

JOHNSON SELECTBOARD MEETING MINUTES  
VERMONT STATE UNIVERSITY – JOHNSON, THE 1867 ROOM, DEWEY HALL  
MONDAY, AUGUST 7, 2023

**Present:** Selectboard members: Beth Foy, Duncan Hastings, Eben Patch, Shayne Spence, Mark Woodward

Others: Carl Rogers, Rosemary Audibert, Ron Rodjenski, Melanie Rodjenski, Jim Accurso, Jeanne Engel, Dylan Pipe, Charles Flaum, Terri Sabens (remote), Kyley Hill (remote), Howard Romero

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

**1. Call to Order**

Beth called the meeting to order at 6:33.

**2. Review Invoices and Orders**

Beth said the board will need copies of some of the dumpster invoices before signing off on all the orders. She suggested that Rosemary provide a flood spending report for at least the first meeting of each month.

Mark said there seems to be a significant bill for flood-related tire recycling. Did the water damage people's tires? Beth said it washed tires up all over town, so they were among the flood-related debris.

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

It was agreed to add items related to plans for repairs to the office, job candidates (in executive session), status of floodplain regulations, status of Sterling Market, scheduling of flood-related discussions, how to find space to accommodate the selectboard and the community longer term, a planned purchase, and acceptance of Howard Romero's resignation as floodplain ordinance administrative officer.

Beth said she doesn't understand how Howard was ever appointed to that role because it is not in our annual appointments or listed in the town report. Duncan said from now on it probably should be in the town report. The appointment was made long ago and does not require annual reappointment. Beth said she thinks we should think about terms.

Eben noted that he was listed as attending remotely on July 21, but he was there in person. **Eben moved to approve the selectboard minutes of July 3, July 10, July 13, July 17, July 21 and July 31, 2023 and the joint selectboard-trustee minutes of July 17, 2023, Mark seconded and the motion was passed.**

**4. Selectboard Issues/Concerns**

Eben said it doesn't look like Johnson will flood again with the rain that is in the forecast.

Beth said there is a lot of frustration, confusion and unmet expectations in the community right now. As board members encounter frustrated, angry, tired people she asks that everyone be compassionate in response.

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

Rosemary said Marsala Salsa previously applied for a 3<sup>rd</sup> class liquor license for only 6 months. Now they are applying for the next 6 months. **Eben moved and Shayne seconded to approve a third class liquor license for Marsala Salsa with the standard letter to be sent.** Duncan

asked if there is any outside consumption at Marsala Salsa. Rosemary said the owner has not applied for that yet. **The motion was passed.**

Rosemary said the state paid us our PILOT money earlier than usual. They usually pay it in October. They also paid the second installment of state highway money, which is usually paid in November. The amount of PILOT received was about what we expected, a little more but not much.

Rosemary said we got \$7500 from the Vermont Community Foundation. Jason got about \$1400 for metal he took to All Metals Recycling.

Assessor Terri Sabens explained why an errors and omissions form was submitted for Lamoille County Mental Health Services. Their assessment is being lowered by \$85,900 because Terri originally assessed it incorrectly based on unclear notes about qualified housing left by NEMRC.

**Shayne moved to approve the errors and omissions list from the assessors dated July 7, 2023, Duncan seconded and the motion was passed.**

6. ***Planned Purchase***

Carl said Jason is asking for approval to purchase hydroseeding supplies to be used throughout the year on multiple projects. He got a quote from Johnson Hardware and Rental. Eben said some but not all of the expense will be grant reimbursable. The quote is \$2,984.04. (*Jim Accurso arrived at 6:54.*)

**Duncan moved to approve the planned purchase of hydroseeding supplies, Shayne seconded and the motion was passed.**

7. ***Scheduling of Flood-Related Discussions***

Beth said she thinks the board should figure out how often to meet and when to meet with committees and the Planning Commission while there are flood issues to discuss. She also thinks we need a plan to support communication about individual assistance. We don't have many resources for individuals but we should be a conduit for information for businesses and individuals.

Carl suggested the board could plan to meet weekly and a meeting could be canceled if there is not enough business to warrant a meeting that week. Regarding assistance to individuals, we could put together a chart outlining steps people should take. He and Ron can make that a priority if the board wants them to.

Ron suggested the town could set up a weekly call-in time or location for anyone with concerns and resource people could be available then. Hyde Park did that after the Halloween storm. At first it was weekly, then every other week, then monthly. Sometimes people don't want to read a pamphlet; they want to talk to someone.

Mark said he likes the idea of having a call-in hour versus having to staff a whole meeting. We could put on Front Porch Forum that there would be a time people could call. Shayne said he wonders if there is a possibility of working with other towns to hire a case manager to follow up and help people identify their next steps. Beth said she doesn't know if we need to hire someone

but maybe we could partner with Cambridge and rotate every week. Ron said he thinks United Way might have someone who could serve in that role. Beth said she thinks the board needs to talk about this more next time. She will start putting something together.

Duncan said he thinks we probably will be facing weekly meetings for a while. He suggests reserving the two regular board meeting dates for regular town business and having the two others be only for flood-related issues as much as possible. Beth said she agrees with that idea in theory, though she is not sure how realistic it is. Eben suggested meeting every week except the second week of the month as Rosemary will be meeting with the trustees on second Mondays. The board agreed to meet next Monday even though it is the second Monday. Eben suggested committee chairs could come to the flood meetings.

**8. Presentation from Small Business Administration**

Jim Accurso said he is a public affairs specialist with the Small Business Administration. He is here to inform residents that the SBA offers physical damage loans to homeowners, renters, businesses and non-profits and economic injury loans to businesses. September 12 is the deadline to apply for physical damage loans. Anyone with damage is encouraged to come into a center or apply online. FEMA will be opening a disaster recovery center in Johnson in McClelland Hall. There is a soft opening tomorrow and a hard opening on August 9. All centers will be open 7 days a week from 9:00 to 5:00. People are encouraged to come and talk to SBA representatives to see if they qualify. There are no fees for applying and there is no obligation to take a loan if it is awarded. Payments are deferred interest-free for 12 months. The loan limit for physical damage is \$200,000 for homeowners. Personal property loans for contents of homes have a limit of \$40,000 for renters or homeowners. Physical damage and economic injury loans for businesses have a limit of \$2 million. The loan application process is similar to applying for a bank loan. SBA will do a site visit to verify the loss. (*Howard Romero arrived at 7:14.*) The period to pay back the loan can be up to 30 years. SBA works in accord with FEMA. FEMA provides grants and SBA provides loans. They also offer mitigation coverage. If a homeowner or a business puts in place measures to keep a similar disaster from reoccurring they can get an additional 20% on top of the loan. The interest rate is 2.5% for home loans, 4% for business loans and 2.3% for non-profits.

Beth asked if the interest rate is the same regardless of income level. Jim said yes, but rates do fluctuate depending on whether you are able to get credit elsewhere.

Mark asked if landlords are included. Jim said yes; that is deemed a business. FEMA won't help landlords as a business but SBA can.

Jim said there is a center open now in Morrisville in addition to the one that will be opening in Johnson. (*Charles Flaum arrived at 7:17.*) VSBA works with Vermont Small Business Development Center and the USDA. If anyone has difficulty filling out an application there are organizations that can help.

Beth asked if credit score determines interest rate or if there is a possibility of being denied due to credit score. Jim said there could be a possibility but what is important is the ability to repay. Anyone who is not found eligible will get a letter spelling out why. It may be because a required piece of paperwork is missing. People who are notified they are not eligible are encouraged to come back to a recovery center or call or email the SBA number.

Howard said he is the flood zone administrator for Johnson. He is having a meeting for people affected by the flood at 7:00 on Wednesday at the elementary school gym. He asked if Jim could attend. Jim said either he can attend or he can get somebody else from SBA there.

Mark asked, did he hear that people who can qualify for a private sector loan cannot get one of these loans? Jim said no, they just pay a higher interest rate. The interest rate doubles in that case.

Beth asked if the application goes on your credit report. Jim said it is a normal hit like applying for a car loan.

Duncan said a lot of renters lost everything and many don't have renters' insurance. The things they need to replace could be as basic as clothes. Will the SBA loan renters money for clothes and non-durable goods? Jim said yes. That is what the \$40,000 limit is for. Cars are also included. Mark said some of his renters have already gotten FEMA reimbursement checks for places to stay and for their losses.

#### **9. *Floodplain Regulations***

Duncan said our existing floodplain ordinance was adopted in 1998 and is out of date. If he is reading the regulation right it says that if as a result of the inspections there is a determination that the property is more than 50% damaged then approval to rebuild in that location falls upon the zoning board of adjustment and the property has to be brought up to current flood proofing regulations. We don't have a board of adjustment. That is a problem. A board of adjustment would be appointed by this board. There is a Development Review Board specifically for form-based code. It might be possible to assign the task of acting as a board of adjustment to them but he thinks we ought to ask them if they want to do that. If not, we need to appoint a board of adjustment.

Shayne asked what would trigger a board of adjustment review. Duncan said new construction, substantial improvement or construction within the floodway or the special flood area which is mapped.

Mark said he thinks it would be good to get the floodplain and floodway maps out to the general public. Carl said they are on the town website. Howard said he just commissioned a map that shows the Lamoille and Gihon through the village with every house, its house number, the floodway and the 100-year and 500-year flood marks, based on the 1984 Federal Insurance Rate Maps. Duncan said that would be a great map to have available on the website. Beth said people can go to the website and go to the state GIS page to see a layer with the floodplain. Shayne said people have to be a little tech savvy to navigate there. He suggested drawing on Howard's map where the actual flood hit would be helpful.

Carl said for the meeting on Wednesday that might add to the confusion. A lot of buildings were flooded that are not in the mapped floodplain. The Wednesday meeting is about the substantial damage determination, which only applies to places that were within the floodplain and flooded. It looks like there will be a lot less work with inspections than we were expecting because many areas that flooded are not in the floodplain. Shayne asked if there is any thought of what to tell people who show up to the meeting and are not in the mapped floodplain. What is the next step

for them? Howard said for the town the next step is to do the determination for properties in the floodway. We will not do it for properties outside the floodway.

Beth asked if that changes eligibility for anyone to receive benefits. Duncan and Howard said they don't think so. Duncan said it changes eligibility for the national flood insurance program. Someone has to be within those zones for that.

Ron said he has heard that homes built before the date the map was published are excluded. Those people would not need permits to rebuild.

Duncan said he thinks maybe the board should put on its list of long-term plans the question of whether or not to do anything with the flood zone regulations, which are badly out of date. He has a copy of a model ordinance. He is nervous about an ordinance based on the river corridor concept because of the ramifications of having pretty much the entire village in the river corridor with resulting restrictions on individual properties. The model ordinance he has is not based on the river corridor concept. It is based on current or future FIRM maps.

Beth asked if the revised maps we are going to see at some point will include the deterioration of our river banks after events like this. Howard said it depends on when the overflight was done. We won't know until we get the maps. Ron said UVM has Johnson on a list to do a flyover of the damaged village area. FEMA emergency response is funding flights within 30 days. When the maps come out we will have 30 or 60 days to appeal and we can bring it up then if the flood has changed the water course from what is shown on the map.

Duncan said when we did the walkaround last week with LCPC and the engineers they are working with there was discussion about trying to use elevations of the flood height and putting that in the GIS system. He asked if Howard got the impression that they were going to create a map like that or if we would need to request it. Carl said he thinks we could request it.

Duncan said one of the requirements of our zoning regulation is to build the basement level at or above the base flood level for substantial improvements or new construction. The FEMA standard is base flood level plus one foot. Act 250 is base level plus two feet. The municipal building is at base level plus one foot.

Beth asked Duncan to share the draft ordinance he has.

#### ***10. Resignation of Floodplain Ordinance Administrative Officer***

Howard said he is going to resign as flood zone administrator. He will run the meeting that is planned for Wednesday and then his resignation will be effective as of Thursday morning. Before he made the decision to resign he asked DEC floodplain manager Rebecca Pfeiffer if that would leave her in the lurch. She said she has a team she is going to bring in to do the work the town needs. He will start boxing up all the paperwork he has and make it available for the next person and he will help to train the next person.

Duncan asked if we paid Howard anything. Howard said no. The town has to apply to FEMA to be reimbursed for whoever is hired to do this work. He wants \$30 per hour for what he has done. Ron said our request for public assistance from FEMA was submitted last week. That will cover what Howard is talking about. Rebecca has state funds too but there is no guarantee of

state or federal funds. If Rebecca has a team willing to come in at no cost to the town, that is probably the best answer. But we still will need a local board of adjustment. Duncan said according to state statute the board of adjustment needs to have 3-9 people. Ron said if the selectboard doesn't appoint one the selectboard might take on that job.

Howard said he believes the board needs to take some action in order to be able to be reimbursed by FEMA for his work. Ron said the request for public assistance starts it all. If we follow the rules administrators can be reimbursed for their time. All time needs to be logged. We are only eligible for reimbursement for that time for 180 days. Duncan asked if the board can leave the question of reimbursement paperwork in Carl's and Ron's hands. Ron and Carl said yes.

Ron suggested that in order to provide documentation to FEMA the board should make a motion to retroactively appoint Howard as floodplain administrator, since there is a lack of proof that he is floodplain administrator. **Eben moved and Shayne seconded to retroactively appoint Howard Romero as floodplain ordinance administrative officer as of July 1, 2023 with an ending date of August 9, 2023 at midnight.** Duncan said the minutes should reflect that Howard has in the past been appointed as flood zone administrator. **The motion was passed.**

**Eben moved to accept Howard Romero's resignation as floodplain ordinance administrative officer, Shayne seconded and the motion was passed.**

***11. Consider Approving Agreement for Library Use of Space in Masonic Temple***

Jeanne Engel said the Masonic Temple sent a letter that was included in the board packet offering to let the library use space there. Eben noted that there is no end date to the agreement. The letter asks that the town pay for insurance. That just means making sure our regular insurance pays for it, right? Carl said yes. Duncan asked if PACIF is okay with operation of a functional library in that building. Carl said he has to talk to them about that part to make sure liability coverage transfers over to that location. Beth said it will be an additional location because we still need coverage on the library building.

**Beth moved to authorize Carl to add the Masonic Temple for library use as an additional risk location so the library can be operated out of the Masonic Temple, with instructions to pay no more than \$5000 in additional insurance costs through the end of the year (or the annual term if it ends sooner), with occupancy of the building for library purposes contingent on obtaining insurance coverage. Shayne seconded and the motion was passed.**

**Eben authorized Carl to execute the use of space agreement with Waterman Lodge #83 dated July 1, 2023, Shayne seconded and the motion was passed.**

Duncan asked what the basis of our payments for electricity, heat, water and wastewater will be. Jeanne said she thinks the water and sewer bills for the building are currently just the minimum fee, so anything additional to that will most likely be due to library use. Both bills together add up to about \$80 per month but the lodge is not charging the library rent so she assumed the library would pay the total water, sewer and electric bill. Mark asked if there is internet at the building. Jeanne said there is not currently but she is working with Comcast to have it transferred for the time the library is in that space. There should not be a charge for that. Duncan said he is okay with the town paying electric, water and sewer bills. Regarding heat, he is sure

Waterman Lodge must keep some level of heat. Eben said he thought about the heat question but he assumes the library budget can handle it during the summer.

Duncan said he thinks we should thank Waterman Lodge for their offer.

**12. Report on Federally Required Substantial Damage Determination Process**

The board felt this was sufficiently covered under previous agenda items.

**13. Consider Waiving First Tax Installment Penalties and Interest for Flooded Properties**

Carl said he spoke to a VLCT attorney this afternoon. He had talked to other attorneys at VLCT, who all agreed with his first impression that the selectboard cannot on its own waive interest and penalties on taxes. Property owners need to go through the abatement process. But if the board wants to make it easier for people a town official could act as a case manager and apply for abatement on behalf of the homeowner, filling out the form and just having the homeowner sign off that they are requesting abatement.

Rosemary said no letters have gone out to affected property owners yet. Shayne said he would be supportive of sending letters to everyone affected letting them know they can request an abatement. Eben said bills can be abated in whole or in part. We could just abate penalties and interest.

Duncan said in addition to asking for abatement on interest and penalties some people may ask for an abatement due to their property being substantially damaged. We can abate taxes for substantially damaged property but we can't adjust the base value. An emergency provision allows the board to change the deadline for filing a grievance if a state of emergency exists. He would not recommend extending that deadline because he suspects 99% of the properties are going to be back to their original values within a year. Mark said he would argue that they will never go back to their original values. They will be worth less because they are in a flood zone now and banks will demand flood insurance. Duncan said in that case the owners can grieve the assessed value next year.

Beth said she thinks the consensus is that if someone wants to request an abatement they can submit a form. If they want to grieve they are past that deadline. Abatement is the only option.

Eben said he is not supportive of town employees filling out forms for people. Beth said we have seen confusion about filling forms out that causes delays. She thinks we should assist if we can. Duncan agreed that we should assist if we can. If we were just talking about abating interest and penalties, that probably could be fairly pro forma. But it is more complicated if someone says we should abate their taxes for half the year because they probably will have a lower value for half a year. Rosemary said there is a place on the form to check that their property was destroyed and they can bring those points up to the BCA at the hearing.

**Shayne moved to direct Rosemary to draft a letter and send it to all flood affected residents letting them know of their right to ask for an abatement of taxes, Mark seconded and the motion was passed.**

**14. Review FEMA Cost Recovery**

Ron Rodjenski handed out a summary of what he has been working on. He has been focusing on reimbursement and also considering the next time something like this happens. The town doesn't have a debris management plan, floodplain response guide book or floodplain board of

adjustment. Those are all things that would help. There are templates out there for those things. Work on preparing for the next event will not necessarily be reimbursed.

Beth suggested sending all those ideas to the board, ideally electronically.

Carl said the four stages of emergency management are response, recovery, planning and mitigation. We are still in the recovery stage. He suggested making note of planning things to address later and when we get to the end of the recovery stage we can bring those things up and deal with them then.

Eben said he likes getting suggestions about things to do for the future but he does not think drafting a plan is what we are contracting with Ron for. Ron said he may see that something is missing and he may be able to find a template from VLCT or VEM quickly and put in Johnson's name as a starting point. It might take less than an hour. Eben said he is fine with quick jobs like that.

Ron said documentation for the dumpsters is weak. He has to start matching up the 60 loads that went to Hyde Park with locations. Maybe other people can remember based on the date what location they came from. He thinks people with that information need to sit down with invoices and load slips to discuss it. Beth said Mike from Casella mentioned that if we needed additional documentation, including pictures, we could ask Casella. That would probably be a good request to make. Duncan said he thinks he, Nat Kinney and Jason might have been the most involved in calling for dumpster pickup. Beth said she thinks we should ask Nat and board members should also go through their phone history and take screenshots or get copies of some bills to document calls to potential contractors.

Ron said Howard asked him to attend the meeting on Wednesday but he is not sure what role he would play there. Carl said he and Ron can talk about that.

***15. Consider Reassigning Clean-Up, Repair and Cost Recovery of the Lower Storage Building to the Village***

Beth said the village has the lower storage building on their insurance. Because part of the FEMA application process is proving your insurance doesn't cover damages, it seems reasonable to ask the village to take on the FEMA application for that building. Carl said a FEMA rep said it would be less complicated if the village submitted the application. Erik Bailey said it would be fine for the village to do it.

**Duncan moved to rescind the earlier vote to have the town handle applying for FEMA reimbursement for the lower storage building and to authorize the Village of Johnson to handle it, Shayne seconded and the motion was passed.**

***16. Office Repairs***

Duncan said we need to decide how to get the office back to functioning in the short term and we need a longer term discussion about what to do with the office. There has been talk about moving it to the second floor or relocating it somewhere else. Maybe we should add that to long-term planning. Beth said there is demand. People keep going to the office. Rosemary said the seniors would like their space back.



Beth asked if we have heard from insurance. Carl said no. Duncan asked if insurance will typically pay what FEMA doesn't cover or if they will give us a settlement first. Ron said typically insurance decides what they will pay and then the town submits to FEMA for uncovered losses. Carl said he was told PACIF has a policy of spending up to \$5 million a year on flood loss expenses for all its members. So they only have \$5 million to pay out for the Johnson library, the fire station, the municipal building and damage to municipal property in other towns. What we don't get we will submit to FEMA. Duncan asked, we haven't even had a visit? Carl said not at the municipal building. They came to the library.

Mark asked if SERVPRO has sent a bill yet. Rosemary said not yet.

Beth asked if Carl could follow up with PACIF on when we will see adjusters for the rest of the buildings.

### **17. *Status of Sterling Market***

Duncan said he is hearing rumors that Sterling Market is going to rebuild at the existing location. Does anyone have information? Carl said last Thursday on the tour when he was in the Pomerleau building the contractor told him the grocery business had a meeting the week before and decided to hold off on making a decision about reopening. He believes they are meeting again tonight to make a decision on whether they want to continue business at that location. The contractor told him that Pomerleau is willing to prepare the building if they want to come back.

Duncan asked, should we try to do something more proactive with regard to thinking about a different location? If we don't have a grocery store in the village he thinks the village will die. That is an anchor business for the village. He thinks it is well worth us trying to reach out to Pomerleau and to ACCD to see if funding is available. He thinks we will regret it if we leave it up to Pomerleau and Associated Grocers to make decisions.

Shayne said he thinks we should consider the Jewett property as a potential location. It is out of the floodplain and we are already making moves to develop it. Beth said she has heard that a lot, but she has serious concerns about the idea. It is not developed at all and it would be a long time before it would be ready. She doesn't love that location but she is not necessarily opposed. She has heard the suggestion of putting it off River Road East. She has suggested the idea of raising the building up with parking below and the grocery store above. She agrees that the store is really central to our community.

Beth said at the meeting last week there were connected people who were really interested in making sure we have community in our small town. She thinks we probably could use them to help advocate and source money. Duncan said the Preservation Trust was very involved in the 2011 efforts to bring a grocery store to Johnson. They were very effective. Beth said she will reach out to the Preservation Trust. Duncan said he can try to get contact information for Associated Grocers. He thinks it is worth trying to communicate with the Agency of Commerce and Community Development to see if there are any opportunities for the town to apply for a grant to loan money to Pomerleau for redevelopment of the site.

Shayne said he would be supportive of helping to rebuild with parking on the bottom and the store above it but he is less supportive of directing resources toward rebuilding in the floodplain. Duncan said the only way he could see it working would be to move the building close to the

sidewalk and elevate it a couple of feet above the floodplain. It could have a second floor that could be retail office space or affordable housing. Then it could really become an anchor building in the village and create economic opportunity. But Ernie Pomerleau owns the property and he has to be interested.

It was agreed that the board should get involved in plans for Sterling Market.

**18. Consider Accepting Resignation from Library Trustees**

**Eben moved to accept Sabrina Rossi's resignation from the library board of trustees and to send her a letter of thanks. The motion was seconded and passed.**

**19. Consider Appointment to the Library Trustees**

**Eben moved to appoint Kelly Vandorn to the library board of trustees.** Duncan asked if that is the recommendation of the library trustees. Jeanne Engel said yes. **Duncan seconded and the motion was passed.** (Jeanne Engel left at 9:04.)

**20. Consider Approving Joint Purchase with Hyde Park of Wide Format Printer/Copier/Scanner**

Price quotes for 2 machines from the same vendor (Usherwood) were included in the packet.

Beth asked if there is a reason we don't want to lease. Carl said he believes the thinking is that it will be less expensive in the long run to purchase it outright. Eben said a lease might include paper, toner, maintenance, etc. Ron said usually there are two different contracts – a lease and a maintenance agreement. By paying for the purchase now we can save \$1000 in interest. Maintenance is an extra package with an extra per-month cost.

Carl said Justin got an additional cost proposal from another vendor today. Their price for the machine is higher than Usherwood's, but their maintenance fee after the one-year warranty may be less. Justin was expecting one more cost proposal. Duncan asked Rosemary if the preferred machine will do what is needed. Rosemary said it will. Beth asked if the maintenance packages are comparable. Carl said he doesn't know.

**Duncan moved to empower Carl and a representative from Hyde Park to sign an agreement to purchase a TA-20 printer/copier/scanner from the vendor determined to offer the lowest cost over the lifecycle of the machine, Mark seconded and the motion was passed.**

**21. Consider Concept of Adding Town of St. George to Interlocal Agreement for Assessing**

Duncan and Rosemary said the thought was to charge \$25/week to St. George for the administrative time to bill an extra town. The board agreed in concept with the idea. A final copy of the agreement will be brought back to the board for signatures.

**22. Consider Approving Outdoor Cultivation Tier 2 Cannabis License**

Carl said we received notice from the state that the Vermont Cannabis Control Board has approved an Outdoor Cultivation Tier 2 license for New England Cannabis Partners d/b/a MothaPlant Alternatives. This is a new license. Their security meets all Vermont Cannabis Control Board requirements.

Mark asked how long the license lasts for. Carl said he believes one year. Mark said August seems like an odd time to get an outdoor grow license. Dylan Pipe said the license was approved by the state earlier in the year and the plants are already growing.

**Shayne moved and Mark seconded to approve VCCB application S-000003997, New England Cannabis Partners Outdoor Cultivation Tier 2 license.**

Duncan said he is not entirely clear what our role as a board is on these. What can we do? Beth said from reading statute her understanding is that we don't have any control over anything. We are just a cog in the process. If we had zoning we could regulate aspects of cannabis businesses. We could also impose fees and taxes but no rule can be specific to cannabis.

Dylan Pipe said the state board already gave him approval and didn't even let him know he had to get town approval. He didn't know about that until he got a notice from the town.

**The motion was passed.** (Dylan Pipe left at 9:22.)

**23. Consider Approving Engineering Services Agreement for Industrial Park/VEC Stormwater Project**

Proposals from Mumley and Dubois & King were received and included in the board packet.

**Duncan moved to approve the Mumley proposal for engineering services for the industrial park/VEC stormwater project and to authorize Beth or Carl to sign it, Eben seconded and the motion was passed.**

**24. Scribner Covered Bridge Improvements and Protections**

Carl said it was suggested that the selectboard appoint a steering committee or authorized representatives to help with minor decisions on the Scribner Bridge scoping study in between selectboard meetings. **Duncan moved to appoint Mark Woodward and the town administrator as authorized representatives to make minor decisions on the Scribner Bridge scoping study between board meetings, Shayne seconded and the motion was passed.**

**25. Consider Approving Agreement for FY24 Municipal Roads General Permit Grant-in-Aid**

Carl said the grant-in-aid would be for any work the highway department may do on hydrologically connected segments of road where they have other work planned or any stormwater mitigation. **Eben moved to approve grant agreement #GA0577 for the FY24 grant-in-aid from VTrans and authorize the town administrator to sign it, Shayne seconded and the motion was passed.**

**26. NBRC and EDA Applications**

Beth said she got a call from the state Northern Borders administrator asking if we were prepared to move forward if we got a Northern Borders grant because we scored very highly but they were worried that the flood event might inhibit our ability to proceed. Beth told them that parcel was unaffected and we were prepared to continue moving forward. They are still looking to award grants in October. We would have to commit to spending the money within a calendar year from the time of the award.

Beth said we did not yet submit the EDA grant application. We submitted a letter of intent. The application deadline was pushed out, we believe until the end of this month. LCPC is helping with that. Carl said they are changing the category of the application. The new category would provide 80% of total project costs instead of 50%. Beth said Tori Hellwig of VLCT is still working out how to overlay the EDA grant with the Northern Borders grant.

## **27. Other Business**

Mark asked if anyone has heard about the rail trail. Shayne said he has heard there will be an announcement soon about areas that could be reopened. He doesn't think they have done a full assessment yet. Ron said we heard that the initial assessment was that it would take two to three years to get the trail back to where it was before the flood. Beth said we heard early on that the Dog's Head area was going to be one of the top two or three most difficult places to reestablish. Duncan said there is an easy detour in the area but in the past VTrans has been very reluctant to detour onto town highways.

## **28. Addressing Space Needs**

Beth said we are lucky the college is allowing us to use space but she doesn't believe we are using it for free. We have been quoted pricing. The village is still meeting upstairs at the municipal building. The Planning Commission will be using Jenna's Promise. The library will be using the Masonic Temple. We have to think about how to provide space for committees and the community. Carl asked how much seating is needed for meeting space. Beth said for this meeting there were just enough seats and we see more people than this at some selectboard meetings. We need to figure out a longer term plan. Employees won't be back in the downstairs office quickly. The municipal building is still closed to the public. She is not comfortable having public meetings at the municipal building.

Ron said FEMA's advice is to carry on with any work we plan to do without waiting for insurance, with the caveat that we keep documentation and take photos. We just don't know how much will be covered by insurance. We could start to do work now.

Beth said she is thinking about what to use as a temporary meeting space for now. Mark suggested the elementary school. Shayne suggested renting space in McClelland Hall. Maybe that could be a space for seniors. Eben asked how large the old town hall building is. Mark said that is more of an auditorium.

Ron asked what it would take to renovate the first floor of the municipal building to use for meeting space. Duncan said we would have to put out an RFP. Ron suggested doing that right away and just doing minimal work to provide meeting space.

Beth asked what Rosemary thinks. Rosemary said she thinks doing basic renovations now is reasonable. If employees are going to stay upstairs we need more organization. She knows the seniors want to get into the building soon. We could make the downstairs suitable for them by replacing walls and flooring.

Eben said the discussion about whether to move the offices upstairs is a longer-term discussion. In the short-term he sees issuing an RFP to replace insulation and sheetrock and put in carpet or floor tile. We could leave the layout as it is and let employees move back into the offices and then start the conversation about what to do long-term. Beth said she doesn't know that we have to move people back into their offices. Eben said he thinks the decision about whether to move the offices upstairs is probably solely Rosemary's, but the selectboard and the trustees should talk about it. Employees would not be able to work there while the space was being prepared for permanent offices. They would have to move downstairs at that time anyway. He suggests doing repairs downstairs and resuming business as usual. In the short term he is fine with paying rent to the college for meeting space. Maybe we need to find a room with more seats.

Eben asked if the town and village should each pay 50% of the costs before reimbursement and both get reimbursement or if the town should pay for everything and then once reimbursement is received split any remaining cost with the village. Rosemary said the town has paid expenses so far since the town will get insurance reimbursement. Beth said she doesn't think it matters which of the options Eben brought up we choose because the costs should all be reimbursed. She suggested maybe the village could get a report on building costs.

Duncan said if there is a flood resilient material that could be used instead of sheetrock for the lower 2 ft of the wall he would rather see that. Eben said there is moisture resistant sheetrock but if water gets behind it it doesn't matter. Duncan asked if spray foam insulation would be better. Eben said he would recommend a different type of insulation. Eben said a SERVPRO employee told him carpet is a bad idea so he doesn't know if he would support putting in carpet. Beth said she thinks we should put in vinyl flooring. Duncan said throw rugs or carpet sections could be put on top of it.

Beth said we should put out an RFP for repairs to the downstairs. Carl said he is working with the library on an RFP for the work they need done.

Rosemary asked, what about office furniture? Beth asked if Rosemary needs someone to help with organization upstairs. Rosemary said she would like filing cabinets. Some of the filing cabinets from downstairs are probably okay and some were thrown away.

Mark asked for clarity on what the RFP is for. Eben said he thinks for moisture resistant sheetrock, painting, electrical work and putting in tile or carpet squares. Beth and Rosemary agreed vinyl flooring would be a good idea.

Carl suggested that if we want to use the downstairs for meeting room space perhaps sheetrock does not need to be put up first. Perhaps everything could be moved toward the walls with access to the doors kept open and we could see how much space is left for meeting area. For meetings all we really need are tables and chairs and internet access. Duncan said in a couple of months it will start to get cold without insulation and sheetrock. Carl said to get started that is not needed. Seniors might have a different need for flooring. Eben said he doesn't see the point in moving everything around if we could get the project going soon. Carl questioned how soon we can get the work done.

**Beth moved to direct Carl and Ron to work together to send out an RFP for basic first floor repairs such as insulation and wall covering for torn out areas, making sure the electrical system is functional and putting in floor covering, Mark seconded and the motion was passed with Eben opposed.** (*Charles Flaum left at 9:53.*)

Duncan said he assumes the RFP would have to be approved by both boards. Others agreed. (*Ron and Melanie Rodjenski left at 9:54.*)

Rosemary said the dial handle on the vault has some issues. Beth said we need to make sure the insurance adjuster knows about that.

Shayne asked if we think the RFP solves the problem or if there is a need for temporary relocation. Carl said he thinks we are still months away from getting the work done on the first floor. There are things that could be done without great expense to improve the space upstairs. We could put in dividers and maybe shelves. There may be enough room for some boards and commissions to meet there.

Rosemary said we are going to have another person in the office space and there is the question of where that person will go. She thinks bringing in someone who can help with organization would be a good idea. The board agreed that she can hire someone for that. Beth said she can help her find someone.

**29. Executive Session for Update on Job Candidates**

**Eben moved to go into executive session for employee evaluation as allowed by 1 V.S.A. § 313(a)(3), inviting Carl and Rosemary to remain, Duncan seconded and the motion was passed at 10:01.** The board came out of executive session at 10:12. No action was taken.

**Eben motioned that to enter executive session under 1 V.S.A. § 313 (a)(3) for the appointment or employment or evaluation of a public officer or employee, Duncan seconded, the motion was passed and the board entered executive session at 10:13.** The board came out of executive session at 10:27. No action was taken.

**30. Adjourn**

The meeting was adjourned at 10:27.

*Minutes submitted by Donna Griffiths*