

JOHNSON SELECTBOARD MEETING MINUTES
VERMONT STATE UNIVERSITY – JOHNSON
THE ELLSWORTH ROOM, WILLEY LIBRARY
MONDAY, SEPTEMBER 25, 2023

Present: Selectboard members: Beth Foy, Eben Patch, Shayne Spence, Mark Woodward
Others: Tom Galinat, Jason Whitehill, Ron Rodjenski, Vanessa Tourangeau, Johna Keefe, Kyle Nuse, Doug Molde, Peter Danforth (Lamoille County Conservation District), Casey Romero, Brian Raulinaitis, Kelly Vandorn, Scott Meyer, Jeanne Engel, Mary Jean Smith, Dean West, Tom Carney, Donnie Garrett
Absent: Duncan Hastings

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Beth called the meeting to order at 6:31.

2. Additions or Adjustments to the Agenda

No changes to the agenda were needed.

3. Consider Approving Minutes of September 11 and 13

Shayne moved to approve the minutes of September 11 and 13, 2023, Mark seconded and the motion was passed.

4. Selectboard Issues/Concerns

Shayne said he thought it would be wise to air what we know about the sunflower situation that people have been discussing on social media. He read the contents of a voicemail left for Kyle Nuse by a Lamoille County Sheriff's Department detective and forwarded to him. The detective spoke to the man who cut down the flowers, who is a caretaker for his aunt and uncle. His intent in cutting them did not seem malicious. He thought he left plenty. He seemed to have an issue with them being tall and numerous. He spoke with Ken Tourangeau, who said it was fine to cut them down and that he had spoken with someone on the town crew to verify it was okay. The person who cut them was told not to do it again and to speak directly to someone at the town office if he has a problem with flowers on the street. He asked if he could still mow that area and the detective told him no, that he should not do anything more with that area. Shayne said as far as he is aware no town official or member of the town crew was consulted about cutting the sunflowers. He confirmed that with Jason.

Mark said a man who works on tower clocks in New England is coming to Vermont in early October and offered to look at our clock for free. Mark is hoping to get advice and information from him if the selectboard is okay with him coming. He services clocks once a year for \$500 but this is not obligating us to hire him. Mark would be with him when he looked at the clock. The board agreed that would be okay.

Vanessa Tourangeau said she used to be related to Ken Tourangeau. She was married to someone in his family. She believes Ken had malicious intent. She would like the board to address the issue of Ken acting out of his jurisdiction. Beth said she has talked to Ken about the situation. There is nothing the selectboard can do about it and no evidence of ill intent.

Vanessa said she feels like the beautification committee is constantly targeted by Ken and a couple of other trustees. It is frustrating to see this happen.

Beth said she doesn't think the property owner had any ill intent and she doesn't see evidence of anything else. The town did not take the step of notifying the property owner in advance and she thinks that is something we need to learn from.

Johna Keefe asked if in the future the beautification committee will have to get approval from the trustees and the selectboard for their projects. Beth said she thinks historically when a project involves the village Kyle has gone to the trustees on behalf of the beautification committee. In this case, property owners maintain that strip and she thinks we should be proactive in communicating with them. Eben said he had previously voiced that it would be nice to check with the property owners who have been maintaining the town-owned strips. He doesn't know if that took place but if it had, maybe the property owner would have already known. The person adjacent to the strip wanted to do some maintenance and asked a question. There was no ill intent to the maintenance.

Kyle said she wants to know why the selectboard is seemingly totally fine with Ken giving the go-ahead to the property owner and saying he got it verified by the town crew when that was not true, why blame is coming onto the beautification committee when the selectboard did not say they needed to ask the landowner, and why Beth did not reply to her when she pointed out that the minutes did not show the selectboard said that. It looks like someone who abused their power is being shielded and protected. How do we know it won't happen again going forward? The committee's hope is to go all the way to Main Street with sunflowers.

Beth said the selectboard can't fix the wrong that happened.

Doug Molde said he wishes Ken was here to say what happened. He doesn't know what Ken actually said about who he talked to. He doesn't think the selectboard can let this go. We don't know what the explanation was. Beth agreed that we don't have all sides here to hear the explanation.

Mark suggested maybe we should see if LCSD did an incident report, which would be a public record and could be shared.

Shayne said he thinks it is important for all our committees to know their work is valued and won't be negatively affected. Beth agreed. She does support committees. She also believes that what's done is done. If she thought we could resolve this in a civil way she would invite all parties for mediation but she doesn't believe that is what would happen. She thinks we should learn a lesson. In the future we should be proactive and contact landowners. And we need to fully understand who is responsible for those strips. She has heard that the village is responsible for maintaining them, that the town is responsible and that we hire for mowing them. She is pretty confident that the contract she saw with Robert and Sons did not include those strips. There is a lot of ambiguity.

5. ***Planned Purchases for Consideration***

Eben moved to authorize spending \$2350 for a set of 6 snow tires for the salt truck, Shayne seconded and the motion was passed.

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

Rosemary said she thinks the Board of Abatement needs to hold an organizational meeting before having actual hearings. She would like the board to approve the ten cents on the grand list expenditure.

Eben asked how quickly any abatements will take effect. If we abate the property value that will lower the ten cents on the grand list. Tom said we have to assume the ten cents on the grand list is as of April 1. He noted that there are a range of options for abatement. The abatement may just be for a part of the year when a property is uninhabitable.

Eben asked if the village has provided their offer on River Road East in writing yet. Rosemary said she has not seen it.

It was agreed to wait until the next meeting to approve the ten cents on the grand list payment.

It was agreed to schedule an organizational meeting for the Board of Abatement at 5:30 on October 16.

Rosemary said she thinks the financial reports can be discussed next week.

Mark said he didn't see the money in the high yield savings account at Community National in the cash accounts. Rosemary said that is not shown in the budget status report the board got for this meeting.

Rosemary said she thinks we ended the year in good shape. We had estimated we would be \$177K in the red and she thinks we are in the black by 30-some thousand dollars.

7. *Public Works Supervisor/Highway Foreman Report*

Jason said the Plot Road project is finished. The crew built a new skid tank for the chloride truck. They are still hauling winter sand. They have almost completed the grant project on Ben Ober Road. He has contacted a couple of vendors about brush hogging for the Jewett property but hasn't gotten quotes back yet.

Jason spoke with a vendor today about processing material at the town gravel pit. He got rough numbers and hard numbers will come in a few days. The price to screen the product is about the same as the price to buy the product. One option discussed was having gravel hauled from our pit to Nadeau's with the town getting one load back for every two loads hauled. They would do all the screening and crushing. He thinks that would be better than having them come in with all their equipment because the site has limited space. They felt it would cost more to do it on site with the limited space.

8. *Joe's Brook Culvert Letter of Intent*

Peter Danforth of the Lamoille County Conservation District said a steering committee has been trying to identify Lamoille County culverts that could be made stronger and allow brook trout passage. Joe's Brook seemed to provide good habitat for trout but the existing culvert under Foote Brook Road is undersized and perched on one side. It could be a flood hazard. For a number of reasons it seemed like a good culvert to replace with a larger culvert with a natural bottom. In 2019 a culvert design was created by East Engineering. The selectboard and the town administrator signed off on it but since then selectboard membership and the town administrator have changed. The project doesn't require funding from the town. Any time spent on the project by town personnel is considered a match for the grant. He wants to solidify that the town still agrees the project is a good thing to do and he is asking for a letter of support from the town.

Beth asked what will be needed from the public works crew. Peter said when the road needs to be closed and traffic rerouted for about a week they will work closely with the town. They are hoping

to do the work in 2024 but their grant will last until 2025. Suggested language for the letter of support was included in the meeting packet.

Jason asked what the life expectancy of the new steel structure is. Peter said he is probably not the best person to answer that, but he would say it is probably much longer than what is currently in place. Jason said a landowner has approached him about the project, concerned that the nearby swimming hole would disappear after the project. The only thing he would be concerned about would be the future cost. The town should consider the cost of replacement of the new structure, which will be more expensive. Peter said there would be an operation and maintenance agreement with the town but it is a very solid structure. It probably wouldn't need any maintenance for at least 20 years. It would be better for flooding. It would allow water to flow through without damaging the road. Jason said it is just good to keep in mind that it will be a more expensive structure to replace.

Mark moved to approve sending the letter of support for Lamoille County Conservation District's proposed Joe's Brook culvert replacement as presented in the board packet and the motion was seconded and passed.

9. *FEMA & State Buyout Program*

Beth said this item will be moved to the next meeting.

10. *Library Bid Review and Award*

Tom said we received 2 electrical bids and one for construction. They were passed on to the library trustees to review and make recommendations. Ron Rodjenski explained that there are 3 paths we can take with FEMA assistance requests for facilities. One is to build back to pre-flood conditions, one is to build back with some resiliency features added and one is full mitigation (raising the library by 10 feet, for example.) The library trustees and the town have to decide which approach to take. The rules are a bit different for each one. The quickest process is building back the way it was. The RFP seemed to be describing that approach but the construction quote that came back seemed to include language indicating resiliency would be added. If we want to add resiliency there is an extra FEMA review required and we need to know the baseline damage cost figure.

Brian Raulinaitis said he was the bidder. His quote only includes two minor changes that could be considered upgrades – changing to spray foam insulation rather than blown in and adding the ability for the bottoms of the bookcases to be removed for the next flood event. The costs for those items are minimal.

It was agreed that Brian should change the wording on his bid and resubmit it.

Mark moved to accept Brian Raulinaitis' bid for library construction, contingent on minor adjustments to the bid to make it clear that the work is restoration rather than adding resilience, Shayne seconded and the motion was passed with Eben recusing himself.

The library trustees recommend accepting the \$17,125 bid from Gould Electric for electrical work. The estimated start date is the end of December or first part of January. Beth asked if the other bidder could start earlier. Library trustees said yes, but that bidder did not break down the costs. They felt the bid was not legitimate because the bidder did not look at everything that needed to be done.

Eben moved and Shayne seconded to approve an expense of \$17,125 to Gould Electric Corp for electrical work at the library, contingent on approval from the FEMA 406 program, authorizing the town administrator to sign the bid and send it back upon approval of FEMA reimbursement.

Mark said it seems to him the electric work should be done before insulation is added, which would make the library cold in December. Jeanne Engel said there is insulation from 4 ft. up.

The motion was passed.

Beth encouraged the library trustees to see if it is possible for the contractor to get here sooner.

11. Proposal for Holcomb House

Mary Jean Smith said the assistant fire marshal thought it would be fine to use the upstairs of the Holcomb House for storage. There are a few things he would like to see enhanced or fixed, like smoke and CO detectors. All the exit signs downstairs need to be replaced. Dean West said their batteries are dead so they won't work if the power fails and it is cheaper to buy new fixtures than new batteries. Mary Jean said the Historical Society only wants to use the front three rooms and possibly the kitchen for storage for now.

Mark asked, they didn't have any qualms about the steepness of the stairs? Mary Jean said no. Dean said there were qualms about the stairwell. The existing rail is loose and there should be one on the other side. There is work to be done on the stairs if the upstairs is opened to the public.

The Historical Society presented estimates for work to be done to floors, light fixtures and switches, sheetrock, plaster and painting.

Mary Jean said the plan for now is just to use the upstairs for storage but the Historical Society needs the space. Dean said he doesn't think it will be long until some of the upstairs space is needed for display space. Eben asked if there is any idea what it might cost to open it to the public. Duncan had suggested there could potentially be a one-bedroom apartment up there. Mary Jean said it would take a lot to make that place into a rentable apartment again. Eben said it would not be cheap to make the upstairs ADA-compliant. There would have to be an elevator, which would cost around \$150-175K. Mary Jean said they really do need the display space. She thinks in the long run it would be cheaper for the town to have the Historical Society there than to put in an apartment. Mark said he thinks she is right. He thinks using the space for storage is fine. Using it for display would be a lot more expensive. He is convinced it would be cheaper to add a wing than to open the second floor to the public. What is the garage part being used for? It would be cheaper to convert that to display space. Dean said they have already put money into fixing that area up to make a work space. But they have artifacts stored there.

Eben asked if all the proposed improvements are really needed if the upstairs is just going to be used for storage for the next 5 or 6 years. Mary Jean said by 5 or 6 years from now the estimates will have gone up. Eben agreed. But if we do the work now, some of what we have paid for will most likely be ruined by then and we will have to pay for it again.

Beth said she has heard the flooring is not great or safe in some respects. Is that true? Dean said there is a section of floor that needs some structural work but that is in a room they are not proposing to use.

The board agreed that the electrical work and work on handrails and sheetrock is needed for safety.

The Historical Society Board of Trustees voted to contribute \$5K to the renovation. Eben asked if that is coming from Johnson Historical Society, Inc. or from the town budget. Dean said it will come from the Historical Society. Eben asked, it won't come out of the town general budget? Historical Society members said no.

Eben asked, the issues with water infiltration and rot are all dealt with, right? Dean said they were presented to the town as owner of the building as issues that needed to be addressed and to his knowledge they have not been addressed. Beth said she believes when this was last discussed the Historical Society had not been able to get contractors to respond, is that right? Tom Carney said that is right.

Tom Galinat said there are some spots where it looks like problems will get worse if they are not addressed. One is the porch roof in front where there appears to be ice damming. One is the side exit off the main display room where water is getting under the siding into the building. The front steps to the left probably should be closed off to public use and that door locked permanently. That landing is not sound. Those were the major points he saw that needed to be addressed. A Historical Society member mentioned another problem with the bracing that goes into the wall at 45 degrees, allowing water infiltration.

Shayne moved to approve the work proposed by the Historical Society at the Holcomb House, with the exception of the floors and painting, at an estimated cost of \$5,523.57, Mark seconded and the motion was passed.

Beth moved to approve Holcomb House floor repair by Emery Floors for \$2,503.50, Shayne seconded and the motion was passed with Eben recusing himself.

Eben asked if painting really needs to be done if the area will be used for storage. Historical Society members said the walls are disgusting and smell. The painting will just be in the rooms they plan to use.

Shayne moved and Mark seconded to approve spending up to \$3000 for interior painting by Lynda Hill at the Holcomb House.

Eben said he is in favor of this if it is a smell/safety-related item, but it seems like this work solely benefits the Johnson Historical Society and he would like to have longer term conversations in the future.

The motion was passed.

There was discussion about smoke and CO detectors. Jason said he installed some new ones recently. Beth said we should confirm where the new ones are and where others are still needed. Tom Galinat agreed to do that.

12. Municipal Building RFP Process

Eben said he just saw the draft RFP for the first time this afternoon. He suggested that anyone with questions email them to Tom and the board can talk about this on Monday. Beth agreed that

anyone with suggestions for changes should send them to her and Tom and they will make changes and send the RFP back out to everyone.

13. Skate Park RFP Review and Approve

Tom said the skate park is in a floodplain. If we wanted to lower the floodplain to create storage during a flood event, the skate park project probably would not interfere with that. One possible issue with lowering the floodplain in that area is that it would isolate people on Wescom Drive.

Beth said she has gotten pretty consistent and regular feedback about bringing materials like concrete or fill into the floodplain. There is concern about that. The skate park did significantly flood. Casey said concern about bringing material into the skate park is emotional and not supported by facts. She can send out information about the math. Solid recreational structures like the half pipe are seen by LCPC and others as helpful in a flood because they buffer the flow of the water and help mitigate flood damage. We saw how the black fence stopped debris from going into home areas. The skate park committee had some good discussion at its last meeting with some residents of Wescom Road.

Beth asked if Scott Meyer has been part of the conversation about the skate park. Scott said there has been no conversation with him. Beth said she thinks it would be good to loop in Scott, who is the new floodplain administrator. Casey said they can do that.

Casey said Susan Baird, the District 5 Environmental Commission coordinator, looked at the drawings for what is proposed at the skate park and said an Act 250 permit amendment is not needed.

The skate park committee is asking for approval to send the RFP out again. They didn't get responses the first time around and then Carl Rogers suggested some changes and then the flood came.

Eben said he thinks long term it would be good to have conversations with Scott and LCPC but he is okay with posting the RFP. He noted that it says the committee would like to schedule the work for September-October 2023. That will probably need to be changed. Casey said they can change that.

Eben moved and Mark seconded to approve publishing the RFP for the skate park half pipe project.

Eben said it would also be good to have a conversation with the public works crew about timing. Casey said if possible the committee would like to do the project this fall. She has shown the draft RFP to two people and at least one is interested in bidding.

Jason asked what is required from the public works department. Casey said probably the dirt the town gave the skate park got washed away. The previous commitment the town made was to contribute dirt for the berm and to do hydroseeding. That is all that is needed.

Beth said she is okay with putting out the RFP but before a contract is awarded she wants to make sure there is buy-in from the floodplain administrator. Mark said there should also be buy-in from public works. Eben asked if the Conservation Commission got a letter about the project. Casey said she filled out their questionnaire.

Casey asked if the FEMA inspection is going to be on Thursday. Ron said it is tentatively scheduled for 11:00 am on Thursday. Tom said it is best to let FEMA do their inspection before doing debris removal at the site. Casey said reopening of the park is waiting on debris removal. Can debris removal happen after this inspection? Tom said yes, it can happen after that.

Scott said he wants to see the skate park in order to discuss what is planned. Casey said she can arrange to meet him there.

Eben and Mark agreed to amend the motion to make it contingent on sign-off from the public works supervisor and the floodplain administrator. The motion was passed.

14. Updated Industrial Park Plans for EDA Grant Application

Tom said he and Duncan will be attending a site visit with EDA on Wednesday. This grant would make our match drop from 50% to 20%. Beth said she signed the application documents and Tori Hellwig submitted them.

15. Grants in Aid Extension

The state has issued grants in aid extensions due to the flood. The current deadline to complete work is September 30 and the deadline is being extended by a year. Jason said he expects to have the work done Wednesday. **Shayne moved to authorize Tom to sign the extension for the grant in aid for the Ben Ober Road project, Mark seconded and the motion was passed.**

16. Appointment to Lamoille County Planning Commission Transportation Advisory Committee

Eben suggested this might be a good fit for the community and economic development coordinator. Beth said Duncan thought Tom would be a good fit. **Shayne moved to appoint Tom Galinat to the Lamoille County Planning Commission Transportation Advisory Committee for a term of 2 years, Mark seconded and the motion was passed.**

17. Appointment of Green Mountain Scenic Byway Representative

Beth said she feels this would be more suitable for the economic development person, who is starting next week. She asked Tom to work on a press release about the new hire.

18. Green Mountain Scenic Byways

Tom said the board should review the locations listed for Johnson that will be advertised to tourists and make any changes desired. It was agreed that people should send any ideas for changes to Tom. Beth said the new economic development person should handle taking the changes to the GMSB committee.

19. Abandoned Mobile Home

The town's interest in an abandoned mobile home has been entered into the record. In the event it sells, the town will be reimbursed for delinquent taxes. The grand list has the trailer valued at \$9100.

20. Joint Water Project for Legion Field

Tom said there is a meter at Legion Field that is used for the ice rink. Special procedures have to be followed to keep it from freezing. There is a suggestion to remove it altogether and have a frost-free hydrant with a lock so no special procedures are needed. He believes the usage for the ice rink is unmetered due to the special procedures. It is also used for Tuesday Night Live, at a cost of about \$72/year. The village is asking for a flat \$100/year from the town. They are proposing a joint project where the town does the digging and pays for the pipe and connectors, the village provides the labor for the installation and connection and the town backfills. He hasn't talked about this with Jason yet.

Jason suggested putting the hydrant where it most benefits the pizza oven and rink. Brian Raulinaitis said he thinks moving it from where the meter currently is might get into wastewater issues and slow the project down. He doesn't want to slow it down. The location right by the fire hydrant would be great. Jason said he has to Dig Safe it anyway. If Brian wants it closer there shouldn't be any issues. Mark said the pizza oven doesn't need water.

Scott said there is an issue with providing a water supply for vendors at Tuesday Night Live. Gray water is an issue. Brian and Scott agreed this is being done for the ice rink. Brian said he needs help from other volunteers and if there is a frost-free hydrant with a lock different volunteers could access it. Beth said she thinks we should just ask that it not be a key lock so we don't have to track keys down.

The board agreed to the project as proposed.

Mark suggested wrapping it with heat tape. Beth asked Tom to ask the village to do that.

Brian said Legion Field is 9 inches out of level in some places. At some point it would be great to level the field with fill. It would save a lot of water and volunteer time and make the liner last longer. Jason said some people were concerned about adding fill because it was a ballfield. Beth said no one uses it for ball anymore.

21. *Interlocal Agreement for Assessor – Update from Discussions with Other Towns*

Beth said there was a discussion about the agreement on Wednesday. Justin has been talking to Berkshire. Berkshire was interested in contracting with him. If they joined in on the interlocal agreement that would be enough hours to make him eligible for benefits. Bringing in another town complicates things in many ways. We should rethink the assessor agreement and the interlocal agreement for the next fiscal year to ensure that Johnson is not being put at a disadvantage with regard to liability. The towns agreed that we are not quite ready to add Berkshire to the interlocal agreement. But Justin could pursue a separate agreement with them and if they are interested in joining with us for the next fiscal year we should consider what that means.

Ron said initially having LCPC be the employer seemed logical when we were talking about having 5 towns involved, but then it turned out to be only 2. If we had 4 towns the size of Hyde Park and Johnson that would work financially and a single person could handle the work, but with multiple smaller towns with fewer hours it becomes less feasible. We need some kind of formula to determine what is feasible. Duncan and Ron will meet with Justin on Thursday to discuss that.

Shayne asked if there is an upper limit to the number of towns we might add. Beth said it was always the intention to have more than 2 towns. The initial proposal was to have LCPC as the employer. They were going to charge an additional 20%. Eben said if we are going to add more towns he feels using LCPC would be smart. Beth said we need to make sure they are still interested.

Eben asked if Justin has expressed interest in getting his appraiser's license. Ron said no; he is at Level 1. Hyde Park doesn't necessarily want him to go to Level 3 and 4, which would allow him to do a townwide reappraisal. They are planning on doing a statistical reappraisal until they can find an appraisal firm.

Eben said previously Johnson tried a rolling reappraisal. He loves that model. He thinks it would be considerably cheaper to go to a 6-year rolling reappraisal and do 17% of the town each year. He thinks it would be cheaper to employ someone full time to do that and hire them out half-time to another town. Tom agreed that if we employed someone who could do that it would save money. Ron said we might be able to have an internal employee do the 17% each year with a reappraisal firm hired to do the final work after the 6th year.

22. ARPA Transfer Update

Tom said he and Rosemary met with VLCT to discuss the ARPA money. It will be transferred from the ARPA fund into the general fund and it will serve 2 purposes. It can provide bridge funding to cover FEMA projects until we get reimbursement and at the end of the year the surplus can go into reserve funds. LCPC suggested language for a town meeting article regarding rolling excess funds into reserve funds. By moving this money into the general fund we satisfy ARPA requirements. The money is considered designated and expended and Tom will file the paperwork on it. If any projects we planned to spend ARPA funds on fell through between 2024 and 2026 the town would be on hook to pay back the funds, so it is in our best interest to transfer the money into the general fund and then pay for the projects from there.

23. Vermont Council on Rural Development

The Vermont Council on Rural Development has returned the check we sent and given Johnson an honorary membership for 2023 due to the impacts of the flood. Beth asked Tom to send them a thank you card.

24. Form Based Code Fee for Variance and Appeals

The form based code suggests a fee of \$250 for a variance or an appeal but the board has not yet voted to specify what the fee is. **Shayne moved to set the fee for a variance or appeal for form based code at \$250, Mark seconded and the motion was passed.**

25. Other Business

Jason said the public works crew has completed the grading we do for Waterville. We bill them for it. It took 19.5 hours.

Tom noted that a report from Ron was included in the packet and also emailed to the board.

26. Adjourn

The meeting was adjourned at 9:06.