

TOWN OF JOHNSON
Selectboard Agenda
Johnson Municipal Offices
293 Lower Main West

Monday, June 5, 2023

6:30 CALL TO ORDER & MEETING KICKOFF

Additions or Adjustments to the Agenda (5 minutes)

Standing Items

6:30 REGULAR MEETING KICKOFF

1. **Review Invoices and Orders (Review during or after meeting and ask questions on demand) (5 mins)**
2. **Review and approve minutes of meeting past: Joint TOJ/VOJ May 10th 2023, May 15th 2023, Economic Development Roundtable May 24th 2023, Special Meeting June 1st 2023, (5 mins)**
3. **Selectboard issues/concerns (5 minutes)**

6:45 P.M. TREASURER'S REPORT:

4. **Review and approve bills, warrants, licenses, and any action items. (10 minutes)**

6:55 P.M. REVIEW PLANNED PURCHASES

5. **Stone and gravel for Road Department Discuss and consider approval of (10 minutes)**

Administrator's report, action items, and business of the Selectboard

7:05 P.M. COMMITTEES, VOLUNTEER, AND COMMUNITY SUPPORT

6. **Potential Library Trustee Appointment (5 minutes)**
7. **Discuss and consider approval of Summer Kick-off Festival & Duck Race (15 minutes)**

7:25 P.M. NEW ITEMS

8. **Review and approve engineering services contract for Scribner Bridge Scoping Study (15 minutes)**
9. **Appoint a Form Based Code Administrative Officer (10 minutes)**
10. **Reappoint forest fire warden (5 minutes)**
11. **Discuss seeking bids for oil (10 minutes)**
12. **Discuss plans for first meeting of July and for setting tax rate (10 minutes)**
13. **Appoint 911 coordinator (5 minutes)**
14. **Review and approve Sheriff's Department contracts: a) dispatch; b) patrol and investigations (5 minutes)**

8:25 P.M. FOLLOW UP/NEXT STEPS FROM PREVIOUS MEETINGS (REVIEW RECENT MEETING MINUTES FOR CONTEXT)

15. **Update on Northern Border Regional Commission Grant application (10 minutes)**
16. **Consider extending industrial park stormwater engineering proposal deadline (10 minutes)**
17. **Economic Development Roundtable update (10 minutes)**
18. **Discuss Erik Bailey's email about Town highway ordinance (15 minutes)**
19. **FEMA Reports Due by June 30 (10 minutes)**

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9:20 Executive Session(s) & Close

20. EXECUTIVE SESSION TO DISCUSS LEGAL OPINION (15 MINUTES)

9:35 P.M. ADJOURN MEETING

Option to join by Zoom*:

***Please note:** Participation only allowed through Zoom if requested in advance of the Meeting.

<https://us02web.zoom.us/j/3446522544?pwd=VkNZZE5tMW5PaEhidVpnUjRxSkxGdz09>

+1 646 558 8656 US (New York)

Meeting ID: 344 652 2544

Passcode: 15531

One tap mobile:

+13017158592,,3446522544# US (Washington DC)

+13052241968,,3446522544# US

Town Administrator's Report
Monday, June 5, 2023

Meeting kickoff & Agenda – By motion vote to approve the agenda: a) as presented, b) with additions or deletions, c) with re-ordering, or d) some combination of b) and c).

Standing Items

1. **Invoices** – The invoices and warrant will be available for you to review. Please sign the warrant.
2. **Minutes** – All four sets of minutes are in the packet. You could vote to approve the minutes individually, as a group of four or as a subset of any minutes you don't think require discussion before action.
3. **Treasurer's Report and Bills, Warrants, Licenses** – Monday night Rosemary has a tobacco license application from Get Yours for your consideration. A motion to approve the annual tobacco sales license for Get Yours would be needed.
5. **Planned Purchases- Stone and Gravel** – Jason and Dean were asked if they have any planned purchases requiring Selectboard blessing. Jason reported he would like to use the remaining amount of FY 23 budget for gravel/stone and for mud abatement. The FY 23 budget for gravel/stone (erosion stone) is \$40,000. Jason would like to buy up to \$20,000 worth of gravel and stone to use the full budgeted amount. The mud abatement account for FY 23 is \$15,000. No purchases have been charged to that account yet. For an upcoming project, Jason would like to buy and stockpile the full amount of the mud abatement gravel budget. Please vote, with one or two motions, to approve the Road Department's request to expend: 1) \$15,000 from the mud abatement account and 2) up to \$20,000 from the gravel/stone account.

Administrator's report, action items, and business of the Selectboard

6. **Library Trustee** – Trustee Jennifer Burton resigned. Her term expires March 2026. The Library Trustees have four interested residents as of June 1. The Trustees meet on June 15 at which time they will make a recommendation to the Selectboard. You could act on the appointment during your June 19 meeting.

7. **Summer Kick-off Festival** – Event organizer Carri Ferrari will attend the meeting. The Facility Use Agreement she filled out is in the packet, for your information. Johnson Works (JW) in partnership with the Community Oven Committee plans to hold an event at Legion Field on Sunday, June 11. The public event hours are 11 am to 4 pm, but the organizers and vendors will need to start setting up a couple of hours before 11 am and need a few hours after 4 pm to finish picking up. At Legion Field JW will have one music performer from 12 pm to 1 pm. The Oven Committee will offer pizza for a donation. An ice cream truck will be at the site. The main attractions at the field are the craft vendors. When I met with Carri on June 1 JW had 12 vendors registered. The second main attraction is a rubber duck race in the Gihon. The ducks will be released above the VT Studio Center. The finish line will be downstream of the Pearl Street bridge. The race is scheduled to start at 2:30.

Carri agreed to add one portalet at the field for the event. Parking will be in the Field's small lot, on the street, and in the school's lot.

There are, potentially, two issues. First there is the overall approval of the event on a Town facility. It is intended to be a fundraiser. The Oven Committee will collect donations. JW will use whatever money it earns to conduct future public events. The partnership addresses the insurance question according to Brain Story. (See the Agreement.) There is uncertainty who approves these requests. I told Carri we would proceed as if the Selectboard is the designated party to act on these requests. Later, the Town could research records for past decisions about who will approve facility use requests.

The second possible action regards the duck race. The organizers would like to close Pearl Street, essentially from School Street to the south end of the bridge shortly before and after the ducks are released. Carri said she will do a test run of the duck race before your meeting. Thursday she estimated the ducks would need 15 minutes to float from the starting point to the finish line. The street could be closed at 2:25 to about 5 minutes after the race ends. Carri would like the street closed because she thinks spectators will need to be on the street and they will move from the upstream side of the bridge to the downstream side as the ducks float by. Carri is contacting the LCSD about help with the street closing. If you approve the event with the duck race, state statute 23 VSA Chapter 13 Section 1010 (a) authorizes municipal governing bodies to close a road for a public occasion. Signs indicating the special regulations must be posted, in this case Road Closed and Detour. The detour could be School Street, Rt. 100 and Rt. 15, and vice versa.

If you are inclined, you could vote to approve a Facility Use Agreement for JW and the Community Oven Committee to use the Legion Field on June 11. Second, if you are okay with closing a section of Pearl Street for a while, you could vote to close Pearl Street between School Street and the south end of the bridge from approximately 2:25 pm to (TBD) on Sunday, June 11, provided the event organizers post Road Closed signs at both ends of the closed section and post Detour signs to thoroughly mark the detour route.

8. Scribner Bridge – Rob Moore, Sr. Transportation Planner with LCPC, will attend. In the packet is Attachment E, Special Conditions of the VT AOT grant agreement. The Attachment lists the tasks to be completed via the scoping study. Also enclosed is Attachment B which lists the grant amount is \$26,400 and the local match is \$6,600. The LCPC will be paid \$3,000 leaving \$30,000 for the engineering study.

An RFP was released. VHB submitted the only proposal. VHB's initial proposal has a \$42,279 cost. Rob Moore is working with VHB to reduce the cost estimate while still accomplishing the steps listed in Attachment E. VHB's technical proposal minus the cover and project team's bios is enclosed. The Project Experience section states VHB has worked on 2 other covered bridge projects and 6 similar bridges in all. Rob wrote to me that VHB is very experienced and well respected. He wrote he has worked with many VHB staff over many years.

Rob indicated his goal for Monday night is to gain approval to move forward with the consultant and their lower cost proposal. If you vote to approve the Scribner Bridge scoping study services agreement with VHB include authorization for the Town official of your choice to sign the agreement.

9. FBC Administrative Officer – An issue might have cropped up that would require action by the A.O. Staff found minutes from 2018 (enclosed) showing Brain Story was appointed the A.O. His resignation letter states he resigned from employment with the Town of Johnson, which would include his appointment as A.O. Article VII of the Form Based Code states the A.O. is nominated by the Planning Commission and appointed by the Selectboard for a 3-year term. Article VII states the A.O. shall not be a member of the Planning Commission, DRB or Selectboard.

Discuss if you want to appoint an A.O. after asking the Planning Commission to nominate someone, or if you want to appoint an interim very soon to address the potential issue.

10. **Forest Fire Warden** – Enclosed is an email from the Agency of Natural Resources regarding the reappointment. Your FFW is Corey Davis. His term expires June 30, 2023. He is interested in being reappointed. The appointment, if made, would be for a new 5-year term. You could make a motion to reappoint Corey Davis Town Forest Fire Warden for a 5-year term to expire June 30, 2028, provided the state Department of Forest Parks and Recreation also reappoints him.

11. **Oil** – Beth asked for this agenda item. I have not collected any information yet but will try to have information about the volume of heating oil, propane, gasoline and diesel purchased per year. Has Johnson considered using Competitive Energy Services to arrange these contracts? Other Vermont municipalities and school districts use CES. I believe CES also serves large institutions. It has been 8-10 years since I learned of CES. At that time I think CES mentioned some of the larger clients included LL Bean and Dartmouth -Hitchcock Hospital. Decide a course of action. If you decide to contract on your own, Beth is wondering if the Town should lock in prices now.

12. **July Meeting** – The first Monday in July is July 3. Beth added this matter to see what your preference would be for the first meeting. Setting the tax rate is a factor. Tax bills need to be out by July 10. Rosemary needs 3 or 4 days to print the bills and stuff the envelopes so July 6 or 7 would be the latest dates to set the rate. The state education tax rate information will be available no later than June 30. You should not count on it being here before June 30. Make a decision about the date for the first meeting in July.

13. **911 Coordinator** – Enclosed is an email from Justin Mason. He writes he was told the Selectboard appointed him the 911 coordinator, but he cannot find any minutes of that action. If you know that the Selectboard did appoint Justin to that role let me know so we can attempt to find the minutes. If we find those minutes no further action is needed from the Selectboard. If you don't recall taking that action, you could vote on a motion to appoint Justin Mason to the position of 911 coordinator provided he is employed by the Town of Johnson in his role as assessor.

14. **Sheriff's Contracts** – Both contracts are in the packet. The FY 24 budget includes \$76,528 for dispatch. Unless there is another dispatch expense in that account Johnson will save some money because the LCSD dispatch contract is for \$72,887. The police contract is for the exact amount budgeted.

15. **NBRC Grant** - The LCPC just emailed to say the application was submitted.

16. **Stormwater** – The engineering firm the Town has been working with on the industrial park was not directly notified of the VEC RFP for stormwater work. Tyler Mumley, owner of the firm the Town has been working with, is interested in providing the engineering service, but the application period closed in May. The co-op is okay with extending the proposal submission deadline. Duncan and Eben ask that the board consider extending the application period for the Vermont Electric Co-op stormwater design to June 19 (the date requested by Tyler Mumley). A motion stating the above should address the issue.

17. **Roundtable** – This item is on the agenda at Beth's request. Minutes are in the packet. Begin discussing follow up to the points and suggestions made during the roundtable.

18. **Erik Bailey's Email** – Email is enclosed. I will try to gather more information, including reading the Highway Ordinance. My first impression of Section 11 is it addresses situations where a property owner is installing a new driveway culvert.

19. **FEMA Reports** – On the agenda at Beth's request. I don't know about this issue yet.

GENERAL INFORMATION ITEMS

Information Items:

1. Animal Bite: 5/9/23
2. Animal Bite: 5/7/23
3. Lamoille Housing Ribbon Cutting
4. VCF: 2023 Annual Meeting
5. VLCT: Karen Horn retirement
6. Animal Bite: 5/19/23

Budget Items:

Legal Issues:

VLCT: PACIF

State/Federal Issues:

Administrator's Correspondence:

1. Laraway Youth & Family: 50th Anniversary Celebration

Formatted: Superscript

Workshops: Vermont Community Leadership Summit 2023, VLCT Golf Outing

Newsletters:

Brochures & Ads:

Old Business:

1. **ATV Ordinance Update**
2. **Class IV Road Update**
3. **Stop Sign Ordinance**
4. **Constable Update**

Adjourn

JOHNSON SELECTBOARD/VILLAGE TRUSTEE BOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
WEDNESDAY, MAY 10, 2023

Present:

Selectboard Members: Beth Foy, Duncan Hastings, Eben Patch, Shayne Spence, Mark Woodward

Village Trustees: GiGi Beach, Steve Hatfield, Lynda Hill, BJ Putvain, Ken Tourangeau

Others: Brian Story, Erik Bailey, Rosemary Audibert, Eric Osgood, one other person

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order / Review of Agenda and Any Adjustments, Changes and Additions

Ken called the trustees to order at 4:00. Beth called the selectboard to order at 4:00.

2. Public Comment

No members of the public were present.

3. Discussion on Village Garage Improvement Project / Jointly Owned Property MOU / Funding Applications for Individually Managed Properties

Erik said one concern he heard was whether the town and village could be counted as separate entities for MERP grant funding or whether if the village got the funding the town would be unable to use it. He asked the manager of the fund, who clarified that the village gets \$500,000 and the town gets \$500,000. *(A member of the public arrived at 4:02.)* Beth asked, regardless of the fact that the town and village are joint owners of a specific building? Erik said yes. Buildings and General Services wants to get the money out. As far as they are concerned we are separate.

Shayne asked if Erik got a sense of whether they will see one entity from Johnson already getting grant funds and be less likely to give to the other Johnson entity. Erik said no; this is a one-time shot and they have a lot of money. *(Eric Osgood arrived at 4:03.)* Erik read from the email he got stating that the town and village are both eligible. Shayne said he understands that we are both eligible but he is wondering when the decision is made about funding if it will affect us that the village has already gotten grant funds. Erik said other towns and villages in those towns are being treated as separate from each other for this funding. GiGi said she has been to a lot of those meetings. Five hundred thousand is the maximum that can be requested. Not all places will be asking for that much. Erik said we don't have to put it all toward one project.

Beth asked if we can apply for a grant more than once. Erik said we choose which buildings we want to have assessed, they do an assessment of those buildings and then we decide which ones to apply grant funds to. They suggest assessing one or two buildings each. We can assess more buildings and then decide which ones to work on. Beth said the selectboard also thought that, but when the board asked questions to Tori Hellwig, Tori said a municipality is guaranteed to have a single building assessed, but not multiple buildings, so we should prioritize.

Erik said the village doesn't need an assessment through BGS because the assessment that was done by VTC students was considered sufficient.

Mark asked if the village is thinking of putting solar on the garage. Erik said they are thinking about putting it on the roof over the diesel tank and also adding a bank in the same place the town has a bank, on Gould Hill. That was a suggestion from the VTC students.

Ken said he instructed Erik to give the selectboard a monthly update on the garage project from now on. He would appreciate it if from this point forward the selectboard could contact the trustees for questions rather than involving LCPC. Nothing at the meeting Duncan was involved in shed new light beyond what had been discussed at trustee meetings.

Beth said the grant aspect of the project was surprising to the selectboard. The point was not to go against what the village was doing, but the selectboard wanted to make sure liability for each entity was understood. They did not want to put the town in a poor position. They also did not know if there was anything that would prevent the village from moving forward if the town did not sign off on documents.

Ken said his understanding is that the village will easily be able to do a Phase 1 brownfield assessment because that would be confined to the footprint of the village garage. If it came to a Phase 2 assessment they would ask the town to sign on.

Duncan said he was asked to attend the meeting with LCPC. Ken said he felt the way Duncan spoke at that meeting was disrespectful.

Lynda suggested that the selectboard and the trustee board could meet jointly every other month. She feels that would look good to the community. The community is wondering why we are not moving forward on a merger.

Eben asked about plans to use BGS grant funds to put solar panels outside the footprint of the village garage. Erik said that may or may not be done with that grant. It may be done with other funding. They would not be digging in the ground, just putting panels on an existing roof. Eben said he is not saying the village should not do it, just that the village and town should discuss it. Beth said the selectboard will always have questions about anything that could put the town at liability. Erik said the village has qualified staff who can double check the experts putting in the solar panels.

Erik said another question he heard was about what the MOU says with regard to the village doing improvements. There was a question about a disagreement in wording between the definition of maintenance and the statement of agreement. He sent the question to the village's lawyer, who agreed that the more specific wording carries. The definition of maintenance and improvement as activities that don't alter use or reduce value makes the word "change" in the statement of agreement mean "reduction." He created an updated version of the MOU that just changes the "change in value" in the statement of agreement to "reduction in value," which he feels is in line with the intent, if the boards want to approve that update.

Ken said at the joint meeting when the MOU was passed, Beth and Eben said the village would only need to inform the town about an increase in value for insurance purposes. They would have informed the town about that.

Eben said he doesn't necessarily agree with the village lawyer's take. The brownfield issue concerns him but he doesn't want to hold up the work the village is doing. He is not interested in changing the MOU now. There are plenty of other contradictions in it. Duncan agreed. He is not sure that an MOU trumps ownership of property with regard to assignment of liability. The attorney's opinion does not really address that. He thinks the selectboard should get an opinion on

that. Mark said he doesn't think we should change the MOU tonight. Shayne said he likes the clarification but he agrees with Eben that there are probably other things we could look at in the MOU. Eben said if we are going to spend time on revising the MOU he thinks we would have to rewrite the whole thing. Maybe the selectboard could see if our attorney thinks the MOU trumps ownership with regard to liability. Beth said she supports that.

Duncan asked if there is interest in physically separating ownership. Erik said he thinks subdivision would be the simplest solution. Eben said if there is a subdivision and part of the property is sold to the electric department then there would be a transition of ownership, which could make brownfields funds available. Duncan said that could possibly be the case.

BJ said he thinks it might be a good idea to change these few words as suggested by Erik because there is a major conflict that has already become an issue. We could at least make those two items match and not conflict. Steve agreed. Lynda said she doesn't want to get stuck and not be able to move forward with the village project. Does not changing those words stop us from moving forward? Beth said no, because the selectboard already supports the project.

Duncan said one possibility is for the town to sign onto the applications for brownfields funding, congressionally directed funding or the MERP grant as co-owner. Ken said the village has already moved forward with the grants. Duncan asked, what if Welch's office asks the village to certify that it is the proper owner of the project? Ken said the village will take that as it comes. Erik said he would prefer not to throw a wrench in the works until something comes up.

GiGi said she was wondering how the MOU was created. She agrees that the wording probably should be changed. Ken said it was not written by the trustee board. It was presented to the trustee board by the town. Brian said that is not correct. It was created on behalf of the trustees by Meredith Dolan and was presented first by the trustees.

Eben suggested it might be safer for the village to be proactive and find out now whether it is necessary for a representative of the town to sign rather than being reactive and waiting until it becomes an issue.

Lynda asked, when we applied did we say the building was jointly owned? Erik said it wasn't a question on the application. GiGi said the village applied with its own EIN. The town also can apply with its own EIN. Her understanding is that if town and village applied jointly they could only apply once. Erik said that would be the case with the MERP grant.

Ken said Erik will get clarification on whether the town needs to sign on for the grant. The village would be happy if the town would sign on for brownfields funding. They will get clarification from Senator Welch's office on whether a town signature is needed for that funding. Would the selectboard allow the chair to sign if needed?

Beth said the selectboard would be interested in writing a letter of support and signing anything that requires ownership verification. She feels there is a difference between applying for a grant and showing that we support the application as a property owner.

Ken asked if the selectboard is willing to sign on for the Phase 1 brownfield study. Eben said he is supportive of it but he would like to get clarification on the liability question because the town is half owner.

Erik said he thinks we should look into Duncan's idea to make it very simple – split the property off and have the town garage belong to the town and the village garage belong to the village. Maybe selling the village garage property to the electric department would reduce liability to the town and open up brownfields funding.

Eben asked, if the town sells property it needs to go to a vote, right? He doesn't know if the same is true for the village. Erik said he is not saying the board should agree tonight to do it. He thinks it is something to look into.

GiGi said her concern is the health of the employees. She would consider that a greater potential liability than what has been talked about. Eben said he doesn't know any selectboard member that doesn't care about the health of employees. Duncan said he thinks GiGi's point is that if an employee contracted something and sued they would sue the property owner and the town would have liability as much as the village.

Eric Osgood said the town and village voters had to agree to purchase the property and he thinks they would have to agree on splitting it. Duncan said he thinks we would need to provide public notification of our intent to sell the land and then voters could petition for a meeting to prevent the sale or have a discussion on it.

Ken said the village is looking for the selectboard to sign on to Phase 1 and phase 2 brownfield studies.

Eben moved to authorize the selectboard chair to sign documents necessary for a Phase 1 brownfield study at the village garage site, Shayne seconded and the motion was passed.

Eben said if the village has a projection of when the Phase 2 is going to happen the selectboard can discuss it. Erik said if there is anything significant he will send out information to both boards.

BJ asked if there is interest in separating off any properties other than the garages. Shayne said we are talking about going in the opposite direction of a merger. A lot of this would be easier to deal with if Johnson was a merged entity. Erik said that will take a minimum of 3 to 5 years. Shayne said we are talking about splitting out properties and that is going in the opposite direction of merging. BJ said if town and village merge both town and village will be giving up the property they own now. One is not blending into the other. So it doesn't matter if we split out part of the property now. This is just short-term management.

4. *Discussion of Maintenance Projects in the Town Clerk's Office Building*

Beth said she thinks it is worth talking about whether to pursue some maintenance updates inside and outside the municipal building. Erik said last fall we agreed we should get a blended crew together to power wash the building. Eben said he is supportive of that. Mark said he is frustrated with the quality of internet access in this building. He thinks we ought to ramp that up. Beth brought up cracking issues. Rosemary said the tower needs to be finished. Brian said it was partially re-sided and then COVID came and we haven't returned to that work. He believes the contractor we were using has passed away. Eben suggested HVAC updates. Duncan and Rosemary

suggested carpet replacement. Duncan said the floor needs to be sanded and inside walls need to be painted. Mark asked if the lights are energy efficient. Erik said some are. Eben said he thinks all of them need to be updated. Eben said eventually the roof and parking lot will need replacement. Parking lot work will probably be complicated because he believes the village owns the entrance and the exit. Brian and Erik agreed that the carpet could use replacement. Brian said cleaning would be nice and replacement would be better. Eben said network infrastructure probably needs to be replaced. He also suggested we might want a sprinkler system. Rosemary said at one time the distribution system was not able to handle a sprinkler system. Duncan said he thinks now it could.

Beth asked if the trustees would be interested in reaching out to a contractor to do an assessment of all building needs inside and out. Perhaps HVAC, a sprinkler system and the network would be evaluated separately. We could get estimates and make decisions on what we want to proceed with and look for grant opportunities.

Eben asked if the trustees have money to spend on the municipal building. Ken said nothing was budgeted for this year. But that doesn't mean the village doesn't have money. He thinks the best thing would be to get a contractor to give us a priority list. The village has a small amount of money but all funds are going to be dedicated to the garage this year.

Eben suggested tackling a small project initially to start moving forward. If the selectboard tries to get some MERP money for this building, do the trustees give permission for the selectboard to do whatever it decides on?

Ken said the village crew can handle power washing the building whether or not the town crew is available to help. The selectboard can do a different project with town money. He thinks repair of sheetrock and cracks and possibly painting could happen this year.

Erik said he understands from Nate that the first priority would be the tower because there is water damage.

BJ moved that the village agrees to anything the selectboard does to improve the municipal building that does not use village money. The motion was seconded. GiGi said she would do interior painting at cost. **The motion was passed.**

Ken said the village is willing to be a partner as long as they can find funding.

5. *Status of River Road East*

Eben said the village's attorney suggests that the village and town should see if they can find common ground. Is the village interested in that?

Ken said if the town wants to install catch basins the village will take them over. The existing catch basins are not catch basins, they are rims in the ground. Eben said not the one that was replaced after it failed. After one failed the trustee board and selectboard asked their foremen to survey the area and they created a map showing three other potentially problematic catch basins. Erik said there are no new catch basins. Eben asked, just the culvert was replaced? Erik and Ken said yes. Ken said after the town finished work there was standing water in the rim with no water exiting. Eben asked if that is in the highway right of way. Ken said according to the village foreman it is on Manchester property and a right of way big enough to access it would go through Manchester's office.

Ken said there has been a long-standing agreement that if a structure went from DI to open it was the town's responsibility and if it went from DI to DI it was the village's responsibility. Eric Osgood said that long-standing agreement was pretty black and white. If something went from daylight to daylight, like a culvert, it was the town's responsibility. If it was a storm drain it was the village's responsibility. But there are a lot of gray areas in the community – culverts going into storm drain systems, storm drains coming out of culverts – and in the gray situations in the past the village and town crews would work together. What is on the Manchester property is a gray area. It was not installed by the town or village. It was a cluster of rims put together. Where the miscommunication might be is that the failed one was the one between the Manchester office and the sawmill, where there is a little parking lot. The town installed a new catch basin there with a culvert underneath. He is not sure if the Manchesters have hooked it up to their piping. There is a rim in the first parking lot between the old Parker and Stearns building and Manchester. The second one is the one that failed and was replaced. The third is in the parking lot of Manchester just beyond the sawmill and the fourth is further down the road. It may or may not be in the village. Ken said the last two are not in the village. Eric said he believes the third is right on the line and we probably would have to survey to find out. Ken said according to the map downstairs it is not in the village.

Eben asked, if historically the two road crews would work together, how was funding split? Ken asked how it would have been determined whether it was the responsibility of either party if neither the town nor the village installed it. Eric Osgood said the two foremen would look at the situation and determine that it was the responsibility of one or the other or that they were going to work together because they couldn't figure it out. In situations like this, what has to be done is what the selectboard and trustees are doing now. If the town and village can't come to some agreement the only other recourse is going to Superior Court.

Erik Bailey said he has heard that a developer is interested in trying to put housing on the Manchester property. That developer will have to have sewer expanded down that road at their expense. Could dealing with the drainage structures be a condition of that project? Duncan said he would have a hard time believing sewer line extension could be conditioned on fixing existing drainage. Ken said it would be easier to fix the drainage at the time the sewer line was being extended.

Eric Osgood said in the past if there was a gray area the town and village would split the cost, but the cost usually wasn't significant. Erik Bailey suggested that the town and village could each try to get grant funds to help with the cost.

Duncan asked, didn't see C.J. Manchester agree that he would put in a catch basin and culvert? Eben said he purchased a catch basin and culvert from the town and put them on his property. He doesn't think that is any of the catch basins being discussed tonight.

Eben suggested that the village should reimburse half the money for the catch basin that was replaced and that the rest should be discussed at the next joint meeting.

BJ said he likes the idea of looking for grant money as Erik suggested.

Ken said we need to start by touching base with the Manchesters to see if they are willing to give us a right of way to install new structures.

Eben said he is just talking about the expense for the emergency replacement the town already did to get the road opened back up.

Duncan said the water currently discharges into the river. If the Manchesters are not willing to negotiate an easement, the town has the option of digging a ditch instead. Erik said that would be the most cost effective

Eben said he is not saying that the village needs to cut a check tomorrow. The cost could be put in next year's budget.

Erik said this brings up a larger question. When the town and village share costs 50/50, when you consider that village residents are also paying town taxes the split really comes out to be more like 63/37. Beth said the town gives the village money though. Eben said the 10 cents on the grand list the town gives the village is about \$61,000.

Ken said the trustees will discuss this at their next meeting and get back to the selectboard.

Mark and Beth said they support what Eben suggested. Eben said the town did 100% of the work for the catch basin replacement. The total cost was a little over \$20,000. If this went to the Supreme Court he thinks it would be a worse deal for the trustees. The village could end up owning all the culverts in the village.

Ken said his only concern is that he hates to contribute to the repair and still not have a right of way for future repairs. Eben said if the village wants future ownership he would be willing to waive the fee for the highway right of way access permit.

BJ asked what the costs are for the different options – fixing the catch basins, putting in a ditch or filling the existing structures with concrete. Eben said he thinks that is a good thing to talk about at the next meeting. He doesn't know.

Steve asked, shouldn't someone approach the Manchesters? We could find out if they are thinking of selling the property and we could be talking to the person potentially interested in buying. Ken said his concern is that the town sold the Manchesters the materials to do the work and there is still no right of way for either party. Beth suggested inviting CJ Manchester to the next joint meeting.

Eric Osgood said he recommends taking this up again and not kicking the can down the road. The structures were probably all installed about the same time and one has failed already.

Lynda said she is confused. Culverts and storm drains are the responsibility of the village. Are those storm drains we are talking about? Eric Osgood said it is a gray area.

Duncan said he thinks it may make sense to have Nate and Jason meet on the site. Maybe a couple of these drainage structures are not even necessary for the town or village. They may be more for Manchester's convenience.

Beth asked if Erik can invite CJ Manchester to the next joint meeting.

6. *Setting Date for Next Joint Meeting*

The board agreed to schedule another joint meeting on June 14 at 6:00 p.m.

Ken said the trustees will come up with a list of potential topics at their next meeting. Eben said the town had previously submitted a list of potential topics. He would like River Road East to be on the agenda again.

Ken suggested that the trustees schedule a special meeting on May 24.

7. *Adjourn*

The meeting was adjourned at 5:25.

Minutes submitted by Donna Griffiths

UNAPPROVED

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MAY 15, 2023

Present: Selectboard members: Beth Foy, Duncan Hastings, Eben Patch, Shayne Spence (remote), Mark Woodward

Others: Brian Story, Jason Whitehill, Carl Rogers, Dean Locke, BJ Putvain (remote), David Williams, Stacey Waterman, Sabrina Rossi, GiGi Beach, Elizabeth Orgeron (remote), Scott Griswold, Katie Buckley (remote)

Note: All votes taken are unanimous unless otherwise noted.

1. ***Call to Order***

Beth called the meeting to order at 6:00.

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

Duncan added an update on the job search and discussion of a complaint from Frank and Giselle Eldred. Brian added naming of the eastern end of Sinclair Road. He said the Vermont Studio Center item will include a request for an additional letter of support for the same project. The Opportunities for Public Sculptures item can be stricken from the agenda. Beth said that will be postponed to June.

3. ***Executive Session to Discuss Appointment or Employment of Public Official or Employee***

Eben moved to enter executive session to discuss appointment or employment of a public official or employee as allowed 1 V.S.A. §313(a)(3). Duncan seconded and the motion was passed at 6:03. The board came out of executive session at 6:56.

4. ***Possible Offer of Employment/Appointment***

Eben moved to authorize the chair to write a letter of employment for Carl Rogers as emergency interim town administrator, Mark seconded and the motion was passed.

Eben move to authorize the chair to represent the selectboard in executing the offer letter to Carl Rogers on behalf of the selectboard at a compensation rate of \$60 per hour, Duncan seconded and the motion was passed.

5. ***Review Invoices and Orders***

There were no questions about the invoices and orders.

6. ***Review and Approve Minutes***

Eben moved and Duncan seconded to approve the minutes of May 1, 2023. Duncan said he thinks the minutes accurately reflect what was said, but he does not think what was said was accurate: that a road name must be assigned if a driveway has more than three houses. It is actually if there are more than two houses. Brian said that is correct. Beth said that correction will just be noted in the minutes of this meeting. **The motion was passed.**

7. ***Selectboard Issues/Concerns***

Beth said the flower pots in front of the municipal building are lovely but she has a concern about the tags in them from the businesses sponsoring them. She has no concern about businesses sponsoring flower pots, except on municipal property. She feels the town should be neutral. If we are going to offer an opportunity she feels we should offer it to many businesses but she doesn't love the idea of promoting a business next to this building. Are board members interested in discussing this as an agenda item at a future meeting?

Eben suggested adding it to the agenda of the next joint meeting with the trustees. He asked if Brian can get the advertisement signs removed from the flower pots until then. Brian agreed. Shayne said he agrees there should be a process for something like this.

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

Rosemary said expenditures to date are about 73% of budget. She has received the true-up for state school taxes. There was about a \$400 difference between that and what was shown in the town report as the year-end amount. Current year taxes are 97.52% collected. At this point last year it was 96.39%. Delinquent taxes total \$138,000. Last year at this time the total was \$201,000. *(Scott Griswold arrived at 7:07.)*

Duncan noted that the payment from the state for maintenance to the grand list was a little above what we budgeted.

Duncan moved to approve the tobacco license for Hidden Treasures Smokin' Shop, Eben seconded and the motion was passed.

9. *Public Works Supervisor/Highway Foreman Report*

Beth asked Jason if he knows if there was more or less Green Up Day trash this year than in the past. Jason said there were more tires and less trash. Mark said it seems like a lot of the focus was at the skatepark this year. Jason said this year there was less activity both at the skatepark and at the village green. About 30 bags were turned in at the village green. Most of the bags were left on roadsides for the crew to pick up.

Jason said the paving project with Pike is the main focus of the public works crew right now. They are doing some equipment maintenance. Tomorrow they have MSHA training. *(GiGi Beach arrived at 7:10.)*

Jason said he got one quote for a York rake that had been sent out to the board and this week he found a vendor who gave a rough estimate that is a little less than that quote. Boom mower rental and excavator rental are all set up.

10. *Review Planned Purchases*

Duncan moved to approve the planned purchase of up to \$1710.50 for a York rake, Eben seconded and the motion was passed.

11. *Discussion of Independent Library Funds*

Brian said a couple of meetings ago there was discussion about the library's checking account. The board had some concerns and asked Duncan to do some research and he has sent out a report.

Duncan said in 1895 the town voted to elect five library trustees. From then on the library trustees have been elected. In 1982 the Johnson voters voted to accept a deed of conveyance for the library building and property from the Oread Literary Club. In 1983 the deed was conveyed from the Oread Literary Club to the town. There are two deed codicils that carried through. One says any other use of the property requires approval of the library trustees. The other says operation and maintenance of the property shall be administered by the library trustees. Sometime in the late 2000s we asked many of the smaller committees to bring their accounts in and run them through the town. Rosemary said that was in 2004-2005.

Duncan said the library board is a little different from many other boards and committees because it has an elected board of trustees and there is specific statutory language about libraries. There are free public libraries, which are incorporated through the Secretary of State's office, and municipal libraries.

The statute regarding municipal libraries says "The board shall consist of not less than five trustees who shall have full power to manage the public library, make bylaws, elect officers, establish a library policy and receive, control and manage property which shall come into the hands of the municipality by gift, purchase, devise or bequest for the use and benefit of the library." His only concern is whether the library's checkbook really should be going through the town treasurer. The obvious concern is the endowment funds and whether there are restrictions on those that limit them to the trustees. What makes sense to him is to contact the Department of Libraries and see if they have guidance and also get thoughts from the library trustees.

Stacey Waterman, treasurer of the library board of trustees, said Duncan is right that the library is different from other committees because it is covered by state statute. There is a section in statute that says trustees will annually make a report that includes management and expenditure of monies. She thinks that answers the question about management of non-taxpayer funds. The library board manages the library's checking account in a similar way to the way they manage the endowment. It was a mischaracterization to make it sound like there was no oversight by the town of these funds. The library trustees give a financial report every year that is put in the town report. It gives an accounting of the three endowments and the checking account. The accounts are reviewed by the town auditor every year. There are two signers on the checking account – Stacey and Rosemary. Everything is above board. She didn't appreciate the term "embezzlement" being thrown around casually. The library trustees are elected. She takes the responsibility very seriously. There are systems for all this. There is oversight by the town on these accounts. The reason the library board keeps a checking account is because grant funds and some donations are not administered in the fiscal year in which the town operates. There is one grant the library regularly gets which is received in January and the library has until next January to spend it. At the end of June the library can't have unspent grant funds absorbed into the town pot. The same goes for donations. If the library receives a donation that is specifically for the library but it is not spent before June 30 they can't let it be absorbed into the town budget. As money is spent they turn it over to the town to pay for what was purchased. All the purchases take place through the town. There are few checks written that are not just to the town.

Beth asked, that includes the spending that goes outside the budget? Stacey said there is very rarely any spending outside the budget. Money was put into the library checking account to set it up. Joann Benford explained to her that someone who died in 1936 left money to the library and that was put into the checking account. That money has been sitting there for decades and is the only money in the account that not part of a current grant or donation. There were no restrictions or instructions on how it was supposed to be used. This year the library has many projects they would like to do. In particular, the insulation project quote came back much higher than expected. Stacey suggested that the library use some of those funds that had been in the account for decades and the trustees voted to use \$12,000 of it to let the insulation project go ahead. She thought that would be a non-controversial use of the money.

Stacey said she knows there were questions about what happens when a donation is made to the library. Most donations are between \$100 and \$500. If Jeanne Engel knows she can spend the money quickly, for instance if it is intended for books and she already has a book order planned, she will turn the money over to Rosemary right away. Or the library may put the money in the checking account. Just before the fiscal year ends they total up every purchase made through the town and write a check to the town.

Duncan said concern about the checking account and the possibility of embezzlement was not directed at any library trustee. There was no suggestion that any embezzlement was happening, but it has happened in many towns. His concern was that if the checking account is under the same federal ID number as the town then he thinks Rosemary as treasure is responsible for it and if someone did embezzle money Rosemary and the town would be on the hook. Is that checking account under the same federal ID number? Stacey said no. The three endowment accounts and the library checking account are under a different tax ID than the town's ID – the original tax ID the library had when it was independent from the town. She suggests doing homework on facts like that before making remarks in a public meeting.

Beth said she agrees that maybe the selectboard should have done research before talking about the library funds. We could have been more careful about the way we presented the concerns. We don't have all the information about library operations.

Stacey said since Nat Kinney left the selectboard no selectboard member has been to a single one of the library board's meetings. Nat used to come periodically. He was good about keeping in touch. It was nice to have that kind of liaison. She would encourage having a selectboard member periodically attend library trustee board meetings. Then the selectboard might have a better idea how things work. Sabrina Rossi said the library board feels like they have communicated to the town but it hasn't necessarily been reciprocated.

Stacey said one thing Duncan said in his report was that the audit done by the town auditor isn't a real audit. She consulted with Joann Benford who at one time was town auditor and also library treasurer. At the time she was in those positions the library had a CPA firm do an independent audit. She would welcome and encourage that being done again. She has been treasurer for the library for 8 years and in that time it has never been audited by an outside firm. Beth said the selectboard has approved a firm to audit for the town and that audit will include the library.

Sabina Rossi said last year Mark was chosen as liaison to the library board so library board members have been copying him with information. Eben said it wouldn't hurt to share information with all selectboard members. He is sorry that library board members felt attacked. He asked questions at the previous meeting because he didn't have answers about the \$12K coming from the checkbook. He was just trying to understand it. Stacey said she was more reacting to the accusatory tone. She is open to questions any time.

Duncan said he understands the concern about calendar year vs. fiscal year and the timing of grants. There are other town organizations that have that same problem, like the Conservation Commission and the Historical Society. If they have an outstanding grant amount at the end of the fiscal year they tell the town that that money needs to be set aside and the town has no issue doing that. It is not like the money would be absorbed into the town budget. Who applies for the grant funds the library gets? Do the library trustees apply and is the town not involved? Who do the funds belong to?

Stacey said very large grants like ARPA go through the town. The big grant the library will be getting in the fall will be administered through the town at the request of the funders. Smaller grants are handled by the library board. She is not sure how to answer the question of who the money belongs to. Duncan said if it is a municipal library the grant is made to the municipality. His feeling is that those funds should flow through a checking account in the hands of the town treasurer. Beth said she is not sure we have the answer to that if they are applying using their own tax ID.

Sabina said the Vermont Department of Libraries just hired a person to deal with these situations. This is an ongoing discussion happening at the state level. Beth said it sounds like engaging with that person at the Vermont Department of Libraries is the right thing to do. Mark said he can follow up on that.

Eben asked for clarification about the amount that will be left in the checking account after spending for the insulation project. Stacey said the trustees decided to spend \$12K of the approximately \$16K in the account that was not from current grants or donations from the current year. That will leave \$4K of that base amount in the checking account. The rest of the money in the account is from current grants or recent donations that have yet to be spent.

Duncan suggested that consultation with the person at the Department of Libraries might be better done by the library than by a selectboard member. Sabina said the library board can take that on.

12. Library Trustee Resignation

Eben moved to accept Jen Burton's resignation from the library board of trustees and to send her a card thanking her for her time. It was agreed that the town will post the vacant position with the chair of the library trustees as a contact person and the library trustees will make a recommendation to the selectboard. **The motion was seconded and passed.**

13. Vermont Studio Center CRRP Letter of Support Request

Brian said the town got a request from the Vermont Studio Center (VSC) for a letter of support for a Community Recovery & Revitalization Program grant application. For an entity to be eligible they have to have a letter of support from the local municipality. They want to apply for grant funds for their Corner House remodeling project. Today they added that they are also interested in applying for a similar grant from the National Endowment for the Humanities and they would like a letter of support for that as well.

Mark asked, VSC is a non-profit, right? Elizabeth Orgeron of VSC said yes.

Eben moved that the town send the standard letter of support for Vermont Studio Center's applications for a Community Recovery & Revitalization Program grant and a National Endowment for the Humanities grant, Duncan seconded and the motion was passed.

14. Noise Ordinance Waiver Request for Willow Crossing Farm

Duncan moved to approve the noise ordinance waiver request for the concert at Willow Crossing Farm on June 3 from 4:30 pm to 1:00 am, Eben seconded and the motion was passed.
(GiGi left at 7:53.)

15. Naming of Private Road off Collins Hill

Eben moved to name the new private road off Collins Hill Road Angus Drive, Shayne seconded and the motion was passed.

16. Skatepark RFP for Concrete Bowled Half-Pipe

Brian said the skatepark committee is getting ready for a project that is a continuation of the existing concrete ramp. They will add a half-pipe bowl. They have been fundraising and going out for grants and they are ready to go out for construction bids.

Jason said he wanted clarification on whether we are providing fill for the project. Beth said the board agreed that ditching material would be saved for this project. Jason said there is fill that was saved and staged at the park. Casey also reached out to ask for gravel and road fabric to be donated. He does not

want to donate to one committee and not all of them. Eben said he thinks the cost should come out of their budget.

Casey said the request Jason is talking about is for a different project. For the half-pipe project the committee is just asking for the ditching material and they may also need help moving the dirt on site and planting grass on the grass berm that will surround this feature. Her recollection was that that did not seem like a huge problem to the selectboard but it was quite a while ago that it was discussed. Tonight what is requested is that the board approve the RFP. Jason said in the future he would like more clarity in emails.

Shayne moved and Mark seconded to put out the Request for Proposals for adding a bowled half pipe to an existing concrete feature in the municipal skate park. Brian suggested removing his name in the RFP and replacing it with "Town Administrator" and the board agreed to that. **The motion was passed.** *(Sabina and Stacey left.)*

Jason said the board had previously talked about leaving it up to him whether to work with committees. He would like clarity on whether or not we are donating material to committees. Beth said if Jason has any hesitation or doesn't want to make the call, when he gets a request he should bring it to her and it will be put on the next agenda. Jason said it is not that he doesn't want to make the call. He just wants to know if we are spending out of the highway budget to provide materials for committees. Beth said he should not spend out of the highway budget to purchase things for a committee unless there is selectboard approval. Getting ditching material piled up is very different from giving them materials that were bought for other purposes. Duncan said he would like to distinguish between labor, time and free materials and going out and purchasing something. Eben said to him giving a committee an old culvert that was recently removed from a road is completely different from donating a culvert out of the new culvert supply. *(Jason left at 8:02.)*

17. NEMS Update Presentation

Scott Griswold of NEMS said NEMS is going back to having a master copy of the contract signed by all towns. He brought that to be signed. And because there are new members on the board he wanted to review information about what NEMS does and also discuss a major change in the contract. NEMS is a private not-for-profit corporation. On June 30 they will finish 20 years of service in Johnson. This year so far there have been 636 calls out of Johnson. There were 22 mutual aid calls to other towns and they received mutual aid 7 times. Last year they received mutual aid 70 to 80 times. Because of that they added more crews. They expect to have 20 to 25 mutual aid calls this year. Three of the times mutual aid was received it was because NEMS was providing mutual aid to another town at the time. They have drastically reduced the need for mutual aid. Last year they got 1736 calls and at the present rate this year there will be over 1900 calls. They have four locations so they are able to provide some of their own mutual aid. They are now offering special pay to do transports so people will come in to do transports. They are not using the 911 ambulance for any transports anymore.

Scott said the previous contract said that people on NEMS ambulances would be paramedics or advanced EMTs but if they have to call in a third crew they can no longer guarantee that they will have an advanced EMT on every crew. The contract was changed for that reason.

Their income is up from last year because of the increase in call volume. If they ever decide not to do business in Johnson anymore or if the selectboard decides no longer to contract with NEMS the assets and liabilities of the Johnson station will be turned over to the town. The building is 100% paid for. They have a 4-year loan left on one ambulance. So there are not a lot of liabilities. They were hoping

this year they would see an increase in Medicare/Medicaid funding but it doesn't look like that is happening.

On Saturday July 1 NEMS will have a celebration of their 20 years of service here. Selectboard members and the public are invited to enjoy festivities.

Mark said people have been happy to be able to get COVID shots at the NEMS station. Scott said NEMS was also sent all over the state to provide shots to homebound people and they got income from that. *(Scott Griswold and Carl Rogers left at 8:16.)*

18. Dilapidated Buildings Update

Brian said the town has been working on pursuing cooperation with people at three different dilapidated building locations on 100C. We are receiving some voluntary compliance. Beth asked what that means. What are they actively doing? Dean Locke said he is in communication with the son of the owner of the two properties on Stearns Street and he has agreed to remove all remnants of the burnt out building by June 19. The father has had multiple health issues and surgeries and has been out of state but now is back in state.

Beth asked if Dean got a commitment on the second building owned by the same person. Dean said no, he has not started a conversation on making a commitment to deal with that building. Beth said we have been asking about these buildings since before the fire. She thinks it would be ideal to have the same timeline for both buildings. If there is someone there cleaning up the first building the other building could be addressed at the same time. Dean said we will have to get clear on what measures we want done to the building that is adjacent to the burned building. Beth said whatever it takes for it to no longer qualify as dilapidated.

Duncan said he thinks we should treat them as two separate properties even though they are adjacent. If Dean believes voluntary compliance can be achieved he is in favor of that but he would like to see something in writing from the owner committing to clean up by June 19 or a communication from Dean telling the owner that if cleanup does not happen by then an enforcement action will be forthcoming. For the second property, we have an inspection form. He thinks we should notify the property owner that we will do an inspection. We should inspect it, identify the issues and pursue action on that basis. If the owner comes up with a plan on how to deal with the issues that is great, but we should get a commitment for when it will be done and pursue enforcement if it is not done by that time. Mark and Eben agreed.

Dave Williams said he has been talking to the board about this issue for more than 3 years. It has been going on for a long time and no progress has been made on either building. He keeps thinking about the yellow building across from the movie theater in Morrisville which has been a dilapidated health hazard for the better part of a decade. The Morristown selectboard hasn't set deadlines and made them stick. That is an example of what could happen. He guesses that the real problem keeping the owner from taking action is money. He doubts the building is insured. He is glad to hear that there is a timeline and that there will be action if no progress is made. He thanks the board for their attention to this.

Dean said the third property is an old building in front of the Maplewoods Campground. He has been in contact with the owners. He sent them a copy of the dilapidated building ordinance. *(Dave Williams left at 8:28.)* He plans to follow up with an inspection. Some work has been done to that building.

19. Dixon Property Update

Beth asked about the cleanup effort on the Dixon property (the former Armstrong property.) Dean said he did a recent site visit and observed that a trailer is now there on the property. The RV that was already there has not been moved. It looks to him as if not much has been removed, that things have mostly just been moved around. He doesn't believe any kind of permitted septic is in place. Mark asked if he thinks the trailer is inhabited. Dean said he thinks so. Eben asked if Dean could write up an update on this situation and email to the board. Beth suggested that he use the regular health report form and share that.

20. Animal Control/Health Officer Compensation Update

Brian said BJ Putvain has some concerns about the proposed changes to animal control and health officer compensation. Under the proposal some of the most frequent incidents are paid less than they are currently. The idea behind that is that things that require less time investment would have lowered compensation and compensation would be raised for things that take more time investment.

BJ said most of the incidents he deals with are phone calls from residents where he gives advice or situations where he needs to make an in-person visit. Both those types of incidents will be compensated at a lower rate and compensation will be raised for types of incidents that he almost never deals with.

Beth asked about how long he typically spends per call. BJ said for a phone conversation he would say the average would be 45 minutes and to respond in person the average would be a couple of hours. He doesn't want to go backwards on his pay.

Eben said he would be willing to move compensation for phone calls to \$25 and compensation for in-person visits to \$50.

Duncan asked Brian how he came up with the numbers on the proposed payment schedule. Brian said he and Dean looked at reports of incidents that Dean had responded to over about 6 months and also a list BJ gave him that covered about 3 months. The first goal was to increase pay for things that were taking more time and the second goal was to keep overall pay close to revenue neutral.

Dean said there used to just be a stipend and now people are getting paid for each incident and the stipend is being reduced but not eliminated. He thinks it would be great to switch to the proposed system. He likes the positiveness and accountability of it.

Duncan asked if Dean agrees with BJ's comments about the phone calls and in-person visits. Would he prefer to have the pay for those go back up to what it was originally? Dean said he sees it both ways. Even though compensation might have been increased for more time consuming incidents this proposal does reduce the compensation for the things they do weekly. He personally is okay with either direction.

Duncan noted that there is a pretty big difference in pay for in-person visits depending on whether a citation is issued. One could argue that that might be an incentive for the officer to issue a ticket in order to get more pay. BJ said normally they get situations taken care of well before a citation is needed.

Mark asked if there are a fair amount of calls about barking dogs. Dean said he is dealing with one recurring issue now. BJ said he is also. Dean said it is not a constant thing but it is a very reliable type

of call that they get. Beth asked, if someone is just complaining because they live next door to a dog that barks do we have to pay \$50 every time they call? Dean said he would hope that after a couple of calls the officer would try to start working with the person to try to fix the situation. But he can't stop people from calling him. BJ said he tries to resolve dog barking calls on the first call by letting the owner know about the ordinance. Dean said he has had a total of 10 calls in the last 4 weeks about the same dog barking issue. It is an issue between neighbors. Mark asked, he can't resolve it because there is no violation of the ordinance? Dean said that is correct. Mark said he wonders if there are ordinance changes Dean would like the selectboard to make.

Eben moved to adopt the pay schedule for animal control officers and health officers as presented and to reevaluate it in three to six months, Mark seconded and the motion was passed.

21. ARPA Rules and Planning Discussion

Katie Buckley introduced herself. She is the director of the Federal Funding Assistance Program at the Vermont League of Cities and Towns (VLCT.) ARPA falls under her purview. It is her understanding that the town is wondering about the timeline for using ARPA funds. *(Dean left at 8:48.)*

Eben said recently two board members discussed the potential of using ARPA funds to pay for operating expenses and then earmarking the money saved. Is that kosher? What are the pitfalls? Are there grants we would be denied getting if we did that?

Katie said the town can do that. The town can use ARPA funds as a revenue source in the annual budgeting process or use ARPA funds to offset operating expenses, creating a year end surplus that would drop to the bottom line. Then the voters could decide how to use that surplus. A reserve fund could be created for purposes specified by the selectboard, such as a grant match fund. The money could be moved into a capital reserve fund. The selectboard can specify any reserve fund purpose in an article on the next town meeting warning.

Beth asked, once we bring the revenue into our general fund, does that affect state school tax adjustments or being a low income community because we are now a more profitable town due to higher revenue? Katie said no. Being a low income community is based on household income. Beth asked, showing this revenue doesn't disqualify us for anything? Katie said it does not.

Katie said ARPA funds can be used as a match for a Northern Borders grant. If the town wants to use ARPA funds as grant matching funds but the timeline for the grant is farther out, the town might want to convert the ARPA funds to general fund dollars to buy time.

Beth said the voters recently approved a grant matching reserve fund. There is no problem with moving ARPA funds into a reserve fund, other than any restrictions placed on the reserve fund when it was created? Katie said no; the money can be put into an existing reserve fund.

Duncan asked, if we used our money on current year budget expenses, resulting in a fund balance, then we would need to have a plan for how to use that fund balance and ask the voters to approve it? Katie said yes. There could be a special article on using the fund balance or the budget could show it as transferred funds and when the voters voted on the budget they would be voting on that use of the funds.

Mark asked, if we do as we are thinking of doing, does that restrict us in our ability to spend the ARPA money because it goes into a specific reserve? Beth said we could bring it into the operating budget and not put it into a reserve fund. Mark said he is wondering if this use of the ARPA funds would tie our hands more. Eben said it would, unless we want to propose a reserve fund that could be spent at the whim of the selectboard.

Beth asked, if we have a line item for ARPA revenue, we don't have to show ties back to spending that revenue, right? Katie said that is right. Just document that the ARPA funds were spent on salaries and benefits and that drops other revenue sources that have no strings to the bottom line. She noted that the town cannot directly fund a reserve fund with ARPA money.

Eben suggested we could put an ARPA revenue line in our budget and then carry it indefinitely as earmarked or restricted funds. Beth said we have to allocate it by 2024 and spend it by 2026. So we have to show we have spent it. Eben said he is talking about what we can do with the surplus that doesn't tie our hands.

Duncan asked, if we end up with a fund balance can we say we are proposing to reserve a certain amount of it for other purposes? Katie said the board can have whatever article it would create for using general fund money. Duncan said he is not saying we would create a reserve fund. He is saying we would propose to reserve some of the surplus funds without transferring them to a reserve fund. Katie asked if the town has an audit by a professional auditor. Board members said we are going to. Katie said that would be a question she would ask the auditor. The town can also let the fund balance sit there. Some towns return fund balance to the voters and others let it sit there.

Duncan said his understanding has always been that if a fund balance is not reserved for other purposes it becomes a reduction in the tax rate. Katie said that is open to interpretation. Duncan said we do not always put a surplus in restricted funds. Sometimes we suggest a purpose other than putting it in a reserve fund. Eben said if we said we were going to take \$50K and use it for painting the building that would be a restricted fund. Duncan said he has always understood that the surplus doesn't belong to the selectboard; it belongs to the taxpayers and unless you are specifically reserving it for some purpose it goes back to the voters. We could even reserve it for "other purposes." But if we don't we are essentially committing it to reduce taxes. Rosemary said her understanding is the same as Duncan's.

Duncan asked, Katie is saying there are different municipal thoughts on whether you can carry a fund balance? Katie said she thinks if you ask an accountant you will get a different answer than if you ask an attorney. She doesn't want to provide that sort of advice. Every town does their finances differently. You could ask the question, at what point does it become surplus? At year end? If you assign those funds prior to year end they don't ever become surplus. There has been a lot of progress in government finance standards over the years but no progress in Vermont laws regarding municipal finance.

Mark asked how much ARPA money we have left. Duncan said we have committed close to \$100K. So we have about \$540K left. Mark asked if we have committed more for the light industrial park. Duncan said we submitted a grant application that said we would use ARPA funds for a match. Brian said he thinks we said we would use over \$400K. Beth asked if Brian could write up a summary of all the funding commitments we have made for ARPA money.

Eben said he thinks this is a topic the board needs a longer timeframe to discuss. We have quite a bit potentially committed if we get the Northern Borders grant. If we do not, then the scenario is different.

Brian said we could pursue another grant to make up a portion of the match and free up ARPA funds. We wanted to demonstrate that we have the resources to use for the match but we could find alternative sources other than ARPA funds.

22. *Mowing Agreement with Robert & Sons*

Brian said Robert & Sons provided an estimate for the next year. It is unchanged. They are committing to continue mowing everything they mow now.

Duncan moved to approve the agreement with Robert & Sons for mowing at a cost of \$6,700 with the assumption that they will mow all the properties they did last year. Mark seconded.

Brian said their goal is to mow once a week. That can be modified due to weather and staffing issues. Duncan asked if they can break out the mowing they do so Rosemary can bill the village for the village properties. Brian said Rosemary has been doing that. They are willing to provide a price per mowing but that would be a hardship for them.

Eben pointed out that the village needs to approve this as well. Brian said he can send it to the village. **Duncan and Mark agreed to the friendly amendment that town approval is contingent on village approval. The motion was passed.**

23. *Naming of Portion of Sinclair Road*

Brian said there is new construction on what is currently Sinclair Road. There is a portion of Sinclair Road between Johnson and Hyde Park (where the road becomes East Johnson Road) that is Class 4 road. The new home being built is in Johnson but it is really only accessible from the Hyde Park side. There is a question of whether we should name that end of Sinclair Road East Johnson Road, giving it the same name as the Hyde Park Road so first responders have a better idea how to reach it.

Duncan said he doesn't think it will matter what the road is named. He thinks first responders are just as likely to make a mistake and go in from the Johnson side no matter how the road is named. He doesn't think we should change the name. Eben agreed. He suggested also communicating with fire chief Arjay West about this. Duncan suggested also communicating with dispatch.

Eben asked, because this is a Class 4 road and not heavily traveled, has Jason been out to make sure no building is happening in the town right of way? He thinks it would be worth 10 minutes to do that. Brian said Jason visited when the owners filed for a highway access permit. Duncan asked if the owners have made improvements to the Class 4 section of the road. Brian said not that he is aware of.

24. *Selecting Priority Locations for Municipal Energy Resilience Program Assessment(s)*

Brian said the library board would like their building included in the MERP assessments. Eben said they are already going after their own grant. Now they want the town to go after a grant for the same thing? What if they get both grants?

Brian said MERP funding can only go to buildings that were audited, for purposes described in the audit. The town will be eligible for \$500,000 and we can allocate however we want to use that money among projects that were mentioned in the audits.

Beth asked if we got clarification on whether the old mill building is part of the oil usage for the town garage. We had talked previously about how the town garage uses a lot of oil but we were not sure if that usage included the mill house. Rosemary said it is billed separately.

Eben said he would put the town garage first and the lower storage building second on the priority list. Beth asked, why the lower storage building? Eben said because we spend a lot on fuel there. That whole building probably needs to be re-insulated. Mark said he thought we were going to give up heating the lower building. Eben said we haven't had that discussion with the trustees yet. Mark said he thinks we need to discuss whether it is worth keeping the cold storage building heated.

The board agreed that the town garage should be the number one priority.

Duncan said he is thinking number two should be the lower storage building or the old mill house. If we decided not to heat the lower storage building, that would change his thought process. Greg Tatro, who was involved in putting in the heat system in that building, said if we stop heating the building entirely we risk cracking the floor and breaking the radiant heating system. Greg thought we should keep some level of heat in that radiant floor.

After further discussion the board agreed on this priority list:

- 1) town garage
- 2) municipal building
- 3) Historical Society building
- 4) lower storage building
- 5) old mill house
- 6) library

Brian said he will submit the list to Tori Hellwig at LCPC.

Brian said his understanding is that the village is only asking for funds for the village garage. Eben said Brian should notify Erik Bailey that we are asking for audits for some jointly owned buildings. Brian agreed to do so.

25. Local Emergency Management Plan Update

Eben moved to accept the updated Local Emergency Management Plan with the addition of Steve Hatfield as Emergency Management Coordinator #2, Mark seconded and the motion was passed with Duncan not voting as he was temporarily out of the room.

26. Planning for Northern Borders Regional Commission Grant

Brian said Northern Borders liked our letter of interest and invited us to submit an application for a grant. He will not be here to do that. The board will have to decide to assign that to the interim town administrator or have LCPC do it. Eben asked if LCPC would do it for the grant administration portion of the grant or if they would be contracted services. Brian said he doesn't know if they would ask for funds from the town. Shayne said he spoke with Seth Jensen, who said they are available if we are willing to contract with them. Mark asked, for administering the grant or writing the grant? Shayne said he spoke with Seth about getting the grant application together. He imagines the other work would be a further conversation. Brian said he would not recommend expecting volunteer labor for the amount of work this will take. It is a very complicated grant.

Eben suggested that we get a proposal from Seth for the next meeting. Beth said we probably can't wait until the next meeting because she believes the application is due around June 20.

Brian said he thinks it would be reasonable for it to cost a couple of thousand dollars to have LCPC assist with this. He would be surprised if the cost exceeded \$5000.

Shayne moved and Mark seconded to authorize the chair to negotiate a contract with Lamoille County Planning Commission to assist with the Northern Borders Regional Commission grant application for an amount not to exceed \$5000. Beth suggested the friendly amendment, which was accepted, that both she and Duncan be authorized to negotiate with LCPC. The motion was passed.

27. Update on Scribner Bridge Engineering Study

Brian said we have to do an engineering study to be eligible for construction funds. The RFP was written to secure a study that VTrans would accept so they would give us construction funds in the future. The goal is to eventually repair the bridge but the scoping study could recommend replacing it rather than repairing it.

Duncan asked what is wrong with it. Brian said the bridge abutments are the major structural concern. There are some beetles and some of the siding boards need attention.

Eben said the town has already obligated \$6,600 for the scoping study but we need about \$8,000 more than that to pay for the proposal we received. Brian said our bridge and culvert reserve fund is well funded.

Duncan said he would like to find out from VTrans if they can amend the grant amount since the cost of the scoping study is higher than expected. Brian said LCPC is doing grant servicing. We can ask them.

Duncan said we had a previous study about flood mitigation. Is that incorporated into this at all? Brian said it is. The RFP said we are extending the assessment study to include the approach to the bridge. We were denied FEMA funding for it because they wanted more studies but it is included in the RFP for the scoping study.

Brian said he will ask LCPC if we can get more grant money.

28. Revolving Loan Fund Update

Brian said he put out a social media post about the revolving loan fund. The state is extending our grace period for making loans because of COVID. They were not specific about how long the extension will be. He thinks they are still figuring it out.

Duncan said he thinks we should also talk with the Agency of Commerce and Community Development to see if we might be able to change some of the conditions attached to the loan funds. He suggested keeping this on the agenda for the future.

29. Economic Development Round Table Discussion Planning

Brian said almost all the people we are inviting to the economic development roundtable will attend. The directors of the Northern Borders Regional Commission cannot make it but they will at least meet with the Vermont Council on Rural Development about this on a future date. We have plans for refreshments. The round table will be May 24 from 10:00 am to 12:30 pm.

Beth asked who is sending out the invitations. Brian said the Vermont Council on Rural Development is sending them out early this week.

30. Job Search Update

Duncan said he signed a contract with Alan Gould at MRI for the town administrator search. He is willing to advertise for the economic development position. He has an ad drafted. But Alan Gould said this might not be the best time to advertise for that position when there is a possibility we might find a good full-time candidate who could do both jobs. Duncan's concern is that if we wait and don't someone who could do both jobs then we could be 4 to 6 weeks further down the road before we start advertising for the economic development job. But Alan said another risk is that we won't find anyone to do either job. Does the board think Duncan should continue on the path of advertising for the community and economic development coordinator? Or should we just continue advertising the town administrator position with a possibility of turning that into a full-time position that would combine both? He thinks Alan was implying that if we found someone good for the community and economic development position and Alan found a really qualified person for the town administrator position we would have to make a decision.

Eben said he leans more toward Alan's thought process. Beth said it is a conflict of interest for Alan. He is just saying that if we are searching for the other position at the same time it makes his job a little harder. Eben said he thinks we will get a better candidate pool of full-time people. Beth said she agrees. Duncan said Alan acknowledged that 32 hours a week with full health benefits sweetens the pot a lot for the candidate pool. Mark said he thinks 32 hours will be very attractive to people. Eben said both positions are not 32 hours though. Duncan said the economic development position is 24 hours a week. Duncan said he thinks we can get just as many applications at 32 hours as at 40. Mark said he does too. Shayne said he thinks we should try to advertise for a single position that includes both roles. He thinks we will get a better candidate that way. We asked MRI to do a job and if they think it is easier to do it one way we should listen to them. He favors trying to get one full-time person.

Duncan said the assumption behind trying to find one full-time person is that Alan can find a highly qualified person who can do both things and he doesn't think that is a foregone conclusion. That idea works if we can find the right person but if not then we are behind the eight ball as far as getting an economic development person.

Mark said he is in favor of searching for two different people with simultaneous advertising. Beth and Duncan agreed.

Duncan said his plan is to advertise in free places. Is the board also okay with putting an ad in Seven Days or another place that costs money?

Beth said she will post the opening on different social media channels.

Eben moved to authorize spending an amount not to exceed \$500 on advertising for the community and economic development coordinator position, Mark seconded and the motion was passed.

31. Adjourn

The meeting was adjourned at 10:12.

JOHNSON SELECTBOARD
ECONOMIC DEVELOPMENT ROUNDTABLE
MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MAY 24, 2023

Present: Selectboard members: Beth Foy, Duncan Hastings, Shayne Spence, Mark Woodward
Others: Jenna Koloski (Vermont Council on Rural Development), Alyssa Johnson (VCRD), Candace Truso (Vermont Studio Center), Allison Tafuri (business owner), Brett Long (VT Dept. of Economic Development), Gary Holloway (VT Dept. of Housing and Community Development), Will Stevens (Sen. Sanders' office), Tim Tierney (VT Dept. of Economic Development), Jayshree Bhat (VT State University), Katie Buckley (VT League of Cities and Towns), Ted Brady (VLCT), Fauna Hurley (Sen. Welch's office), Seth Jensen (Lamoille County Planning Commission), Tasha Wallis (LCPC), Bill Hoag (business owner), Greg Tatro (business owner, co-founder Jenna's Promise), Pat Ripley (Lamoille Economic Development Corp./Lamoille Chamber of Commerce), Sen. Rich Westman, Lois Frey (Conservation Commission, Historical Society), Paul Warden (Johnson Planning Commission), Scott Meyer (community member), Kim Dunkley (community member)

1. Introductions

Facilitator Jenna Koloski said the goal of the meeting is to address 3 areas identified by the selectboard where they know they want to take some action. The goal is not to make decisions today but to come up with potential action ideas in each of the three areas. Introductions were made. Jenna explained the process for the meeting. Beth Foy noted that the town is looking for a town administrator and an economic developer.

2. Light Industrial/Commercial Park Development

Beth Foy said the town bought a property just outside the village with the intent of creating something like a light industrial/commercial park that could bring jobs and increase the tax base. The town owns the property fully now and is looking to build out infrastructure. The goal for this meeting is to get ideas about funding sources and understand how this can align with other objectives to put the town in a better position to get funding and support. The town had an engineering study done in 2012. Since then we have gotten financial updates to the plan. We are in the process of applying for a Northern Borders grant. Our letter of interest was accepted and we are working on an application that is due in a couple of weeks.

Tim Tierney asked what the letter of intent for the Northern Borders grant included. Beth Foy said roads, utilities, etc. Duncan Hastings said all that is necessary to develop a lot.

Kim Dunkley asked if there is any thought of incorporating housing. Beth said the selectboard doesn't know yet.

Greg Tatro asked if the grant match will come from ARPA funds. Beth said yes; that is why the town is able to seek the grant, because ARPA money is available. Greg asked how much the town is requesting in grant funds. Duncan said he thinks around \$1.3 to 1.4 million. He thinks there would be close to an \$800K balance to be paid by the town, but ARPA funds can only be used for 80% of the grant match so the selectboard is very interested in hearing about any other grant opportunities that can help close the gap.

Katie Buckley asked if the idea is to sell all the lots to businesses or for the town to own them. Beth said the town is open to different ideas about what is most feasible. The idea is not that the town

would own the property long-term but the board is open to any idea. Katie asked if the town has an appetite to get the lots all ready to go, including permitting. Beth said there is an appetite, but feasibility is the question.

Pat Ripley asked who will write the application. Northern Borders Regional Commission grants are not easy to get. It will need to be done really professionally. Beth said the town is contracting with LCPC to do it.

Fauna Hurley asked how big the property is. Selectboard members said it is 17 acres. Tim Tierney asked if there is wastewater infrastructure. Beth said it is across the road.

Brett Long said his department runs the Community Recovery and Revitalization Program. It provides funding to municipalities for water or wastewater to support affordable housing or economic development. But that program is expected to wind up in a couple of months. If there was someone interested in a lot and the town could say water or wastewater infrastructure would support sale or development it might be a good fit. A recent bill in the legislature supports a \$5 million appropriation for development of industrial parks. He is not sure what it will be like when it is finalized but it is for exactly this kind of project. Five million dollars is the total amount that will be available so Johnson should be thinking of a fraction of that as a potential award.

Beth said the town doesn't have businesses lined up at the moment. If there are areas that should be focused on in recruiting businesses, that is part of the ask. Brett said Tim Tierney is a good resource.

Pat Ripley said no matter how much money the town puts into the industrial park there is a never a guarantee that a business will be there within a specific amount of time. Sometimes the expectation is "If you build it, they will come," but that is not guaranteed.

Brett said it is hard to get businesses interested if it will be years before they can occupy a building. One of the intentions of the additional funding in the new bill is to help people get to the point where they have a building.

Gary Holloway said if housing is in the mix the design will be different, so the town will want to be sure whether there is going to be housing or maybe just decide to bring the work to a point where it could still be either.

Katie Buckley asked what zoning can support. Duncan Hastings said Johnson doesn't have zoning.

Katie said if there is an issue with using ARPA funds as a match, there is a workaround for that, so that should not be an impediment. She asked if there is any EDA funding that could support the Northern Borders grant.

Seth Jensen said prior to ARPA, LCPC had been assisting the town with pursuing EDA grants. A lot want to see businesses lined up but for the phase of pad development and permitting when the town has tenants EDA may be a good source to keep in mind.

Duncan said Pat Ripley is right that it is not a "Build it and they will come" scenario. He worked for the Town of Georgia before working for Johnson. Georgia has an industrial park. It was years before it was fully built out. But if we don't have a park and don't have infrastructure, it will never happen.

Pat's predecessor John Mandeville was a strong supporter of this industrial park. He thinks this is one of the best opportunities for an industrial park in all of Lamoille County. We looked at the possibility of including a housing component. That is still probably open for discussion, but housing can be built in a lot of places. This is one of the few sites that has highway access and municipal utilities. It is well screened. There are probably multiple opportunities to build housing in other locations, but to him this location is a unique opportunity for light industrial/commercial development that doesn't exist elsewhere in town.

Katie Buckley asked if anyone has reached out to Agency of Natural Resources wastewater program staff. Brett Long said if the town applies for a CRRP grant one thing they will be looking for is progress on permitting, so talking to wastewater staff is a good idea. They have a permit navigator program. That would be a good place to start. Tim Tierney suggested asking them if all permitting is done first or if a permit will be needed every time a lot is sold.

Tasha Wallis asked if there was any prior use that could mean brownfield issues. Selectboard members said no, it was farmland and woodland.

Tasha said she and Gary have talked about the possibility of exploring a neighborhood designation, which includes incentives for housing. Gary said he thinks the issue of the town having no zoning is the first thing to explore with regard to that.

Brett Long suggested some people in other towns with industrial parks that the selectboard might want to talk to.

Tim Tierney said there are companies that want to be in northern Vermont near Canada. Pat said they often want 25,000 sq. ft. Tasha Wallis said they also often want interstate access. Beth said Johnson is well situated. We are in the center of northern Vermont, an hour away from every northern Vermont city.

Greg Tatro said he thinks the town is a long way from getting any kind of permit. To apply for the extra money, would permits need to be in place? Gary Holloway said he thinks the permit navigator can help determine what is necessary. Brett Long said the town will need to decide if it is permitting the whole park or a particular site.

Duncan Hastings said the town has hired a firm to do engineering and submit an Act 250 application.

Katie Buckley asked about the scope of the engineering study. Duncan said it is to get to the point of submitting an Act 250 permit application. He would love to be able to apply for a blanket permit but his feeling is that we are not likely to be able to do that. Brett Long said he understands that to be a possibility.

Gary Holloway said the town could apply for a Municipal Planning Grant to look at questions like whether to use the space for industry or housing.

Scott Meyer said Starksboro has a housing shortage but the state owns a house for employees. UVM just did the same. He thinks housing and businesses would be a good mix for the site. Johnson is strapped for housing like other towns.

Pat Ripley said LEDC is for this effort, but he wants expectations to be realistic. Housing, industrial space or a mix are all economic development. If the town puts in housing and people come and live, that is economic development.

Greg Tatro said he is working on a project in Jericho that will provide housing for seniors. People are aging and want to move out of their big old houses but stay in their own community. He thinks this is a perfect opportunity to do something like that. It could give older people a place to live so they can sell their big old houses to families and still stay in our town where they want to be. He is thinking of a 50-50 split between housing and business. Housing is a critical issue right now.

Sen. Westman said everyone talks about housing. We hear about housing shortages statewide, but no one talks about what specifically is needed. Greg brought up one form of housing. We have to identify demographically what is needed. He would say statewide a lot of one and two bedroom units for young and older people are vital, but we need to identify what type of housing we are talking about.

Tasha Wallis said LCPC is working with the Lamoille Housing Partnership to update the housing needs assessment done in 2018. It should be complete in August or September. It will look at every community in Lamoille County in detail.

Paul Warden said the Johnson Planning Commission did a town survey recently and around 86% of respondents identified a need for housing, specifically single family houses. That is perception, not necessarily true need.

Ted Brady said there is a model of a municipally driven mixed use housing and industrial park in Bristol. He doesn't believe they have an anchor industrial tenant yet but they have a vision of mixing housing, industrial and town uses. There is a master permitting process for industrial parks. It does exist and should be usable. If it is not, VLCT wants to know and he thinks ACCD would want to know. An action item for LCPC is to get a better understanding of that process. Johnson is an unzoned community that needs housing. The legislature is trying to fix housing shortages by fixing zoning, but Johnson's situation shows that there are other things besides zoning that are obstacles. There is probably an opportunity to do something more quickly if zoning is not an issue.

Beth said we have landowners who own large amounts of land that has been in their family. It costs money they don't have to subdivide and there are Act 250 restrictions. A lot of them get forest land tax breaks. There is no incentive for them to sell if they don't need money fast.

Duncan said the original version of the industrial park had one lot laid out with an option to develop it for housing. At the time the town and village had a housing needs assessment being done and the vast majority of residents were against adding single family housing in Johnson. The study pointed out a strong need for affordable housing. People equate that with low income housing and nobody wanted it. So the idea of housing along with industrial use got dropped.

Beth said the college is having trouble hiring people because they don't have housing for them. Affordable housing could mean housing for college employees. It doesn't need to mean low income. To address Sen. Westman's point about what kind of housing we are looking for, we need housing for the workforce we will be bringing into the industrial park.

Jenna Koloski asked if it feels like there is good community support for this project. Beth said she thinks attitudes are changing because there has been a perceived lack of action. ARPA changed our ability to act. We are hearing two sentiments – that the town should quickly move ahead or that the town should sell the property.

Seth Jensen said, regarding the statute Ted Brady mentioned that enables permitting for industrial parks, he believes there is something in that about municipal borrowing. That might be worth exploring. Ted said he thinks the borrowing has to be by regional planning commissions. There is a VEDA program that provides deferred financing for development. Pat Ripley said he thinks the regional planning commission has to own the property for it to work.

Kim Dunkley said there is a feeling in the community that there are other lots already set up near us so there may not be a need. We are hearing that there are lots not selling in Morrisville. Tim said he wonders if that is true. Pat Ripley said it is, but they are mostly undeveloped lots.

Pat Ripley said there are ways of managing ARPA funds to remove some limitations. Beth said the town is exploring those ways.

Seth Jensen said there is a question about competition with industrial spaces in other communities. There are some needs this park might address that aren't addressed in Morristown. In this region few spaces have access to municipal sewer and water systems with capacity and direct access to a state highway. Stormwater infrastructure is another thing to consider. There is a decision to be made soon about whether stormwater will be managed on site by individual lot owners or parkwide. In the Hyde Park and Cambridge industrial parks and in some older parks in Morristown, on site management has been a challenge for some lot transfers. He suggests including that in any assessment that is eligible for NBRC and ANR funding sources.

Greg Tatro asked, isn't Hirschak working on a big industrial park across from the airport? Pat said it is a private development. He doesn't know if it will be all industrial. It is partially a lease. Greg said the town shouldn't be in the real estate business. He suggested thinking about selling to a private investor after getting it ready with water and sewer.

Gary Holloway said every funding source has different eligibility. We will want to look at whether it is better to be municipally owned or privately owned. Will Stevens said money often flows better to nonprofits. Katie Buckley said an investor would be more interested if it were fully permitted.

Brett Long suggested talking to VEDA about what the town is trying to do. They have financing options that might be applicable. Duncan asked if they are available to municipal entities. Brett said he is not the right person to answer that.

Duncan said he agrees with Greg about ownership. Is there any opportunity for partnership with some organization that could manage it on behalf of the town? He thinks at one time the Georgia industrial park was owned by the town and managed by the Franklin County Industrial Development Corporation. Greg said LEDC would be willing to talk about possibly managing it. Pat Ripley said they could talk about it but there are risks.

3. *Small and Local Business Needs*

Beth said Johnson has seen a number of small businesses close their doors in recent years. We have also seen business growth in a number of ways. We have very few well established long-running

businesses. How do we keep our community viable? How do we keep our businesses supported? What are the challenges for businesses? When we had a part-time economic developer she brought a lot of money into our community. She was instrumental in getting money to bring our grocery store to town. That was about getting the right people in the room to make it happen. It was funded partially, maybe primarily, by a loan and we now have a revolving loan fund for the town that she thinks has restrictions that make it harder for businesses.

Shayne Spence said he has been hearing that smaller businesses have a hard time accessing grant programs that larger businesses can access. Making that easier would help.

Tim Tierney asked if there is a business association in Johnson. Beth said we don't have a chamber of commerce. We have Johnson Works, which supports and promotes local businesses. It does not provide the same level of support as a chamber of commerce. They do marketing and exposure events. They are primarily about bringing people together. Shayne said they have a website with local attractions, recreation opportunities, and listings of short term rentals. They do events, like a "buy local" campaign a few years back. They have been relatively inactive in the last few years but are now coming back. Beth said they are a volunteer organization and they struggle with getting a good volunteer force. Shayne said with a constantly rotating cast of business owners it is difficult.

Scott Meyer asked if anyone from the village trustee board or the selectboard talks to business owners about why they are leaving. That would generate good data. It could be helpful for the selectboard or trustees to meet with owners of businesses that are opening to learn about their needs and hurdles. The village also has a revolving loan fund available for businesses.

Bill Hoag said he is not sure what the town could do to support businesses. He thinks it is a state issue. He thinks housing is the most important issue. We need places for workers. He thinks small businesses need more support from the state. How can he attract employees when he can't pay what businesses in Stowe pay? Allison Tafuri said her restaurant had the same issue. It was very hard to maintain staffing when other businesses in the area pay more.

Pat Ripley said the big issue he hears about from businesses is staffing – getting people to come to work and show up every day. Housing is a big issue. Some municipalities are helping with the housing issue. There was a story in VTDigger the other day about a municipality paying a portion of the cost of workforce housing for businesses. The employee doesn't even have to live in the community. The Town of Cambridge is granting ARPA funds directly to businesses and organizations.

Kim said businesses are affected by what happens at the college. Does the college have dorms that might have potential for housing workers? Gary Holloway asked, are they not doing that already? The fact that Smugglers' Notch is bringing employees there tells him there may be space.

Bill Hoag asked if there is cooperation between the town and the college. It seems like it should be a symbiotic relationship.

Beth said the selectboard has invited college representatives to come and speak at selectboard meetings a couple of times. She invited Jayshree Bhat from Vermont State University to this meeting. Jayshree's role is about connecting the college to people in our community to support the growth of students and the community. Jayshree said she is relatively new to the college. This meeting is an eye

opener for her. She has heard that student numbers are 50% of what they were around 2018. The challenge is how to bring more students in. Part of her role is to build connections to the community so students have more hands-on opportunities.

Sen. Westman said the Smugglers' Notch employees living at the college are not locals; they are internationals here for short stays. The Vermont Housing Finance Agency is writing off part of the interest rate for building new rental housing units and Winooski is taking care of the rest by giving zero percent loans for a third of the cost of rental units.

Duncan said he is not speaking for the whole selectboard but he thinks there is a real challenge for us as elected officials in terms of roles and responsibilities. The traditional function of a selectboard is dealing with dog bites, roads, etc. – direct municipal functions, not necessarily housing or workforce development. Selectboard members are volunteers who meet a couple of times a month. They don't have time to deal with workforce development and that is not necessarily a function of the board. The town has implemented a program for tax incentives. The town has a revolving loan fund and is looking to hire a community and economic development specialist. Perhaps one of the biggest things we can do is apply for grants. We are not an economic or business development agency.

Tim Tierney said Johnson is one of the rare towns that is fully in a Qualified Census Tract. Brett said Community Recovery and Revitalization Program funds are available for many businesses in Qualified Census Tracts.

Jenna Koloski asked who helps make connections to resources available for businesses. Brett Long said that is something the Vermont Department of Economic Development does. Pat Ripley said LEDC does its best to get the word out. There have been at least 4 or 5 applications for CRRP grants from Johnson businesses. If anyone has questions, they can be referred to LEDC. Tim Tierney said there are a lot of programs some businesses might not be aware of.

Brett Long said the selectboard might want to think about what community members could come together to solve issues. Beth said she loves grassroots efforts. But we have lots of committees and community volunteers. They tend to be the same people. Their reach only goes so far and their burnout mostly happens fairly quickly. She likes the idea of grassroots effort but she thinks they need support behind them.

Paul Warden asked about the town's revolving loan fund and what makes it hard to use. Duncan said there was a \$500K grant to the town to redevelop the grocery store. The town loaned the money to the grocery store and after it was paid back the town got \$250K of it to set up a revolving loan fund. It has some real challenges. The easiest way that money can be accessed is for purchase of equipment for a business, not necessarily for hiring people. The loan fund is limited in terms of what people can use it for. Businesses commonly have used it to purchase equipment and used other funds for other business expenses.

Paul asked how many loans have been made in the past 5 or 10 years. Duncan said he thinks two. The village has a revolving loan fund from a different era. They have total control over the funds and can decide what to lend for. Most of the limitations are due to Agency of Commerce and Community Development restrictions. ACCD tells us the restrictions come from the original federal loan requirements.

Katie Buckley suggested talking to the people at the Vermont Community Development Program and seeing if the town can renegotiate some of the terms. The town should ask about the possibility of reduction in restrictions as the money revolves back multiple times. Duncan said the original answer to that was no, but it is worth revisiting.

Pat Ripley said cannabis businesses can't get loans if the original source of the money is the federal government. If the town had the ability to loan to cannabis businesses it could probably get that money moving out.

Seth Jensen said there are some open questions it would be good to get clarity from the state on: Does the form based code the town adopted meet the requirements of having zoning for a neighborhood area designation? A neighborhood area designation opens up tax credits for rehab of buildings. It would be helpful to get clarity on whether Johnson is a 1 acre or 10 acre town for Act 250, on exemptions to the 10 year rule for rehab and on whether form based code satisfies requirements for state floodplain rules. There are a lot of resources available. Some are complex because of passed down federal rules. How does a business owner find out what those resources are and who to talk to for more information?

Gary Holloway said Community Capital of Vermont is a funding resource for businesses that might not qualify for traditional loans. They take on a higher risk portfolio. Their focus is small businesses. Another funding resource is Mainvest, a crowd investing platform. When Piecemeal Pies expanded to Stowe they used Mainvest to raise capital. It is revenue sharing, not a loan. An investor gets a percentage of the revenue.

Gary Holloway mentioned some towns that had business competitions and gave \$10K grants to businesses.

Greg Tatro talked about marketing our town. We are in an opportunity zone. We have water and sewer. The problem is that no one knows we have that to offer. We need more parking downtown. For businesses to succeed they need parking close. There is a new medical facility in town. So far it is treating 100 people in addiction medicine and 200 as a local primary provider. Medical care in rural communities is dying out. We should support medical facilities as much as we can, especially in our town with such a high rate of impoverished people. This is a facility people can walk to.

Tasha Wallis said Lamoille County is the second fastest growing county in Vermont. Pressure from Montpelier and Chittenden County will combine in Lamoille County. The Communications Union District is talking about bringing broadband. That will change Johnson. Houses will be worth more and opportunities for downtown will be more significant.

Kim Dunkley suggested recreation opportunities or events to bring people in, like a maple run or a triathlon.

4. *Rail Trail and Recreation Development*

Beth said the opening of the rail trail brings great opportunity. Johnson is in the middle of it. There is a lot of social media chatter about Johnson. There are postings every day from people all over the country talking about coming to use the rail trail. The Long Trail also runs through Johnson. We have other opportunities like Prospect Rock, swimming holes, rivers, parks (including an arboretum), snowshoeing in winter, trails behind the college and disc golf. We have a newly formed rail trail committee. We need to exploit the recreational opportunities out there. We need to find ways to bring

people using those resources into the village more. We need marketing and promoting. We would love to cooperate at the state and regional levels on marketing. We would like to explore opportunities to link different recreational opportunities together, for instance the rail trail and swimming holes. How can we grow the recreation areas so they are pedestrian and biker friendly and get people off the trails into town? Shayne Spence noted that we have proximity to 3 major ski resorts as well.

Scott said what gets people into the village or town is a cheap place to sleep and cheap available food that is healthy.

Beth said one objective is bringing people from trails into town. Another is bringing people from the town to the trails.

Greg Tatro said we need parking in town.

Beth said she thinks collectively people involved with Vermont often have recreation objectives. Are there things we are missing in those objectives that would allow us to be more successful?

Shayne Spence mentioned that there is a skatepark but there is no sidewalk to get there.

Gary Holloway said from a state perspective it is important for the state and VTrans to have a relationship with towns so objectives are met. There is a Lamoille Valley Rail Trail management plan. It is phased. Trailheads and parking come first. It calls for branding and way finding signs and coordination between the state and towns.

Jenna Koloski asked if that coordination is already happening with the town committee. Beth said LCPC is our connecting point. Tasha Wallis said LCPC got funding from the state to create a regional rail trail committee. Their intent is for that committee to communicate with local committees. That is starting this year.

Kim Dunkley said canoe put-ins and parking are other recreation needs.

Tim Tierney said VTrans has a Better Connections program. Danville has really taken advantage of tying the trail to the town. A lot has also been done in Lyndonville. He suggested talking to people in those towns.

Gary Holloway said Better Connections Grants and Municipal Planning Grants both come from the same source and a town can't get both in one year. The town should work with LCPC to know which to apply for each year.

Tim Tierney said Vermont Outdoor Recreation Economic Collaborative will have a pot of money coming soon. There are federal funds available from the Land and Water Conservation Fund. The Recreational Trails Program is another federal program.

Katie Buckley suggested the possibility of coordinating with the Agency of Transportation on streetscape improvements in Johnson if they have a major capital project in Johnson. Tasha Wallis said we should look into when they are doing corridor planning for Route 15.

Duncan said an issue we have with the rail trail is that it is about a mile from the village. Access is via Railroad Street, a fairly narrow road through a residential area. Are there any funds available for a direct path or widening the road?

Tim Tierney said a Better Connections Grant could be used for that. Jenna said in West Windsor they are using a VOREC grant for something similar.

Pat Ripley said his understanding is that the town and village co-own property by the rail trail. There may be an opportunity to do something there. There may be brownfields issues but there is brownfields funding available. That property could be used to entice people into the village. The river is right there, too.

Beth said that is the old talc mill property. We have a trailhead with ample parking and soccer fields. The river runs right beside the soccer fields. Up the road just a little, Lamoille Valley Bike Tours has bought land. They are setting up shuttles to go to either end of the rail trail and they rent e-bikes. That is all just enough removed from the village that sometimes it is hard to get people off the trail and into the village.

Kim Dunkley said there was a plan for a bridge going from that property across the river.

Tim Tierney asked if there are any businesses in that area. Beth said only Lamoille Valley Bike Tours and JP's Promising Goods. Greg said Jenna's Coffee Roasting is right on the rail trail. They have talked about possibly putting in a deck. Beth said JPS's Promising Goods could possibly carry bike supplies. Scott said Johnson Farm and Garden is right on the trail and they have people coming in from the trail.

Jenna said she is hearing that maybe there could be a more concerted effort to work with businesses and offer support and resources.

Paul Warden said if people's needs are met along the trail it makes it harder to get people into town. Another issue is that there are no public restrooms in Johnson. Katie Buckley said people want to know where they can find a bathroom, a creemee and a cold drink.

Duncan said it is one thing to create a pathway to the village and it is another to have a reason to go into the village. That ties into trying to get businesses in the village that might have a connection with the rail trail.

Kim Dunkley suggested it would be helpful to have information at the trailhead about events happening in Johnson with a map showing locations of things like Tuesday Night Live, the portable toilet, and restaurants. Beth said there could be a bulletin board with information about businesses and what they offer, like a bathroom.

Tim Tierney said Buildings and General Services has small grants that can be used for things like a composting toilet. Katie Buckley said there are also Regional Economic Development Grants through BGS. There is a real opportunity in Johnson with the waterway. There is not one canoe, kayak or paddleboard event in Vermont. There could be one in Johnson. That would get retailers showing up. There are a lot of different national organizations that could help with that.

Sen. Westman said the rail trail was open in this area before others so the trailheads here are mostly ahead of those in other areas. A great start would be something at the trailhead to tell people what is in the village. There are 3 companies putting canoes in the river every day all summer. The reason they don't come up as far as Johnson is lack of parking. Kim Dunkley said also a lack of put-ins. Sen. Westman said if we had parking and put-ins the 3 companies working in Jeffersonville could also come to Johnson.

Gary Holloway said there is a marketing app for the Mississquoi Valley Rail Trail. Maybe that is something to look at.

Tasha Wallis suggested talking to VTrans about what is possible at the state level and what can be done at the local level

Kim Dunkley said the Lamoille River Paddlers' Association has wonderful maps. Maybe they could be a resource for events.

Seth Jensen suggested an action would be for people to walk the stretch of road between the rail trail and the village and imagine a family doing it with kids and bikes to see what would be challenging. VTrans has small bike-ped grants that can be used for small segments. In kind contributions can be used for the match. USDA Rural Development has concluded that streetscaping projects can be considered community facilities.

Ted Brady said the Northern Forest Center may be a resource.

Greg Tatro said if anyone wants to put a sign on his building by the trail he will allow it. He suggested painting a bike lane on Railroad Street.

Katie said for any of these programs the town should mention being a Qualified Census Tract (disadvantaged community.) That changes the rules for many programs.

Duncan said we have talked a lot about how to get people off the trail but not about getting people to Johnson to access the trail. We need bed and breakfasts, Airbnbs, hostels or campgrounds – some means of attracting people here for all our recreation opportunities. Are there any public-private partnership opportunities?

Tim Tierney said the more demand there is the more he thinks entrepreneurs will develop places to places to stay. Shayne said there are rumors that someone is thinking of setting up a campground near the rail trail.

Jenna said Kingdom Trails is a good example. They provide information about lodging near the trails.

Brett said events are good for attracting people to town.

5. *Wrap Up and Next Steps*

Beth thanked everyone for coming and asked people to reach out if anything new comes up that could be helpful to Johnson.

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
THURSDAY, JUNE 1, 2023

Present: Selectboard members: Beth Foy (remote), Duncan Hastings, Shayne Spence

Others: Carl Rogers

Absent: Eben Patch, Mark Woodward

1. Call to Order

Beth called the meeting to order at 4:16.

2. Authorize Chair to Act on Behalf of the Town as the Authorized Official to Apply for, Accept and Expend Grant Funds from the Northern Borders Regional Commission

Duncan moved to approve the following resolution authorizing that Beth Foy who is the selectboard chair, is empowered to act on behalf of the Town of Johnson as the Authorized Official:

Resolved by the Town Selectboard of the Town Johnson as follows:

WHEREAS, the Town of Johnson has been awarded \$861,945.42 for the Light Industrial/Commercial Park;

NOW THEREFORE, Beth Foy, Selectboard Chair is hereby authorized, on behalf of the Town of Johnson to apply for, accept, and expend grant funds from the Northern Borders Regional Commission. The named authorized official has permission to sign all NBRC investment documents that bind the applicant.

Shayne seconded and the motion was passed unanimously.

3. Other Business

Beth said there is one document we are required to submit that has not yet come to her for her signature. Duncan said he will reach out to Sal Morales at the Lamoille County Planning Commission and make sure Beth gets it. The grant application is due by 5:00 p.m. tomorrow.

4. Adjourn

The meeting was adjourned at 4:20.

Minutes submitted by Donna Griffiths

TOWN and VILLAGE of JOHNSON, VERMONT
FACILITY USE AGREEMENT

This Use Agreement is dated June 11, 201²⁰²³, by and between the Town and Village of Johnson (the Town/Village), and Johnson Works, (the User). In consideration of the mutual covenants and conditions herein, the parties agree as follows:

Contact Person

→ Carri Ferrari
802-310-4268

- 1. FACILITY. The Town agrees to allow the use of the Leigan Field facility to User for the Event described below.
- 2. EVENT. User will use the Facility for the following Event(s) or Activities:
Summer Craft Fair + Fun
Kickoff Event

3. DATE and TERM. For a single use or event, the date of the Event(s) will be Sunday June 11 23 from 9 (a.m./p.m.) until 6 (a.m./p.m.)

For multiple events or regular use requests, list the dates and times of all events you wish to schedule for the period of the Agreement. (i.e you may say "every second Wednesday from 7:00 p.m. to 9:00 p.m.)

- 4. RENT AND SECURITY DEPOSIT. The Town/Village does not currently charge for the use of most of it's facilities but reserves the right to do so and or to collect a security deposit.
- 5. OBLIGATIONS OF USER. At the end of each Use, User will return the Facility in a neat, orderly and clean condition. User will be responsible for, and liable to, the Town for all repairs to the Facility required as a result of damage caused by User and User's guests.
- 6. OCCUPANCY. Occupancy of the Facility will be limited to ___ persons.
- 7. SMOKING. Smoking is prohibited in all Facilities. The town/village reserves the right to restrict or place conditions on alcohol use.
- 8. INSURANCE. User will either: 1) provide evidence that the organization has existing comprehensive general liability insurance with combined single limit coverage of \$1,000,000 per occurrence and \$1,000,000 in the aggregate, which provides coverage for the event(s) or 2) procure and maintain at its sole cost and expense, comprehensive general liability insurance in which the Town and Village of Johnson is an additional insured with combined single limit coverage of \$1,000,000 per occurrence and \$1,000,000 in the aggregate, and User will furnish the Town/Village with a certificate of insurance prior to the Event. The Town/Village will make information on low cost insurance products that may be available for their use, if they exist.

↳ Johnson Works is partnering with Community Oven Committee to host this event. Insurance is covered through this Partnership per Brian Stary.

9. **INDEMNIFICATION AND HOLD-HARMLESS.** If the User is unable to procure insurance as required in Section 8 above, they acknowledge by signing this Agreement that the Town/Village insurance coverage does NOT provide coverage for damages to the property or persons, of the User's employees, agents, members or guests. User agrees to indemnify and hold the Town/Village, its officers, agents, and employees harmless from any loss or liability which may result from claims of injury to persons or property from any cause arising out of or during the use and occupancy of the Facility by User and User's guests, agents, or employees.
10. **ASSIGNMENT.** This Use Agreement is not assignable to any other person or entity.
11. **CANCELLATION.** Any Use fee will not be refunded if notice is received less than ___ days before a Use Period, unless the Facility is subsequently rented for the same date.
12. **RIGHT OF ENTRY AND TERMINATION.** The Town/Village, its officers, agents, and employees shall have the right to enter the Facility at all times during the Event to confirm User's conformance to this Agreement. If the Town/Village determines, in its sole judgment, that User has breached a term of this Agreement, the Town/Village shall have the right to immediately terminate this Use Agreement prior to the expiration of its term and prior to the conclusion of the Event without any refund to User.
13. **CONFORMANCE WITH THE LAW.** User agrees that User will abide by and conduct its affairs in accordance with the Town/Village and Village of Johnson Facility Use Policy and all laws, rules, regulations, and ordinances, including those relating to alcohol consumption and noise. User shall not engage in or allow any illegal activity to occur at the Facility.

The parties have executed this Agreement at Johnson, Vermont this ___ day of _____, 20__.

TOWN/VILLAGE AND VILLAGE OF JOHNSON

By: _____
It's duly authorized agent

USER: _____

By: _____

It's duly authorized agent

Address: _____

phone: ____ - ____ - _____

ATTACHMENT E
SPECIAL CONDITIONS

1. This project is for scoping only and the scope of the allowable work is limited to the following:

- Development of Purpose & Need Statement
- Collection of existing data which may include survey
- Local Concerns Meeting
- Resource Identification
- Preparation of Alternatives with Footprint
- Preliminary Cost Estimate, to include PE, ROW and Construction costs
- Development of an Evaluation Matrix
- Alternatives Presentation Meeting
- Alternative Selection

Any activities conducted by the Subrecipient beyond what is included above will be non-participating and not subject to reimbursement.

2. The following paragraphs in Attachment A are deleted: 5, 6a, 6b, 6c, 6d, 6e, 6f, 6h, 8, 9, 10, 14, and 18.

ATTACHMENT B
PAYMENT PROVISIONS

1. Funding Ratio. Up to the maximum limiting amount (MLA) shown below, the State agrees to pay **80%** of the total Project costs eligible for federal participation, including, but not limited to, administration, engineering, right-of-way, utility, railroad relocation and construction costs, except for State’s review costs, which will be borne 100% by the State. The State shall not be responsible for expenses incurred by the Subrecipient except as specified in this Agreement.

2. Non-Participating Costs. Work accomplished by the Subrecipient, and/or its consultant or contractor, which has been designated by the State as non-participating for purpose of financial reimbursement, shall be the sole responsibility of the Subrecipient. Examples of non-participating costs include elements outside the scope of work, utility work not related to the project scope, any work outside of the Project limits and approaches and that portion of right-of-way settlements which exceed “Fair Market Value”, as determined by reviewing appraiser in accordance with 49 C.F.R. § 24.104 (Review of appraisals). Due to federal regulations that require all project costs to be reported within the federal financial system, the Subrecipient shall document and supply a summary of all non-participating costs. This shall include costs incurred by the Subrecipient above the maximum limiting amount of this Agreement.

3. Compliance with Vermont Prompt Payment Act. To the extent it is applicable, Subrecipient, with respect to work performed pursuant to this Grant Agreement, agrees to comply with the provisions of the Vermont Prompt Payment Act (9 V.S.A. Chapter 102).

4. Reimbursement if Project Not Constructed due to Subrecipient. If at any time the Subrecipient no longer desires the improvements as specified for the Project, or if the Subrecipient fails to meet its obligation to construct the Project, then the Subrecipient shall promptly notify the State. As provided by 19 V.S.A. § 309c(a), the State shall consult with the Subrecipient about the Subrecipient’s obligation to repay project costs. The Secretary of Transportation shall then make the final determination of the amount and schedule for the repayment that shall be made to the State by the Subrecipient, considering applicable laws and regulations. Pursuant to 19 V.S.A. §§ 5(d)(13) and 309c(b), within 15 days of the Secretary’s determination, the Subrecipient may petition the Vermont Transportation Board for a hearing to determine whether the amount of the Subrecipient’s repayment obligation as determined by the Secretary may be reduced.

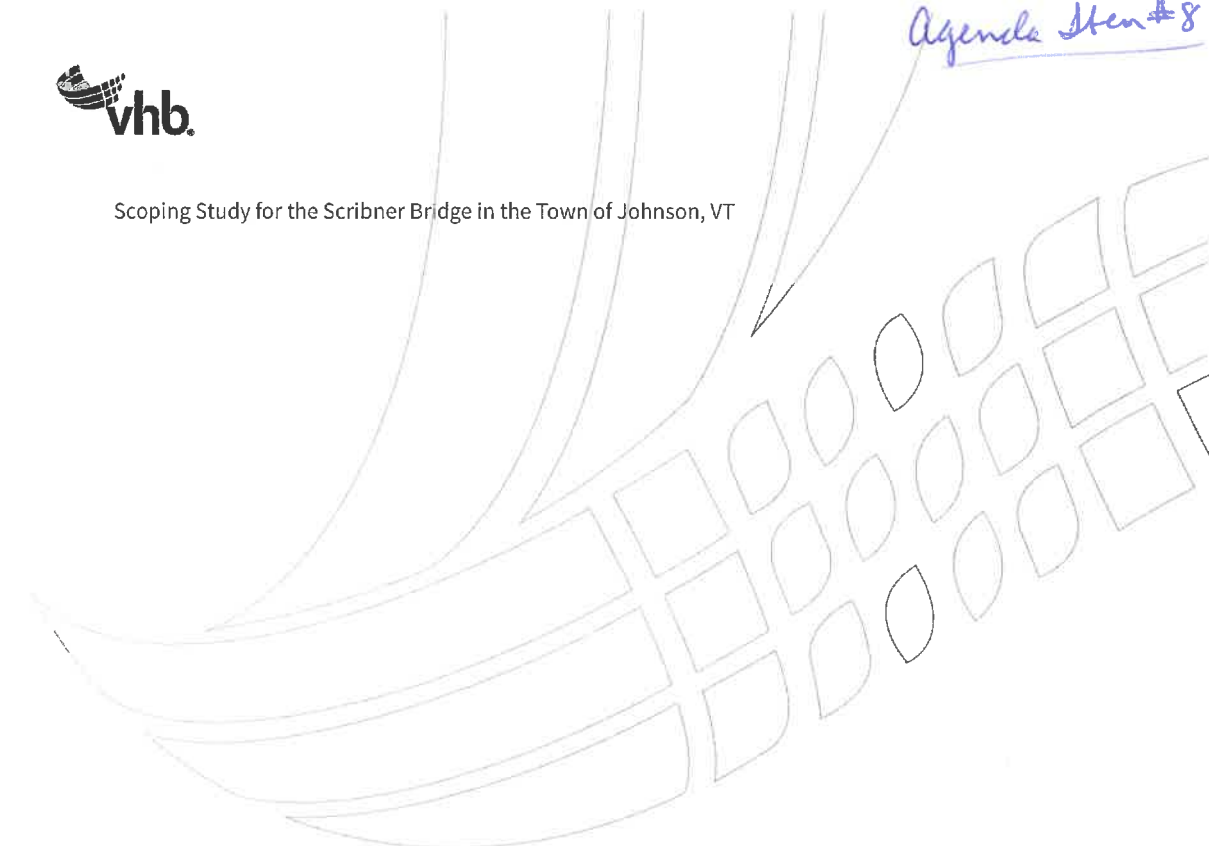
5. Project Costs and Phases. The parties agree that the Subrecipient will perform all tasks and duties incidental to accomplishing the following Project development phases, where an amount of funding is indicated, in conformance with the schedule or amended schedule agreed upon by the parties: and that the State will pay the state and federal share of all properly documented invoices from the Subrecipient for work incidental to the development of the Project up to the total available State/federal funds to the Subrecipient:

Phase	Federal \$	State \$	Local \$	Total \$
Total Available Funds to Subrecipient*	\$26,400	\$0	\$6,600	\$33,000

*The amounts noted may not reflect expenditures that were covered under prior agreements or contracts.



Scoping Study for the Scribner Bridge in the Town of Johnson, VT



7

Project Experience

With our extensive experience assisting Vermont municipalities and VTrans with similar projects, including our scoping and engineering services for the Lamoille Valley Rail Trail (LVRT) Fisher Covered Bridge in the Town of Wolcott, VT, and the reuse of the existing roadway pony truss bridges on LVRT Bridges 44, 77, and 91F in the towns of Hardwick, Bakersfield, and Sheldon, VT, respectively; the Quinlan Covered Bridge rehabilitation in the Town of Charlotte, VT; and the Seawall's Bridge Rehabilitation in the Town of York, ME, our team has the experience needed to successfully develop a scoping study and preferred alternative for this project. Our team's past project experience includes hydraulic modeling, survey, ROW plans, conceptual bridge sections, site plans and profiles, environmental resource assessments, and an understanding of the permits that will be required. The following pages highlight our Team's relevant experience.

April 28, 2023

Salvador Morales, Planner
Lamoille County Planning Commission
salvador@lpcvt.org



Re: Request for Proposals, Scoping Study for the Scribner Bridge, Johnson, VT

Dear Mr. Morales:

A treasured part of Johnson's local history and one of Vermont's diminishing cultural resources, the Scribner Covered Bridge attracts tourists and serves as a critical connector in the roadway network. Preserving the bridge and protecting it from future storm-related damage is a priority to the community and the VHB team has the capability, experience, and availability to deliver this important project.

Capability. Every member of our team has been selected based on their skill sets to benefit this project. We have local depth and breadth of experience to address all issues, including rehabilitation of covered timber bridges, relationships with the regulators so we understand what concepts they will and will not allow, and effective public meeting techniques that will let the public provide open and honest responses during the Local Concerns Meeting.

Experience. Our team has extensive experience working with Vermont municipalities, the Vermont Agency of Transportation (VTTrans), and regional planning commissions on similar efforts, including three active pursuits with the Lamoille County Planning Commission (LCPC). VHB has completed multiple scoping level efforts throughout Vermont for VTTrans, Regional Planning Commissions, and municipalities. These projects vary in size and complexity, from covered bridge rehabilitations, and steel truss rehabilitations. These projects involved the development of a scoping study of Poultney Truss Bridge No. 4, and the development of a truss dismantlement plan to meet Section 106 requirements, and ensure the truss was removed appropriately to be reused on the Lamoille Valley Rail Trail (LVRT). We are also currently performing hydrology and hydraulics (H&H) on two VTTrans Bridge Projects to prove the slight change in flood elevation is acceptable to the State and Federal regulators, and allow us to remove two bridges, replacing it with one on a different alignment and place a pier in the channel. Our experience empowers us to make informed decisions and provide practical alternatives and solutions that can be permitted and are constructable.

Availability. We have carefully vetted the team and **each member will be ready and available to begin work as soon as the contract is executed.**

The VHB team has the experience needed to successfully meet with the public and Selectboard, develop alternatives, and provide the Town of Johnson with a practical and economical preferred alternative for the Scribner Bridge. I, Scott Burbank, PE, will serve as the project manager, and bring nearly 30 years of bridge engineering and project management experience. I will be supported by a core team and staff from our South Burlington office, each with a proven track record of success in providing scoping, preliminary engineering, and permissible preferred alternatives.

If you have any questions, please do not hesitate to call me at 802.497.6157 or email me at sburbank@vhb.com.

Sincerely,
VHB

Handwritten signature of Scott E. Burbank in black ink.

Scott E. Burbank, PE
Senior Project Manager

Handwritten signature of David Saladino in black ink.

David Saladino, PE
Managing Director, VT



Scoping Study for the Scribner Bridge in the Town of Johnson, VT

For over 40 years, VHB has been working to improve mobility, enhance economic vitality within communities, and balance development and infrastructure needs with environmental stewardship. VHB offers a diverse staff of engineers, scientists, planners, and designers—each of whom value embracing our clients’ goals, anticipating challenges, building long-lasting partnerships, and providing exceptional service. Moreover, our local VHB professionals understand and appreciate the qualities that make Vermont unique. We have worked on diverse projects here for more than three decades and continue to do so from our South Burlington, Montpelier, and Rutland office locations.

Over the years, we have partnered with a wide range of municipal, state, federal, and private sector clients. VHB deeply values working with Vermont clients to build a better future, and we are eager to do the same for the Town of Johnson.

VHB also has extensive experience with the rehabilitation of historic structures, including the rehabilitation of the Quinlan Covered Bridge in Charlotte, VT, and the Fisher Covered Bridge in Wolcott, VT, on the Lamoille Valley Rail Trail (LVRT), and currently the rehabilitation of three roadway truss bridges for use on the LVRT to preserve these pony trusses in a location where they are suited to support the required loads. We have also helped towns such as Rochester, Bethel, Plainfield, and Montpelier with bridge rehabilitations and replacements to improve flood resiliency and assisted them with obtaining VTrans Structure Grants or FEMA funding.



VHB is also experienced in Hydrology & Hydraulic analysis, having assisted VTrans with the development of the VTrans Hydraulic Manual, and is performing hydraulic analysis for two VTrans projects to show the hydraulic affects from the installation of a new off-alignment bridge in Chester, VT, and the installation of a new pier in the channel in Readsboro, VT. Our ability to develop and perform hydraulic analysis will allow us to provide preliminary results that show the flood relief benefits of each alternative.

2. Project Understanding and Approach

Through our experiences in Vermont and our investigations for this project, VHB has developed a complete understanding of the project area and the constraints that exist. VHB has also performed an in-depth desktop review of the archaeological, historical, and environmental resources. While we have not identified any red flags, we understand the importance of this scoping effort before the Town moves forward with a design.

Project Understanding

The Town of Johnson, through funding from the Lamoille County Planning Commission (LCPC), is seeking engineering services for a scoping study to identify options for preserving/rehabilitating the Scribner Covered Bridge and improve the flood resiliency of the bridge and adjoining roadway to prevent further storm damage to the bridge, the banks of the channel, and the adjoining roads. The project will follow the VTrans Municipal Assistance Section guidance in accordance with the RFP and in anticipation of acquiring future Federal and State grant funding for the design and eventual construction of the preferred alternative. VHB has conducted a site visit to familiarize ourselves with the Scribner Bridge, and the surrounding area on Rocky and Hunter roads, including visiting the site.

Increase in Hydraulic Opening and Bridge Rehabilitation

The existing covered bridge abutments extend into the channel, reducing the overall bankfull width. Based on the placement of rip rap on the upstream and downstream sides, on the north side of the bridge, the Gihon River has previously jumped its banks and flowed over the roadway, causing erosion to the channel banks, and presumably, damage to Rocky and Hunter roads and the bridge. The grade on the southern side is higher than that on the northern side and there does not appear to be visible signs of flood damage on that side of the bridge.

As noted in the RFP, a preliminary engineering study was previously done and our understanding of the study was, it recommended lowering the approaches to the bridge to allow relief for the floodwaters to flow around the ends of the bridge and each abutment. Based on our site visit, it seems that this option may be viable and should be explored, but we would want to determine if it would be possible to move Rocky and Hunter roads further to the north and acquire a portion of the Jones property to allow the area between the relocated intersection and the north end of the bridge to become the flood relief. This would require armoring this area with stone fill and paving the roadway to prevent future erosion.

Other options include adding two approach spans to the bridge by removing and replacing the existing abutments with concrete piers which would increase the bankfull width of the channel at the bridge. The bridge would span between the piers and the approach spans would span between new concrete abutments and the new piers. The approach spans could be covered bridges, prestressed precast concrete slabs, a timber beam bridge, or a steel beam bridge with a concrete or wooden deck.

Another option like the three-span concept would be to remove the abutment wingwalls and either rehabilitate or replace the existing concrete abutments and install a precast concrete box culvert behind the abutment stems. Unlike above where the approach span streambed would match that of the existing, the two box culverts could be set higher to a specific elevation so they would only begin to be used at a specific flood event. While not an approved practice when

constructing a new bridge, this may be acceptable to the regulators to improve the hydraulic capacity while preserving the historic Scribner Covered Bridge.

To know which of these options would be the most beneficial VHB will perform a preliminary hydraulic analysis using HY-8, which is an accepted hydraulic software by VTrans. This will allow us to know which option provides the greatest relief and thus reduces the potential for damage to the roadways and bridge during a flood event.

In performing a walk-through inspection of the bridge, which is a timber pony truss with timber posts supporting the roof structure and a 2x6 laminated deck supported on steel beams, we noted that the top chord of the pony truss and the exterior siding are components that should be replaced. VHB will perform an inspection of the bridge using hands-on methods with measuring tapes and small wood samples to determine the condition and species of the existing members, including penetration tests into the wood to verify its integrity. This inspection will occur in later spring when the water level is lower, and the river's velocity will allow us to access the underside of the bridge. We would also ask if it would be acceptable to close the bridge for a couple of hours when we inspect the underside of the roof to avoid having to move the ladder out of the way every time a vehicle goes through the bridge.

As maximizing the hydraulic opening is one of the two major goals of the scoping study, VHB will inspect the existing steel beams to determine their condition, and if replacement is needed, we would want to use the same size beams to avoid having them extend further below the bridge.

All conceptual design by VHB will be done in accordance with the current American Association of State Highway and Transportation Officials (AASHTO) Design Code Requirements and the latest National Design Specification (NDS) for Wood Construction.



Maintenance of Traffic

VHB understands that the project is accessible from both sides of the Gihon River, and as such, VHB would recommend that the bridge be closed during construction and traffic be detoured around the project site using VT Route 100C and Sinclair Road and Rocky Road. This method is preferred by Contractors as it provides them with a safe and undisturbed work area and would allow them to potentially remove the bridge from its location to perform the replacement of members in a field immediately adjacent to the bridge. This will also allow the Town to reduce the length of construction as the Contractors will be more efficient when they have the entire area to perform their work.

ROW and Property Lines

VHB has reviewed the right-of-way (ROW) and property lines that have been plotted in the Vermont Right-of-Way Spatial Data Hub online. Based on this information, impacts on private property will be limited to only two parcels on either side of the river. Property impacts outside the Town's Right-of-Way are anticipated to be both temporary and permanent, especially if Rocky Road and Hunter Road are relocated further to the north. As part of this scoping study, VHB and the Town should coordinate with the property owners to get their input on the potential property acquisitions to see if this is something the property owners would be agreeable to.

Cultural Resources

VHB has performed an initial desktop review and determined that other than the bridge itself, there are no historic properties in the area. However, as the area is a flat plateau adjacent to a waterway it is likely that there are areas of archaeological significance. Nevertheless, the roadway and bridge areas have been previously disturbed and therefore should not be an area of archaeological concern.

General Approach

In general, VHB will follow the VTrans project development process using the Municipal Assistance Section guidance to develop the scoping study and accomplish the specific tasks outlined in the request for proposal. This approach is tried and true and has been used to successfully scope, permit, design, and construct many municipal projects throughout Vermont. While our general approach will be consistent with that of other consultants, there are several differentiators that separate VHB and make us uniquely qualified for this project.



Combined Municipal, VTrans, and Bridge Rehabilitation Design Experience

VHB brings 30 years of design experience working with Vermont municipalities, for the VTrans Structures Program and with the VTrans Hydraulics Group. We fully understand the VTrans Bridge Design Manual, the VT Hydraulics Manual, and the VTrans Structures Plan Generation Manual, which will all be important in the development of this project. In addition, we also have a dozen years of experience designing and rehabilitating bridges for the Vermont Rail System (VRS) and the Green Mountain National Forest (GMNF) Service and have completed nearly 50 projects within that timeframe. We bring the right level of experience and local knowledge to successfully complete this project and exceed the Town's expectations.

Hydrologic and Hydraulic Analysis

We understand the complexities of hydraulic analyses and how those results will also be used for project permitting. As the goal of the project is to provide flood resiliency to the Scribner Bridge, it will be important to understand the affect the hydraulics have on each alternative. It is not possible to fully evaluate an alternative without understanding the value that alternative provides from a hydraulic capacity perspective.

Environmental Permitting

VHB is the go-to engineering firm for environmental permitting in the State of Vermont. Our environmental science team has an unparalleled understanding of the State and Federal regulations, and they are ready to assist with the development of alternatives so that when permitting is required it will be a smooth and successful permitting experience. We maintain personal relationships with all State and Federal regulators in Vermont and understand what they want to see within the permit applications. Our relationships and understanding lead us to be better prepared to include pertinent information so that we can streamline the development of permit applications and reduce the overall coordination time.



Archaeological & Historic Preservation

Our Historic Preservation Planner for this project, Kaitlin O'Shea, has a long history working on transportation infrastructure projects and she previously worked for VTrans providing historic bridge preservation analysis for their entire VTrans Structures program. She currently works for VHB and has supported several federal, state, and municipal projects.

VHB has a long standing relationship with UVM CAP and Northeast Archeology Research Center, Inc. To make sure that we have archaeological services available to meet our proposed schedule for this project, we have not contracted with either firm but rather provided an anticipated cost for their services in our cost estimate. As both firms are excellent to work with, we are not losing any value to our clients by not choosing a single firm.

Using an internal Historical Preservationist and having two archaeological firms available will allow us to finalize the archaeological and historic determinations and document the findings efficiently and expeditiously.

3. Scope of Work

VHB has developed a scope of work that is consistent with the Request for Proposals and based on our understanding of the area and issues being contemplated by the Lamoille County Planning Commission (LCPC) and the Town of Johnson.

Phase A: Project Definition

Task 1: Project Kick-Off

Task 1.1: Kick-Off Meeting

VHB will prepare for and attend a project kickoff meeting with representatives from LCPC, the Town of Johnson, and VTrans to initiate the exchange of information and establish communication protocols, action items, and a short-term look-ahead schedule.

This meeting will also help establish a uniform understanding of the project scope, relevant issues, and expectations. VHB proposes to follow the formal kickoff meeting with a site visit with LCPC, the Town of Johnson, and VTrans to document existing site data, including photo documentation of existing conditions, review, and documentation of visible utilities near the project; obtain field measurements for bankfull width of the stream; and review potential traffic control options. We will also coordinate to visit the Town's offices and obtain all existing and relevant project information and files, including tax maps of the affected properties and any Town-documented utility information to assist with the development of the scoping study.

Task 1 Deliverables:

- » Kick-Off Meeting Agenda (PDF)
- » Kick-Off Meeting Notes (PDF)

Task 2: Compile Base Map/ Document Existing Conditions

Task 2.1 Base Mapping and Existing Conditions Memo

VHB will compile relevant additional information along with our archive of baseline data from the development of this proposal and our field reconnaissance at the kick-off meeting to assemble a comprehensive base map for the anticipated project area. During this task, VHB will also gather available traffic information. VHB will prepare a memorandum summarizing the existing conditions noted and include an appendix containing base mapping.

Task 2 Deliverables:

- » Base Mapping and Existing Conditions Assessment Memorandum (PDF)

Task 3: Local Concerns Meeting and Purpose and Need Statement

Task 3.1: Local Concerns Meeting

VHB will coordinate with the LCPC, the Town of Johnson, and VTTrans to organize and moderate a Local Concerns Meeting to introduce the project to the public and local stakeholders. We will present a PowerPoint explaining the scoping study process and a summary of the identified problems and conditions, and then seek input on the public's comments and/or concerns. VHB will compile a list of comments and/or concerns from the meeting and incorporate those into summary meeting notes. VHB will work with the LCPC and the Town of Johnson to disseminate information about the meeting. Also, we will share draft materials with the LCPC and the Town for their input prior to the event.

Task 3.2: Prepare a Purpose and Need Statement

VHB will use the comments and/or concerns gathered from the Local Concerns Meeting to develop a Purpose and Need Statement for the project that clearly defines the purpose or reason for the project and the needs that the project will address. VHB will submit the purpose and need to the LCPC, the Town of Johnson, and VTTrans for their review and comment. We will update the purpose and need based on input from the LCPC, the Town, and VTTrans and use the Purpose and Need Statement to develop alternatives. This will be included in the Scoping Report.

Task 3 Deliverables:

- » Notes from Local Concerns Meeting (PDF)
- » Purpose and Need Statement (PDF)

Task 4: Resource Identification

Task 4.1: Identify Lane Use Context

VHB will identify the existing and proposed land uses in the proximity of the Scribner Bridge and discuss any planned changes to land uses or permitted development within the areas surrounding the bridge. We understand that this study area contains a residence, with the rest of the area being farmland. Based on our site visit and the Vermont Agency of Natural Resources (ANR) Natural Resources Atlas, the surrounding lands are prime agriculture, and presumably will remain as farmland. VHB will incorporate the Land Use Context into the Draft and Final Scoping Report.

Task 4.2: Identify Natural and Cultural Resource Constraints and Permitting Requirements

VHB will review natural and cultural resources, including wetlands, surface waters, floodplains, river corridors, rare, threatened, and endangered (RTE) species, habitat connectivity, natural communities, stormwater facilities, hazardous/contaminated sites, historic and archaeological resources, and agricultural lands. Our team will complete this review using data from the ANR Natural Resources Atlas and BioFinder, and Vermont Center for Geographic Information (VCGI) GIS mapping. We will identify potential impacts on these resources and permitting requirements for those impacts.

VHB will contact State and Federal natural resource agencies to ascertain the presence or absence of previously mapped environmental resources. After the review of information contained in existing databases and agency outreach, VHB will conduct a reconnaissance-level survey to preliminarily ground truth previously mapped wetlands, waters, and natural community mapping and supplement the mapping based on field observations as appropriate. This scope of services does not include specific fieldwork of any kind, including, but not limited to, a formal wetland delineation or surveys for potential occurrences of RTE plants or animals.

VHB will establish an Area of Potential Effect (APE) for the project location that includes potential direct and indirect effects on historic and archaeological resources. VHB will use available resources such as the Vermont Division for Historic Preservation Online Resource Center, the University of Vermont Landscape Change Project, various historic maps and airphoto resources, and photographs collected during the kick-off meeting and/or provided by Town staff to assist in the preparation of a tabular summary of each resource. This summary will include its date of construction, its address, whether it has been previously listed in the State or National Registers of Historic Places and its eligibility for listing in the latter, and a brief description of its integrity. VHB will not conduct site visits to photo-document the bridge or to collect information from libraries or historical societies. VHB will not prepare a Vermont Architectural Resource Inventory (VARI) form or a specific recommendation of eligibility for any resource.

VHB's archaeological subconsultant will complete an Archaeological Resources Assessment (ARA) for the project location. The completion of the ARA will include reconnaissance-level fieldwork to verify the results of predictive modeling.

VHB will summarize the findings of the database review and agency coordination in the Draft and Final Scoping Report. Supporting information will include representative photographs where applicable, and Natural and Cultural Resources Maps depicting the locations of identified resources relative to the study area. VHB will identify and summarize potential impacts on these resources and the associated local, State, and Federal permitting requirements and preliminary considerations for construction and operational stormwater permitting. Resource locations will be incorporated into the Alternatives and a summary of the findings for this task will be included in the Draft and Final Scoping Reports

Task 5: Hydrological Analysis and Existing Hydraulics

Task 5.1: Hydrological and Hydraulics Analysis

As there was no mention of preliminary hydraulics, VHB will develop the hydrology for this reach of the river as we feel it is important to understand which option will provide

the greatest hydraulic relief. The hydrology will be used to complete hydraulic modeling and analysis for the existing bridge. The analysis will be in general accordance with the VTrans Hydraulics Manual and VHB will assess multiple hydrologic methods to determine the most appropriate for this site. This information will be included in the Draft and Final Scoping Study.

Task 6: Alternatives Type Study

VHB will utilize the information gathered from the previous tasks to develop a maximum of three alternatives in addition to the "Do Nothing" alternative, which is assumed to not meet the purpose and need.

Task 6.1: Development of Alternatives

VHB will develop three alternatives aimed at creating/improving hydraulic capacity at the bridge and rehabilitating the existing pony truss and roof structure, and if required, the wood deck and steel beams using information obtained during the kickoff meeting, site visit(s), recommendations from any previous studies or plans, input from the Local Concerns Meeting and project stakeholders, and appropriate guidelines, specifications, and design standards.

VHB will evaluate each alternative with a keen eye on its economic benefit to provide the greatest hydraulic capacity to reduce or eliminate flood damage to the roads and the bridge. VHB will be sure each alternative includes the required rehabilitation for the bridge as well as options to add timber preservatives, fire retardants, and insect protection, as these would also add value but will also add costs.

VHB will develop conceptual plans that will include key design features, typical sections, resource and ROW impacts, utility conflicts, potential natural and historic resource impacts, and develop order-of-magnitude cost estimates for each alternative. Our team will prepare an evaluation matrix, following the template in the VTrans Municipal Assistance Section (MAS) Local Projects Guidebook for Locally Managed Projects. This matrix will include measures for evaluating the various alternatives and will include, but not be limited to, construction costs, environmental and permitting impacts, compliance with the Purpose and Need Statement, and other measures pertinent to the project.

VHB will submit three alternative concept plans to the Project Team for review and comment prior to the alternative's presentation meeting. VHB will work with the LCPC and the

Town of Johnson on the planning of the meeting and provide draft materials to both the LCPC and the Town for review prior to the Alternatives Presentation meeting.

Task 6.2: Hydraulic Analysis

To determine which of the alternatives provides the greatest hydraulic capacity, VHB will run preliminary hydraulics for the 1% Annual Exceedance Probability (AEP) for each of the alternatives to determine their flood-carrying capacity. VHB will use this information to evaluate the alternatives and include the preliminary hydraulic study as an appendix in the Scoping Report.

Task 6.3: Progress Meetings

VHB will prepare for and attend up to two virtual progress meetings with the LCPC and the Town of Johnson to discuss and evaluate progress. Or for VHB to inquire about specific issues that would be resolved more efficiently via a virtual meeting.

Task 7: Alternatives Meeting

Task 7.1: Alternatives Presentation Meeting

VHB, in coordination with the LCPC and VTrans, will participate in the final public informational meeting to share and discuss the Draft Scoping Study and the findings and recommendations contained therein. Prior to the meeting, we will develop a meeting flyer for distribution by LCPC staff and the Town of Johnson to all appropriate outlets. VHB will prepare meeting notes following the public meeting to be distributed to the project team.

Task 7 Deliverables:

- » Alternatives Matrix and Conceptual Plans (PDF)
- » Notes from Alternatives meeting (PDF)

Task 8: Draft Report

Task 8.1: Conceptual Cost Estimates

VHB will develop conceptual cost estimates using the Appendix I template from the MAS Local Transportation Facilities Guidance for further planning, design, and construction costs for each of the alternatives. Construction cost estimates will be refined to order-of-magnitude pricing based on the development of the alternatives. The

cost estimates will include amounts for construction and construction engineering, design engineering, cultural and environmental impacts, local and regional issues, permits, municipal project management, and right-of-way acquisition. This information will be included in the Draft and Final Scoping Reports.

Task 8.2: Anticipated Maintenance Needs

VHB will develop maintenance costs for each of the alternatives in today's dollars as well as an anticipated schedule on when maintenance should occur. This information will be used to evaluate each alternative with the idea that low maintenance solutions are preferred over high maintenance options.

Task 8.3: Draft Report

VHB will develop a Draft Scoping Report using information gathered from the tasks performed in the scope of work above. The draft report will include an existing conditions assessment, a summary of the public outreach process, the Purpose and Need Statement, an overview of the alternative evaluation process, and a summary of the preferred alternative selected for the Scribner Bridge. We will submit the Draft Scoping Study to the LCPC, the Town of Johnson, and VTrans for review and comment.

Task 8.4: Draft Report Presentation

VHB, in coordination with the LCPC and the Town of Johnson, will participate in the final public informational meeting to share and discuss the Draft Scoping Study and the findings and recommendations contained therein. Prior to the meeting, we will develop a meeting flyer for distribution by LCPC and the Town of Johnson staff to all appropriate outlets.

Task 8 Deliverables:

- » Draft Scoping Report (PDF)
- » Notes from the Draft Report Presentation (PDF)

Task 9.0: Final Report

Task 9.1: Final Report

Based on the LCPC's and the Town of Johnson's comments, as well as feedback received at the final public meeting, VHB will develop the Final Scoping Report. The Final Scoping Report will follow the format outlined by MAS guidelines. VHB will distribute the final report in PDF format (and electronic files) to the LCPC, the Town of Johnson, and VTrans after completion of the report.

4. Labor Hours

Task	Director	Senior Project Manager	Structural Engineer	Structural Designer	Survey Chief	Water Resources Manager	Water Resources Engineer	Environmental Project Manager	Environmental Specialist	Historic Preservationist	TOTAL HOURS
PHASE A: PROJECT DEFINITION											
1.0 Project Kick-off											
1.1 Kick-Off Meeting		4	4	4		4	4				20
2.0 Compile Base Map/Document Existing Conditions											
2.1 Base Mapping & Existing Condition Memo		2		8	2	2	2	2	8		26
3.0 Local Concerns & Purpose and Need Statement											
3.1 Local Concerns Meeting	1	2		6							9
3.2 Purpose and Need Statement		1		4							5
4.0 Resource Identification											
4.1 Identify Lane Use Context		1						2			3
4.2 Identify Natural & Cultural Resources & Permitting Req.		1				2	2	8	12	12	37
5.0 Hydrological Analysis & Existing Hydraulics											
5.1 Hydrological Analysis & Existing Hydraulics						4	8				12
6.0 Alternatives Type Study											
6.1 Development of Alternatives	2	4	12	28		2	4	2	4	4	62
6.2 Hydraulic Analysis						8	16				24
6.3 Progress Meeting(s) (2 Virtual Meetings Assumed)		2	1	2		1		2		2	10
7.0 Alternatives Meeting											
7.1 Alternatives Presentation Meeting		4	2	6	1	1	1	1		2	18
8.0 Draft Report											
8.1 Conceptual Cost Estimates		2	2	4							8
8.2 Anticipated Maintenance Costs			2	4							6
8.3 Draft Report		4	5	16		1		1		1	28
8.4 Draft Report Presentation		4		4							8
9.0 Final Report											
9.1 Final Report	1	1		2							4
TOTAL PROJECT HOURS	4	32	28	88	3	25	37	18	24	21	280

5. Proposed Schedule

VHB’s management approach is based on the quality of our personnel and our ability to manage projects to provide on-time, within-budget completion of milestones. We know that frequent communication is essential to keeping projects moving forward through design and construction. In addition to frequent communication, we have learned through experience that a successful management plan must:

- » Define an organizational structure with direct lines of responsibility and communication
- » Base activities on a clear, agreed-upon understanding of the objectives of the client, the required products, the technical requirements, and the required external and internal relationships and coordination
- » Be flexible to meet constantly changing demands and circumstances
- » Assign the right leadership and staff who are committed to the project for its duration

- » Make effective use of technology to inform, assure, and communicate with stakeholders

If a Notice to Proceed is provided by May 5th, 2023, and that no unforeseen delays or obstacles are encountered during the project, we anticipate the project to proceed along the following schedule:

TASK	ANTICIPATED SCHEDULE
Project Kick-Off Meeting	May 2023
Compile Base Map/ Document Existing Conditions	June 2023
Local Concerns Meeting	June 2023
Develop Conceptual Alternatives	July–August 2023
Alternatives Presentation Meeting	September 2023
Draft Report Preparation	October 2023
Final Public Meeting	November 2023
Final Report Preparation	December 2023



from Ken Gibbons. He wonders if the board wants to schedule a work session meeting to discuss the revolving loan fund in more detail.

The board agreed to schedule a work session for August 27 at 7:00 pm.

Eric asked if we expect to hear back from LEDC. Duncan said he doesn't know. John Mandeville was taking a vacation. If Duncan can get something from him before next week, he will.

Eric asked, John Mandeville was willing to be the loan administrator? Duncan said yes.

Eric said we would still need a loan review committee. Duncan said yes. Ken Gibbons thought George Putnam, a Cambridge resident, would be a good choice for the committee. George said he would consider it. Duncan highly recommends him. He has a strong background in credit. Everyone should think about possible good candidates here in town. Ken's opinion was that, at least initially, perhaps a selectboard member should be on the loan review committee. Duncan feels there are pluses and minuses to that idea. Walter said there are a number of retired business owners who could serve on the committee. Kyle said one or two people from Johnson Works were interested.

Kyle asked what the process would be for selecting people and how many there would be. Eric said the board would determine that. Duncan said there could be as many as the board thinks reasonable. Kyle asked if we would request a letter of interest. Eric and Duncan said they think so. *(Duncan left at 8:34.)*

Brian said the Vermont Council on Rural Development wants the board to nominate people who might be interested in receiving a scholarship to attend their upcoming Vermont Community Leadership Summit in October. Nat said he thinks it looks interesting. He would go. **Mike nominated Nat to attend the Community Leadership Summit and the motion was seconded and passed.**

Eric said now that form based code has passed the board will need to think about who will be zoning administrator and who will be on the development review board. Brian suggested adding the administrator duties to his duties. He thinks it will be manageable now. At some point in the future it might be a little much. We will search for candidates for the development review board. He recommends starting with current and former Planning Commission members. They can serve on both boards. .

Mike moved and Nat seconded to advertise for candidates for the development review board and to designate Brian Story as zoning administrator.

Doug asked what would happen if we had an application tomorrow and Brian denied it and the applicant wanted to appeal. Brian said he believes the town has 21 days after the vote before the code takes effect. That is 15 days from now. We don't have an application form yet.

Article VII Organization: Administrative Officer and Development Review Board

Section 7.01 Administrative Officer:

- A. Appointment:** The Administrative Officer is nominated for appointment by the Planning Commission and is appointed by the Selectboard for a term of three (3) years to carry out the provisions of this Regulation. The compensation is determined by the Selectboard. The Administrative Officer may be removed by the Selectboard for cause after consultation with the Planning Commission.
- B. Duties:** The Administrative Officer:
 1. Administer and strictly enforce this Regulation. The Administrative Officer does not have the power to authorize or permit any land development except in conformance with this Regulation, other Town ordinances and any applicable conditions of the DRB.
 2. Inspect properties for compliance with this Regulation and Town permits, conduct enforcement activities, maintain accurate records and perform related tasks.
 3. Provide applicants with all forms required to obtain Permits, to apply for DRB Approval and to appeal to the DRB.
 4. Assist persons seeking permits and in navigating the Town's regulatory processes in a helpful and responsive manner.
 5. Periodically meet with and provide reports to the Planning Commission.
- C. The Administrative Officer shall not be a member of the Planning Commission, DRB or a Select Board.**

Section 7.02 Development Review Board:

- A. Appointment:** The Development Review Board (DRB) consists of five (5) members and two (2) alternates appointed by the Selectboard for three year terms or for other terms determined by the Selectboard in accordance with Title 24 V.S.A. § 4460(b) and 4460(c). A member may be removed for cause by the Selectboard upon written charges and after a public hearing.
- B. Organization and Meetings:** The DRB elects its own officers, a Chair, Vice Chair and Clerk, and adopts its own rules of procedure, except as provided in Article III. A quorum is not less than a majority of the Board and a vote of a majority of the Board shall be necessary to complete an action, other than recessing a hearing or adjournment of a meeting. The Officers of the Board may administer oaths and compel attendance of witnesses and compel the production of materials in accordance with the Act and this Regulation.

Rosemary Audibert

From: anr.webmaster@vermont.gov
Sent: Wednesday, May 24, 2023 3:04 PM
To: Rosemary Audibert
Subject: VT Forests, Parks & Recreation - Fire Warden Reappointment for Corey Davis

Dear Rosemary Audibert,

Johnson's Warden, Corey Davis, is up for reappointment and is interested in being reappointed. Reappointments are for a period of five years. The term of office for your Town Forest Fire Warden is due to expire on June 30,.

Town Forest Fire Wardens are jointly appointed by FPR and the town through approval of the town Select Board. You can view the [qualifications here](#) and the [responsibilities here](#). The current warden is qualified and understands these responsibilities. The town can choose to approve the reappointment Or reject the reappointment. You can view the official notice by [clicking here](#).

Should you reject the reappointment, please respond to the district forester listed below stating your reasons for rejection. Upon receipt of the letter, we will contact your chairperson to discuss the procedure for the appointment of a new warden. If you need additional information before acting on this re-appointment, please feel free to call our office at 802- 461-8692.

Should the town choose to approve this reappointment, start the reappointment process by [clicking here](#) to download and print the Reappointment Form. Please obtain appropriate signatures of the Select Board (the chairperson and at least two members of the board). This document will need to be uploaded through the [ANROnline Fire Warden Appointment Form](#). We will then review the information for final approval and signing by FPR. **The deadline is Saturday, July 1, 2023.**

If you have any questions about the reappointment process please contact your district's forester, Chloe Sardonis at Chloe.Sardonis@Vermont.gov.

PLEASE NOTE: This is an auto-generated email - do not reply.

TOJ Administrator-Shared Mailbox

From: Listers
Sent: Tuesday, May 30, 2023 1:21 PM
To: TOJ Administrator-Shared Mailbox; Susan Tinker; Rosemary Audibert; Duncan Hastings
Subject: 911 Coordinator Appointment

Hi Carl,

Brian Story informed me that the Selectboard appointed me as the 911 coordinator for the Town of Johnson and I cannot find that appointment in the minutes recorded on the website. Can you please add "911 Coordinator Appointment - Justin Mason" to the June 5, 2023, Johnson Selectboard Agenda so I may be officially appointed and I can copy and paste the motion to the state next week. The State of Vermont is requiring the motion/official minutes for this change and I have pending changes in with the State of Vermont at this time.

Thank you,
Justin Mason

Regards,
Terri Sabens VPA III
Justin Mason
Municipal Assessors
Town of Johnson
293 Lower Main West
Johnson, VT 05656
(802) 635-2611 x 307
listers@townofjohnson.com
<https://townofjohnson.com/>



Roger Marcoux, Jr.
Sheriff



STATE OF VERMONT
LAMOILLE COUNTY SHERIFF'S DEPARTMENT
Post Office Box 96
Hyde Park, Vermont 05655

#14a
EMERGENCY
DIAL - 911
Administration: (802) 888-3502
Civil Process: (802) 888-2561
FAX: (802) 888-2562

Agreement made this 1st day of July 2023 by and between the Lamoille County Sheriff's Department and the Town of Johnson.

Whereas the parties have reached an agreement for the provision of services by the Lamoille County Sheriff's Department to said town that agreement is set forth as follows:

1. The Lamoille County Sheriff's Department will provide 24 hour dispatching service for emergency police, ambulance and fire services, as they presently exist.
2. Johnson will pay to the Lamoille County Sheriff's Department the sum of \$72,887.00 for provisions of the aforesaid services from July 1, 2023 to June 30, 2024. Payment shall be made in equal quarterly installments of \$18,221.75 commencing July 1, 2023 and continuing on October 1, 2023, January 1, 2024 and April 1, 2024.
3. Any property acquired by the Lamoille County Sheriff's Department during the term of this contract and under the terms thereof shall, in the event of termination of this contract, become the property of the Lamoille County Sheriff's Department/Lamoille County. In this event, the equipment would be utilized by the remaining towns in the communication partnership.
4. The Lamoille County Sheriff's Department will provide to Johnson an annual financial status report.
5. Disputes between the parties shall be resolved by such mediation or arbitration, as the parties shall mutually agree upon.
6. Pursuant to 24 V.S.A. §291a(c), the Sheriff shall be entitled to compensation of 5% of the total contract amount for administration services. This administration fee does not increase the total cost for services and shall be paid to the Sheriff in the same calendar year in which the contract payments are received by the Department under the contract. The allowable amount of compensation under this contract is \$3,644.35.

DATED: 5-11-23

R. Marcoux Jr.
Roger M. Marcoux Jr., Sheriff

Select board Members Signatures



Roger Marcoux, Jr.
Sheriff



STATE OF VERMONT
LAMOILLE COUNTY SHERIFF'S DEPARTMENT
Post Office Box 96
Hyde Park, Vermont 05655

146
ALL LAW
EM
DIAL

Administration: (802) 888-3502
Civil Process: (802) 888-2561
FAX: (802) 888-2562

AGREEMENT MADE this 1st day of July 2023, by and between the Town of Johnson and the Lamoille County Sheriff's Department as follows:

1. The Lamoille County Sheriff's Department will provide routine patrols and investigations for the enforcement of State and local statutes, regulations and ordinances.
2. The term of this contract shall be 12 months commencing July 1, 2023 and terminating June 30, 2024.
3. The Town of Johnson further agrees to pay the Lamoille County Sheriff's Department the sum of \$536,655.00 for said services to be paid upon the following "schedule":

July, August, September 2023	\$134,163.75
October, November, December 2023	\$134,163.75
January, February, March 2024	\$134,163.75
April, May, June 2024	\$134,163.75

4. The parties recognize that the Lamoille County Sheriff's Department will be making long term commitments to employees and equipment to perform the terms of this contract. No portion of the contract or installment payment shall therefore be considered severable and breach of any portion or installment shall be breach of the whole.
5. Any property acquired under this contract shall, upon termination of this contract, become the property of the Lamoille County Sheriff's Department, unless otherwise agreed in writing. In this event, the equipment would be utilized by the remaining towns in the patrol partnership.
6. Reports submitted to the Town shall be mutually agreed as to type, frequency, and information contained therein.
7. Disputes between the parties shall be resolved by mediation or other lawful method agreed to by the parties.
8. Notwithstanding the provisions of 13 VSA Section 354(b) 3, the Lamoille County Sheriff's Department, while acting on behalf of the Town under this contract, shall not seize an animal or cause any costs to be incurred for the suitable care of an animal seized under the provisions of 13 VSA Section 354(c) without the prior consultation and consent of the Johnson Select Board, or their authorized designee. The Johnson Select Board shall designate authorized contacts and shall provide Lamoille County Sheriff's Department their contact information. Lamoille County Sheriff's Department shall make every reasonable effort to consult with and obtain the consent of the Johnson Select Board. The Johnson Select Board, or their designee, shall make every reasonable effort to respond to such requests for consultation and consent in a timely manner. Consultation and consent shall require development of a mutually agreeable plan of action to provide suitable care at a reasonable cost and identify potential responsible parties for assignment of those costs. If Lamoille County Sheriff's Department acts to seize an animal under the provisions of 13VSA 354(c), without consultation and consent, or without making reasonable attempts to consult and obtain the consent of the Select Board as described above, it may be subject to full responsibility of the care and cost of such seizure(s).

13 VSA 354(c) provides that when an animal is seized under 13 VSA 354, "A humane officer shall provide suitable care at a reasonable cost for an animal seized under this section, and have a lien on the animal for all expenses incurred." This would apply if the animals are seized pursuant to a search warrant or seized without a search warrant under 13 VSA 354(b)(2) and (3).

9. During the term of this contract, the Johnson Select Board may request specific police services in their municipality. These requests may include enhanced traffic enforcement, foot patrol, assistance with parades, etc. The Lamoille County Sheriff's Department will always attempt to provide assistance requested. Additional deputies may be outside the scope of the contract and the Lamoille County Sheriff's Department will discuss the potential of additional costs beyond the contract if and when the situation arises. A report, separately identifying the activities subject to the request for dedicated service shall be provided to all three Select Boards within 30 days of the end of each quarter, or as part of the monthly reports. The report will also identify citizen's request for service and the department's response.

10. Pursuant to 24 V.S.A. §291a(c), the Sheriff shall be entitled to compensation of 5% of the total contract amount for administration services. This administration fee does not increase the total cost for services and shall be paid to the Sheriff in the same calendar year in which the contract payments are received by the Department under the contract. The allowable amount of compensation under this contract is \$26,832.75.

DATED: 5-11-23

SELECTBOARD:



Roger M. Marcoux, Jr., Lamoille County Sheriff

TOJ Administrator-Shared Mailbox

From: Beth Foy
Sent: Tuesday, May 30, 2023 4:05 PM
To: Select Board; TOJ Administrator-Shared Mailbox
Subject: Fwd: Private SW infrastructure in ordinance

Selectboard, please do not respond. This will be an agenda item.

Thanks!
Beth

Get [Outlook for Android](#)

From: Erik Bailey <ebailey@townofjohnson.com>
Sent: Monday, May 22, 2023 1:02:04 PM
To: Ken Tourangeau <ktourangeau@townofjohnson.com>; BJ Putvain <bjputvain@townofjohnson.com>; Beth Foy <bfoy@townofjohnson.com>; Eben Patch <epatch@townofjohnson.com>
Subject: Private SW infrastructure in ordinance

All, FYI in regards to the Manchester SW situation:
From Johnson Town Highway ordinance:

Section 11 -- Responsibility for culverts and headwalls Culverts and headwalls installed on private property, even when located within the Town right of way, are the responsibility of the property owner. Property owner retains exclusive legal and financial responsibility to repair, replace, and maintain those culverts and headwalls. Nevertheless, property owner must obtain permission from the Town in the form of a written Notice of Permission to Proceed before any repair or replacement may take place.

Erik Bailey, UMC
Johnson Village Manager
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Johnson, VT 05656
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"If you can't fly then run, if you can't run then walk, if you can't walk then crawl, but whatever you do you have to keep moving forward." -Dr. Martin Luther King Jr.

Community is at the Heart of the Village of Johnson Water & Light Department

Please note that his email message, along with any reponse or reply, is considered public record, and thus, subject to disclosure under the Vermont Public Records Law.