

JOHNSON SELECTBOARD MEETING MINUTES  
VERMONT STATE UNIVERSITY – JOHNSON  
THE ELLSWORTH ROOM, WILLEY LIBRARY  
MONDAY, JANUARY 15, 2024

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

Others: Tom Galinat, Rosemary Audibert, Randall Szott, Dean Locke, Tori Hellwig, Seth Jensen, Melissa Manka, Tyler Mumley, Casey Romero, Alexis Daniels

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

**1. Call to Order**

Beth called the meeting to order at 6:35.

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

Tom added delegation of selectboard authority to sign for the Holmes Meadow closing. Beth said the board probably needs an update on that in executive session. Duncan said he would like to have discussion about establishing a town sewer service area as part of the industrial park and possibly some other areas. Probably this should be a future agenda item but he would like to quickly explain what he is talking about.

**3. Review Invoices and Orders**

No one had questions on invoices and orders.

**4. Consider Approving Minutes for January 2, 2024**

**Duncan moved to approve the minutes of January 2, 2024, Shayne seconded and the motion was passed.**

**5. Selectboard Issues and Concerns**

No issues or concerns were raised.

**6. Planned Purchases for Consideration**

There were no planned purchases.

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

Rosemary said she revised the summary of 2023 cash on hand. She added the skatepark reserve fund for this year of \$3,889 and she broke down the skatepark grants. One is for the summer program and one is for the halfpipe. Casey Romero told her she got an extension for the summer program, which was supposed to happen last summer. Duncan asked, that changes the balance to \$155,462.83? Rosemary said yes. Duncan said that number will have to be changed in the budget.

**Duncan moved and Eben seconded to approve the proposed reservations that were in last year's town report (\$125,000 to reduce taxes, \$16,057 to the buildings and grounds reserve fund, \$40,143 to the reappraisal fund, \$12,043 to the capital equipment fund and \$12,043 to the grant matching fund for a total of \$205,286.)**

Mark said the board was concerned about the capital equipment reserve fund. Is \$12K enough to add to it? Eben said he does not think so. Mark asked, why not add more then? Eben said at the last meeting there was discussion about him, Tom and Jason redoing the capital equipment plan and bringing it back to the board. The concern is not for next year; it is for 2030 and 2031. Beth said we can propose adding more in the next budget. Eben said when we are preparing the 2026 budget we can make a more informed decision about what to add.

Eben asked what the current balances for the different funds are. Beth said she thinks it would be helpful to see that information if we can get it.

**The motion was passed.**

Beth said the state sent out a letter with the 2023 equalization study results. It says our Common Level of Appraisal (CLA) is 74.15% and our Coefficient of Dispersion is 22.64%, which basically means we are undervalued in our grand list values. Duncan said it also means there is a disparity between classes of real estate on our grand list. Mark said based on his conversations with the Secretary of State and others, Johnson is not an outlier. Duncan said the 15% trigger requirement for reappraisal was removed last year so we won't be getting a letter ordering us to reappraise. That doesn't mean we shouldn't still think about it. Tom said the drop in CLA will drive our education tax rate up.

Mark asked what our CLA was last year. Rosemary said it was in the low 90s. Shayne asked how such a big swing happened. Rosemary said it is the result of the sale study. Duncan said the equalization study was a comparison of what property sold for vs. what it was appraised for. He said we should try to figure out what the tax impact of the new CLA is going to be. Tom said the Agency of Education has a tax calculator spreadsheet. He can figure it out the impact of the CLA. Beth said she doesn't think it is our job to do that. Duncan said it relates to whether we should do a reappraisal and the selectboard decides that. Beth said she would like to make sure we are prioritizing our time. Mark said he thinks this should be a high priority. Shayne agreed. It gives us helpful information. Duncan said he thinks it is important for us to know how soon we should be doing a reappraisal.

Rosemary said collection of current taxes is down slightly from previous years. We have collected 57.28%. Last year at this time we were at almost 60% and the year before at almost 61%.

**8. *EDA/NBRC Grant Update***

Randall said the EDA grant application was submitted and the EDA had some questions and things that needed to be addressed. He and Tori Hellwig went over those things with them. It was mostly small things like them asking us to revise some numbers or cite a different source. They asked us to submit a couple of extra letters of recommendation that they thought would strengthen the application. They had questions about the monitoring wells and the snowmobile trail. The revised application was submitted Friday.

We also have a signed grant agreement with the Northern Border Regional Commission. We will need a NEPA environmental review. In December we asked Mumley to put together a cost proposal and timeline for NEPA review. They put it together and we passed it along to NBRC. The NBRC said it looks good. That means it can be incorporated into a revised scope of work and into the budget for the grant. The grant can cover the review. That same NEPA review can also serve for the EDA grant, which will also require it. The selectboard needs to authorize the change to the scope and budget for the NBRC grant to incorporate the NEPA review. Once the NEPA review revisions happen we will get a partial notice to proceed which allows reimbursements to happen. The selectboard needs to make sure that the town is committed and ready to go without knowing the EDA grant results. With the EDA grant, the town match is \$396,000. Without it, there is a

pretty big gap. We would need to take out a bond in order to finish everything. The EDA grant is not guaranteed.

Mark asked if we have to commit before we know whether we have the EDA grant. Randall said we should know about the EDA grant by April. If the board is feeling cautious we could wait to hear about that grant before doing the NEPA work. That would delay the total project. Melissa Manka said we should know in early April.

Duncan asked if the adjustment to the scope and funding request increases the amount of the grant. Melissa said the grant is a fixed amount. Tom asked, the cost of the study goes toward our match, right? Melissa said yes.

Beth said there is a deadline for construction to start with the Northern Border grant. If the deadline is from the time we accept the award then waiting to find out about the EDA grant might not be in our best interest.

#### **9. *State Permitting Requirements and Possible Funding Gaps***

Melissa said in April the board signed an agreement with Mumley to do final design and permitting work. There were some exclusions that had to do with additional studies that might be necessary in order to acquire state permits. Some gap funding is needed in order to get from final design to acquiring state permits. The total cost depends on what the state requires. It could be a small amount or as much as \$100,000. That is something to keep in mind and start planning for. We might be able to work something into the NBRC grant to cover it.

Tyler said last year Mumley provided estimated dollar amounts for some items that may be required – construction layout \$5-7K, bidding assistance \$2500, prime agricultural mitigation \$25K. Less likely things the town may have to spend money on include a traffic study and municipal utility improvements.

Mark asked if it is likely that we will have to mitigate prime agricultural land. Tyler said yes. Duncan said almost certainly. Tyler said he will do his best to identify steep slopes, wetlands, etc. that can decrease the amount that is considered prime agricultural land. If agricultural soil is impacted the town either needs to do on-site mitigation or if that is not possible off-site mitigation, which means writing a check to the Department of Agriculture to be used to purchase agricultural lands. Board members asked if we can do a land swap with other town-owned land such as Holmes Meadow. Tyler said there is potential for that.

Duncan said at one time ANR was saying we would have to set aside forest land as an offset for impacting deer wintering yards. Is that still on the table? Tyler said it was previously stated that Mumley understands the town would use off-site land for mitigation for deer wintering areas.

#### **10. *Signature Authorization for NBRC Scope and Budget Changes***

**Duncan moved to authorize Randall Szott to sign to authorize Northern Border Regional Commission grant scope and budget changes with the caveat that, time permitting, he should send out to the full board anything he is going to sign, Shayne seconded and the motion was passed.**

#### **11. *MTAP Statement of Work***

Melissa Manka said the Municipal Technical Assistance Program is run by the state Agency of Administration. It allows for regional planning commissions to receive funding from the Agency of

Administration to assist towns that could use additional capacity. Johnson is one of the towns eligible. The industrial park project was identified as one where administrative assistance might be helpful. LCPC can help with the grant applications and administration, help ensure regulatory requirements are met and do project management. They drafted a statement of work which is pre-approved by the Agency of Administration. The town needs to sign off on it. Then LCPC can get reimbursement directly from the Agency of Administration. The statement of work has an end date of April 15. The contract LCPC has with the Agency of Administration ends April 15 but there has been discussion of extending the program for another year.

Duncan asked if bid services and construction services for the EDA grant are the kind of thing LCPC can assist with. Melissa said yes. Duncan said he is concerned about whether there is time to fit that in before the April 15 deadline. Seth Jensen said LCPC won't walk away from the project if there are pieces left after April 15.

**Shayne moved to approve the MTAP statement of work from LCPC and authorize Beth to sign it, Duncan seconded and the motion was passed.**

***12. EDA/NBRC Grant Update***

Duncan asked whether any of the NEPA review work has already been done and paid for or invoiced or if the cost estimate is above anything that has already been done. Randall said it is separate from the invoices that have been sent. It will be added to the scope of work. Duncan said he thinks the answer to his question is that we are looking at an additional cost of \$9,600 to \$13,200 to complete the NEPA review.

Tyler Mumley talked about the \$6,815 in out of scope work he has done since last May. Duncan asked, the new proposal for the NEPA review is above and beyond anything done within the \$6,815? Tyler said yes. Duncan says he sees prior invoices related to NEPA review. He doesn't want to double pay for what has already been done. Melissa clarified that the \$6,815 was for work to gather information for the NBRC and EDA grants and to develop the cost estimates for the NEPA review for NBRC and EDA. All that work has already been done, invoiced and paid.

Duncan asked if the \$6,815 is going to be added to our total budget of \$46,500 for the work Mumley is doing. Tyler said the answer right now is yes. The \$6,815 worth of work was not part of the original \$46,500. Duncan asked, the \$6,815 of work is not included in the NEPA review proposal? It is strictly additional cost? Tyler said yes. The \$6,815 is out of scope cost incurred to date, above the \$46,500. Duncan asked if that work will reduce the work that has to be done to complete the NEPA review. Tyler said no. He had hoped that the out of scope work could be fit into the \$46,500 but it adds up to a large enough amount that he can't make that promise.

Eben asked, to date there has been \$1,860 worth of in scope work and five times that much for out of scope work? Tyler said yes. Eben asked how many times Tyler is going to come back to us for this. Tyler said if the town doesn't need more help with things that are not in the scope, then zero. Beth said it is up to us what Mumley does for us. If we are going to ask Mumley for assistance we need to ask if it is in scope and if not consider whether we want it done. Mark said this is like change orders we are initiating.

Tyler said the original April agreement with Mumley was based on his proposal. It included \$2,000 for a cost estimate. That is something he expected would be done at the end of the project once

plans and permits are finalized. But Brian Story reached out last April and said he needed it then in order to proceed with a grant application. So Mumley went ahead and did it. Maybe the \$1910 for that cost estimate could be excluded from the \$6,815, but he included it because it is very likely that Mumley will need to do an updated cost estimate later once the plans and design are finalized.

Beth described the two Mumley invoices that are included in tonight's orders. Eben said it sounds like one of those is in scope and one is out of scope. Others agreed.

**13. Town Sewer Service Area**

Duncan said there is a little wedge of property within the industrial park that is in the town, not the village. He believes we should discuss creating a town sewer service area for that wedge, which would allow the village sewer to extend into it to allow hookup. Right now village ordinance prohibits them from going outside the village boundaries. The town sewer service agreement we previously created allows connections within a mapped area. He believes we should create another one related to this land. He thinks the selectboard could designate it but the trustees might have to do something on their side to recognize it. We would not be asking for any allocation, so it may not require village approval. He suggested looking at the previous town sewer service agreement for language.

**14. Climate Economy Resilient Communities Program**

Randall said he looked into having another community visit from the Vermont Council on Rural Development. They are already booked out for that but they brainstormed other services they could provide. Their Climate Economy Resilient Communities Program sounds tightly focused but the examples on their website are less focused. They said we should apply. Tom has some ideas he is interested in. It doesn't cost us anything. We apply and they come in and provide services. It is up to us to decide what we want them to help us do. **Mark moved and Shayne seconded to authorize Randall to apply for facilitation services through the Climate Economy Resilient Communities Program.** Duncan asked if Randall has the capacity to assist us with this. Randall said yes. He said this is just an exploratory piece but it could tie into other opportunities such as service learning from UVM students. **The motion was passed.**

**15. Other Updates**

Randall said he and Seth had a meeting about 2 weeks ago with Pomerleau Real Estate to run through options for the market. He and Drew from Pomerleau have a call tomorrow with the USDA to explore their loan program.

Beth said she and Randall had a conversation in December with Gary Holloway from the state. He has brought together people from different agencies and philanthropical organizations. They wanted to hear what Johnson was doing and how they could help. She and Randall talked about the store and about community events to bring people together. She brought up the idea of community events that are not focused on kids. Randall said as a result of that we are in communication with the Vermont Community Foundation. Beth said they contacted her and wanted to set up something like a small task force to help do something community related. They wanted us to drive it. She passed it on to Randall.

Beth said she and Seth Jensen spoke to the Senate Housing and Economic Development Committee. She testified about where Johnson was in recovery. The thing she tried to drive home was that we need to stop reacting and spending far more than if we proactively built buildings in flood areas that were raised or could withstand flooding events. Seth said he spoke about the impacts in Johnson, Jeffersonville, Cambridge and Wolcott. He and Beth said similar things about

programmatic things the state could do to make us more resilient and less reactive. He talked about long-term and short-term support for recovery housing and housing outside the floodplain that is affordable to the average Vermonter. The committee was very responsive.

**16. *Municipal Building and Library Repair and Mitigation Bid Update and Request to Extend***

Tom said two contractors, Dale Tatro and Brian Raulinaitis, attended the mandatory site visit and both said they don't have enough time to get together numbers from outside vendors. They are requesting an extension. They initially asked to extend to this Wednesday. But Tom also needs to update the RFP with an addendum because some things related to the municipal building are missing or unclear. He needs to check with the contractors tomorrow to see if Wednesday is a long enough extension. Duncan asked, if we extend the deadline, does that open it up to others? Tom said he doesn't think so because we had a mandatory site visit and no one else showed up. Duncan asked if the clarifications to the RFP are because of questions that came from the contractors. Tom said some of them, yes.

**Eben moved to extend the deadline for municipal building and library repair and mitigation bids to January 22 at 4:00 p.m., Mark seconded and the motion was passed.**

It was agreed to meet at 6:00 on January 22.

Tom said because of the cost of this project it is highly recommended to have the town attorney review the contract. The cost of review is reimbursable by FEMA. **Duncan moved to have the municipal attorney review any contracts for the municipal building and library repair and mitigation project, Shayne seconded and the motion was passed.**

**17. *Draft Warning***

The board discussed the articles to go in the town meeting warning.

Eben asked if we should have an article on appointing the town clerk and town treasurer. Duncan said he thinks we should do it at town meeting in 2025. Tom said then he thinks we would draft a contract for Rosemary to work for a year. He and Rosemary think that when the voters vote in 2025 the town then has 30 days to appoint a town clerk. Duncan said he thinks waiting until 2026 puts everyone in a bind. Eben said he thinks waiting until 2025 is a mistake. If the voters vote it down this year then we can address whatever issues they have for next year.

Tom said there is value in the checks and balances of having an elected clerk/treasurer, but the job has grown substantially in responsibility compared to what it was 10 or 12 years ago. It is getting harder for towns to fill the seat with qualified candidates. If the town has someone lined up who is qualified who can be voted in, it is best to elect them, but if not we need to hire from out of town. Duncan said not necessarily hire from out of town, but hire rather than elect. Tom said we would lose some checks and balances. There would no longer be a single acting officer to check the selectboard if needed.

Duncan said we could still elect a clerk but hire a treasurer. Rosemary said she feels it would be much harder to fill the treasurer position than the clerk position. Duncan said the clerk can do less damage than the treasurer can. He and Rosemary said the main responsibilities of the clerk are dealing with land records and elections. Duncan said he thinks it would be easier to find a qualified person to run for clerk than to find a qualified person to run for treasurer. Tom said there are towns that hire finance managers and then still elect a treasurer but the treasure is really just reconciling.

Beth said when we get to the point of having someone new in the position maybe the selectboard should consider having a treasurer on the selectboard to be a check and balance for the town treasurer. Most boards have a treasurer that is a member of the board. Eben said he doesn't know of any town that has a treasurer on the selectboard. Rosemary said she doesn't think a treasurer can be a selectboard member.

Tom said he personally doesn't think we should have an article about the clerk and treasurer this year. Beth asked if we want to talk about having a treasurer appointed sooner. If an article was on the ballot this year and it was voted down and people were in an uproar because Rosemary was not going to be our treasurer then it would give us a year's worth of time to explain that we are going to appoint her to fill out her term. It could help rectify the communication. Duncan said he thinks someone will ask what Rosemary thinks about it and if she says she thinks it is a good idea it will happen. He could support having it on the warning this year only if we agree in advance to offer Rosemary a 2-year contract for the remaining 2 years she plans to be in the position. Shayne asked if that is something we could do. Eben said even though we could not bind the next selectboard there will be three returning members on the next selectboard and if they all agree the likelihood of it not happening is small.

Duncan asked if Rosemary has strong feelings about doing it this year versus next year. Rosemary said personally she would feel more comfortable doing it next year, but it is up to the board. The board agreed to wait until next year.

One possible article has to do with the law enforcement powers of constables. Duncan said the voters have the ability to rescind the law enforcement powers and duties of constables. If that is done, constables can still do animal control or ordinance enforcement and serve civil process serve civil process. Rosemary asked, those powers haven't already been rescinded? Duncan said the selectboard just came up with a job description that does not include law enforcement but that does not prevent a constable from doing it. The board agreed to have an article on this.

It was agreed to include an article on establishing a reserve fund for paving. There was discussion about what the article should say with regard to how the reserve fund is to be funded. Tom said he thinks he can find a model article. Beth suggested looking at the wording of the articles for the funds created last year.

Duncan asked if the wording that established the tax anticipation reserve fund is broad enough to allow us to use it to help with cash flow. Tom said he and Rosemary can look into that. Duncan said if the opinion is that it is not flexible enough to help with cash flow we might want to consider amending it.

***18. Road Names for College Apartments***

**Duncan moved to accept Justin Mason's road name recommendations: Badger Drive, Hermit Thrush Drive, Robin Drive, Hawk Drive and Eagle Drive. Shayne seconded and the motion was passed.**

***19. Skatepark Committee Appointment***

Alexis Daniels introduced herself. The skatepark committee recommends appointing her. **Duncan moved to appoint Alexis Daniels to the skatepark committee, Shayne seconded and the motion was passed.**

**20. Full Review of the Budget**

The board reviewed and discussed the latest budget draft.

**21. Executive Session for Negotiating or Securing Real Estate**

**Eben moved to enter executive session for negotiating or securing real estate under 1 V.S.A. § 313(a)(2), Mark seconded and the motion was passed at 9:30.**

The board consented out of executive session at 9:48.

**Shayne moved for Tom to sign closing paperwork for the Holmes Meadow real estate transaction and the motion was passed.**

**22. Executive Session for Negotiating or Securing Real Estate**

**Eben moved to go into executive session for negotiating or securing real estate under 1 V.S.A. § 313(a)(2), Shayne seconded and the motion was passed at 9:50.**

The board came out of executive session at 10:07 with no action taken.

**23. Executive Session for Employment Evaluation**

**Eben moved to go into executive session for employment evaluation under 1 V.S.A. § 313(a)(3), Shayne seconded and the motion was passed at 10:08.**

The board came out of executive session at 10:32 with no action taken.

**24. Adjourn**

The meeting was adjourned at 10:32.

*Minutes submitted by Donna Griffiths*