

JOHNSON SELECTBOARD MEETING MINUTES  
VERMONT STATE UNIVERSITY – JOHNSON  
THE ELLSWORTH ROOM, WILLEY LIBRARY  
MONDAY, DECEMBER 11, 2023

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

Others: Tom Galinat, Dean Locke, Doug Molde, Kyle Nuse, Jan Gearhart, Athena Fowler-Shaw (via phone), Casey Romero (via Zoom)

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

**1. Call to Order**

Beth called the meeting to order at 6:36.

**2. Consider Additions or Adjustments and Approving Agenda**

It was agreed to add errors and omissions from the town assessor, landowner permission for the Northern Forest Canoe Trail and an executive session for a revised offer of employment.

**3. Review Invoices and Orders**

Eben asked about a \$2200 invoice from Casella. Is it related to the flood? Beth said it is. Eben asked about the \$1035 invoice from Crystal Earle for animal control. Do we have the answers we wanted on that? Tom said all that time happened. It was a significant amount of work for her to get the dog tested. She had to make phone calls and send emails. There was a cost for feeding. He thinks it is agreed that that should not have happened and probably won't happen again. He and Dean have talked about that. But she did the work. He thinks it is a lesson learned.

**4. Consider Approving Minutes of November 20, 2023**

**Duncan moved to approve the minutes of November 20, 2023, Shayne seconded and the motion was passed.**

**Duncan moved to reaffirm and ratify all actions taken at the November 20, 2023 meeting, Shayne seconded and the motion was passed.**

**5. Selectboard Issues/Concerns**

Beth said she and Randall will be attending a call with a group from the state and philanthropic entities who will be asking about funding needs. She is thinking of a grocery store, downtown housing and population impact, and municipally owned buildings like the wastewater treatment facility and the library. Mark suggested flood mitigation. Duncan suggested support with a river basin approach to flood mitigation. Tom suggested organization of a public-private partnership for housing development and/or economic development – creating opportunities for philanthropic investment for housing opportunities. Dean suggested funding to increase recreation programming or help people pay for recreation programs. Beth said if someone can't afford to register for a recreation program the selectboard can provide a waiver. Shayne suggested help with our animal control challenges. Beth said this is supposed to address flood impacts.

**6. Planned Purchases for Consideration**

Tom said last week Servpro inspected the downstairs of the municipal building. The environment is dry but mold spores are present. They advised that we need negative air pressure before we disturb the space. Air scrubbers provide that. Ron Rodjenski said the cost is reimbursable by FEMA. He plans to order the same model the village is using as it is known machine that works. The cost is \$1389.

**Duncan moved and Shayne seconded to approve purchase of an air scrubber for \$1389.** Tom said he has spoken with the village about splitting the cost or the village paying a prorated amount based on building use. He is not sure yet how that will be worked out. **The motion was passed.**

**7. Clerk/Treasurer's Report: Warrants, Licenses and Action Items**

Tom said he can send out updated financials tomorrow. Beth said she wants to know cash on hand and balances of allocated funds in the current budget.

Tom said this year there is a primary and Rosemary is expecting over 600 voters for town meeting. She is asking to spend \$1000 to have someone come in and program the tabulator for this election so the ballots do not have to be hand counted. The school ballots will still be hand counted. Beth said she is in favor of this. It makes counting much faster. **Mark moved to authorize spending \$1000 to have the tabulator programmed for the upcoming election, Shayne seconded and the motion was passed.**

**Shayne moved to approve tobacco licenses for N.U. Beverage, LLC in East Johnson and the motion was seconded and passed.**

**8. Errors and Omissions from Assessor**

The board asked Tom to make sure Justin knows that something like this should be submitted by the Tuesday before a meeting so it can be put on the agenda. The error was due to site improvements being added twice by mistake. **Mark moved to approve the errors and omissions certificate submitted by the assessor, Duncan seconded and the motion was passed.**

**9. Buyout Properties Who Have Permitted Open Meeting Discussion**

Beth read the list of names, addresses and assessed values of properties whose owners have given permission for their buyout applications to be discussed in open meeting. She said she doesn't think we will know until January what the funding from the state will look like. We need to make sure we know what our guidelines will be for what buyout requests we will accept so we can be unbiased and do the right thing for the town and the property owners. When we get the full list of properties she would like us to be able to act quickly. Shayne had previously sent out some draft guidelines based on examples he found online. Eben questioned how we could accept any buyout requests without accepting them all. Beth suggested reviewing what Shayne and sent out and sending any feedback to him. She said she doesn't necessarily agree with Eben that if we accept one we should accept all. We should take into account flood risk. Tom said the only risk to the town is the decrease in the grand list value. We have no responsibility to maintain the property after we accept it. Duncan said there is loss of grand list value but also reduction in cost to the town.

**10. Interlocal Agreement for Town Assessor, Adding Berkshire**

Duncan said Berkshire will make a final decision on the agreement and sign it at their next meeting but they have approved it in concept. Beth asked if all towns agree to the shared additional benefit. Duncan said all have been sent a copy of it. He and Ron have talked to St. George. Rosemary suggested that our administrative fee be increased from \$25 to \$30 and that change is in the new agreement. Another change was a reduction in scope of work for the supervisory person. That is now a purely supervisory role so there is less expense. **Duncan moved and Mark seconded to approve the draft updated interlocal agreement for town assessor services and to authorize Beth to sign it on behalf of the town. The motion was passed.**

**11. Request for LCPC to Host Meeting of Towns Affected by Flooding**

Duncan said David Williams and Eric Osgood have proposed that we look at a comprehensive river basin planning process for flood mitigation in the Gihon and Lamoille watersheds. The Lamoille County Planning Commission has agreed to host a meeting for that purpose but they would like the request to come from the selectboard. Beth asked, this is beyond Lamoille County, right? Duncan said yes, 3 counties will potentially be involved. Beth asked if the state, rather than LCPC, should organize it. Duncan said the thought was that LCPC would get key state people in the room. Beth said Paul

Warden couldn't be here tonight but he wants to make sure the Planning Commission is deeply involved in all this.

**Eben moved to request that the Lamoille County Planning Commission host a meeting of towns affected by flooding within the Gihon and Lamoille watersheds to consider options for reducing or managing the impacts of floods on a comprehensive basis, Shayne seconded and the motion was passed.**

**12. *Committee Appointment Policy Proposal***

The board reviewed the draft policy provided by Tom. Tom said it is intended to streamline the appointment process while keeping the selectboard informed. He said he has made some changes since printing this out. Beth asked him to send out the updated version in advance of the next meeting. Duncan asked that it show what the changes from the existing policy are.

**13. *Update on Dilapidated Building on Stearns Street***

Dean Locke said he sent a registered and certified letter to the post office box on record with the town for the property owner. The recipient would need to sign for it. He has yet to receive any notice that it has been received and it has been over 2 weeks. He has no alternative address for the owner. In the letter he stated that he was giving notice that he would do another inspection. He did that on November 16. He set a deadline for when fines would start to accumulate.

Beth asked if the deadline has passed. Dean said yes. Beth asked if we are charging fines. Dean said he is not sure if the person would be considered informed if they have not signed that they picked up the letter.

Duncan asked if it is an out-of-state address. Dean said no; it is in Hyde Park. Duncan said he thinks we should have someone issue service. The sheriff or a constable in Hyde Park can do that. Tom asked if Dean has checked with the town clerk in Hyde Park to see if that is a property owner or registered voter. Dean said no. Tom suggested he and Dean could work on that. Beth reviewed the ordinance and said it sounds like we have to have a hearing. She suggested trying to serve the property owner first. Mark suggested contacting the property owner's son. Beth said she thinks Dean should ask the son if he has power of attorney and if not if he can provide an address.

**14. *Other Business***

Beth asked if Dean is planning to attend the meeting on December 18 about kenneling. Dean said yes. Hyde Park is organizing with other towns to see if there is interest in a kenneling option they are working on. Lamoille Kennels is willing to explore the idea of leasing out a wing they do not use. The preliminary plan is that Hyde Park would lease it and sublease kennel space to other towns. The specifics of who would take care of the dogs have not been worked out. Chittenden County Humane Society is going to send Dean information on whether they would extend their contract to Johnson and other towns. If they do, they would take dogs in after the required 7 days' hold. He believes the cost would be \$100 per dog and no assessment would be needed.

**15. *Minute Taker for the Rail Trail Committee***

Tom said the rail trail committee is asking the selectboard to allocate funds to hire a minute taker. Jan Gearhart said the volunteers on the committee want to spend time compiling ideas and plans to propose to the selectboard. None of them were comfortable with trying to take minutes while actively participating.

Beth asked if the purpose of the minutes from the committee's perspective is to comply with open meeting law. Doug Molde said no, that is not his opinion. He feels open meeting guidelines for minutes don't result in a quality product. Beth asked if that is the consensus of the committee. Tom

said he felt 2 committee members were impartial and 3 felt they wanted more out of the minutes to provide accountability and a record of what happened. They weren't sure the selectboard knew what they were doing. He suggests that the selectboard provide the committee with priorities and objectives so their work is product driven. Any recommendations they have will go to the selectboard and when the selectboard takes action is when the minutes matter most.

Doug said he was pleased that Tom came to a committee meeting. The committee has had 7 or 8 meetings and he feels they already know what they will be working on and the selectboard doesn't need the extra work of setting objectives for them. At least 3 committee members feel minutes are really important. Regarding funding, the racial justice committee is not using any of their money. Shayne said Sophia Berard and Jeff Bickford don't have plans to get the committee restarted any time soon and they understand that their funds may be reallocated.

Duncan said he doesn't think really detailed minutes are required for smaller committees. Kyle Nuse said the committee had a volunteer – the board chair – taking minutes for the last 8 or 9 months and for 6 of those months minutes were never submitted. None of their actions or work were recorded. That makes them wary of continuing to have a volunteer take them. They feel it is extremely important to have someone who is getting paid to do the job. She thinks it would be good for them to be detailed. She thinks it is important for the selectboard to see all the details of what they talk about.

Beth said the selectboard sees the committee's action ideas and priorities when they are brought to the selectboard. What she cares about is meeting open meeting law. If the committee wants to act on something they will bring it to the selectboard and the selectboard will hear the result of their discussions. Doug said the committee feels there is benefit to having a record of what people talked about.

Eben suggested meetings could be recorded using Microsoft Teams and minutes could be the minimum required for compliance, with the recording available for more detail.

Kyle said she thinks 3 hours is the maximum time the committee spends in meetings each month. Tom said Adrienne Stevson volunteered to take minutes if necessary and he offered to help her. Maybe meetings could be recorded and put online or available on request or maybe transcription software could be used for a more detailed record in addition to the formal minutes. Jan said she feels Adrienne is a vital contributor to meetings. It would impact her participation if she had to do minutes, and she thinks she was reluctant to do it. Duncan said he doesn't want Tom to spend time working on rail trail committee minutes. He would rather pay a minute taker.

Kyle said the committee is asking for the money that had been allocated for a minute taker for the racial justice committee to be reallocated to the rail trail committee for the time the committee continues, which will not be forever. Shayne said Sophia and Jeff sent him an email that said they paused their committee meetings because of low participation and there is no need to carry an allocation for the committee for FY25. Duncan said he is thinking about other committees that would also like a minute taker and might make a similar request.

**Shayne moved to pay for a minute taker for the rail trail committee and the motion was seconded and passed.**

**16. Town Email Account for the Rail Trail Committee**

Kyle and Jan said they don't think committee members need town email addresses. There was discussion about the utility of committee members having non-personal accounts for town business in the case of a Freedom of Information Act request. Doug said he thinks an official email address would be useful for sending out official notices (agendas, etc.) Beth suggested that setting up a committee Gmail account or an account for each committee member would serve the same purposes. Kyle offered to set up Gmail accounts for committee members.

**17. Update on VOREC Grant and Possible Delegation of Signature Authority**

Doug said the rail trail committee wants to apply for a VOREC grant for a scoping study on a safe route for bikes to get from the rail trail to the village center. The grant application is essentially ready but it is not ready for signature yet. The deadline is December 15. There is no town match.

**Eben moved to delegate signature authority for the VOREC grant application to Beth, Shayne seconded and the motion was passed.**

**18. Accept the Resignation of Rail Trail Committee Member**

**Duncan moved to accept Casey Romero's resignation from the rail trail committee and to send her a card, Eben seconded and the motion was passed.**

**19. Appointment to the Rail Trail Committee**

Eben asked if the open position was posted on Front Porch Forum and applicants were reviewed by the committee. Kyle and Tom said yes.

**Eben moved to appoint Mary Lou Kopas and Kim Hoffman to the rail trail committee, Shayne seconded and the motion was passed.**

**20. Presentation of Debris Management Plan**

Athena Fowler-Shaw, who completed a Debris Management Plan for Johnson as part of a UVM internship program, joined the meeting by phone. Athena explained which sections of the appendices need to be filled in by the town.

Tom commented that we should have a 3-year contract with Casella in place for emergencies. If our Debris Management Plan says we have to have a contract and the cost of the contract is at least \$3800 then FEMA will pay for it. Duncan said he assumes Casella would charge us to have dumpsters available so we would have to pay even if there was no event. Tom said we could have contracts with haulers other than Casella who would not charge us unless we used them. Tom said there are two objectives for this plan. One is to guide us in the next event. The other is to ensure FEMA reimbursement. If you have a plan or policy in place they accept what it calls for. Duncan asked, what if instead of having contracts we list vendors that are available? Beth said she thinks we heard that we need to have an existing contract, otherwise we have to get bids. Mark suggesting finding out for sure.

The board thanked Athena for her work.

**21. Budget Review**

The board reviewed proposed revenue and expenses for the library, recreation, skatepark, Historical Society, and Tuesday Night Live.

It was noted that the library's proposed net of revenue and expenses is an increase from this year. Tom said he will go back to them and see if they can get to zero (excluding salary and benefits) or present a justification for an increase. Duncan said the library could probably petition for an article for an extra amount of money.

Tom suggested it might be beneficial to include the library in the town/village tech services contract to help reduce their cost for tech services. He and Erik Bailey have discussed this and are in agreement. Beth said she would not be comfortable with that. She doesn't want The Tech Group to limit the library's ability to serve the community and she is afraid that would happen.

Eben said he thinks it would be nice to invite the treasurer of the library board when talking about their budget. Beth agreed.

Beth asked why there is no ski revenue for recreation. Tom said people are now paying Stowe directly so no cash flows through Johnson. Board members questioned why expenses have not gone down as much as revenue has. Beth said she would like to make sure the revenue sport by sport is correct based on registrations we have seen historically. If we are not doing something we used to do she would like to know why, especially if it was a revenue source. Each program should be net zero. Eben said in rec's proposed budget, the overall burden to the taxpayer increased because revenue decreased more than expense. He suggested maybe the rec committee needs to think about the fees they are charging.

Tom said he and Rosemary used last year's figures for the skatepark committee. There seems to be a discrepancy between Rosemary's numbers and Casey's numbers with regard to what reserve funds are available. Casey needs to work with what is actually in Rosemary's budget.

Beth said she thinks we need to do a comparison of how much each committee costs the town so we can consider if the way expenses are allocated represents the priorities of our taxpayers. She will do it.

Beth asked Casey about the \$10K that was allocated to the skatepark committee budget in FY23. The board is not sure if it has been spent. Casey said she knows money came in for the half pipe that wasn't spent because the half pipe has not been constructed. Beth asked if that money came from a grant. Casey said if it was for the half pipe it would have. Beth said we will research it. Casey said she would like to follow up with Tom.

Tom said there is zero change to the Tuesday Night Live committee budget.

Tom said there is a zero percent increase in Historical Society expenses. Eben said revenue is going down by a greater percentage than expenses, so there is a net increase to taxpayers. Tom explained that he calculated the net impact based on the dollar amount of expenses minus revenues. Eben said maybe it makes more sense to do it that way rather than by comparing percentage changes. Beth said she thinks we need both percentages and dollars.

Tom said there are some loose ends that need to be tied up in the Historical Society budget.

Eben said we will be looking at about a 7% increase to taxpayers without the changes in the grand list. With the grand list changes there will probably be a 10% increase to taxpayers, so even level funding looks really bad and is difficult to swallow. Duncan said another thing we are not factoring in is the amount of surplus. Eben said in his mental calculations he was assuming we would apply about \$125K of surplus.

Eben said he believes Holcomb House rental income should be increased. The rent we charge is currently \$525 a month. He asked Mark what the going rate is for a studio apartment with everything included. Mark said about \$900. Eben said he is not proposing increasing by that much. Duncan said

even if we increased the rent to \$800 or \$900 it would not have much effect on our budget. But the tenant is not doing as much as he did when the other tenants were there. He used to respond to issues and pick up their trash. Tom said he probably gets a phone call a week from the town.

Duncan said he thinks we voted to add ARPA money to the budget and use it to offset expense. He would like Rosemary to double check the numbers. We have to take into consideration what our estimated surplus will be at the end of the current fiscal year. The board discussed how much of the ARPA funds have been allocated and how much remains uncommitted.

Beth said we need someone to go to the VLCT flood meeting. They have really good information there. Tom or Randall could go. We need to make sure someone goes to all of those.

Mark asked when we expect some FEMA reimbursement to come in. Tom said we don't know the timeline. One of the categories is already in the process of being closed out and another will be closed out soon. Seeing how soon we get reimbursement after that will tell us what the timeline is.

**22. Executive Session**

**Eben moved to enter executive session for attorney-client communications under 1 V.S.A. § 313(a)(1)(F), for employment evaluation under 1 V.S.A. § 313(a)(3) and for a revised offer of employment under 1 V.S.A. § 313(a)(3) and the motion was seconded and passed at 10:00.**

The board consented out of executive session at 10:21.

**Shayne moved and Mark seconded to authorize Beth to sign revised Offers of Employment to Justin Mason and Terri Sabens. The motion was passed.**

**23. Landowner Permission for Northern Forest Canoe Trail**

**Eben moved to authorize Tom to sign the landowner permission for the Northern Forest Canoe Trail on Lendway Lane for the VOREC grant, Shayne seconded and the motion was passed.**

**24. Adjourn**

The meeting was adjourned at 10:23.

*Minutes submitted by Donna Griffiths*