

JOHNSON SELECTBOARD MEETING MINUTES  
VERMONT STATE UNIVERSITY – JOHNSON  
THE ELLSWORTH ROOM, WILLEY LIBRARY  
MONDAY, OCTOBER 16, 2023

**Present:** Selectboard members: Beth Foy, Duncan Hastings, Eben Patch, Mark Woodward  
Others present in person: Tom Galinat, Rosemary Audibert, Jason Whitehill, Scott Meyer, Jeanne Engel, Kelly Vandorn, Brian Raulinaitis, Bobbi Rooney, Rob Rodriguez, Casey Romero, Howard Romero, Seth Jensen, one other person

Others present via Zoom: Stephanie Smith (VT Hazard Mitigation Office), Tasha Wallis, Victoria Hellwig, Randall Szott, Carri Ferrari

**Absent:** Shayne Spence

**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**

An action item was added to authorize the chair to issue a revised offer of employment letter to Justin Mason.

Duncan said he would like to see an “Old Business” or “Unfinished Business” section on the town administrator’s report to help keep track of items the board still needs to deal with. Beth suggested an appendix titled “Ongoing Business.” Duncan said he has a list of ongoing business he can share with Tom.

Duncan said from the inception of form-based code up until the recently issued permit there was no application form or fee established. He thinks we should probably issue amnesty for anyone who might have been subject to form-based code up to the time when we actually enacted a fee and a permit. Beth said she will put that on a future agenda for discussion.

It was agreed to add health officer appointments and appointment of a form based code administrator to the agenda.

**3. Consider Approving Minutes for September 25<sup>th</sup> and October 2<sup>nd</sup>**

**Eben moved to approve the minutes of September 25 and October 2, 2023, Duncan seconded and the motion was passed.**

**4. Selectboard Issues/Concerns**

Duncan said he wonders if there is anything to report on senior meeting plans or VLCT inspection of properties. Tom said the library offered space at the Masonic Lodge for seniors. He plans to reach out to see if there may be space at a church. VLCT agreed to accept an initial estimate of \$90K of damage to the municipal building. We have to do a contents assessment. Tom is going to ask each employee to list what they lost. For some items we have yet to determine whether they are damaged. The \$90K figure is just for the building, not for any contents or anything outside. The determination for the library will be much slower because it is in the floodplain and it will have to be considered along with all the other buildings in the floodplain. That will not slow down reconstruction but it may slow down payback.

Beth said she has been asked about why there is no lighting for the powerhouse bridge. The village is looking into what would need to happen to re-light the bridge. At town meeting a few years back the voters voted to reduce the budget and the selectboard had to make budget cuts. Turning some lights off was part of that. In addition, the bridge shifted and that impacted the interior lighting. The village is looking into what it would take to re-light the interior.

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

Tom said the initial plan of a Chromebook for the Community and Economic Development Specialist will not work because we use Microsoft products. He would like to order the same laptop we have purchased for other employees, with necessary software and hardware.

**Duncan moved to approve the expenditure of \$1,960 for a laptop for the Community and Economic Development Specialist with the appropriate software and hardware, Eben seconded and the motion was passed.**

Jason said he would like to buy a bed chain. Last year we had a spare bed chain that was used to replace the bed chain that broke one night on truck #19. Truck #20 is a year older than truck #19 so he would like to have a spare on the shelf in case it goes down at night. He also wants to get fittings to replace some we had on hand in the shop and used on the salt truck when getting it ready for winter. **Duncan moved to authorize spending \$1317 for fittings and a bed chain, Eben seconded and the motion was passed.**

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

The town has not gotten anything in writing from the village about their proposal for River Road East cost sharing. Duncan suggested that it is too late to wait for that before approving the ten cents on the grand list if we need to approve it by November 1. Eben agreed it is too late.

**Eben moved to approve the annual ten cents on the grand list payment to the village, seconded by Beth.**

Duncan said this would be our opportunity to withhold some portion of that money to pay for work on the River Road East drainage structures. By approving this payment we are giving up our ability to do that. Beth said we are trusting that the trustees will do what they agreed to in open session. **The motion was passed.**

7. ***FEMA & State Buyout Program***

Stephanie Smith of the VT Hazard Mitigation Office said between Irene and now there have been about 170 buyouts in the state. Following the July event Vermont Emergency Management put out a form people could submit to indicate interest in the buyout program. About 10 property owners in Johnson and about 220 across the state filled out the form to get more information about buyouts. The buyout program is voluntary for the property owner and the town. The town should think about where buyouts make sense and where rebuilding makes sense. If the town is interested in going forward with buyouts her office can do a lot of the work. There are some forms that need to be signed by the town. Buyouts will be under FEMA's hazard mitigation program if they are eligible. If they are ineligible they usually can be done through the state program. If they are sent to FEMA for review it probably will be 6 months before we get an award. Traditionally the town would manage the funding. The town would hire someone to do an appraisal and someone to do the legal and closing work. The property will end up in town ownership and the town would hire someone to demolish any buildings. The town is required to maintain the site as green open space in perpetuity. For this funding round, Vermont Emergency Management is hoping to be the sub applicant so the town doesn't have to manage the grant. VEM can hire someone to do all the appraisals, all the legal work, etc. They have to get permission from the legislature before they can commit to it but they hope to be able to offer that to towns. FEMA will provide 75% funding but

VEM has a state general fund allocation and they will cover 100% of project costs for all buyouts. There is no required match for the state program. There is no cost to the town or the property owner.

Eben asked, if a property is selected for a buyout, is the state or FEMA going to do anything for mitigation like removing fill from the site? Stephanie said the standard buyout ends with seeding and grading of the site. If the town wanted to put in riparian plantings there is another state program that could help with that. If they think there is potential to remove fill from the site to reduce flood risk the state could pay for a scoping study to get a design for that and potentially pay for the work as well. Usually that would be FEMA funding with a 25% match but the state is hoping to have funds to help with the match.

Stephanie said it is possible to use either the current market value or the value as of the day before the storm as the purchase price. If the property owner received any federal assistance, FEMA sees that as duplication of benefits. If the appraisal comes back at \$100K and the homeowner received \$10K in federal assistance, the buyout would offer them \$90K. But if they have receipts showing they used the money to fix their structure they will be able to receive the full \$100K.

Beth asked if there is any restriction on location. Do they need to be in the flood map area? Stephanie said on the FEMA side it is easier to do a buyout if the property is in the flood hazard area but the state program is intended to fill gaps and allows a buyout if the property flooded or came very close to flooding or is in the ANR river corridor. There is not a lot of money left in the state program but hopefully they will get more from the legislature.

Beth asked what the next steps are. Stephanie said the town was sent the list of properties. If the town is willing to support the applications we can let her office know. They are waiting to find out if they can manage the grant on the town's behalf. The town can choose to apply now and manage the grant itself. It is worth having a community conversation about where buyouts make sense and where it might be a good idea to do mitigation like removing fill.

Stephanie said VEM applied for scoping funding to cover flood assessments in multiple communities. Johnson was high on the list of priority towns for that project. They are hoping to have an award from FEMA by the end of the month.

Duncan said we will be looking at requests for tax abatements for properties that were flooded. Is there a possibility that any properties in the buyout program would be closed on in the current tax year, which ends June 30? Stephanie said the likelihood of a buyout being completed before June 30 is low.

Stephanie said it is easier to do FEMA buyouts for properties that meet the substantial damage definition in local flood regulations. If the property owner does not do a buyout they will be required to meet the National Flood Insurance Program regulations. Another thing that can be funded is elevations if there is an area where that makes sense. The homeowner would likely have to contribute a 25% match.

Tom asked, if there are delinquent taxes for a property approved for buyout, would the town get that amount at the closing even though we are the purchaser of the land? Stephanie said the closing looks a lot like a regular closing. Any outstanding expenses such a mortgage or outstanding taxes

get paid off first. The seller of the property gets any remaining funds. Beth said in all cases the town needs to sign off on the buyout.

Beth said she thinks the board should probably ask Tom and Scott to help identify areas where we should consider buyouts. How does the board want to consider buyouts? Eben said he would have to know where the requests are coming from. But it is a delicate process because the information about who is interested in buyouts is confidential. Beth asked, if the list is confidential (and she understands that it is), how do we have open meeting discussion about this? We can only go into executive session if there is a valid reason for it under open meeting law. She suggested that maybe Stephanie can identify a valid reason for an executive session or get permission from the property owners to talk about their interest in open session. Duncan said LCPC has done a pretty detailed flood analysis of Johnson. Without identifying the property owners we could place the locations on the map LCPC has done. The LCPC study was not based on FEMA floodplain maps but on flood modeling. It shows the potential greatest impact areas in the village. If we could just put a pin where each potential buyout property is without identifying the owner, we could probably get a good perspective.

Mark asked if Stephanie has a sense of how many of the interested property owners are likely to actually follow through with a buyout. He would guess it would be a low percentage. Stephanie said some people who submitted forms will probably not go through with a buyout, but there may be others who would be interested but have not yet found out about the program. If some buyouts are done in a neighborhood and people find out about them, then more people may become interested. The town could even reach out to property owners in areas where the town thinks buyouts make sense.

Beth said she believes people have until a year from the disaster declaration to initiate a buyout. Stephanie said yes, so July 14, 2024 is the deadline. To get the day-before-the-storm value the application has to be in that timeframe. Right now the deadline is in July but she is anticipating that the state will request more time from FEMA.

Beth suggested that at the next meeting the board could discuss what our criteria would be for approving buyouts. Maybe Tom could start drafting criteria.

Duncan said the criteria for substantial damage is 50% of the value. He asked if Scott thinks there are many properties that meet that threshold. Scott he hasn't been invited to a lot of the flooded properties. Beth said we have a substantial damage list from the fire marshal.

Duncan said if we have a landowner that wants to do a buyout, that says a lot to him. We should probably do what we can within reason to support that, especially if it happens to be an area we know will flood next time. He believes we have been told by FEMA officials that if a property owner takes money from FEMA twice and hasn't done a buyout they are ineligible for future money or a buyout from FEMA. Beth said she thinks the third time is the last opportunity for any money, including a buyout. Eben agreed that we heard that from FEMA.

Scott said it is easier to meet the substantial damage threshold if the property has multiple kitchens and bathrooms. Beth said landlords aren't eligible for individual assistance from FEMA. Does the buyout program include landlords? Stephanie said yes, multi-family or commercial structures are eligible for buyouts. Meeting the substantial damage definition is important mostly for larger

buildings because there is a cap for a buyout with FEMA funds in order not to have to do a cost-benefit analysis. If there is substantial damage it is considered cost effective so the buyout amount can be higher. If a tenant is living in the structure a buyout is voluntary for the owner but not for the tenant, which makes the tenant eligible for federal assistance under the Uniform Relocation Act.

**8. Insurance Compensation for Damage to Road Salt**

Tom said our insurer has acknowledged the estimate of \$19K damage to salt based on volume and agreed to pay us \$5K towards the damage. That is the maximum payment amount for lost product. There is the question of what to do with the damaged salt.

Jason said some will be used in the winter sand pile. The part below the 4 foot level will be compromised and will tend to form a block. The crew will use the part of the pile above that during the winter and see what the lower part looks like in the spring. If they can break it into small enough chunks they can use it to cap the sand pile next year.

Tom said the FEMA claim will stay open until spring because we can't get the damaged salt out without moving all the salt on top of it so we won't really know how much damage there is until we have used up the winter salt. In spring we will close out the FEMA claim and FEMA will give us 90% of the difference between total damage and the \$5K from insurance. VLCT is paying us \$5K right now because they know the damage is greater than that and that is their maximum reimbursement for materials. The first step of every FEMA claim is that the insurance company has to accept or deny the claim. Our insurance accepted the salt claim and is paying \$5K.

Jason explained that he is going to use some of the salt that is mixed with silt for capping the sand pile. The crew will use as much of the damaged salt as they can until the weather starts to get really cold and makes the compromised salt freeze into a block. They will have to make a dirt ramp to allow them to scoop undamaged salt off the top until spring. He thinks the damaged salt will break up fine in the spring; it just will not break up enough to use when it is very cold.

Duncan asked if the damaged salt will have compromised ability to do what it needs to do. Jason said it's still salt. But it is still somewhat wet and that is activating it. He pulled some out and put it in a freezer and it turned into a giant chunk. He doesn't want to take out all the damaged salt now because moving the pile would result in compromising more of the salt.

**Eben moved to authorize Beth to sign the Sworn Statement in Proof of Loss from the VLCT Property and Casualty Intermunicipal Fund related to the claim for damaged road salt, Duncan seconded and the motion was passed.**

**9. FEMA Procurement Procedure**

Tom said when we went out to bid for the library we received 2 electrical bids and one general contracting bid. FEMA has some pretty strict procurement guidelines. If we had received 3 quotes that would have been accepted as fair and open to the public. Because we didn't, we now have to show that our bid process was fair and open to the public. Last week we put out an RFQ for contractors. We received one phone call but no response. His suggestions is to put the library work out to bid again to show that the process was truly fair and open to the public and we did due diligence. If we do not meet FEMA procurement requirements our reimbursement will be a 3-5 year average for construction costs. Our memo saying we went out to bid and only got 2 electric bids and one general contractor bid might not be enough to meet their requirements. We might

receive \$20-25K less from FEMA if we don't show we followed FEMA procurement requirements.

Eben asked, our FEMA consultant is recommending that we repost the RFP? Tom said yes. Doing that is not very expensive and doesn't slow down construction because the earliest construction can start is December. We are checking all the boxes. We are not expecting more responses but this allows us to get the full 90% from FEMA. Our memo will show we went out to bid the first time, then put out an RFQ, then put out the RFP again. It is going above and beyond their process and our procurement policy to show we were open to the public and still only got one bid.

Duncan asked, is there any consideration by FEMA with regard to the historic nature of the building? Tom said yes. They brought a historic preservation person when they inspected the library. They sent a report to the state and the state will come back with a report on what we can and cannot do in the library. From his understanding, the library board wants to put the library back the way it was, so he doesn't see any hiccups, but we have no idea what the report will say.

Brian Raulinaitis asked if subcontractors he listed in his bid are also allowed to bid. Tom said he thinks anyone is allowed to bid.

**Eben moved to repost the library RFP with a response date 7 days from the date of posting, Duncan seconded and the motion was passed.**

Brian asked if his bid was made public for other contractors to see and bid against. Tom said yes, it was in the packet. Eben suggested that it is not likely that there are many other contractors out there who want to bid on the project.

Duncan said we did circulate an RFP and receive a bid. Should we reject the bid we received before issuing a new RFP? Beth said we should find out if that is necessary.

#### ***10. Flood Replacement vs. Mitigation***

Tom said if the board does not want to do mitigation in the municipal building, it is not worth putting in temporary insulation. We should just move forward with replacing it as it was. We should have a contractor put in insulation once and be done. If we want to do mitigation that slows the process down and we need to prepare the municipal building and the library for winter.

Mark and Duncan said they are in favor of mitigation. Eben said he is in favor of replacement but he is outvoted.

Beth asked if Rosemary has any concerns. Rosemary said winter is coming fast. It is going to start to freeze.

Duncan said if we go the mitigation route it will take longer. He thinks we need a couple of temporary measures. One is temporary insulation to protect the building. His understanding is that that is covered under FEMA. He also thinks we have to figure out a way to get the public upstairs and open the building back up to the public. To do that we need to secure the hallway. He was told that can be considered part of the temporary measures.

Rosemary said she thinks access to the vault will need to be by appointment only. Beth asked if the vault opens and unlocks. Rosemary said she is not sure. The last time she tried, she could turn the

knob. She thinks if people are going to stay upstairs they need permanent desks. Duncan said the board already authorized Rosemary to have someone come in and help develop a plan for using the space.

Tom said he and Ron will reach out to Seth Jensen to work on who the engineers and architects are to help get the ball rolling. Eben asked, we need engineers and architects to do a little bit of mitigation work? Duncan said FEMA needs really accurate cost estimates. If we do mitigation the engineer or architect can come up with a flood gate plan, a plan for a floodproof membrane on the outside of the building, etc. Beth said we can do it in steps over time. Tom said preliminary costs are less than \$100K so we should be able to do membrane and flood gates at 90%. We would have to show the cost through the engineering. That is the first step.

Eben said he thinks we all agree with needing to have a plan for reopening the office and putting in insulation. Tom will put out an RFP for all the measures needed, such as tape on the floor and plywood over holes. Eben said he thinks the board should see it before it is posted. Beth asked for it to be distributed at least a few days in advance of the next meeting so board members can give feedback.

**11. *Municipal and Library Buildings Winter Preparedness***

Jeanne Engel asked if the RFP will include insulation for the library too. Tom said yes. Putting in and taking out temporary insulation will be paid for by FEMA.

Duncan said he thinks the library should also take the mitigation approach because it might make it possible to be reimbursed for things like flood gates or flood doors.

Tom asked if the library board is okay with having the municipal building and library grouped together for winter preparedness work. Jeanne said yes.

**12. *Municipal Building Roof and Siding Inspection and Repair***

The municipal building roof leaked in a recent storm. Rosemary said we never put new siding on the tower. That is where water came in. Beth suggested putting out an RFP to finish the work on the tower. The village will have to be involved in that.

**13. *Snowmobile Access after Industrial Park Infrastructure***

Beth said Sterling Snowriders want clarity on their ability to access town property before, during and after industrial park infrastructure construction so they can decide if they want to commit to bridge repair on nearby university property.

Board members said construction will not happen this winter. Duncan said he believes the snowmobile trail would eventually be moved to the perimeter of the property. He thinks it is doable for the trail to still go through the property, just not in the same place. Beth said plans on the town website show where the infrastructure will go. Beth said there could be issues during construction with the snowmobile trail having to cross over the new town road.

Bobbi Rooney asked if Sterling Snowriders can continue to access town land where they have accessed it in the past. Board members said yes.

**14. *Skate Park Bid Review and Award***

Beth opened the bids received for the skate park construction project. Parker Construction bid \$64,000 and Standard Construction bid \$36,530.

Board members asked what the initial budget for the project was. Casey said the estimate from a couple of years ago was around \$29-32K. She handed out information on available funds.

Duncan said one bid calls for using 4000 psi concrete. Was that part of the bid spec? It seems fairly rugged. Howard Romero said it tends to stand up better in cold weather.

Beth said Casey's figures show the skatepark committee has \$32,314 available to spend. Board members reviewed the financial information.

Eben said Standard does not mention any town responsibilities. Are they doing 100% of the work without town assistance? Casey said no; the RFP stated what the town would do. The town will move dirt to the berm that will surround the half-pipe. Eben read the town support Parker describes. Are the two bidders expecting the same thing?

Casey said the skatepark committee has a good track record of raising money. They plan to raise or find the additional money needed to cover the cost.

Jason asked when the work will be done. Casey said Standard is willing to look at doing it in the next couple of weeks if possible. It could be in spring. Jason said what was previously discussed was that his crew would supply material and hydroseed. Beth said we also promised removal of fill equivalent to what was brought in. Tom said a condition of the floodplain permit is that we remove the same amount of fill brought in last fall plus an amount equivalent to the quantity of concrete added. We can use the fill that is already there for the berm, or it might be easier to bring in new. Eben said he didn't get the sense that the fill needed to be removed immediately. Jason said he promised some other committees that he would do some work in the fall. Eben asked if he is saying it would be preferable to do the work in the spring. Jason said he just doesn't want to make promises. If winter weather holds off it may be possible to do the skate park work this fall. Casey said Jason had previously said fall was a better time for his crew. Jason that was because he thought his crew was just going to hydroseed and provide some dirt.

The board compared Casey's figures for available money to Rosemary's and discussed differences.

Eben suggested waiting until the next meeting to award the contract if spring works better for the highway crew. Jason said he doesn't know which will work better. He is not sure about fall weather, snow or mud season. If the board awards the contract tonight then the crew will know when the work will happen.

**Mark moved and Eben seconded to accept the bid for \$36,530 from Standard Construction for the skate park construction project.**

Eben said the issue for him is the funding gap. Mark said he believes the skate park can raise the money. Eben said he does too.

**The motion was passed.**

Duncan said he would appreciate someone getting back to the board and reconciling the differences between what Rosemary shows and what Casey shows for available money.



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

Jason said the public works crew finished the Ben Ober Road grant work. All grading is done except for part of Mine Road, Waterman Road and River Road East. The crew reconfigured the Patch Road intersection. They added some gravel to Upper French Hill. They worked on the water line project for the skate rink. The salt truck is all ready for winter maintenance.

Beth asked if we ended last winter with all salt truck issues resolved. Jason said he doesn't know if the issues will ever be all resolved. He feels that truck is not ideal for our application.

Jason said the crew has about 60 more loads of winter sand to haul. They are hoping to finish up by the end of next week. They are getting the tandems ready for winter. They are doing fall road maintenance, getting leaves out of ditches. One upcoming project is installation of a base for a handicapped accessible picnic table at Beard Park. He hasn't heard confirmation that removal of debris from the skate park can start. Tom said we just got the denial note from VLCT that allows the FEMA process to move forward. Jason said the crew also needs to redraw paths on the ground at Beard Park.

Beth said she thinks there might be a piece of the skate park in the river. It is a structure with metal on it that looks something like a dog house. She described the location. Duncan said it sounds like that would be upstream of the park.

Jason said the crew took out 749 tandem loads of ditching material this summer. Duncan asked if any of that can be reprocessed for topsoil. Jason said the nicer material goes to the shop and gets repurposed. Only about 25-30 loads have gone to the shop this year. They did screen out the material from Plot Road that had ditch stone in it and got a load of ditch stone back.

**16. Agreement with Dale Percy Inc**

Tom said he spoke to Chip Percy about the agreement to purchase material from the town pit and sell it back to us at cost. Duncan suggested waiting to discuss the arrangement until we have a written agreement to review.

**17. Beautification Committee Appointment and Resignation**

Beth said Blair Watson resigned from the Beautification Committee. **Eben moved to accept Blair Watson's resignation from the Beautification Committee and send a thank you card, Duncan seconded and the motion was passed.**

Beth said the Beautification Committee voted to accept Vanessa Tourangeau as a member. The board agreed the committee should post the opening before any appointment is made.

**18. Appoint Form Based Code Administrator**

**Eben moved to appoint Tom Galinat as form based code administrator as recommended by the Planning Commission, Duncan seconded and the motion was passed.**

**19. Health Officer Appointment**

**Eben moved to authorize Tom to fill out the health officer appointment form and the motion was seconded and passed.**

**20. EDA and NBRC Grant Administration**

Beth said we can't use LCPC as our administrator for the Northern Border Regional Commission grant because they are not a local development district. We have some options. One is to administer it ourselves. We could have Randall do it. We could ask LEDC to administer it. We could ask the northern Vermont economic development district, which is the Northwest Regional

Planning Commission, to do it. If we administered it ourselves LCPC could look for grant funding to help us with administration.

Randall said LEDC would provide only very rudimentary grant administration, like reviewing documents for completeness. Given that he has never administered a federal grant before, he would like to have as much hands on help from someone else as he could get. Having someone else do the grant administration would be ideal, but in a collaborative way so he could learn from the process.

Tasha Wallis of LCPC said they currently administer a Northern Border grant and it is a heavy lift. She suggested that the various parties who might be involved should have a meeting with NBRC and see what they are willing to accept. Pat Ripley said LEDC would want to subcontract with LCPC and she is not sure if that is allowed. Beth agreed that setting up that meeting would be a good idea.

Duncan said he would prefer to work with LEDC or LCPC rather than Northwest Regional Planning Commission.

Randall said the EDA has different allowed options. LCPC could administer an EDA grant.

Tasha said NBRC was talking about a meeting with the town to talk about scope and budget. She is concerned that making changes to the NBRC grant could affect the EDA application. She wants to confirm that the town wants LCPC to continue drafting the EDA application. Beth said she doesn't understand why there was an email about possible rescoping for the NBRC grant.

Beth asked Randall to set up a Zoom call as soon as possible with people who need to be involved in figuring out roles and responsibilities for the NBRC grant. Relatively soon another meeting will be needed to connect with the state.

#### **21. DEC Grant Mumley Study**

Tom said we got a bill from Mumley Engineering. He didn't know what it was. It turns out that Johnson received a grant for a public-private partnership for a stormwater project with VEC. The funds have to be spent by 2026. Duncan asked if the bill was in tonight's orders. Tom said he believes so. Rosemary asked why VEC isn't paying it. Eben said because they can't access the grant funds. Beth asked how we get reimbursed. The bill is for \$1310. Duncan said someone needs to call the ARPA contact and find out the process for getting reimbursed.

#### **22. Holmes Meadow**

Seth said Holmes Meadow is a property at the end of River Road. In 2021 LCPC helped the town apply to the Flood Resilient Communities Fund for a protective buyout of the property. The first phase would be for the town to acquire the property. Funding is already secured for the second phase, which would be active floodplain restoration to increase flood storage. The property has been appraised and the property owner has signed a voluntary transaction agreement. There are some issues that need to be resolved due to a mortgage on the property. The town also needs to sign the voluntary transaction agreement.

Beth asked, if the town has any contingencies can we put them in that letter? Seth said it is a standard form but if there are contingencies, like back taxes to deduct at closing, it would be good to know what they are. He thinks that will be handled in the next phase.

Duncan asked if the form is indicating that the property owner has accepted the sale price. Seth said yes.

Seth said once the property is purchased there is funding for design.

Scott said this project will help the town. Duncan said the town owns property across the river where we could potentially do something similar.

Seth said the price is based on a professional appraisal. There is no match. The town could try to negotiate a lower purchase price, but that would just reduce the grant award. Beth said the appraised price is \$105K.

**Eben moved to authorize Tom to sign the voluntary transaction agreement for the Holmes Meadow purchase, Duncan seconded and the motion was passed.**

Scott asked how long it will take to start reducing the elevation. Seth said can closing can happen soon. Then some design work needs to happen in the spring. He would hope implementation could happen either in fall of 2024 or in the 2024 building season.

**23. *VT Electric Coop Town Road ROW Occupancy Request***

Tom said VT Electric Coop submitted a ROW occupancy request for Swamp Road, where they want to extend power. Duncan said they already did the work. Eben said last time this came up there was not a permit filed and no inspection had been done. We asked them to do a compaction test and if it failed we were going to require them to rip it out. If it didn't fail we would not sign the permit but we would not make them take it out. But that was an asphalt road and this is on a dirt road. Duncan said he went by when they were doing the work. They ran into ledge and had issues getting it deep enough. He doesn't know if they did. Beth asked Tom to follow up with Jason and find out if we got a damage deposit and if they got a permit before they did the work. If the answers are sufficient this doesn't need to come back to the board.

**24. *Sponsoring Halloween***

Tom said Carri Ferrari is hosting a Halloween haunted house. It is a 4-day event that was initially going to be at the college. Now it is being moved to the market building. Because it is a fundraiser she asked if the town could sponsor the event so the town's insurance could be used for the event. Tom reached out to VLCT. There is a mechanism for VLCT to provide insurance. We would provide the address and date of the event and information on the property owner. VLCT provides a facility use agreement and a model contract. They are asking for the town to have an agreement with Pomerleau.

Beth asked if it would cost us anything to add this onto our policy. Tom said his understanding is no.

Duncan asked if we would be sponsoring insurance for all 4 days of the event. Tom said he believes our insurance would cover setup and takedown and the 4 days.

Eben said he thinks there is too much risk for him to be happy with it.

Duncan said he would like more notice in the future before having to make a decision on something like this. Carri said they have been talking about this event since spring. They were going to use the Masonic Temple but it is now being used for the library. Then they were going to

use a college building but it is being sold. Ernie Pomerleau offered to donate use of his building. It would be great if the event could be under the town umbrella. If the town doesn't want to allow that they will use private insurance.

**Duncan moved and Mark seconded to authorize the Halloween haunted house event as a covered event under the town's insurance and to have VLCT issue a certificate of insurance for Ernie Pomerleau if that is needed.**

Beth said she would like to follow up with Ernie to conform that we are not liable for any damage to his property.

**The motion was passed 3-1 with Eben opposed.**

***25. Inter-Local Agreement for Town Assessor – Revised Offer of Employment Letter***

Duncan said at a previous meeting we signed a revised inter-local contract to add St. George. His thought was that we should authorize Beth to sign a revised offer of employment letter to the town assessor – the same letter as before with the addition of St. George. **Eben moved to authorize Beth to send out a revised offer of employment letter to the town assessor with the addition of St. George, Duncan seconded and the motion was passed.**

***26. Health Benefit Updates***

Tom said the village is considering a policy that will affect village employees. Donna Griffiths said at their meeting tonight they did not make a decision on that. They think they need to decide in conjunction with the selectboard. Eben said they have proposed a joint meeting on November 3 or November 8.

Tom said he spoke with VLCT. They no longer offer benefit consulting. Instead they use Teri Martineau of Hickok & Boardman HR Intelligence. He thinks we can solve this problem on our own but if we can't, there is help out there.

Tom said currently we contribute a certain dollar amount toward employees' insurance and the employee can use that dollar amount for any plan on the Health Connect network. We pay an amount equal to 90% of the cost of Blue Cross Blue Shield Gold. An employee can use that for a less expensive high deductible plan and keep the difference. Another option would be to have every employee on the same specific plan.

Eben said he liked what Carl had discussed about what Barre did. Beth said he was talking about a high deductible plan with an HRA. Duncan said he would like Tom to develop a proposal and put it before the board.

***27. Executive Session for Attorney Client Communications***

**Eben moved to go into executive session under V.S.A. Section 313(a)(1) to discuss attorney-client communications because premature disclosure of the information would place the town at a substantial disadvantage, inviting Randall and Tom to remain, Duncan seconded and the motion was passed at 10:08.** The board consented out of executive session at 10:31 with no action taken.

***28. Adjourn***

The meeting was adjourned at 10:32.