

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, FEBRUARY 22, 2023

**Present:** Selectboard members: Beth Foy, Duncan Hastings, Eric Osgood, Mark Woodward  
Others: Brian Story, Rosemary Audibert, Shayne Spence, Dean Locke, Andy Mink, Gigi Beach, Joie Lehouillier, Carri Ferrari, Tyler Mumley (remote), Lois Frey (remote)  
**Absent:** Eben Patch

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

**1. Call to Order**

Beth called the meeting to order at 6:30.

**2. Additions or Adjustments to the Agenda**

It was agreed to add discussion of the old mill house and an email from Sen. Sanders' office seeking proposals for federal government appropriations for projects.

**3. Review Invoices and Orders**

The board reviewed and discussed invoices and orders.

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

**Duncan moved to approve the minutes of February 6, 2023, Mark seconded and the motion was passed with Eric abstaining.**

**5. Selectboard Issues/Concerns**

Mark said he would like to hear from the Planning Commission on the results of their survey.

Beth said Paul Warden sent a note saying that he was hoping to attend tonight but had a conflict.

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

Jason said so far we have used 188 tons of salt and 3800 tons of winter sand. We are at less than half our usual salt usage. We have used a little over half of the sand we stock every year. Public works employees will be attending a virtual training about grant work. We received the new grader. The crew has been patching potholes and doing other work around town. Truck 19 and the salt truck got new cutting edges.

Jason said a couple of meetings ago there was discussion about \$60K left over from previous years of paving. The board asked if he could talk to Pike about getting some additional paving done. Jason and Brian explained that they have discussed the possibility of combining the \$60K not just with what was budgeted for FY23 but also with what is budgeted for paving in the FY24 budget, since we will be close to FY24 by the time the work is done.

Eric said in essence we would be using three fiscal years' budget on paving at the same time.

Duncan asked Rosemary if she sees any problems with this. Rosemary said no.

Jason said he and the representative from Pike talked about having Pike do work in May/June so by the time the bill is received it will be after July 1 and we will be in FY24.

Duncan asked if employees have used the new cutting blade system on a truck yet. Jason said yes; it has been on one truck for a couple of weeks now. It seems to work well. There seems to be a noticeable reduction in salt. He should have numbers on what we are saving for the next meeting.

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

Rosemary said expenditures are at 51% of budget to date. Beth said it feels to her like that is higher than normal for this point in the year. Is it okay? Rosemary said she thinks so. Eric asked, we are a little over budget for winter sand? Beth said she thinks we decided to buy more. Mark said we are using less than expected, though. Rosemary said revenue is at 90% of budget.

Beth asked if Lydia could send the budget status information to committees so they can know where they are with respect to revenue and expenses. She suggested doing that quarterly.

Eric moved to approve the capital equipment note with Union Bank for \$265,000, the town of Johnson resolution on Capital equipment borrowing, the and the tax certificate necessary to borrow \$265,000 for 5 years at 4 point something interest, Duncan seconded in the motion was passed.

Rosemary said the listers sent a Certificate of No Appeal or Suit Pending. To her knowledge there are no pending appeals or suits. **Duncan moved to sign the Certificate of No Appeal or Suit Pending.** He noted that assessor Terri Sabens had already signed it. **Eric seconded and the motion was passed.**

Rosemary said Sodexo (Northern Vermont University) has requested renewals of first and third class liquor licenses. **Eric moved to approve the liquor licenses requested by Sodexo, with the normal letter to be sent, and the motion was seconded and passed.**

Rosemary said Ken Harvey is going through the process to take over a mobile home in his park. There is about \$9,500 in taxes and penalties due on it. She heard that he plans to take it over and destroy it. We might have to hold an abatement hearing. Duncan asked, there is no expectation of being able to get the taxes? Rosemary said no.

Jason got a cost of \$1,793 for pins and bushings needed for repairs to the outriggers and main boom and two pistons for the main boom on the backhoe. Once that work is done we will need to spend about the same amount for work to the bucket in cylinders on the tilt bucket. Duncan asked if the village is going to make a contribution. Brian said he will review what our agreement with the village says regarding maintenance costs. Jason said he doesn't see them not being willing to contribute 20%.

**8. Review Planned Purchases**

Brian said we are having a contractor come to repair guardrails. We might get more bang for the buck if we spread payment over two fiscal years. We would pay a deposit for the job in one fiscal year and the job would be completed in the next fiscal year, so we would spend about twice the regular budget on guardrails.

Duncan asked if we are eligible for reimbursement under any grants for any of these projects. Brian said no.

Jason said the replacement guardrails will all be used material. He described the locations where they are needed.

Eric asked if Jason feels comfortable spending the whole current year's budget and next year's on guardrails and not keeping any back for unanticipated repairs. Jason said the rest of the guardrails are fairly new and if anyone hits one usually their insurance pays for it. The proposed work addresses all guardrails that would have compliance issues if they were inspected.

Brian said the Historical Society wants to purchase a laptop and printer for about \$1,300. They are planning to take it out of their equipment line item. Beth said their revenue is far beyond their expenses so it should not be a problem. Brian said he will recommend asking them to get a quote from our IT contractor, The Tech Group.

Beth noted that in recent years we have consistently spent nothing or much less than what was budgeted for guardrails so she can't imagine that using all of the guardrail budget now would be a problem.

**Eric moved to approve the planned purchases, Mark seconded and the motion was passed.**

***9. Treasurer's Report and Action Items (continued)***

Rosemary showed the board a list of delinquent taxes with the ones she would like to send to the attorney for collection marked. (*Joie Lehouillier arrived at 7:10.*) She discussed one that she was not sure the selectboard would want to send. (*Gigi Beach arrived at 7:13.*) **Duncan moved to send all the marked items on the list of delinquent taxes, including the question mark item, to the town's attorney for further action as long as there is no payment agreement in place, Eric seconded and the motion was passed.**

***10. Recreation Committee Appointment***

Brian said Lisa Crews and Casie Adams have both been attending Rec Committee meetings and the Rec Committee recommends them for appointment. **Eric moved to appoint Lisa Crews and Casie Adams to the Rec Committee, Mark seconded and the motion was passed.**

***11. Email from Sen. Sanders' Office Seeking Proposals***

Duncan said he got an email today from Sen. Sanders' office indicating that they are looking for proposals for innovative projects that benefit Vermont communities. He thinks it might be helpful to have a small pot of money or a revolving loan fund without a lot of restrictions that could be used to help small business owners weather bad times or get started. He thinks we should submit a proposed project to Sen. Sanders' office. A fund to help small businesses could be the proposal submitted. Proposals need to be submitted by 5:00 p.m. on March 10.

Eric said usually we are more competitive if we have something shelf ready, but he can't think of a shelf ready project. Duncan said he thinks this one is a little different because they are looking for projects that might be innovative and benefit Vermont communities. We are probably not likely to get funded, but we should try. Mark said we definitely should have something in mind for next year. The same opportunity will likely be available next year.

Beth suggested that board members think of ideas. Anyone with an idea should draft something and bring it to the March 6 meeting.

***12. Requested Letter of Support for New Apartment Construction***

Brian said Andy Mink is putting together a project at 93 Riverview Drive that may be eligible for the Community Recovery and Revitalization Program. One requirement of that program is a letter of support from the selectboard. Andy said if they get the grant 20% of the units will have to be affordable housing with an income limit for 15 years. The initial part of the project is a 19-

unit building. They bought the property with three apartment buildings and 20 units a couple of years ago. It has come a long way in the last 18 months. He thinks better lighting, fencing and a more attractive apartment complex with a new building would be a good start toward addressing issues on the property. The challenge is that construction is very expensive. It comes down to income vs. expenses. Construction costs the same anywhere in the state but our market rents here are considerably lower than those in Chittenden County. This grant will be 20% of the total cost of the building. That will keep the mortgage payment down and hopefully keep it still profitable to build. If that 20% is not there, the numbers get really tight. He has more conceptual plans for the future but that relates to questions he has about the form-based zoning. This parcel is not included in any of the zoning. It is included in the designated downtown area, which would make them eligible to create a priority housing project that would allow building up to 49 additional units without having to go through Act 250 if they were also in one of the zoning districts. They would possibly also be eligible for a grant. Brian said Andy is also requesting that the town expand the zoning district to include that property so he would be eligible for additional money. Beth said that is not on the agenda and that sounds like a bigger conversation.

Eric said we should make sure none of the construction area is within the boundaries of the cemetery in that area. Brian said we can double check that.

**Eric moved to have Brian draft and send a letter of support for new apartment construction at 93 Riverview Drive similar to the example provided by Andy Mink, contingent on the planned constructing being outside of cemetery boundaries, Duncan seconded and the motion was passed with Mark abstaining.**

Andy asked who he should talk to to begin discussion about a zoning extension. Beth said he should talk to the Planning Commission.

### ***13. Microsoft NCE License Agreement***

Brian said if we pre-buy a year's worth of licenses for our Microsoft products we get a 20% discount. We can move licenses from one person to another if one person leaves the board and a new person joins. (*Joie and Carri left at 7:42.*) But pre-buying means we would not be able to reduce the number of licenses we have. (*Andy left at 7:42.*)

**Eric moved to authorize Brian to sign the Microsoft NCE License Agreement with The Tech Group.**

Duncan noted that no information about the cost was provided. Beth asked what the cost is. Brian said there is no change in cost compared to what we have previously paid. If we don't purchase in advance, it will cost more. We purchased in advance last year. So this year we have to either participate in that same program or pay an additional amount. Beth asked when the agreement is due. Brian said the current agreement ends March 1.

Brian said The Tech Group provides IT services and manages our licenses. They will continue to manage our licenses whether we adopt the NCE license agreement or not. For the last year we have been participating in this agreement. It has to be renewed yearly. If we choose not to renew they will still manage our licenses and we will still have the same number of licenses. It will cost 20% more but we will have the ability to remove licenses.

**Duncan seconded and the motion was passed.**

Beth said we need to put this on the annual list for January.

***14. Review and Update Road Classifications***

Brian said there are some reasons we should consider reclassification of some roads. Towns receive state funds for Class 1, 2 and 3 roads. We have no Class 1 roads. The funds we receive for those roads have to go towards road maintenance. To change road classification the selectboard needs to hold a hearing and invite all the landowners whose properties connect to the affected road segments, then determine if it is in the public good to change the classification and if the road meets the state requirements for the proposed classification. Those requirements really only matter for Class 1 and Class 2 roads. Class 2 roads have to be used to go from one town to another.

Beth said if reclassifying roads means we have to hold a meeting and invite the people impacted, we should not be having this conversation at the second-to-last meeting of this board, knowing that the new board will have to hear the same information.

Brian said we don't get money for Class 4 roads and historically there have been few maintenance requirements for them. They are not required to be passable at all times of the year. Now with the Municipal Roads General Permit the amount of maintenance we have to do is increasing. It would be a good idea to consider reclassifying hydrologically connected road segments that are not used. We can change the classification to legal trail, which retains the legal right of way without the segment being a road anymore. That would eliminate our maintenance requirements but it would still be a public trail. ATVs could use it.

The immediate issue is that we have to submit our annual Certificate of Highway Mileage and we have the opportunity this year to correct a classification mistake on that certificate. In 1990, Town Highway 44 (Lendway Lane) was reclassified as a Class 3 road after the selectboard went through the process of holding hearings. But that was not recorded and submitted to the state. Mark asked if we have been claiming the mileage. Brian said no. Brian said the only proposed change is to move the .78 miles of Lendway Lane out of the Class 4 mileage and add it to the Class 3 mileage.

**Duncan moved to submit the Certificate of Highway Mileage as presented by Brian, with .78 miles moved from Class 4 to Class 3, and to submit the attached documentation with it. Eric seconded and the motion was passed.**

***15. Review Heating Options for Lower Storage Building***

Brian said the village is proposing to turn off the heat in the lower storage building. Recreation and public works do not believe there will be an adverse impact from that. The village proposes filling the existing radiant heating system with antifreeze so it could be returned to operation in the future.

Eric asked why they want to turn off the heat. Brian said if we are going to heat it we should invest in repairing damage done to the building by raccoons. They have damaged the insulation and the building doesn't seal. Keeping the heat on costs about \$7,000 a year and has little benefit.

Mark asked if town equipment will start if the building is not heated. Brian said we will have to use a block heater, but it is not recommended to use it all the time. So if there was an unexpected need for a piece of equipment it might not start as quickly. Jason said the town keeps the grader, the backhoe and the tractor there. The backhoe doesn't like to start in cold weather. It is suggested to plug it in, but it is not good to leave it plugged in all the time.

Jason said one possible concern he has is the integrity of the slab. What will happen to it if we stop heating the building? Will it crack?

Eric said he thinks heating the building to some minimal temperature like 40° would not be that expensive. He thinks that would be better for the equipment and would make it easier to start the equipment. He is struggling to see a reason why we would eliminate heat. He thinks regardless of heat repairs need to be done. Are the raccoons still there?

Dean Locke said he has trapped three raccoons and one skunk. Duncan agreed that the animal situation should be taken care of regardless. Brian said we are taking care of the animal infiltration. We have done repairs to the outside of the building to try to stop it. Dean said this time of year female raccoons are looking for denning sites. This is the prime time when they start getting into buildings. Last year he trapped some and eliminated an access hole but they found another way in.

Mark asked what temperature we usually keep the building at. Jason said usually 55° but we had it higher recently because ServPro wanted it higher in order to dry it out.

Duncan said he thinks this discussion should be had together with the trustees because it is a jointly owned building. Beth agreed.

***16. Discussion and Potential Decision on Updating Light Industrial Park Mumley Proposal***

Tyler Mumley joined the meeting. Brian said in January the board expressed interest in revisiting the proposal from Mumley Engineering. We had some requests that we communicated to Tyler and his team and he has issued a proposal that includes all our requests and has an updated scope of services and cost estimate. We had asked for more detail about things not covered by this proposal. They did a good job of laying out everything not covered that we might still need in the future.

Duncan said one of the sheets we have shows an entirely industrial park and another has an option that would lend itself to smaller commercial units or even residential development in the lower part. Is there any reason we would want to change those two basic concepts? When we submit for an Act 250 permit we will have to decide which one we want. Beth said she likes the idea of diversifying. Mark said he does too. Duncan said if we went with the more diverse plan and could not fill the smaller lots we could always turn them into one big lot.

**Duncan moved and Eric seconded to accept the proposal from Mumley Engineering for \$34,500 plus \$12,000 for a survey and to use ARPA funds to pay for it.**

Tyler said residential versus commercial or smaller vs. bigger lots doesn't make a huge difference with regard to engineering and design. But for the Act 250 application the state will want the town to have a specific usage defined. Duncan asked if smaller lots vs. one big lot

would make a difference as far as the need for traffic improvements at the intersection. Tyler said he doesn't think so.

Tyler said regarding the Act 250 application there some things they will want to nail down right away to make sure there won't be roadblocks later, such as deer wintering areas, wetlands, prime agricultural soils, potential for a traffic study or intersection upgrades.

Beth asked if there is a possibility of spending money on this now and later getting reimbursed by a grant. Brian said he thinks that is extremely unlikely. But it will make us more competitive when we go for grants if we can show there is community investment in this project. Duncan said he thinks funding organizations would look more favorably on a project if we had a set of plans. Brian agreed. It is easier for us to be competitive if we are going for funding just for construction. One reason for that is because we would be more likely to get the project completed within the grant time frame.

Mark asked how much we spent on the old engineering study. Eric said it was paid for by a grant. We did not spend any money. Since then we have been waiting for other grants since our commitment to the voters was to try not to spend taxpayer money.

Tyler said he thinks the stormwater permit application fee is one additional thing the town will need to pay. And there will probably be mitigation fees of up to \$25,000 because of prime agricultural soils. He thinks those fees might be able to be pushed off until construction starts.

Shayne Spence asked if part of the scope of work is exploring whether the park will be mixed purpose or industrial. He thinks times have changed since the original plan to put in an industrial park and that might not be the most feasible option now. He would be happy if exploring that was part of the scope of work. Beth said one of the items in the proposal is submitting an Act 250 permit application and we will have to decide between one of the two plans for that. Shayne asked if approving this proposal locks the town into one of those two plans or if it is possible to look into other options. Duncan said he personally does not have any interest in looking into housing or other configurations. He thinks the voters purchased the property based on the original plan. He would be uncomfortable changing that without talking to the voters. Beth said there will have to be decisions all along the way. We need updated plans to proceed. This is the first step. Tyler said this proposal is based on the assumption that there will be no major changes to the existing plans, just a revamp.

**The motion was passed.**

**Duncan move to authorize Beth to execute the agreement with Mumley Engineering, Eric seconded and the motion was passed.**

#### ***17. Old Mill House***

Duncan said regarding Erik Bailey's proposal for the village to get out of further obligations at the old mill house, he thinks we should discuss that with the trustees at a joint meeting. There have been Front Porch Forum postings to solicit volunteers to paint the old mill house. At the selectboard meeting where Gigi Beach talked about trying to paint it, both he and Mark said that lead paint is an issue on that building. If volunteers are exposed to lead paint that would be a big

problem. He doesn't think we want to go down the road of having people volunteer to paint that building.

Gigi said she wasn't talking about the inside of the building, only the outside. Mark said lead remediation in that building would be expensive. Duncan said he thinks we need to proceed cautiously with any proposal regarding that building.

Jason said his team was approached about maybe helping out with some of this. He wanted to find out what the board's feelings were. Beth said we cannot have anyone do anything like that without lead certification.

Gigi said she reached out to the state and forwarded the response to Brian. One thing they said was that if we did not disturb anything we could paint over it. She is willing to stand back from efforts to paint that space and focus on efforts to move traffic from the rail trail to the village.

Beth suggested that Gigi attend the joint meeting when the selectboard and village trustees discuss the mill house.

Duncan said he would love for the building to get painted but he doesn't think we can do it on our own because the building is 50% owned by the village.

**18. Rail Trail Working Group Update**

Brian said an ad seeking people interested in being on the rail trail working group will be in this week's News & Citizen. Three people have expressed interest so far

**19. Economic Development Round Table Discussion Planning**

Brian said he would like to schedule the economic round table for a date in late April. He and Pat Ripley came up with three agenda topics: the industrial park, rail rail/recreation development and brownfields development. Beth said she agrees that those are the right items but she is concerned about the sub bullets for those items, because of the attendees we have invited She doesn't see them getting involved in brainstorming for actionable items and narrowing down the possibilities. She can see them being interested in current status and vision and how they can help overcome reasons that we are stagnant. She wants to make sure that the conversation can involve the people we invite and make them interested in supporting us. Eric said state and federal and congressional representatives don't want to participate in brainstorming. They want to know our needs and how they can help. Duncan suggested the bullet could be to hear what resources each of the groups think they might be able to bring or that we might be able to leverage. Beth said she would like to know how they can support small towns in terms of manpower. A challenge for rural communities is that we don't have enough people. Duncan suggested we could talk to them about how our revolving loan fund is so limited in the way the funds can be used that it is almost useless. It would be nice if the parameters could be changed at the state level. Brian said he will eliminate brainstorming and change it to something like "What resources exist for this topic?" Beth suggested specifically saying "funds or people" instead of "resources." Duncan suggested instead of narrowing down to two plans we could say something like "assist with focus." Beth said we have to know our audience. She strongly feels that should not be part of the focus of the round table. We want to keep the attendees engaged. We want them to care about what we are talking about and want to do it again. Maybe after they leave the board can spend time developing actionable items without them.



Duncan said he doesn't know that we have any specific brownfields projects. Brian said he doesn't think there is any identified brownfields project but there might be property owners who are eligible to get funds for redevelopment. Beth suggested scratching the brownfields agenda item.

Duncan said he would be more interested in discussing whether there is something we can do to jumpstart businesses. If we want to bring people off the rail trail into the village there has to be something to bring them. Beth said she could see state and federal representatives being interested in what small businesses have to say. She thinks if we invite small businesses they should be ones that can economically grow our area. (*Gigi left at 8:48.*)

Mark asked if other towns are going to be there. Brian said he hasn't invited them yet. Eric said he would he would not invite other towns. He thinks we would want to keep the discussion focused on Johnson. Mark said it drives him crazy that we don't have a common government. Towns are all trying to compete against each other. Duncan said there is a rail trail group trying to look at it as an entity.

Shayne suggested if small business are invited also trying to reach out to businesses that are no longer with us. We can get a different perspective from talking to businesses that didn't make it as well as existing businesses.

Beth asked Brian to reach out to the Vermont Council on Rural Development about the possibility of their guiding us on how to facilitate the meeting, facilitating it, or helping with the agenda. Duncan said he thinks it could be better organized if they were willing to moderate.

**20. *Northern Borders Regional Commission Infrastructure Grants***

Brian said Northern Borders grants are likely to be a good fit for the light industrial park. The rules for this year have not been published yet. Funding for this grant goes up to 50%, but it can be matched with other federal funds in ways that most grants can't so we could go for another grant to cover part of the other 50%. We likely will have to turn in an application in March.

**21. *Review and Approval of Interlocal Contract with Hyde Park for Assessor Services***

The board reviewed the proposed interlocal agreement for cooperation with Hyde Park on assessor services. Brian said this would be to engage an individual who was identified in cooperation with LCPC. Hyde Park is the only other community interested in joining with us in employing this person. The person would be housed in Johnson. He would be a town employee and we would be reimbursed for his time working for Hyde Park. He would be paid \$28 an hour for the first 6 months and \$30 per hour after that. After working for a year and obtaining at least level 1 certification, the pay would increase to \$35 per hour. That will be spelled out in the offer of employment. Hyde Park has agreed to it and authorized their board chair to sign after legal review. Johnson and Hyde Park both use Stitzel Page & Fletcher. To Duncan it makes sense to have Stitzel Page & Fletcher review the documents for both of us but if they feel that is a conflict Hyde Park has agreed to use another attorney and pay their fee. If Stitzel Page & Fletcher feels both towns can use them, Hyde Park will share the cost with us. In addition to the agreement there is also a memorandum of understanding. Hyde Park would pay us a small administrative charge for payroll administration.

Mark asked who the person will report to. Duncan said two people – one appointed by Hyde Park and one appointed by Johnson. Each board would appoint a representative to communicate between boards. Evaluations are recommended at 6 months and 1 year. Terri Sabens would stay on for a minimum of 6 months and she has identified someone from Property Valuation and Review to assist the employee. She is going to assist both Hyde Park and Johnson in mentoring, training and oversight for \$55 per hour. The person to be hired is Justin Mason, who currently works with Hyde Park as their clerk of the boards for 4 to 5 hours a week.

**Mark moved to accept the interlocal agreement with Hyde Park for Assessor Service as presented and to authorize Beth to sign the final agreement upon legal review, Eric seconded and the motion was passed.**

It was agreed to make the end date of the agreement June 30.

**Eric moved to send out offers of employment to Justin Mason and Terri Sabens pending legal review, Mark seconded and the motion was passed.**

22. *Executive Session to Discuss Union Negotiations*

**Duncan moved to find that premature public disclosure of the negotiations may place the town at a significant disadvantage and the motion was seconded and passed.**

**Duncan moved to go into executive session to discuss union contract negotiations as permitted by 1 V.S.A. §313(a)(1), Eric seconded, the motion was passed and the board went into executive session at 9:12.**

The board came out of executive session at 9:37.

23. *Ratification of Public Works Contract*

**Duncan moved to ratify the collective bargaining agreement and to have Eric sign it, Mark seconded, and the motion was passed.**

24. *Adjourn*

The meeting was adjourned at 9:38.

*Minutes submitted by Donna Griffiths*