

JOHNSON SELECTBOARD MEETING MINUTES  
VERMONT STATE UNIVERSITY – JOHNSON  
THE ELLSWORTH ROOM, WILLEY LIBRARY  
MONDAY, OCTOBER 2, 2023

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

Others present in person: Tom Galinat, Jason Whitehill, Sheila White, Casey Romero, Dean Locke, Howard Romero, Kiley Hill, Adrienne Stevson

Others present via Zoom: Rosemary Audibert, Randall Szott, Lydia Putvain

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

**1. Call to Order**

Beth called the meeting to order at 6:30.

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

It was agreed to add to the agenda a question from Dean Locke about a purchase and discussion of an email from Ernie Pomerleau about the market. Duncan mentioned he thinks we should develop a priority list for Randall Szott. Discussion of the Class 4 road policy was added to the agenda. The FEMA buyout item will be moved to the next meeting because Stephanie Smith cannot make this meeting.

**3. Consider Approving Minutes of September 18**

**Duncan moved to approve the minutes of September 18, 2023, Shayne seconded and the motion was passed.** (Sheila White arrived at 6:34.)

**4. Selectboard Issues/Concerns**

Beth said we got an email about Duncan replacing a cemetery stone. She got an email about ATVs going from the direction of the village to Rocky Road. That is not the section of 100C where ATVs are allowed.

Beth said Tasha Wallis and Seth Jensen have been following what is happening with regard to individual properties in Johnson and advocating on our behalf with the state. She got communication today from Melanie Carpenter, who is working with United Way, asking about why Johnson isn't getting any FEMA trailers. Tom said FEMA is looking at a property on Ober Hill as a location for trailers. There are some conditions that need to be met regarding placement of the trailers.

Duncan said Eric Osgood and David Williams have been discussing things that could be done to plan for floods throughout the Lamoille River basin. They are working on a letter to be sent to selectboards all up and down the Lamoille River. They asked if Duncan would contact LCPC. They were wondering if LCPC would coordinate a meeting. Duncan will reach out to Tasha Wallis and see if LCPC is interested.

Tom said he got a letter about the need for seniors in our town to have a place to meet and the impact of not being able to meet at the municipal building. He is going to reach out to Jeanne Engel and see if the downstairs of the Masonic Lodge might be available at times when the library is not open. (Casey Romero arrived at 6:40. Dean Locke arrived at 6:41.)

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

Tom said he, Rosemary and Susan have not yet discussed which of the two vendors who provided quotes for land record book restoration would be preferable. The two different quotes are for two different processes. Tom thinks Rosemary and Sue need to decide what they want the future of the damaged book to be.

**Eben moved to approve an expense not to exceed \$1,351.50 for record preservation of Book 14, contingent on FEMA reimbursement approval. Duncan seconded.** Duncan said if restoration will cost more than FEMA is willing to reimburse it is Rosemary's decision whether to spend the money. **Duncan proposed a friendly amendment, which Eben accepted, to eliminate "contingent on FEMA reimbursement approval."** **The motion was passed.**

**6. *Purchase of Safety Equipment***

Dean Locke had sent out an email about purchasing safety equipment. Beth said we have some safety vests that were purchased for the flood. Duncan said there are four still in a package. He told Dean where they are in the municipal building so Dean can look at them and see if they will meet his needs. If he still needs to buy some, the cost is low enough that he does not need board approval.

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

Eben said at the last meeting he asked to delay approval of the ten cents on the grand list expenditure by a week to see if there would be follow-up from the village in writing on River Road East. It seems that that hasn't happened. Beth noted that Erik Bailey has been off for 2 weeks.

Beth mentioned that she is not planning to have a flood meeting next week. She thinks there is not enough content to discuss. She was thinking there would be a flood meeting the last week of this month and that would be the last special flood meeting. After that the board would go back to meeting only on first and third Mondays. Eben suggested that it might be good to do a first review of the budget at the last meeting in September.

Beth asked Rosemary about the deadline for the budget and her thoughts on the ten cents on the grand list. Rosemary said the budget has to be done for the fourth week of January when the town report has to go to print. She doesn't believe Erik Bailey will be back until the middle of next week. She has not heard anything regarding River Road East. The ten cents on the grand list has to be paid before the first of November.

It was agreed to postpone action on the ten cents on the grand list until the next meeting.

Beth said we need Tom to start drafting the budget. Committees need to weigh in with their projections for this fiscal year and what they think their next fiscal year budget will look like. Duncan said when we have our first budget meeting we should talk about transitioning to a different process for estimating year end spending because we will have annual audits now.

Rosemary said as of June 30, 2023 we had cash balance of \$1,142,038. She described the amounts reserved for different purposes. The voters approved \$40,000 for the economic development position. We have not spent that money. Once reserved amounts are subtracted there is a grand total of \$122,479 left.

Beth said we have spent far beyond that already in flood expenses. We have also started collecting taxes for this fiscal year. Where are we in terms of cash flow? Are we at a position where we need

to be considering using either the tax anticipation reserve fund or the line of credit? Rosemary said she doesn't think we need the line of credit. The state gave us all our PILOT money and 3/4 of the highway state aid money ahead of time, as well as all the current use money.

Beth noted that we had cash receipts of \$10,000.50, adding to our cash in hand. That included income from flood metal and donations, including the \$7500 donation from the Vermont Community Foundation for debris management. Mark mentioned the cannabis store owners who offered \$10,000 to the town. They haven't followed up. Beth said they offered, but they asked us to make a request for the money. She doesn't want to solicit money from a business owner. It could be viewed as a conflict of interest. Shayne said especially when we will be asked to sign off on their retail license, even though it is something of a rubber stamp.

Duncan said we haven't gotten any reimbursements from the state or FEMA yet, but we will. He believes we will be made largely whole. There will be a lot of money coming back in. Beth said she is just worried about cash flow, but she doesn't doubt that we will be largely reimbursed. Duncan said he would expect we would have the majority of the reimbursement within the current budget year. Tom said 5 of the 10 damage sites will be inspected soon and should close out soon after that. We are planning to use ARPA funds to bridge the gap between FEMA reimbursement and end of year cost. The ARPA funds will be moved into the general fund and in March voters will be told about options for that money. Moving it all of it into a reserve fund is one option. Duncan said if we haven't been paid by the close of the fiscal year we can treat the expected reimbursement as accounts receivable.

Duncan said right now Rosemary is deducting the \$40,000 approved for the community and economic development position from the cash on hand. She has reserved it out from the total amount. We need to discuss whether or not we want to use that \$40,000 – whether we treat it as part of the cash on hand or reserve it. Beth said she is not ready to have that conversation.

Duncan said the Union Bank reappraisal fund currently has \$44,000 in it. He is assuming the \$40,000 we reserved in the current budget hasn't been added yet. When we get to the budget season he thinks there will be \$84,000 in it. Rosemary said yes, by the end of the fiscal year we will have that much in it.

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

Jason said he and Tom talked to Chip Percy. They discussed limitations on processing in our gravel pit given the small size of the pit. Chip brought up the point that for crushing we need to have an Act 250 permit. It would cost \$6 a yard if Percy did screening on site. We would have to provide three trucks. They would screen it but couldn't crush it. They would use their screener in our pit. We would have to supply them with a portable toilet.

The second option would not require us to get involved with MSHA regulations. We would pull bank run out, load our trucks and take it to them and they would do the processing. For every two loads we take we would get back one load of either sand or gravel. They would provide an excavator for mining the sand out of the pit.

Beth asked if we know the comparative total cost to the town of the two options.

Jason said he thinks the second option is the best. It gives the town crew the ability to haul on their schedule. We haul material to them and they will give us a credit or a check. They would buy the

material at \$4 per yard and we would buy it back at \$6 per yard. That option eliminates the need to follow MSHA requirements. Beth said she likes that option. Duncan said another advantage of that option is that it eliminates the need to get a write-off from Bert Nadeau for having a crusher in our pit.

**Beth moved to authorize Jason and Tom to work with Percy to write up a contract for processing gravel hauled by the town crew.** Beth said she would like to see the contract on paper. **The motion was passed.**

**9. *Liquid Fuel Bid Results***

Only Corse and Fred's decided to bid on fuel oil. (*Howard Romero arrived at 7:29.*) Their bids also included propane. Eben said the agreement with the village was that we would choose the fuel oil vendor and the village would choose a propane vendor. Beth asked if Tom will send the bids to Erik Bailey. Tom said yes.

Beth said Brosseau needs to stop delivering to us because we have a contract with Fred's. Duncan said he thinks there was a communication breakdown resulting in Brosseau continuing to deliver after the board voted to contract with Fred's. He doesn't think the contract was executed. He thinks we do not currently have a contract with Fred's. He thinks Tom needs to get in touch with Brosseau and tell them the successful bidder on this was Fred's.

Beth said Fred's was the low bidder on fuel by about ten cents. Duncan noted that the prices for diesel and heating oil are different. He thinks in the past Fred has agreed to give us the same price for diesel and heating oil. Tom said he thinks we need to get something from the state to give to Fred's so we don't have to pay tax. He can work with Jason on that.

**Duncan moved and Shayne seconded to approve a contract with Fred's for heating oil with a caveat that Tom will work with Fred's on eliminating the difference in cost between diesel and heating fuel.**

Eben said in the future he does not think we should waste our time contracting with Competitive Energy Services because these are the same prices we would have gotten without going through them.

**The motion was passed.**

**10. *Discussion of Email from Ernie Pomerleau***

Duncan said Ernie Pomerleau sent out an email saying that the Associated Grocers board of directors has indicated they do not want to participate in the revitalization of Sterling Market. They are pulling out. That leaves Ernie in the position of trying to figure out what to do next. Should we ask Randall Szott to investigate this or work with Ernie on next steps? Duncan thinks having a market in the village is really important. He personally supports having Randall work on that.

Beth said for her the answer is a strong yes, but not exclusively working with Ernie Pomerleau. The Sterling Market site is probably the lowest point in our town. Eben said Pomerleau is willing to do additional flood mitigation. He is supportive of the town trying to get the market back and seeing if we can assist but he doesn't think that location should be the only focus. Beth said there are other options and she doesn't think we should take them off the table. She is all for having Randall work on it.

Duncan said there is an individual who is planning to talk to Ernie about an idea to move the market up higher on the same site. Shayne said we have already discussed that mitigation options like raising the building or moving the location were non-starters because it would cost too much to the prospective tenant. Duncan said the idea of moving the store to a different location is an entirely different proposal than maintaining the same footprint and moving it up. They could vastly improve the building's flood handling capabilities if the bottom were open.

Beth said she talked to Ben Doyle of the Vermont Preservation Trust. He said he and his group would be willing to help in any way they can, including exploring revenue sources. She will connect Ben and Randall. Duncan will connect Ernie and Randall.

Shayne said he agrees that the Pomerleau building should not be the sole focus. There may be other options.

#### ***11. Municipal Building RFP Review and Approval***

Board members suggested some changes to the wording of the RFP, including elimination of the evaluation criteria. There was discussion about whether better insulation could be put in than what was there previously. Tom said there is an option to get an additional amount from FEMA for mitigation efforts. One of those might be a different type of insulation. The payment may come before the work is done. But there is a risk that the work might cost more than the payment. We can also use a different process where we submit actual costs.

Duncan thinks another important factor is what insurance is going to pay. Tom should look into what our policy covered. Beth asked if we have seen the insurance adjuster's report. Tom said no. He will ask about that. Beth asked him to check for updates on our claim as well.

Some changes to the descriptions of materials to be used were agreed to.

**Eben moved to approve the municipal building RFP with the recommended changes, Shayne seconded and the motion was passed.**

Duncan asked what happens if we find out later that we can put in materials we prefer to what was there previously. Tom said he is not necessarily going to put the RFP out tomorrow. He will take it to the meeting with FEMA and ask if this is the best RFP for us to use. Duncan said he would like flexibility for Tom and Ron to work with FEMA to draft an RFP and then bring it back to the board.

**Duncan moved to strike the previous approval of the municipal building RFP, Mark seconded and the motion was passed with Shayne opposed.**

The board authorized Tom and Ron to work with FEMA to prepare an RFP for the municipal building repairs consistent with FEMA requirements.

#### ***12. Generic RFP for All Other Flood Damage per FEMA Procurement Requirements***

Tom said he sent out a generic RFP today. He has until noon tomorrow to pull it. This is a request for qualified contractors that we can then put on a list as pre-approved. Once we have a list of qualified pre-approved contractors we can reach out to them for different work we might need. If we can get them on this list then we know their bid will be accepted by FEMA. We can just work with vendors on the list and not publish RFPs for every small project. We also can choose to put out an RFP for a small project if we want to.

Beth said her only concern is that the RFP doesn't reference our procurement policy. She wants to make sure it doesn't conflict with that. According to our policy we need to go through a sealed bid process for anything over \$10,000. These contractors can be on our list but we would still need sealed bids for projects over that amount. Duncan suggested maybe we can include a statement that the town has a procurement policy and any bids will comply with that.

Duncan said the pre-qualification process is to identify contractors who meet certain criteria. But the RFP does not say what the criteria are. Eben said this RFP was written by the person the town hired to represent our best interests in the FEMA process.

It was agreed to add language saying all bids will follow the procurement policy.

**13. *Symquest Maintenance Agreement for Replacement Copier***

**Beth moved to authorize Tom to sign the Symquest Maintenance Agreement on behalf of the town, Shayne seconded and the motion was passed.**

**14. *Skate Park RFP Update***

Tom said he met with Scott Meyer and got a floodplain permit for the work to be done at the skate park. Scott calculated the volume of concrete to be added and it was agreed that it would be best to remove that same volume of soil as well as any fill that was brought in last fall. There was electrical damage from the flood at the skate park. That needs to go through the required FEMA process. First we need to close out the skate park with FEMA. Then we have to remove the debris and have the electrical work done. We can put out a micro RFP or use the qualified list of contractors. We got the okay from FEMA to remove the debris. We have a FEMA inspection scheduled that will include the electrical damage and debris removal. The inspection can happen before the electrical work is done. They will determine the reimbursable amount for the electrical work. Probably the town crew will be removing the damaged structures. Beth asked where they are going. Tom said Casella. The steel and wood have to be separated for Casella. The time for our town trucks will be reimbursed.

Tom said the next step after closing out with FEMA is the new halfpipe going in. The village has suggested that there appears to be a water line under the proposed location of the new halfpipe. Casey Romero said it would be under the berm, not the concrete. Tom said he doesn't think we know for sure because no one dug it up. It is a town line to a hydrant at the small building at the skate park. Do we want to move it now or move it if the line breaks in the future?

Duncan asked Casey if we know whether that line was original from when there used to be a mobile home park there. Casey said as far as she knows it was the main supply to the mobile home park and when all the mobile homes were closed the branches were closed off. Sheila White said she thinks they must have put in a new line because she believes the old line was in a different location.

Tom said we need to call Dig Safe. He thinks we should do that and close out with FEMA before moving forward with the new construction. FEMA is concerned about the possibility of mitigation and upgrades. He recommends closing out with them so there is no confusion between the new project and the FEMA reimbursed work.

Casey said she wanted to push for the possibility of fall construction because Jason said that is better for him than spring. All that needs to happen is to call Dig Safe. Electricity is not needed for

this project. If Dig Safe says the line is under the berm, Nate Brigham didn't seem to think that was a problem. It can't be under the concrete. After Dig Safe locates the line, the design can be tweaked if necessary. That is not a big deal. If it all looks good after Dig Safe comes, the RFP could go out, bids could come to the selectboard for approval and construction could start after October 16.

Tom said he thinks first Casey and Dean should get together and get damage assessments done on the wooden structures and get an electrical assessment done before new construction is started. FEMA wouldn't accept the electrical assessment that was previously done because it did not follow FEMA guidelines. He thinks before we move forward with the RFP we need to get the FEMA part done. Then new construction can no longer be tied in with the FEMA reimbursed work to confuse the issue. Dig Safe is a separate issue. He thinks the RFP can still go out in a week. Beth noted that this is not Tom's only priority and the skate park is not on the top of his list.

Howard Romero said he has done drawings of the five pieces we want to remove. He is working up the prices. Tom said he can meet or call with Howard tomorrow to discuss the process of getting prices after he meets with FEMA. We need to make sure we follow FEMA steps.

Casey asked if she can call Dig Safe. Duncan said calling Dig Safe means that the village will be notified to locate the water line. Nate will use a wand to locate it and mark it. Others said Nate has already marked where he believes the water line is. Duncan said in that case it is not important to call Dig Safe. Eben clarified that it is not important for making any decisions.

Dean said the water line only goes to the spigot at the park. Duncan asked if the village is charging the town for water. Dean said there is a meter.

Kyley Hill asked what the timeline is for the fill removal. Tom said this is the best time of year for Jason to remove it. Sheila asked, the fill that was brought over and dumped in the field will be moved to a different area in the park? Board members said yes. Tom said an equivalent amount will be moved out.

Casey said that Nate said it is okay if the water line is under the berm. Shayne asked what the line is used for. Casey said it goes to the drinking fountain and a yard hydrant. Dean said he believes the community garden uses it as well.

Sheila said at the last meeting there was discussion of bringing in more fill. That is no longer being considered, correct? Tom said there was discussion that it might be easier to bring in new material because of the location of the fill that is already there. But the total amount used will be equal.

#### **15. Updated Industrial Park Plans for EDA Grant Application**

Tom said he and Duncan went on a site visit at the industrial park location. (*Dean, Casey, Sheila, Howard and Kyley left at 8:43.*) FEMA was there, but their involvement is connected to economic development, not disaster. Duncan said FEMA is interested in helping us with housing if there is something they can do. The original plan called for an option for either small commercial space or residential housing in the first lot. The EDA representative said that is a good idea but EDA does not participate in anything to do with housing. Tom asked, what if the town subdivided that lot and the process went forward without that lot? Could EDA pay for 100% of the utilities? The EDA representative thought that would work but we got the Northern Border grant based on that lot being small commercial. Duncan mentioned the possibility of selling the lot to Lamoille Housing Partnership to develop as residential lots. He thinks it is 2 or 2.5 acres.

Duncan said the EDA seemed really interested in the project and he would be surprised if they don't fund it. But there is a question about that lot and whether we can develop it as residential. He suggested that Randall reach out to the Northern Border Regional Commission to see what it might take for them to modify their grant with us. Tori Hellwig thought they had no restrictions on housing. Beth said they award grants for different categories and our category was around the commercial aspect of economic development. It doesn't hurt to ask, but we shouldn't be disappointed if they say no. Tom said maybe the modification would just be to exclude those two acres.

Eben asked if Duncan is supportive of mixed use at the site. Duncan said the board hasn't had conversation about that. Eben said making changes to the grant involves a lot of time for employees and we don't even know if that is what the voters want. Duncan and Shayne said possible residential housing was shown in some of the original plans for the site. Shayne asked if they said anything about mixed residential/commercial with commercial on the bottom and residential on top. Duncan said EDA will not fund anything related to housing. Shayne said he thinks that is short-sighted. Duncan said his personal belief is that there will be other locations for housing but there are limited locations for commercial development in the village. Eben said that still doesn't answer the question if that is what the voters wanted. Duncan said he does not think the voters approved any particular plan. They authorized purchase for a light industrial / commercial park. Eben said now we are talking about modifying the plan for residential use. Shayne said given the amount of time since the purchase was made it makes sense to go back to the voters with different proposals and ask them which way to go. He doesn't think we know the will of the voters.

Eben asked which plan Mumley is updating. Duncan said a plan for all commercial development. There were two plans drawn up by Ruggiano. One was to have townhouses in one of the lots and the other was to divide that lot into five small business lots.

Beth asked if the EDA and FEMA representatives at the site visit talked about the potential demand for tenants. Tom said they just gave their own personal opinions. Duncan said he mentioned to the EDA representative that the build-out could take 10 to 15 years and she said that would be consistent with their experience. He asked if there is any time requirement for it to be considered a complete project and she said no. They consider it complete when we do what we said we would do with the infrastructure.

Duncan said as a next step Randall was going to contact the EDA representative about the issue of whether the village should be a co-applicant. The village has two ordinances related to water and sewer so the town would need to be an applicant to the village. It is strange to think the village would be a co-applicant when we would be applying to them. Randall is going to find out why the EDA representative thinks the village should be a co-applicant.

It was agreed that Randall, Tom, Tori and maybe a board member will connect to discuss the Northern Border grant.

#### **16. Website Renewal**

Beth said our website contract is up for renewal in January. She thinks this would be a good time for us to reorganize the website. She wants to know if it is okay with the board for her to reach out directly to the webmaster. She would like to make a copy of the site if it doesn't cost us extra money and then use the copy to experiment with a different look and feel and reorganize the



menus. The site would have all the same content with a new theme and probably new organization. She would bring the new design to the board, the office staff and the village before switching to it. The board agreed to that.

Adrienne Stevson said she would be happy to donate her time to redesign a logo for the town. Shayne said we had talked about rebranding, not just digitally but with signage around town. He thinks it makes sense to come up with something that could be used for the website and also more broadly. Adrienne said she made a short survey for board members to fill out about what they think the logo should look like. She can send it to Beth to send out to the board. Eben said he thinks if we change the town logo we will spend hundreds of hours talking about it. Beth said our current logo is very difficult to use. She tries to use it electronically all the time.

Eben asked if we want to reorganize the existing website or change to a different website. Shayne said what Beth is talking about is a full rebuild of the website. Beth said yes, but it would be iterative and hopefully would not cost us money. We would not have to move all the content to a new host. Eben said he imagines that if the site stays in WordPress the employee upload process will stay the same.

#### **17. Ordinance Review**

Duncan said he thinks we should revisit the entire 911 ordinance. For one thing, he thinks the recommendation in there now may be slightly different than the interest of the current Historical Society board. There may also be other things we should look at. The ordinance is pretty minimal. A lot of the purpose was to establish a protocol for creating the original 911 roads that replaced rural routes. He would suggest that maybe Tom could work on a modified ordinance. He can assist.

Eben asked what Duncan would like added to the ordinance. He does not feel adding a requirement for Historical Society sign-off is a meaningful enough change to be worth revising the ordinance. For the last few road name requests the Historical Society has declined to give input. Duncan said he is not sure he can give an adequate answer. His personal opinion is that all ordinances should probably be revisited periodically. Beth agreed. Eben asked if this is the oldest one. Duncan said it must be one of the oldest. Beth said she agrees that we need to have a review of the road naming ordinance. We should have rotating review of all the ordinances. If Duncan and Tom want to propose any recommended changes to the ordinance, when they are ready she can put it on the agenda. The rest of the board can also look at the ordinance. Duncan said he would be happy to take that on. Tom said the fact that the amendment and the ordinance are not in the same place makes it hard for residents to know what the ordinance is. Eben said it is not an amendment; it is a policy. Tom said a proposed amendment was approved at a selectboard meeting.

Beth said we need to access to all our ordinances and policies before we decide what to review. There are some that do not exist anywhere but on the computer Tom is using. Identifying all of those is something that should be done.

#### **18. Class 4 Road Policy**

Beth proposed bumping this item to a future meeting. Duncan said he would like to make sure we don't drop it. Beth suggested putting it on the agenda for the first meeting in November. She said board members should all pull up the policy proposal presented by the Planning Commission to review it.

***19. Executive Session for the 6 Month Review of the Town Assessor***

**Beth moved to go into executive session for the 6 month review of the town assessor under 1 V.S.A. Section 313(a)(3), Shayne seconded in the motion was passed at 9:23.** The board came out of executive session at 9:37.

**Duncan moved to give Justin Mason a positive evaluation, increasing his pay from \$28 per hour to \$30 per hour as per his offer, Shayne seconded and the motion was passed.**

***20. Adjourn***

The meeting was adjourned at 9:39.

*Minutes submitted by Donna Griffiths*

UNAPPROVED