

JOHNSON SELECTBOARD MEETING MINUTES
VERMONT STATE UNIVERSITY – JOHNSON
THE ELLSWORTH ROOM, WILLEY LIBRARY
MONDAY, FEBRUARY 21 2024

Present: Selectboard members: Beth Foy, Duncan Hastings, Eben Patch, Shayne Spence (remote), Mark Woodward

Others: Tom Galinat, Rosemary Audibert, Jason Whitehill, Randall Szott, Dean Locke, Eric Osgood, Charles Gallanter, Kyle Hill, Sam Young (remote), Casey Romero, Howard Romero, Dick Simays, Ron Rodjenski (remote)

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eben called the meeting to order at 6:36.

2. Consider Additions or Adjustments and Approving Agenda

It was agreed to add the following items to the agenda:

- Delegation of a selectboard member to work with the skatepark committee to put together an RFP
- Delegation of signing authority for the municipal building repair contract
- A decision on which funding source to pursue for Lendway Lane work
- Liquor licenses
- Planned purchases – land records restoration and water heater replacement
- Permission to close the office for a week
- Permission to proceed with a grant application for library capital improvements
- Authorization to circulate a merger information sheet
- Discussion related to the highway capital budget as it appears in the town report

3. Consider Approving Minutes for February 5, 2024

Duncan moved to approve the minutes of February 5, 2024, Eben seconded and the motion was passed.

4. Selectboard Issues and Concerns

Shayne said he read an article today about the state hiring private contractors to help towns apply for FEMA aid. Beth said it sounds like they are just assisting with contractors if we can't find them.

5. Planned Purchases for Consideration

Jason said he reached out to a couple of manufacturers for prices on snow plow cutting blades. One got back to him. Last year this company (Winter) was the cheapest. Their prices will be going up 15% in the spring. He would like to purchase two sets of blades. **Mark moved to authorize purchase of snowplow cutting blades for an amount not to exceed \$4000, Duncan seconded and the motion was passed.**

Tom said the municipal building water heater has been out for at least a year or two. It has been repaired twice and both times it failed shortly afterwards. Lydia reached out for quotes. We only got one, from County Plumbing and Heating. Their price for a new 30-gallon propane water heater with installation is \$3090. This is the same type of heater we have now. The distance from the faucet was too far for an on-demand heater. We would have had to have two, which would be more expensive.

Charlie Gallanter asked, why propane and not electric? Tom said they looked into that. They wanted a geothermal electric heater. With the available rebate, the price would have been comparable but there was no electricity close to the water heater location and the necessary electrical work would have made it too expensive.

Beth asked if we have talked to the village. Tom said yes. The village manager approved splitting the cost 50-50 said tom.

Eben moved and Duncan seconded to authorize spending 50% of the cost of a new water heater, with the total cost not to exceed \$3,090.

The board agreed that if we can get an on-demand electric water heater for the same amount, Tom is authorized by this motion to purchase one. Tom said he will look into the cost of a heat pump system.

The motion was passed.

Rosemary said we got a quote of \$3,210 for archival Mylar preservation of the land records book that had mold. FEMA will pay for it. **Eben moved to approve spending an amount not to exceed \$3300 for restoration of land records, Duncan seconded and the motion was passed.**

6. ***Clerk/Treasurer Report: Warrants, Licenses and Any Action Items***

Rosemary handed out information on the cultivator tier 2 cannabis license renewal that was requested by Mountain Man Weed. Board members said they did not remember approving a license for this cultivator last year. Rosemary said if we don't approve a license within 45 days it is automatically approved. **Eben moved to approve renewal of the cultivator tier 2 cannabis license for Mountain Man Weed, Duncan seconded and the motion was passed.**

Eben moved to approve the special event liquor license for the Vermont Studio Center event on March 28 from 6:00 to 7:00.

Eben moved to approve renewal of liquor and tobacco licenses for Jolley, Route 15, with the usual letter to be sent out and pending payment of liquor license fees, Duncan seconded and the motion was passed.

Rosemary said we got a \$5K insurance payment from PACIF for salt lost in the flood.

Tom said invoices for debris cleanup were submitted today. Expenses from July 12 through August 12 will be 100% reimbursed and expenses after that will be 75% reimbursed.

7. ***Community and Economic Development Specialist Report and Action Items***

Mark asked if the state is passing legislation that will send more money to flooded towns. There was a press release today about new funding opportunities. Randall said there is a bill in conference committee now. If it stays in its current form the formula will be proportional to town impact and Johnson and Ludlow would get the biggest benefit. There is a larger pool of money for grant matches in the same bill.

Beth asked if there is any update on the Emergency Management funding for buyouts outside the flood zone. Tom said he went to a webinar on Tuesday and it wasn't decided at that point. Shayne said he thinks the program he was talking about that provides hazard mitigation funding will fund buyouts in areas outside the FEMA map.

Randall said the industrial park EDA grant application is stalled. They wanted a letter of interest in moving into the park from a local business. We got a letter but the feedback was that the letter was deemed to be neither clear nor convincing. The EDA wanted a clear nexus between the flood or another disaster and access to money for the industrial park and they didn't see that. But they were interested in the discussion of potentially relocating the wastewater facility to that site. Their recommendation was to resubmit the application and incorporate that as the primary purpose of the project, but he doesn't think that fits with the original vision and we don't have all the details worked out to make a convincing application. Beth asked, if we were to go down that path, would that jeopardize the Northern Border funding? Randall said it would introduce a greater level of complexity. He thinks it is time to contemplate what would happen without the EDA money. Duncan asked if there is any other EDA source that would be practical. Randall said if so, they did not convey that to us. He will ask his contact if there is any other suggestion.

We are still waiting for notice to proceed on the Northern Border Regional Commission grant. Tom met with LCPC, Pat Ripley and Mumley about the proposal for environmental review of the site that was submitted to NBRC. They approved it, but there were concerns cited that it was a very bare bones proposal. There was discussion about other things not included in the proposal that might be needed to complete the NEPA review. Mumley is working to revise the proposal to add in more possible costs. Once that is sent to NBRC hopefully we will get partial notice to proceed

The state just launched a Rural Industry and Development Program. Randall met with the Agency of Commerce and Community Development to talk about that. It is for making improvements to industrial park sites but the only way we can qualify is if a local economic development corporation owns the site. Randall said he doesn't know how enthusiastic the Lamoille Economic Development Corporation would be about taking ownership.

Randall said he met with Sue Lovering and made a determination that her proposal for an AARP Community Challenge grant was not compatible with the rail trail committee proposal because it involved concentrating items in one location when the rail trail committee's goal is to distribute items throughout the community. Then Randall learned that the Vermont Studio Center is also applying for a Community Challenge grant. He found out about a Placemaking Grant from the National Association of Realtors. They allow applications from local and regional realtors' associations. He reached out Lamoille Realtors and they agreed to apply on our behalf. They can only recommend one project a year. They decided to recommend the arboretum project. The maximum grant amount is almost exactly what the arboretum wanted. It could be approved quickly after submission and there is no match. The local realtors want to be there when the benches are put in.

Randall reached out to AARP Vermont and described the rail trail project and got an enthusiastic response.

We are still waiting to hear from the village about the USDA loan program for the grocery store.

Vermont Community Foundation still has an interest in helping Johnson in some way. There is some interest in making improvements at Legion Field. They might potentially have funding for that.

The decision date for the VOREC grant he applied for is a week away.

Randall has been working on the Green Mountain Byway committee. They want to install interpretive panels along the byway. He contacted the Tree Board, the Conservation Commission, the Studio Center and the Green Mountain Club for ideas. Once we have suggested text, images and site locations we will take them back to Green Mountain Byways. Duncan asked if there would be a connection to the rail trail. Randall said he thinks the Green Mountain Club is proposing a panel about the foot bridge they constructed.

Randall said at the last meeting the selectboard approved him applying to the Vermont Council on Rural Development's Resilient Communities program. They are going to allocate resources to come here and develop some project with us. A flood recovery plan seems like a strong option. Sam Young, who works with FEMA in their community assistance program, could be involved.

Sam Young said he served in the legislature for 10 years with Randall and Mark. Last summer he was hired by FEMA. He currently works with the Interagency Recovery Coordination Community Assistance program. If Johnson decides to create a flood recovery plan they can help with implementation. And if there are projects other than that, he is a resource.

Charlie asked if Randall said the town can't get a grant because we don't have a tenant. Randall said not exactly. The program said they wanted a letter of interest but it seemed that what they wanted was more like a letter of commitment. The one we provided said the industrial park would be an option the business would want to explore. The EDA felt it didn't suffice. That was one of several complications with the grant application. Beth said she thinks the bigger issue is that they want it linked to recovery from an event. Charlie asked who wrote the letter. Randall said that is confidential.

Charlie suggested that if the grocery store relocated to the industrial park they would be both recovering from flood damage and anchoring the industrial park. If they stay where they are they are talking about putting up a 6-ft. wall, which runs into form based code. Rehabilitating the existing building is problematic due to flood mitigation and form based code. He suggests giving them a lease at the industrial park for one dollar. Beth said they have been working with Scott Meyer on the planned mitigation efforts.

8. Public Works Supervisor/Highway Foreman Report and Action Items

Jason said some changes were made at the town highway department shop and it is now in compliance with OSHA. New windshields were put in several trucks. Truck 19 is no longer under warranty and Truck 20's warranty runs out this August. Jason described some work that was recently done to Trucks 19 and 20. Beth asked, those trucks have no other known issues? Jason said they don't. The crew took down some trees that were compromised due to storms. They are getting equipment ready for the upcoming season. Salt usage is down from usual. It hasn't been cold enough for the flood contamination to affect the salt. Sand usage is a little above average.

Jason said he and Tom went to a DMV-sponsored meeting about road posting. If we post the roads legally and update the website and we have a problem with an overweight vehicle, DMV will come. They are short-staffed and might not be able to come every time but will spend a few days here if we want. We do have some leg to stand on with enforcement. If sugarmakers are using vehicles not registered as ag vehicles they can be fined. And we can hold them accountable and send them a bill for road damage. The DMV representatives said overweight vehicles are a big issue on paved roads. Even on state roads heavier weight trucks cause pavement to delaminate and fail more quickly.

Mark said if a truck has an ag plate it is free to go on posted roads. Jason said they can go on posted roads but if that vehicle clearly causes damage and the road is posted legally we can bill them for the damage. Duncan said it is clear that if we don't post the roads we have no recourse.

Eben moved to post town roads in accordance with state statute, Duncan seconded and the motion was passed.

Duncan moved and Beth seconded to post town roads in accordance with state statute from March 1 through April 30.

Mark asked if this allows overweight vehicles to go on posted roads when they are frozen. Jason said it does as long as we treat everyone the same. Duncan said in the past we have allowed the road foreman to allow vehicles to make one-way trips at his discretion depending on conditions. If a road is frozen early in the morning he can allow it.

The motion was passed.

Mark moved and Eben seconded to authorize Jason to authorize trips on posted roads at his own discretion.

Jason said it technically it can't be at his discretion. We have to be clear about what we allow. Beth said he can set the rules and they can be published. Tom said the only requirement is that the posted roads be on the DMV website. We could put something on our website about contacting Jason. Jason said he thinks technically the board has to come up with the rules. Beth said our rule is that Jason is allowed to authorize trips. **Duncan suggested a friendly amendment, which was accepted, to add that Jason can authorize trips when in his best judgment allowing such trips would not cause damage to the highways. The motion was passed.**

9. Sponsoring the Public Service Award and Banquet

Eric Osgood had sent an email requesting that the selectboard sponsor a public service award and banquet that in the past has been hosted by 6th graders. Historically the Secretary of State has come to Johnson to present awards to individuals who have served or volunteered for more than 20 years for the Town of Johnson. Eric asks that the board sponsor this event, decide on a venue, authorize the expenditure for the banquet, ask Rosemary for office personnel help to identify individuals meeting the qualifications for submission to the Secretary of State's office, and authorize invitations to be sent out to those meeting the qualifications.

The board agreed to sponsor the event and to try to find a venue to hold it in late May. Eben suggested that Tom work on finding a venue and getting quotes so the board can approve the expenditure at the next meeting.

Eben suggested asking the 6th grade class at Johnson Elementary if they are interested in hosting the banquet. Beth said to reach out to her if they are not interested because she knows of other groups that may be interested.

10. *Holcomb House Proposal Review and Approval*

Duncan moved to approve the contract from Under the Eaves in the amount of \$13,952.30 for work on Holcomb House, with the Historical Society to cover 50% of the cost and the town to cover 50%. He said he thinks it would be up to the Historical Society to ask us to apply reserve funds if they decide they want to use reserve funds. We can leave it up to them how to come up with their 50% cost share. Beth asked if part of their 50% could come from their remaining balance from their operating budget. Duncan said it could. Beth said the town portion would come out of the selectboard budget then. Duncan agreed. **Mark seconded.**

Eben asked if the check already cut came out of the Historical Society reserve fund. Beth said yes. That was about \$4K.

Eben asked, we don't want to stick to the request of reducing expenditures by 5%? Duncan said he doesn't know how that relates to the motion he made.

The motion was passed with Eben opposed.

11. *RFP for FEMA Skatepark Work*

Tom said an RFP will be prepared for replacing the wooden structures at the skatepark. Could the selectboard delegate someone to work with Ron Rodjenski and Casey Romero and approve the RFP? Eventually there will be a second RFP for other work. At the time the selectboard could delegate someone for that RFP. Casey noted that the scope of work for the RFP includes repairing other damage too.

Beth moved to authorize Mark to work on and approve the RFP for FEMA-funded skatepark repairs, Eben seconded and the motion was passed.

Kyley Hill said she knows there is a plan to bring another cement structure into the skatepark and to replace damaged items with items that will take up more space. She is wondering if dirt will be removed to compensate for items previously brought into the space.

Tom said nothing can go into the park until a floodplain permit is filled out and there is Act 250 approval. The work will be done in accordance with our own permitting structures and state regulations. For the structure approved to be built in spring, a volume of soil equal to the volume of concrete will be moved out.

Kyley said there have been things brought into the park with no soil taken out to compensate. Beth asked if that was since the flood or prior. Kyley said prior.

Eben said ditching material was staged there for the half pipe project. He believes that will be brought out.

Kyley said she feels the town was negligent and did not follow procedures established in 2017 because concrete and fill was brought in without a corresponding amount of material being removed.

Tom said that point is being addressed and acted on. Soil was staged there in anticipation of the half pipe project, which is way behind schedule. The half pipe will go in, the soil will be used, the total volume of the concrete and berm will be calculated and that volume will be removed, along with any remaining soil that was staged there.

Charlie said he checked with the Act 250 permit people and the last floodplain permit they had was from 2017. It didn't say anything about a half pipe. Tom said he will check if the state has the permit and check with Scott Meyer about next steps.

Charlie said the Planning Commission acts as the zoning board of adjustment for floodplain permits and they have not seen a permit application for the proposed work. Tom said the permit was filled out in October with Scott Meyer. He will talk to Scott, the Planning Commission and the state and make sure we are in compliance.

Dean Locke said all the wooden structures at the skatepark have been completely removed so we are starting fresh. Anything put in now will have to comply with the rules that an equal volume must be taken out.

Charlie said the last permit was issued in 2017. For anything brought in after 2017, comparable amounts need to be removed. Eben said that is good information.

12. *Municipal Building and Library Repair Contract*

Tom said the contractor came in today with a signed contract. Could the board delegate someone to sign it on behalf of the board once we have FEMA approval for mitigation? **Duncan moved and Eben seconded to authorize Tom to sign the contract for municipal building repairs when it is deemed appropriate to do so.**

Tom said the contractor is starting construction Monday morning. They will be doing the inside work first. They will bring 3 storage containers and Rosemary will work with people from the state to sort and organize the paperwork that is removed from the building.

The motion was passed.

Duncan clarified that his motion did not include the contract for library repairs.

13. *Permission to Close Office*

Tom suggested that the board give Rosemary authority to close the office for a week when it is necessary because the staff are working on moving back downstairs. Beth said she thinks Rosemary already has the authority. She should just make sure to post the closing on the town website and Facebook page.

14. *Department of Libraries Grant for Capital Improvements*

Beth asked, there is nothing new on the library contract? Tom said no.

Tom said the Department of Libraries offers grants for capital improvements. We could get \$300K to \$1.5 million. If we move forward with FEMA we are limited to \$156K for mitigation. One option is not to do any FEMA-funded mitigation and to work with Department of Libraries. The grant application is due March 12. He is asking the board for permission to work with Jeanne Engel to look at options for relocating or elevating the building and put together a proposal.

Duncan moved to authorize Tom to work with the library board and/or Jeanne Engel to submit an application to the Department of Libraries for grant funds from the U.S. Treasury Capital Projects Fund for Libraries, Shayne seconded and the motion was passed.

Tom said if we don't get this grant we can move forward with our original plan.

15. Appointments to Tuesday Night Live Committee

Howard said there are two openings on the committee and two people have shown interest. Duncan moved to appoint Charles Flaum and Geoff Hollis to the Tuesday Night Live Committee, Mark seconded and the motion was passed.

Howard said the committee has a lot of expensive sound equipment they want to keep on the field during the season. He is unsure about the security of the wooden closet so they are going to get a 16 foot storage container and put it behind the bandstand as much as possible to keep their gear in. They will pay for it out of their budget.

16. Lendway Lane Grant Update

Tom said the funding for UPWP grants has increased to 100%. A \$440K project along Lendway Lane would be 100% funded though a UPWP grant. If we used FEMA funds, FEMA would cover 75% and the state would cover 12.5%. We can have all engineering and construction work paid for 100% and we can pull out any time before the project starts. He is asking for approval to apply for the grant.

Duncan asked how many linear feet we are talking about and whether the work is for protection of the road. Tom said it is for protection of the road.

Duncan said if we armor the bank it will have an impact somewhere else. Jason said much of Lendway Lane is already armored. Duncan said a lot of land has been lost on the other side of the river since that was done.

Tom said if we do nothing and there is another major event, Lendway Lane is a Class 3 road and we are required to fix it. If it is not a FEMA event we will have to pay for it. He has until March 5 to apply for the grant.

Duncan said we are trying to get involved in a regional planning process to look at flooding impacts on a watershed basis. If we armor it there is guaranteed to be an impact somewhere else on the river. Beth asked if the engineering will result in understanding that impact. Duncan and Tom said they do not think so.

Tom said he thinks the project area is 440 feet long. Jason said that is the combined amount. There are two stretches. It is in the area near the sand pile.

Charlie said he thinks the board needs to be aware that there is case in the Supreme Court that makes you liable for diverting water that damages someone else's property. Beth said this isn't diverting. Duncan asked, the U.S. Supreme Court or Vermont Supreme Court? Charlie said U.S. Duncan said it is not a precedent yet if the case is not decided yet.

Duncan said Eric Osgood has been strongly involved in the concept of watershed planning. He asked Eric's opinion on applying for a grant to armor about 400 ft. of Lamoille River bank to protect the highway, which will have an impact somewhere else. Eric agreed that it will have an impact, but the town has to protect its highway. An example of that is Hogback Road by the bridge. We ripped that because the road was eroding. Now an island has formed and the river on the other side of the island is going to affect the state highway.

Ron Rodjenski said there are several issues. One is that the window is closing on the grant opportunity. Another is that the town is protecting access to a single family house. Another is that if that road washes out in the next storm and it is not a FEMA disaster the town will have to pay to fix the road or close it. The Town of Johnson has done substantial armoring over time. This one section is not armored. Armoring it will interrupt the natural flow of the river and accelerate flood impacts by increasing the elevation or velocity of the water. In this case the USDA is 100% on board with funding the armoring of that section. They will have an engineer hired who will come back with a plan and proposed costs. His understanding is that USDA will stay with us for the whole project. In the end we will have a well-protected driveway to that one house and protection for the bank consistent with past practices of Johnson. How to deal with this case is difficult. There is not a lot of public interest there. There is a private residential area in an active floodplain zone. Maybe a hybrid solution is to apply for the grant with the idea of holding off on the decision to do the work until the engineering is done.

Mark moved to apply for a UPWP grant from the USDA, Eben seconded and the motion was passed with Shayne opposed.

Beth said she thinks involving LCPC in this discussion is important. She suggested that Tom let them know we will need their assistance with impact mitigation.

Duncan suggested including assessing the impact of armoring in the grant if possible.

17. Town Meeting Preparation and Planning

Rosemary said Mark is providing pizza for lunch. The 6th grade class is not doing lunch. Beth said Kyle Nuse has been involved in the past with finding contacts for daycare. She also had given Tom the names of people who have teenagers who might be able to help. Rosemary brought up the question of whether any of them are certified. Eben and Beth told Tom that committees sometimes have tables there. Rosemary said the Historical Society is planning to be there. The Rec Committee is planning on providing coffee. Beth asked Tom to reach out to the Boy Scouts about providing a color guard. Tom asked if he could reach out to Eric Osgood for help setting up the agenda. Eric said yes. Beth said she had emailed board members with suggested topics and speakers. She thinks the board can discuss that further via email.

Duncan said he thinks a lot of people are wondering why the merger plan article is on the warning and what it means. He drafted a neutral statement that explains that it was submitted by petition and the board is not taking a position on it. His draft also provides information on what it means.

He thinks it can be posted on Front Porch Forum and the town website and Facebook page and copies can be available at town meeting. Board members approved of the information sheet and agreed it should be disseminated.

Duncan said the highway capital budget that appears in the town report is a little different from the one we actually approved. He suggests making up copies of the correct version to have available at town meeting. Beth agreed and said she thinks the correct version should also be put on the town website in the same place as the town report. She also noted that some years of the town report are not on the website and asked Rosemary if they can be posted.

Jason noted that the years of service shown for highway employees in the town report are not accurate. Beth said she thinks we can speak to that at town meeting. She said to tell the employees that we are sorry.

Duncan said we have a meeting scheduled the day before town meeting. We could cancel it but he thinks it would not be a bad idea to meet and talk about town meeting. The board will also meet the day after town meeting.

Duncan asked if Tom can check with everyone who is appointed to town positions to see if they want to continue (or delegate that task to someone.) Beth said she strongly recommends that everyone continue to use the appointments spreadsheet and keep it updated.

18. Form PVR 4155 Certificate of No Appeal or Suit Pending

Duncan moved to sign Form PVR 4155 Certificate of No Appeal or Suit Pending to verify that there is no appeal or suit pending for the 2023 Grand List, Eben seconded and the motion was passed.

19. Adjourn

The meeting was adjourned at 9:00.

Minutes submitted by Donna Griffiths