

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, APRIL 15, 2024

Present: Selectboard members: Mike Dunham, Duncan Hastings, Eben Patch, Mark Woodward
Others: Tom Galinat, Rosemary Audibert, Lois Frey, Sue Lovering, Paul Warden (remote)
Absent: Shayne Spence

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eben called the meeting to order at 6:30.

2. Consider Additions or Adjustments and Approving Agenda

It was agreed to add an item related to library and municipal building funding. Duncan said Green Up Day is May 4. He would like Tom, Shayne and Jason to do what needs to be done for Green Up Day. Board members agreed no motion was necessary to allow that. It was also agreed to add delegation of cannabis license approval authority.

3. Review Invoices and Orders

Mike questioned whether it is necessary for the board to review orders. Mark said he thinks it is unnecessary. We have never found a correction.

4. Selectboard Issues and Concerns

Mark brought up an email received from a citizen about an ATV on Sinclair Road. He said he and Mike had responded. Duncan said he also responded.

5. Letter of Intent – Grants in Aid

Duncan moved to authorize Tom to sign the letter of intent for Grants in Aid, and the motion was seconded and passed.

6. Review and Act on Funding Opportunities for the Market

Duncan said his request to the board is to authorize the town through Randall and/or Tom to submit an application for a Swift Current grant for the market before the April 30 deadline. Vermont Emergency Management said they would assist with development of the application. He has communicated with Scott Meyer, who agreed to let Duncan provide his contact information to Brian Waxler of Pomerleau. Scott needs to make a determination of substantial damage for grant eligibility. Another requirement for the grant, which may or may not be met, is it that Pomerleau's dry floodproofing proposal needs to meet the standards. If it does, the application could go forward and Duncan thinks there is a good likelihood of it being approved. It is a 100% grant with no cost share. Five percent of the project cost is available to whoever administers the grant as an administration fee. He doesn't see any downside to submitting an application. If the proposed dry floodproofing method doesn't work FEMA will say so at the outset and we will go down a different avenue. The town would be the responsible entity and would pass the money through to the market. We would have responsibility for grant management and administration and we would get 5% of the project cost for that. Randall said he thought he could get the grant submitted. The question of grant management is not something Duncan is asking the board to decide about tonight. That will need to be discussed if the grant is approved. He thinks Randall probably can do it but as a backup we should ask LCPC. Mark said it might be good if LCPC can do it since we have other things for Randall to do.

Mark moved and Mike seconded to apply for a Swift Current grant for the market.

Duncan said the village had the possibility of getting up to a couple of million dollars from a USDA grant but they decided not to apply for it. Mark asked what their thinking was. Eben said he thinks

there was a liability issue. Duncan said he thinks they did not want to take on grant administration and VPPSA did not want to take it on either. The trustees voted not to pursue the funding opportunity.

At Duncan's suggestion Mark and Mike agreed to the friendly amendment that the town will seek assistance from LCPC if needed. The motion was passed.

7. *Review and Act on Funding Opportunity for the Library and Municipal Building*

Tom said there is a funding opportunity for the municipal building and library through the same Swift Current program. There are only so many projects that qualify for this funding. We would not be competing with the market or the sewage treatment facility. We could apply for funding to move the library to Legion Field and maybe move the municipal complex out of the floodplain as well. The state Interagency Recovery Committee suggested that we apply for this grant. Duncan asked if it would be in lieu of or an addition to the Department of Libraries grant. Tom said the Interagency Recovery Committee is willing to do the coordination to ensure that the funding stack is built and does not overlap. If they approve this project they would sort out all the funding. We don't know if we will get the DOL grant. If we get both grants, we can choose the best option. Grant administration should be straightforward, just quarterly reports. There is no match and we would get a 5% of the project cost as an administration fee. **Duncan moved to authorize Tom to submit an application for a Swift Current grant on behalf of the Town of Johnson, Mark seconded and the motion was passed.**

8. *Board Discussion on Most Effective Use of Work Session Meetings*

Eben asked for the board's feelings on the most effective use of work session meetings. Mark said he would like to get at least one committee before the board at each meeting to touch base with all of them and potentially give them assignments. Duncan said he thinks it would be appropriate for the board to ask committees to develop priorities for the coming year. Eben said he would ideally like to see those submitted before the selectboard planning and priorities meeting. He said he likes the idea of touching base with each committee at least once a year.

Tom said he has noticed that sometimes things are discussed but are pushed off with no decision made. Maybe at work session meetings the board could make a final decision on some of those things or schedule a decision. Duncan said his vision for the work session meetings is to tackle items that keep falling off our plate.

Duncan said he thinks it would be good to have specific ideas ahead of time for the next work session. For instance, we could set the next work session as the date we will adopt a Class IV road policy.

9. *Discussion of Next Steps Industrial/Commercial Park Funding*

Tom said Pat Ripley sent an email expressing concern that the town needs to have a match for the Northern Border Regional Commission grant in hand by September 30. We will not be able to move past the NEPA assessment without proof that the funds have actually been secured. It is not enough just to have a vote on a bond. Delays in securing the match jeopardize the project. Randall sent out amortization schedules for a \$200,000 bond for 20 years and a \$330,000 bond for 20 years. Pat Ripley has prepared a list of possible additional expenses totaling about \$250,000. That total includes worst case scenarios for a variety of things.

Duncan said total project cost is estimated at \$1,723,890, with a local match of 861,945. We have committed \$539,000 of ARPA funds. If we subtract that from our match we get \$322,929. That does not include any of the \$250,000 of potential additional costs. Tom said he thinks we could subtract \$46,000 from the amount we still need because the \$549,000 doesn't include the \$46,000 we have already put into the project.

Duncan said he thinks we will probably not need to spend additional money for utilities improvements, highway intersection design, wetland delineation or deer wintering mitigation. Tyler had originally estimated a smaller dollar amount for ag land mitigation than the \$40,000 in Pat Ripley's estimate.

Eben said he wants to talk about the possibility of borrowing money from our revolving loan fund. We are proposing to put \$75,000 from year end surplus towards industrial park expenses. There is also money in the grant match reserve fund. He would like to see the spreadsheet reworked incorporating those amounts. And he would like to see what the numbers look like if we borrow \$175,000 at 0% interest from the revolving loan fund. He thinks the worst case scenario figures can be reduced from \$250,000 to about \$200,000. Duncan said he thinks we could reduce the amount to about \$125,000.

Tom mentioned the possibility of taking out a tax anticipation note. Duncan said he is not in favor of that. It has to be paid back in a year.

Duncan volunteered to work with Tom and Randall and come back to the board with revised estimates at the next work session meeting. If we go to bond it requires probably a month's notice. The town clerk has to provide notice in the newspaper for three consecutive weeks. We should come up with a plan. We need a good bond attorney.

Duncan said he thinks we should look into borrowing from the revolving loan fund. We can get a loan at 0% interest and we can set the term. A critical piece is that if we don't use that fund, we will lose it. He believes we have \$280,000 in the fund. He would like to come back with a proposal for some amount to bond and some amount to borrow from ourselves after working with Tom and Randall. He doesn't like a tax anticipation note because it has to be paid back in a year. But we could consider creating a Tax Increment Financing (TIF) district in the area of the industrial park. Tom said a TIF allows us to use income from the future increased grand list to pay back what we borrow. *(Lois Frey and Sue Lovering arrived at 7:37.)*

Mike asked if the industrial park project will pay us back in the long run. Duncan said he thinks we could get \$50-\$60,000 per acre for sites at the park. There are 19 acres. Mark said he thinks this is a 20th century idea. Duncan said we have \$861,000 of grant money available and we can easily turn it into \$1.7 million. The potential cost to the taxpayers will probably be \$300-600,000. Is that worth it? Mike said he doesn't think it will be an easy sell in this climate.

Tom said if we took out a tax anticipation note for the next year then we could fund for the true project cost once we knew it. Others said we can cut the project cost if it is more than the amount we funded for.

Eben said if we sell these lots at \$55,000 per acre we will have a million dollars. He asked if Mike would be comfortable telling the taxpayers that we brought a million dollars to the town by bonding for \$330,000. We would have \$500,000 profit, the equivalent of getting all the ARPA money back. And we would have the industrial park, which would be a continual source of revenue.

Sue Lovering asked, when the voters voted to buy the property was putting in an industrial park a mandate? That was what we were buying it for, right? Eben said he doesn't know if it is a mandate. Sue said it seems to her that it is a long-term investment. We need to bring some money to this town.

Tom said he thinks the best thing to come out of it would be if we draw a TIF district to include other areas of town.

Mark said no one but the sewage treatment plant has shown interest in locating at the park. He doesn't think there is demand. Duncan said he thinks there is. When John Mandeville was at LEDC he said he thought there was a huge demand.

Mark asked if the village is still interested in locating the sewage treatment plant there. Eben said he thinks they are waiting to hear from the state. Duncan said if they did locate there and were willing to pay market price it could reduce the expense of the project considerably.

Eben said he believes the sentiment of the board is that Duncan can work with Tom and Randall to develop revised estimates for the next work session and he can be part of some of those conversations.

10. Class IV Road Policy Next Steps

Mike said he thinks we need to bring in everyone who was involved in the previous work on the Class IV road policy. Duncan said he sent out three documents that he got from Paul Warden: the Planning Commission's proposed changes to the Class IV road policy, the selectboard response to those, and the Planning Commission's response to the selectboard response. He tried to take all the comments and work them into one revised policy, which he provided for the board. He suggests that everyone read it. His draft does not require anyone to get a permit for snow plowing or annual basic maintenance. He thought the process would be to see if the board can agree on the draft and then we can circulate it and ask for feedback before it is adopted. He added back some things from the original Class IV road policy that he thought should be there.

Regarding people getting permits, Mark said it seems like we ought to have some idea what is going on on Class IV roads. Duncan said maintenance work does not require a permit but it requires the landowner to notify the town. Will they do that? Probably not. He is not including work on culverts in routine maintenance that does not require a permit. He thinks culvert work should require a permit.

Tom said the Municipal Roads General Permit (MRGP) requires a financial obligation for maintenance. We probably should do some reclassification of roads. Duncan said he agrees, but that is a separate question. Eben said he thinks the Planning Commission previously offered recommendations on reclassification. Tom said if a Class IV road is reclassified as a trail we can stop maintenance on it. Duncan said he thinks it would be useful to know why the Planning Commission made the recommendations they did with regard to reclassification. Paul Warden said he could find the PowerPoint the Planning Commission prepared. They did have recommendations for hydrologically connected segments.

Tom asked, if we are not going to reclassify roads at the same time we adopt this policy, does it put us at risk of having to maintain or repair roads? We should make sure we do things in the right order. Duncan said his draft recognizes the Municipal Roads General Permit. The past policy of the board was to retain all Class IV highways and trails for recreation, general access, etc. He feels the decision on whether to keep the roads may now be influenced by other factors because under MRGP we get

zero dollars for Class IV road maintenance from the state but maintenance is required. Paul said he will find the PowerPoint and send it again. That PowerPoint says where the Planning Commission feels it makes sense to turn roads into trails and where it doesn't.

Eben questioned the sentence that says it is town policy to have the road foreman survey Class IV roads annually. The board discussed alternative wording such as saying that it is our intent to inspect Class IV roads annually.

Eben said he thinks every board member should review the draft policy one more time and the board should plan to adopt it at the first meeting next month. He asked Tom to send it out with the changes discussed.

11. Priority Planning Meeting

Eben suggested creating three lists of priorities at the priorities and planning meeting. One list would be selectboard priorities. Community members would not weigh in on those. Another list would be attainable short-term community goals and the third would be long-term identified priorities – things we can't complete in a year. Tom suggested that for long-term projects the board could at least have some annual goals to ensure they were moving ahead.

Paul said the Planning Commission has just finished a draft of the municipal plan. It has recommended actions for each chapter. They tried to categorize them into short-term, medium term and long-term goals. That might be fodder for the conversation.

Duncan asked about the mechanics of deciding the priorities. Will we use post-its and stickers? Eben said he thinks the selectboard will just discuss selectboard priorities. For community-identified priorities he doesn't see a problem with letting people vote.

Mike said things on the top of the previous list haven't been done. Some of them have been around for a long time. Why not just focus on those before we add more? Eben said because it is a different year. Mark said just because priorities have been there for a long time doesn't mean they are the right priorities. Eben and Mark suggested that perhaps some priorities previously put on the list could be removed.

Eben said we had previously discussed having this meeting on May 20 but he doesn't think the upstairs meeting space will be fully available yet. Mike said we should put it off until we have the space.

Paul said the draft plan is on the town website. The Planning Commission will have a public hearing on the draft plan on May 9 at the Ellsworth Room in the college library at 6:30.

12. Discussion of Issues Related to Town/Village Demarcation

Tom said at town meeting residents voted not to develop a merger plan. But we also heard concerns about people wanting to know who to call about different things. He hasn't talked to any organization or agency that understands our town/village organization. If we are not going to merge he thinks we need to define boundaries so it is easy to live here and do business. We used to have the same administrator for town and village who served as a liaison but now we don't have that. We have separate administrators and boards. He thinks it is time to create boundaries. With regard to the Swift Current grant, the state is acting as if the town and village are the same entity. He knows it will cause hiccups. He thinks there are some things that might clean up the difference between the boards. Maybe there should be separate websites for the town and village. We could have a phone system that

could list different things people might call about and direct them appropriately. Mike suggested there could be separate windows for town and village business at the municipal building. Tom suggested the town could own the municipal building and the village could pay to lease space. Then only one board would be deciding on maintenance. We could decide on ownership for all the buildings that are currently jointly owned.

Tom said Sue Lovering had a good idea about doing work on trees in the state right of way and also the arboretum and put a lot of her time into it but was told no because of a bureaucratic separation. Sue said she never heard back from Erik Bailey. It has never before been an issue that the Tree Board has done work on village trees with money that comes to the town. The only problem is that the village is supposed to request the permit to put in the new grates and they never got back to her. She went to the state herself and will see Erik Bailey about getting the permit.

Eben said he thinks this is a potential joint meeting topic. He see value in a phone system that tells people what number to press depend on what they are calling about. He could see maybe having one bay for town business and one bay for village business at the window. Over the past couple of years we have talked about the idea of a new town website. Part of what was discussed was the village contributing funding. Maybe it is time for the town to budget on our own and just do a town website.

Duncan said new space is being created downstairs at the municipal building. This is an opportunity to possibly implement a two window concept. There are decisions that could be made now about configuration. Mike said we need to bring the trustees on board. They need to have input.

The board suggested Tom should talk to Erik Bailey about having a designated village window. Duncan said there may be other efficiencies possible, such as having all the town employees in relatively close proximity to each other. Eben said he thinks the village should have its own domain for email extensions.

Duncan said he thinks we should come up with a long-term plan for the buildings. He is in favor of subdividing the village garage and having the village own it. They have said they are willing to give us the mill house. Probably one person from each board along with the town and village administrators should come up with a plan, then both boards would need to get together and review the draft plan.

Duncan said at one point we authorized Rosemary to hire someone to come up with an organization plan for the upstairs. That didn't happen. But is it worth hiring someone to design the downstairs?
Tom said Rosemary talked to someone who did a layout.

13. Purchasing Policy Changes

Eben suggested asking Tom to change the purchase policy to increase the maximum purchase that can be made without selectboard approval from \$1,000 to \$3,000. Then the board can vote on approving it when it is presented at a selectboard meeting. Mike said we also were going to talk about using purchase orders. Duncan asked, why can't we just authorize Jason to spend what he needs to as long as he doesn't exceed his budget?

Tom said typically when a town treasurer produces an order, the town administrator reviews it before the board meeting. If he did that he would be able to answer questions because he would have already looked into them. Currently orders go from Rosemary to the board. It might be helpful to have another set of eyes to look at them and ask questions before they go to the board. Eben said he is fine with

Tom reviewing them ahead of the board. Tom said he would like a better understanding of what the budget is built around as far as bi-weekly spending.

Tom said if AP was done the Friday before the board meeting instead of the same day as the selectboard meeting there would be more opportunity to ask questions and possibly pull checks. As part of the purchasing policy we could direct the treasurer to have AP done by the Friday before the meeting. Duncan said if Tom is going to add reviewing orders he needs to manage his time and sometimes say no to people.

It was agreed that in addition to changing the maximum amount that can be spent without selectboard approval Tom should also do some research and include a purchase order section if language for that is easily available and also include language creating a system for financial checks and balances.

Sue Lovering asked if community groups are included in the new policy. It costs time and money for volunteers to have to call Rosemary in order to buy something. Eben said he thinks if we go with a purchase order system that will be more time consuming for volunteers. Tom said he thinks a committee could ask for authorization ahead of time to spend up to a certain amount from town vendors (people we have accounts with) for planned projects. Sue said she deals with nurseries that sell exotic trees and shrubs and may be in other states. In the past there have been times when she wanted to buy something but she was not able to get Rosemary on the phone so she had to go back another time. Tom said he thinks the system can be set up in a manner that will help with that but it will require planning ahead of time. Lois Frey said she thinks with purchase orders the committee member might have a sheet of paper they could show to a business instead of having to call Rosemary. She never minded spending her own money and getting reimbursed but committees were told they could not do that. Tom said that is risky from a fraud standpoint.

14. Designate Authority to Approve Cannabis Licenses

Tom asked if the board has thoughts about authorizing someone to approve cannabis licenses. Eben said the board essentially cannot deny them. **Duncan moved to authorize Tom to approve cannabis licenses until his authority is revoked, Mark seconded and the motion was passed with Mike opposed.**

15. Review and Act on Funding Opportunity for the Library and Municipal Building (continued)

Tom asked the board to formally request that the state IRC team provide resources to the Town of Johnson. They will look at every funding opportunity for us. The Swift Current grant is just part of it. **Duncan moved to request the state IRC team to provide resources to the Town of Johnson, Mark seconded and the motion was passed.**

16. Executive Session for Attorney Client Communications

Duncan moved to enter executive session for attorney client communications as per 1 V.S.A. § 313(a)(1)(F), inviting Tom to remain, Mike seconded and the motion was passed at 9:00.

The board came out of executive session at 9:35 with no action taken.

17. Adjourn

The meeting was adjourned at 9:36.