stiff brush. Brian said he thinks we would also paint the abutments.

Doug said, seeing how important the covered bridges are to the community, he suggests outlining the problem on Front Porch Forum and asking what the citizens think about painting the inside and/or the outside of the bridge. Kyle suggested soliciting input now from members of the public at this meeting. Scott said he thinks getting input from Front Porch Forum is good because not everyone has the technology to join in the Zoom call. Mike agreed that asking on Front Porch Forum would be good.

Duncan Hastings said asking on Front Porch Forum is a good idea. The town will probably get a lot of opinions. He would not be that much in support of painting the bridge. That bridge, to his knowledge, was never painted historically. If we have to live with a little graffiti, so be it. After a while it becomes part of the history of the bridge.

The board agreed to solicit input on Front Porch Forum. Brian S. put up a poll on Zoom to get input from those present

Kyle asked if we can get a cost estimate before discussing this next time. Brian said he will try to get an estimate but if there is little interest in painting the bridge he doesn't want to devote too much time to it. He would think painting, especially the outside of the bridge, would be quite expensive

9. Revised Facility Use Form

Brian suggested that since the board had fallen behind on the agenda this could wait until the next meeting.

10. Schedule for Town Employee Flu Shots

Brian said normally we allow employees to get flu shots at the office. This year the ability to have a nurse come to the office is delayed and there is no guarantee they will be able to send someone to administer shots on location. He thinks it is worth pursuing sending people to an off-site facility to get flu shots.

Mike asked, it is strictly voluntary, right? Brian said yes.

The board expressed support for finding an off-site location for shots. Brian asked if employees could get the shots on our time. Board members said yes.

11. Fire Warden Resignation and Replacement

Brian said Gordy Smith has submitted his resignation as town fire warden. He says he is willing to stay until the end of the year if needed. **Mike moved to accept Gordy Smith's resignation as town fire warden and to send a letter thanking him for all his years of service and the motion was seconded and passed.**

Brian said we also need a representative to the solid waste board. Board members said they did not recall accepting Phil Wilson's resignation. Brian said he doesn't know if Phil formerly resigned or just moved but as he has moved he can no longer be the representative. It was agreed that Brian should post both openings. Brian said it would be nice to get an additional constable. It was agreed that he should post that opening at the same time.

12. Johnson Historical Society Request

Brian said the Historical Society sent a letter indicating that there were some improvements to Holcomb House that we had agreed to share the cost on and we might not have properly split the cost. One was installing a heater in the carriage room.

Nat said the meeting minutes from June 17, 2019 indicate to him that we did not agree to share the cost on that. He thinks we didn't feel we had the money to share the cost at that time.

Duncan said he believes Nat is right. He thinks the board did not agree to share costs for the heater but indicated they would be willing to revisit the issue in the future. The Historical Society is asking if the selectboard would be willing to reconsider in light of where the town is now. He thinks the decision was not a solid no but was a "not tonight." Nat agreed with that.

Duncan said the Historical Society's estimate for the cost of that project was \$1,800 and it seems they actually spent \$1,776. The Historical Society is asking the board to entertain making a 50% contribution, which would be \$888.

Brian said the Historical Society added a Knox Box for keys to the building – the Historical Society parts and also the town parts of the building – and asked if we would share in the cost of that. Fifty percent of that cost would be \$181. Duncan said the intent was not necessarily to ask for a 50% cost share on the Knox Box but just to let the selectboard know that that was an expense they incurred that benefits the town. He doesn't think the Historical Society was requesting a 50% cost share on that.

Nat said he is interested to see what Doug and Eric have to say about this since they were on the committee that came up with the memorandum of understanding with the Historical Society. Doug said he thinks this is extraneous to that agreement and probably predated it. Are we in a different place with the budget than we were the last time this was discussed? What about the \$113,000 surplus? Where does that fit in? He would ask if it makes sense for us to make a contribution given our financial situation now

Eric said it would be about \$1,000 for a 50% contribution for both projects. Duncan said if the selectboard wants to contribute 50% of the Knox Box cost the Historical Society wouldn't refuse it but they are not asking for that. He thinks that could be taken out of the equation. The heat in the carriage room does benefit the town because water and sewer pipes go through the room and it can prevent lines to the apartment above freezing in the future.

Nat asked if the money would come out of our building reserve fund. Brian said he imagines it would. Nat said the last couple of years we have tapped into that more than we expected. But we have a \$113,000 surplus so maybe things aren't quite as tight as they were last year.

Duncan said the other part of the Historical Society's request is regarding a Historical Society budget surplus. They show a surplus but they have no income in the current year from Tuesday Night Live so their request is that rather than have the budget surplus roll over into the reserve fund they would like instead to have it roll over into the current budget year expenses to help them offset the loss of Tuesday Night Live revenue.

Mike asked Duncan, if the selectboard does that, does the Historical Society still want the town to pay half the cost of the heater? Duncan said the Historical Society's position was that they would ask the board to consider the 50% contribution to the cost of the heater. It is up to the board and they will be satisfied with either decision. They are requesting the board to consider both that and rolling over the surplus as requested.

Mike moved to contribute \$888 toward the cost of providing heat in the Holcomb House carriage house, seconded by Nat. Doug asked if the Historical Society is looking for reimbursement for insulation. Duncan said no.

Kyle asked where the money is coming from. Eric said right now it will come out of the general fund operating expenses for this year. The board can decide next time if any cash on hand will get applied to this. Or we could take the money from the building reserve fund.

Nat moved to roll over excess Historical Society funds from the previous fiscal year to this fiscal year. Eric asked if the article the voters approved obligates the town to roll the money over into the Historical Society reserve fund. Brian said he believes it does. Nat said what we did at the June 17 meeting was earmark surplus for certain projects. He suggests that the next move for the Historical Society would be to suggest what we would earmark these funds for. Duncan said they budgeted for \$5,000 of revenue from Tuesday Night Live and they won't have that revenue. If the selectboard is looking for a way to earmark some of the reserve fund, lost revenue from Tuesday Night Live would be a place. He would also ask that the town get a legal opinion as to whether it is a hard and fast rule that surplus has to go into the reserve fund. He wouldn't have interpreted it that way. Eric said that is the understanding he has but it might be good to check with our attorney. He suggested taking no action tonight and revisiting this next month. In the meantime the board will have Brian check into what we can legally do with the money.

13. Johnson Conservation Commission Request

Brian said Lois Frey, as representative for the Conservation Commission, asked about the Conservation Commission's yearend balance. We approved a handicapped accessible trail project for Beard Park. The Conservation Commission asked to use \$2,000 of Conservation Commission funds that was left at the end of the year. He believes that the Conservation Commission has approval to use that money. Those are funds that were committed for a project that began before July 1. He believes since the Conservation Commission is using the funds for a project that was committed to before July 1 he doesn't think the money is really even coming out of the surplus. It is funds that were spent in the last fiscal year; it is just that the project is just not completed yet.

Lois said she is looking for a guarantee that the funds won't be removed at the end of the year. Eric said his understanding is that if there is dedicated funding, that carries over to the next fiscal year. Brian said that has been our interpretation. If a project starts, you can finish that project. Rosemary said that is the way she understands it also.

14. Washing Machine Request for Holcomb House Apartment

Brian said when the washing machine in the apartment at the Holcomb House broke down we declined to replace it and we adjusted the rent accordingly. The tenants would like to put in their own washing machine and dryer using installers from Sears.

Mike said we chose not to replace the washer to prevent any more water damage to the first floor so we shouldn't go forward with allowing them to put one in. Doug asked, can't washers be installed so they are almost foolproof? Brian said if installed competently under normal use it should be fine. These would be professional installers. Doug said he wonders what the Historical Society would think of this. Another idea he has is that the tenants should get insurance for the washing machine.

Duncan said he thinks the Historical Society would have some concerns about damage to artifacts if there were a major leak. If it was a brand new washing machine the likelihood of

that would probably be less. At the last Historical Society board meeting it came up that the Historical Society understands there has been a change of tenants. They wanted to make sure the selectboard was aware of that. Brian said yes. A change was made when the lease was renewed. There was one carryover tenant and one new tenant.

Nat said he would not have a problem if they want to install a washing machine using a professional installer, especially during the pandemic. If he were renting he would prefer not using laundromats now. Doug agreed. He said he thinks we should ask them about insurance and if they have a professional installer and new machines it would be reasonable to let them install them. Nat said he thinks we have to assume our own insurance would cover any problems.

Nat moved to give permission for the tenants in the upstairs apartment at the Holcomb House to install a washing machine using a professional installer, Kyle seconded and the motion was passed in a roll call vote with Mike voting no and Kyle, Nat, Doug and Eric voting yes.

15. Posting for Racial Justice Committee

Eric said, the trustees approved our proposed charge for the Racial Justice Committee, right? Brian said yes. Brian said he had included a draft of a notice seeking volunteers in the board packet.

Nat said it feels like we have gotten a lot of input on this issue. He has had a chance to make his feelings known. He prefers that we not delay anymore. **Nat moved and Mike seconded to post a notice seeking three members of the Racial Justice Committee on Front Porch Forum and the town website, mirroring the language the village used in their posting.**

Kyle said she respects what Nat is saying. She likes the draft notice presented by Brian. It speaks to the mission. She thinks more clarity about what volunteers are getting involved in is better. She thinks it is very important to be clear about the work that we are looking for the people on this committee to do. She would prefer Brian's version. Nat said he would also be open to using the language on the last page of the selectboard packet. Eric asked if he wanted to withdraw his motion. Nat said he is comfortable with the motion he made, knowing that we have another document we already approved standing behind it.

Doug said it would be his understanding that where appropriate we would substitute references to the Town of Johnson to references to the village in the language the village used. Eric and Nat agreed.

Mike suggested having an addendum and saying in our notice that candidates should have applicable skills and experience, referencing the addendum listing the skills and experience we are looking for, using Brian's proposed language. Nat asked if that would address Kyle's concerns. Kyle said it is closer. But it feels a little clunky. She thinks the clearer we can be at the onset, the more transparency there is to those applying, and hopefully there would be less work for us because only those who are really on board with the work will be applying. Her concern with what the village wrote was that it was vague. The motion to amend died for lack of a second.

Doug said his thought on this is that if we have applicants we can easily send them the mission statement. The advantage of using the language the village used is that it is simple and parallels what the village did. The village trustees were going to submit suggested questions to ask candidates. We could ask if candidates have the skills and experience mentioned in Brian's document. It would be perceived as unfair if the criteria were so narrow that there were applicants who would not even get to an interview if they did not pass a litmus test. He thinks everyone should at least be able to submit an application.

Scott Meyer said it would be helpful if members of the public could see the document the board is talking about. Brian put it up on the screen.

Cal said he wanted to echo what Doug said. At this stage of the game he thinks it is appropriate to do what the village did – just get people in and narrow it down from there.

Jackie Stanton said she liked Mike's idea about linking the document saying what skills good candidates would have.

The motion was passed.

Brian said he will make edits replacing references to the village with references to the town and then post the notice.

16. Information on Possible Board Retreat

Brian said he got a list of people who could facilitate a board retreat, but the retreat would fall under open meeting law. It would be difficult to have frank and open discussion without discussing anything that had ever appeared or might appear before the board and if those issues are discussed it has to be in an open meeting. A retreat might be more valuable once we can meet in person again. An online retreat that was fully recorded and shared online might defeat the purpose. But if the board is interested he can pursue the idea.

Eric said he had asked Brian to research the idea of a retreat. In the past, board retreats he has gone to were not open to the public. It would be difficult for board members to share their feelings on meetings and issues knowing that anyone in the public could be there and the meeting was recorded. Unless there is another way to have the meeting he would not want to have a board retreat. He doesn't think it would be beneficial in the way he had hoped. Doug agreed that doing it virtually would never amount to anything.

17. State Slope Stabilization on Route 15

Brian said the state will be doing slope stabilization a little east of Nadeau's gravel pit. He doesn't have the date that the work will begin. The recent construction has been for a water main and has nothing to do with this.

18. Lamoille County Sheriff's Department Monthly Report for July 2020

The sheriff's monthly report was emailed out.

19. Select Voting Delegate for VLCT Annual Meeting

Eric asked if anyone had expressed interest in being a voting delegate for the VLCT annual meeting. Kyle said she might be interested but she is concerned about the meeting not being

done before her kids come home from school. Brian and Eric assured her it would be all right if she needed to leave before the meeting was over. Kyle agreed to be the voting delegate.

20. Recognition for Departing Employees

The board discussed possible ideas for recognizing Ray's and Brian K.'s service to the town. Brian suggested that board members think about the possibilities and discuss further at the next meeting.

21. Executive Session for Employee Evaluation

Mike moved to enter executive session for employee evaluation as allowed by 1 V.S.A. § 313(a)(3), Doug seconded, the motion was passed and the board entered executive session at 9:38. The board came out of executive session at 9:51.

22. Adjourn

The meeting was adjourned at 9:53.

Minutes submitted by Donna Griffiths