

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, JANUARY 17, 2022

**Present:**

Selectboard members: Mike Dunham, Beth Foy, Nat Kinney, Eric Osgood, Eben Patch

Others: Brian Story, Rosemary Audibert, Jason Whitehill, Sophia Berard, Jeff Bickford, Kyley Hill (via Zoom), Lois Frey (via Zoom), Mary (via Zoom)

**Note: All votes taken are unanimous unless otherwise noted.**

**1. Call to Order**

Eric called the meeting to order at 6:50.

**2. Additions, Changes to Agenda**

Brian added discussion of a memorandum of understanding with the village on shared properties. Eric added a potential executive session related to the MOU. Nat added discussion of an update on the Jewett property he wants to write for the community.

**3. Review Invoices and Orders**

The board reviewed the invoices and orders.

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

**Mike moved to approve the minutes of December 15, 2021 with the addition of a comment he made: "Both boards need to put their petty differences aside and work for the common good the community" inserted after "Mike said he would like to see a joint meeting of the boards at least once a month." Nat seconded and the motion was passed.**

**Beth moved to approve the minutes of January 5, 2022, Mike seconded and the motion was passed.**

The minutes of January 12 and January 13 were not finished yet.

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

Rosemary said revenue to date is 92% of budget. We received three state aid for highway payments and an additional \$3,700 in supplemental highway payments for the third quarter. Expenditures for the first 6 months are at 46% of budget. We are still owed \$26,209 from last year's delinquent taxes. Soon we will send anything over \$1000 to Stitzel Page and Fletcher for tax sale. (Jeff Bickford arrived at 7:03.) We have collected almost 61% of current year taxes, slightly above the last two years.

The town has received a request for tax abatement for hardship. It was agreed to schedule a hearing on that sometime in February.

**6. Public Works Supervisor / Highway Foreman Report**

Jason said the crew has been working on equipment, plowing and sanding. The springs were installed on the salt truck and it is leveled out. The brine tank has been set up in a temporary spot by the shop. He wants to move it in the spring.

Jason got quotes from Green Mountain Trailers on a new trailer, which had been shared with the board. There is an extra \$4K cost for galvanized dipping but the owner of Green

Mountain Trailers says that will add 10 to 15 years to the life of the trailer. Mike asked if any other vendors sell this brand. Eric said we probably should get other quotes. There was discussion about the impact of taking the cost out of the capital equipment fund or out of this year's operating budget. Brian said he thinks we could probably afford buying the truck this year but he recommends looking at it more closely in the spring. He doesn't think we need it until spring. Jason said we don't, but the price of this trailer has gone up quite a bit since fall. He would hate to see the price go up a lot more before we buy it. Technically the current trailer is overloaded at times for safety standards. Mike said he thinks we should at least have another bid before buying it. Eric asked what the comfort level is with doing the purchase in February. Brian said he is comfortable that we will be able to afford it in this year's budget. Enough surplus is projected. Mike said he thinks if we can afford it we probably should buy it as soon as we can to avoid having the cost go up. Nat said because the current trailer is questionably legal for hauling he thinks we should buy the new one. Jason said if a combination of certain items is being hauled that puts it over the safe limit. Mike said if it is possibly borderline illegal to use the current trailer we should not be using it. Eric said he will put this on the agenda for discussion and possible action for the first meeting in February. Nat asked the lifespan of the trailer. Jason said he was told that with the galvanized dip it should last 15 to 20 years.

Jason said Alex Nadeau went above and beyond and helped the town out tremendously when we only had three employees and when a couple of people had COVID. Eric agreed. (*Jason left at 7:22.*)

#### **7. Racial Justice Committee Report**

Sophia Berard said the Racial Justice Committee appointed Jeff Bickford as a co-chair in order to break down the hierarchy of authority and spread out responsibility more. The RJC has two Human Rights Commission workshops scheduled – one on implicit bias on February 10 at 5:30 p.m. and bystander training on February 12 at 10:00 a.m. Both are by Zoom. Both will be facilitated by Amanda Garces, Director of Policy, Education and Outreach at the Human Rights Commission. Once the RJC gets the Zoom links they will publicize them. Selectboard members are invited to attend. The RJC will also be reaching out to the village trustees and other groups.

Sophia said the RJC had a good discussion about the breadth of work the committee has done and hopes to do and decided to change its name to the Racial Justice and Social Equity Committee.

Beth asked how people will sign up for the workshops. Sophia said there will be a registration link that will be put on Front Porch Forum and emailed out once the RJC gets it and people can click on the link to register. The workshops are free to the public.

Beth asked what work Sophia was referring to when she said the RJC discussed how the work they do led to the name revision. Sophia said for example getting the Take Back Vermont picture removed from the municipal building lobby and hanging a pride flag for pride week. They are not working solely on racial justice issues. They have segued into other social equity concerns for our town. They didn't want to box themselves into focusing only on racial justice. They wanted to be a diversity, equity and inclusion group.

Beth asked if that is changing the committee's plans for the year. Sophia said the committee will probably have a conversation about that. They were talking about reassessing the core values of the group. She doesn't think it will change anything as far as the budget. Jeff said it could affect what kinds of programs and education the RJC tries to add in the future. The committee schedule for the year is established but that doesn't mean they can't do other things. They will think about how to reach out to other marginalized communities.

Beth said she asks because she recently watched some programs that were a few decades old and noticed that racial topics are still being talked about using the same language that was used 20 to 40 years ago. That is an indication to her that not enough has changed in that area. In other areas she feels like there are significant differences in the language we use today. We don't talk about gay rights the same way we did 20 years ago or even 10 years ago but we talk about racial injustice in the same ways. That concerns her. Her hope is that the committee doesn't focus most of its energy on things other than racial equity. Sophia said she doesn't think the committee is trying to water down its mission. Racial justice is still definitely an important part of the committee. The name change is so they can touch on other issues and allow themselves to open up to a larger scope in our community.

Mike said he thinks Doug was in favor of including social justice in the name. It is nice that the committee is open to that.

**8. Review Planned Purchases**

Brian said there are two planned purchases. The first is chains for the grader at a cost of \$1,372.97. (*Sophia left at 7:33.*) The other one is a large tank we will use for chloride and brine that we are purchasing for zero dollars. Our current chloride supplier wants it covered by our insurance while it is on our property so they are selling it to us for zero dollars with the right to buy it back for zero dollars. Eric asked, they don't have an issue with us putting brine in it? Brian said no. They have loaned it to us but they didn't like having it covered by their insurance while it was on our property with no oversight by them over how it was used.

Eben suggested thinking about whether the chains purchased can be used if we are going to get a new grader. Brian said we may have to sell the chains if we get a different grader. But the cost of chains is small compared to the cost of a grader.

Mike said with the work we have put into that grader he wishes the board would consider pushing its replacement out by a year or two. Beth said she was thinking the same thing. One of the public works employees said in the summer that it was in great shape. Mike said he thinks with the work we have done on the roads and more chloride use we won't be using the grader as strenuously and it could last longer. Beth said she would like to see a cost analysis of what we would get for selling our grader now when it is still very functional vs. selling it later.

**9. Review Town Proposed Budget**

Brian said he took the economic development coordinator position out of the budget and made the changes the board requested last time except that the budget for salt does not reflect the board's most recent request. He increased the estimated end of year personnel cost to be

compatible with the 6% raise given to employees. He hasn't yet been able to split out the Historical Society buildings and grounds expenses as requested.

Eric said Brian found a policy the board had in place that deals with nonprofits. It is not out of the realm of the policy to put in a separate article for funding for nonprofits but the understanding in the policy was that once the voters approved an allocation to a nonprofit it would go into the selectboard budget. Knowing that we have a policy that somewhat goes against what we were planning to do, do we put nonprofit allocations back in the budget or leave them out and think about changing the policy?

Nat said he is not totally satisfied with the way we handle service organizations in the budget, setting a donation amount and keeping it without follow-up. But he doesn't have a better solution. We discussed separating out the donations in their own article this year. He thinks that makes people feel like they have a little more control over the budget, but they don't really. The moderator doesn't let people change a specific line item in the budget. He doesn't like doing things the same way all the time because we have always done it that way, but people want to compare the proposed budget to the old budget, apples to apples. If we pull out \$30K and put it in its own article, people will be comparing apples to oranges. He thinks we should put the social service organization donations back in the way they always have been. In the future it would be good to think about how to follow up with those organizations.

Brian said he looked at town reports from other towns to see how they handle these allocations. One town voted on them all individually. They had reports for each organization in the town report with a note to see Article 8 or Article 9, etc. so that the report could be tied to what people were voting on. That does make for a longer ballot but it very clearly ties each organization's performance to the vote.

Brian said he thinks Nat has a good point about changing how we report on this. Beth said she still supports having a separate article for each one. Eben said that would be 15 or 16 articles. Beth said she doesn't care. We can put it at the end of the meeting. We are talking about understanding what these services are and how they benefit our community. If anyone has a problem with an organization's delivery of service they can vote down its donation. Mike said he doesn't have a problem with that. Eben said he would like to have the donations in a single separate article, not one article for each.

Mike asked if someone could reduce the total approved to remove the amount for one organization. Eric said yes. Mike said in that case he thinks it would be good to have a single article. Nat said in the process we have been using someone could also move to reduce the budget by the amount equivalent to one organization's donation. Eric said having it as a separate article gives the voters more power. If we left the donations in the budget someone could amend the budget to take out the amount for one organization but the board may not actually choose to reduce that donation because there may be enough excess in the budget. If there is a separate article the board will pay the groups out of the amount approved in the article, so if the total amount was reduced by the amount of one group's donation, we probably would follow what the voters said and not give that group their donation. Mike said

we don't need to have individual articles. Eric agreed. If the amount was reduced by the amount of one organization's donation, the board could take money from all the others and keep that donation the same but typically the board would listen to the voters. Nat said in reality there will be a range of views among the voters about where to cut. But he doesn't like the idea of having a single article for each organization.

**Beth moved to have a separate article for each donation to a nonprofit, seconded by Mike. The motion failed with Eben, Nat and Eric opposed.**

The board agreed to leave the donations as a single separate article. With that article, the increase in the budget is 2 cents. Nat said but if we compare apples to apples, including the organization donations, it is 3.5 cents. Mike said it is up to the voters whether they want to increase their taxes by giving money to those groups.

Brian said the only change he is aware of that still needs to be made is to the salt budget, which doesn't yet reflect the change the board asked for. He will have Susan check the budget for errors.

Beth asked if Brian knows what other towns' budgets are coming in at. Brian said he doesn't but he can ask. Beth said she would specifically be interested in the rate increases for Cambridge and Hyde Park. *(Jeff left at 8:10.)*

#### ***10. Village Fire Service Contract***

The village fire service contract is a 4.75% increase. Beth said the contract says the agreement will expire on December 31 of the agreement year unless renewed or amended. It also says there needs to be 60 days notice of intent not to renew. It says nothing about automatic renewal. It doesn't say what happens January 1 if the contract was not renewed and there was no intent to terminate. It appears we don't have a contract at that point. She thinks we should change the language to say the contract automatically renews with the same terms unless terminated by one party. It should not expire.

Eric said we would have to address the financial side. We only paid until December 31. Beth suggested it could say that we will continue to pay the contracted price until the contract is renewed, at which time we will retroactively pay the difference between the old and new contract prices.

**Mike moved to approve the fire department contract with the village as written and to authorize Eric to sign it, with the stipulation that the language in Item 7 be improved sometime in the coming year, Beth seconded and the motion was passed.**

#### ***11. Tree Board Appointment***

Brian said Lauren Huang-Finkleman has attended several Tree Board meetings and would like to assist the board in its work. Sue Lovering recommends appointing her. **Nat moved to appoint Lauren Huang-Finkleman to the Tree Board and the motion was seconded and passed.**

## ***12. Town Meeting Format and Draft Warning***

The board reviewed the draft town meeting warning. The article about withdrawing from Lamoille North School District uses language from our attorney. Rosemary and Eric said that article needs to be voted on by Australian ballot.

Nat said he read the minutes from last week's village trustee board meeting. He gets the impression that the trustees' understanding of how a community and economic development coordinator position would work is different from what we are thinking of. The article on the draft warning says the town would hire a community and economic development coordinator in cooperation with the Village of Johnson but they seem to be on a totally different page. They said it sounded like the town was not interested in hiring a joint employee. That is true, but that doesn't mean we couldn't have a memorandum of understanding so the person could be employed by one entity with the other contracting for services. We are putting this article out to voters but he is not sure we really understand how the position would work.

Eben said the person would have to be hired in cooperation with the village because of the cost. Mike said there was talk about paying a person for contracted services instead of making them an employee. If we could do that he thinks we would be better off. Eben said we discussed that for grant writing. This position is not a grant writer position; it is an economic development coordinator who also writes grants. He doesn't know if we can hire an economic development coordinator on a piecemeal basis.

Beth suggested the article could authorize the town to appropriate and expend up to \$40K for the purpose of economic and community development. As currently written, the article is about hiring for a position but we don't have to add a position. We could also contract for services. Eric said Beth's proposed language would give us wiggle room to work with the trustees. He thinks Eben is right that we couldn't find contracted services for an economic development coordinator. Mike said we can't hire someone for \$40K. Eben said that is half of what we anticipate paying. Beth suggested we could hire a 50% project manager and maybe they would work with a grant writer. Nat said he thinks it would be hard to find someone even if we had \$80K. Brian said this language covers a lot of different things we could do. He thinks we still need to coordinate with the village.

Beth said she is worried that if we tie this to the village we put ourselves in a bad position. Brian does the bulk of the work to prepare for joint meetings. Without the village having a manager, will this person be put into a similar situation? That is not a great situation to be in. Eric said if this position is approved by the voters it would not get filled until July. He would hope the village would have a manager by July. Beth said they are getting close to a year without a manager.

Brian said his concern is that if only town funds are available for the position, he doesn't think our funds go very far. As Beth suggested, we could take out the mention of the village and instead of saying we are going to hire someone say we are going to spend money on this kind of activity. Eric said that is harder to explain to the voters. They can already envision what an economic development coordinator is because we had Lea. Brian said saying in the warning that we will be hiring someone sets an expectation that this is not a one-time

expenditure of \$40K – that the voters can expect ongoing expense. That is his biggest concern about taking the word “hiring” out. Does that set a realistic expectation of what the next budget will look like?

Mike said he doesn't think the village will contribute \$40K. Eben asked if he wants to change the amount in the warning to \$80K. Mike said he is not sure we will get someone for \$80K.

Eben said he understands that keeping the word “hiring” creates an expectation that money for this will be in future budgets. But if we take that out it allows us some funds for possibly contracting out for grant writing or paying an employee who would like a boost in responsibility and wants to take over some grant writing. Eric said the thought was that we would contract out the person to the village at some rate of reimbursement. The town was willing to hire the person knowing there would probably be some reimbursement from the village. We just can't tell the voters how much it will be

Mike said unless we can explain our plan well to the voters we should drop this. Eric said if there was going to be an Australian ballot vote he would say it would probably not pass but if there was a regular town meeting format and we could remind voters that we already had Lea and how much money she brought to the community he thinks the article would pass.

Nat said Duncan was working part time for the town. His position was replaced with a full-time position with the idea that the person would have a lot of time for development, but that is not the case because there is too much else to do. Eben said more happens every year. Nat said we had this position in the past but we also had a part-time administrator. Beth said she can't imagine having a part-time administrator. Eric said one of the reasons we split up the town and village administrator positions was that it was really more than a one person job. Duncan was burning out. He never took vacation and was working 60 to 80 hours a week. We thought we could combine the economic development and town administrator jobs but we are finding out that the administrator has to focus on the fires of the day with no opportunity to think about economic development. Beth said we have a lot of big things started but not finished. Until we get someone else working for the town we won't finish those things. If we have \$40K a year maybe we should pick one thing such as the light industrial park and say we will contract with a grant writer to find funds for it.

Mike asked, what if we asked the voters to put \$40K into a reserve fund for community and economic development? Beth said she likes that idea. Mike said he thinks we should go it on our own because the village won't share the cost. Eben said he thinks we should talk about this at the next joint meeting but we should be prepared for the village not contributing.

The board agreed on changing the language in the warning to “Shall the voters authorize the Town of Johnson to raise, appropriate and expend up to \$40,000 for the purpose of community and economic development?”

Brian said he hasn't heard back yet from the school what the requirements would be for us to use the gym for town meeting. But based on what he heard from Garrett Baxter of VLCT and our attorney it sounds like we will not be able to require masks, have limits on the number of

attendees, require social distancing, etc. We can encourage those things but not require them. There could be liability issues regarding potential exposure. Someone could challenge us saying they were not able to attend the meeting because they are high risk.

Eben asked, are people not allowed to contribute via Zoom? Rosemary said she doesn't believe people can vote via Zoom. Eben said they could voice their opinions. Brian said he didn't investigate what might be allowed regarding remote access.

Eric said he asked Dave Williams his comfort level with a town meeting format. He said he felt comfortable as long as we are taking reasonable precautions. Dave suggested that for those who choose not to wear masks or if we have more people attending than we want in the room there could be an overflow room connected with closed circuit TV so people in that room could still participate.

Mike asked if it would be illegal to have those without masks sit on one side of the room and those with masks sit on the other side. Brian said that is a request we could make. Mike said he thinks people might do it on their own. Eben said he thinks that would be a slippery slope. Beth said we could make ourselves a mask mandate town. Eben said not for voting. Beth said she is pretty sure the school already has a mask mandate for their facilities. Eric said they do, but they can't force the voters to wear masks. Beth suggested maybe we could set up a tent outside the gym doors and those who don't want to wear masks could attend from the tent. Brian said we can't interfere with someone's right to vote. We can't make them wear a mask. But if there are people there who aren't wearing masks, are we interfering with the ability of those who feel uncomfortable with that to vote and participate? Beth said that is why she suggested the tent. We could have propane heaters. She feels very uncomfortable holding town meeting if we can't require masks. Is the school required to allow us to have town meeting there if it doesn't meet their mandates? Brian said no. Eben asked, if the school does not want us to have town meeting there can we find another location? Brian said it would be very hard. Mike said a vote was taken to require masks at selectboard meetings. Isn't town meeting an extension of the selectboard meetings? Brian said no. Eric said it is not our meeting, it is the voters'. Nat said someone could probably make a constitutional argument that they should not be excluded from a selectboard meeting because they are not wearing masks. Eric said if we say masks are going to be requested and we have some available he is sure 99% of people will wear masks whether they want to or not. Eben asked, we don't know if the school will allow us to use their building? Brian said no, we don't. He asked them and he knows they are having discussion about it. Eric said Mark Nielsen told him that the school's insurance carrier would drop them if they did not mandate masks for school functions in their building, but this isn't a school function.

Rosemary asked if the board would allow lunch to be served. Mike said he doesn't think we should. Eric agreed that we should not.

Beth said if we can't have access to the school then we will need to change all our plans. Eric said we should know by Monday, when we meet next, if we can use the school. Brian said we would have to go to Australian ballot or delay the meeting and have it outside if we could not use the school.



### ***13. Improved Signage for School Zone***

Brian asked if the board is fine with Jason adding a couple of signs to the school zone as requested by the school to reduce speeding. There are a couple of signs we could use that don't require us to adopt a school zone speed limit. The board agreed that would be fine.

### ***14. Review Status of American Rescue Plan Act Rules***

Brian included a link in the board packet to a 50 page summary of the ARPA rules. The whole document is about 500 pages. They have finalized the rules for using ARPA funds and there are two methods allowed for handling lost revenue. One is a calculation based on an expected rate of growth. If revenue grew less than expected we could claim the difference. Or we can claim up to \$10 million in lost revenue without using that calculation, which would allow us to claim all our ARPA funds as lost revenue. Those funds could be used as matching funds to allow us to begin construction on the light industrial park.

Beth asked, so that means we can spend the money as we see fit? Brian said that is right. He recommends that we still regard the ARPA funds as funds for the purpose of a transformative project, especially one related to economic development.

Beth said we could hire a full-time economic developer. Rosemary and Brian said we have to have committed the funds by 2024 and spent them by 2026. Beth said we could have an economic developer for 3 years, with matching grant funds.

Brian said he thinks it is worthwhile for us to have a discussion with the VLCT ARPA coordinator in February. We have half the money already and we will receive the other half this year. Brian said from what he sees the ability to claim up to \$10 million in lost revenue doesn't seem to be connected to the size of our budget. Beth asked if before we speak to the ARPA coordinator Brian can give the board a quick reference on the options that seem to be applicable to us. Brian agreed.

### ***15. Update for the Community on Jewett Property***

Nat said he has gone back through meeting minutes and reviewed studies that were done to look at the history of the Jewett property and how we got to this point. So far he has a 2-page write-up that he would like to put in the town report. He doesn't want to present it on behalf of the selectboard but he wants people to be aware that he is doing that. Mike asked who decides what gets put in the town report. Others said the auditors. Nat said he ran the idea by Rosemary and she thought it would be fine.

Nat said it was expressed from the beginning that we would want to go out for grant funds but that we might have to provide matching funds. We said we would try not to spend tax dollars. It has been said that we promised we would never spend a dime but that is not the case. From the beginning this was billed as something that would take a long time to come to fruition, at least a 10-year project, and now we are just 4 years in and people are already talking about being behind and selling the land.

### ***16. MOU Between Town and Village Regarding Jointly Owned Property***

Brian said we received a proposed MOU between town and village regarding responsibility for jointly owned buildings. The proposed language is broadly similar to what was discussed at the joint meeting. Eric said with the exception of the old mill house he feels everything in the MOU is conceptually what was agreed on with the trustees. Does anyone disagree?

Nat said no, but there is language he would suggest adding. This says decisions on building maintenance and improvements can be made by the entity that is paying the bills. He would add decisions on usage to that. If the town is going to be paying 100% of the cost for the old mill house we should be 100% in charge of how the building is used. Another thing he is interested in fleshing out is environmental remediation. If one party does environmental damage or discovers an environmental problem, is the other party responsible for it? If there is a spill at the village garage, do we share some responsibility?

Brian said he thinks that is a good point. If we really want to make sure we are protected from liability he thinks we would want to involve an attorney. Nat said the village is planning a big project that has a lot of potential for problems. He would hate to be liable for any decisions they make. Beth agreed that the MOU should cover liability and insurance and we should get an attorney involved. It was agreed that the town's attorney should review the MOU.

Eben said he thinks this is a good start but he feels eventually ownership needs to be transferred for all of these buildings. Transfer of ownership would affirm transfer of liability. He was told that when the town and village purchased the Tatro property the town and village were each supposed to pick a piece of the property and the remainder would be sold. There is 200 acres we do nothing with. Eric said the agreement we had with the voters was that we would purchase the property, carve out what we needed and sell the remainder. Then we went back to the voters with a proposal to sell and the voters voted it down. Eben asked, was there a plan for carving out some for the town and some for the village? Eric said no, the plan was that part would be jointly owned and part would be sold.

Eben said this MOU doesn't talk about everything that is on the property. The building with missing walls isn't mentioned. Neither is the generator, which was a specific concern. The fuel pumps, which are broken, are not mentioned.

*17. Executive Session to Discuss Future Disposition of Old Mill House*

**Nat moved that premature disclosure of the details of the town's position on future disposition of the old mill house will be damaging to the town's ability to negotiate, Beth seconded and the motion was passed.**

**Nat moved therefore to enter executive session to discuss the responsibilities of shared municipal buildings as allowed by 1 V.S.A. § 313(a)(1), Eben seconded and the motion was passed at 9:40.** The board consented out of executive session at 10:06.

*18. Adjourn*

The meeting was adjourned at 10:07.