

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, MAY 20, 2024

**Present:** Selectboard members: Mike Dunham, Duncan Hastings, Eben Patch, Shayne Spence, Mark Woodward

Others: Tom Galinat, Lois Frey, Daryl West, Kyley Hill, Sheila White, Jeffrey White, Tyler Mumley, Luke Willey (remote), Rob Rodriguez, Charlie Gallanter, Sue Lovering, Casey Romero, Howard Romero, Paul Warden, Eric Osgood, Dave Williams (remote), Kim Dunkley

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

**1. Call Meeting to Order**

Duncan called the meeting to order at 6:30.

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

It was agreed to add a buyout application for 379 Lower Main West, signing or delegating signature authority for documents related to an insurance payment, accepting a resignation, and a potential executive session to discuss next steps related to the resignation (if needed.)

**3. Public Comment**

No members of the public wished to comment.

**4. Selectboard Issues and Concerns**

Mike asked for an update on moldy files in the vault and moving the office back downstairs. Tom said an air scrubber with a HEPA filter was purchased for the main room and it has been moved into the vault. Jason will be here to help with disposal of files. We have to wait for Rosemary to determine what should be saved and she is on vacation. (*Mark arrived at 6:34.*) Mike said there were files left wet after the flood. They should have been dried out.

Tom said Rosemary is ultimately responsible for whether we keep them or throw them out. Shayne said he is concerned about making sure any cleanup is done with the health and safety of the people cleaning up in mind. Maybe we should have further conversation with Rosemary about whether she wants town employees to do it. Eben said we can ask Rosemary to try to prioritize going through the records.

Mike said if that had been addressed at the beginning we wouldn't have the problem of potential mold today. Duncan said there was a lot going on at that time. Mike said a call could have gone out for help. He would have been happy to come down. He was the first one here after the flood and the doors were unlocked. They should have been locked. If this ever happens again we need a better plan. (*Rob Rodriguez and Charlie Gallanter arrived at 6:38.*)

Mike said after hearing that the furniture was just ordered last week and there is talk of it taking 6 to 8 weeks to come, he would like the office to be moved downstairs starting tomorrow. Then when the new furniture comes employees can do a swap. The upstairs should be open for meetings and the seniors should have their space back. Mark asked if the selectboard can tell Rosemary to do that. Shayne said it would be more disruptive to town business to tell them to set everything up downstairs then do a swap when the furniture comes. He thinks we have done everything we could to move things along as quickly as possible. We can hope to learn and do better next time. Mark said the village would have to agree to move downstairs. Eben said he doesn't think they can move the phones downstairs right away because the lines were rerouted. Tom said he thinks moving things downstairs temporarily and then having to move again would increase tension.

Eben suggested contacting the furniture company and asking if they can speed up delivery at all.

5. ***Planned Purchases***

Public works had two requests – to spend 95% of what is remaining in the gravel budget line and to rent an excavator. No quotes have been obtained for the excavator rental.

**Shayne moved to authorize spending 95% of the remainder of the gravel budget, Mike seconded and the motion was passed.**

**Mark moved to authorize Jason to use up to 95% of the remaining public works construction budget for excavator rental, contingent on getting 2 bids and going with the lower one, Mike seconded and the motion was passed.**

6. ***Documents for Insurance Claim***

Tom said someone needs to be authorized to sign the documents for the insurance claim for the downstairs contents of the municipal building. Once that is done VLCT will mail a check out this Friday.

Mike asked if the furniture could have been ordered earlier. (*Casey and Howard Romero arrived at 6:49.*) Tom said we had to order the furniture based on what was lost. He had to reconstruct what was downstairs and claim a loss equivalent to what we wanted to get. Once the numbers were within 10% of what we needed to spend then we ordered the furniture. Otherwise we would have been on the hook for any difference. Mike said some of the furniture could have been used again. Tom said the insurance company said not to use any of it because of the health risk.

**Duncan moved to authorize Eben to sign the proof of loss letter and sworn statement for the insurance claim for the downstairs contents of the municipal building. The motion was seconded and passed.**

7. ***Skatepark Committee Report***

Casey Romero said the skatepark committee's current work includes half pipe construction starting June 10 and FEMA-funded replacement of the damaged fence. The committee has already trimmed tree branches along the fence line on Ken Harvey's side, with his blessing. They were pushing against the fence and making it difficult to clean up back there.

The FEMA award for damage plus mitigation minus the 25% local match is a little over \$137K. Unfortunately, last October their inspection omitted many items they didn't know how to evaluate. She and Ron Rodjenski worked to explain and document the additional damages, including the entire bike track. They are planning another inspection. We could get up to \$40,900 for damages, doubled to \$81,800 for mitigation. (*Paul Warden arrived at 6:55.*) If they approve everything we would get a total of \$219K to do repairs and mitigation. The committee estimates spending maybe \$9K for fence and electricity repairs. That would leave \$211K for 2 mitigation projects, which is not enough.

The skatepark committee has an ambitious plan for a concrete park. Casey showed a sketch of the plans. The new concrete area would surround and extend the concrete that is already there, replacing the wood and metal. That would be a mitigation project. A proposed new pump track would replace the multiple trails of the bike skills area in the meadow. It would be just dirt with no constructed features, about 1100 linear feet. The southern area would be freed up for removal of more material in the future if the town wants to do that. FEMA doesn't want us going east into the meadow. We can build where the current asphalt is and go west from there.

Shayne asked, there are no plans to remove any other material? Casey said the plan is to take away the same amount as what is added but so far there is no plan to remove more than that. Duncan asked if the plan is to remove a cubic foot of fill for every cubic foot put in. Casey said yes. (*Eric Osgood arrived at 7:02.*)

Casey said the cost for the construction the committee wants to do is estimated at \$436-500K, not including permits, tree work, costs for moving the water line, etc. Moving the water line will start this week. The public works crew and Nate Brigham will handle that. There is a big money gap between what we are getting from FEMA and the estimated cost. Adjustments will need to be made.

The skatepark committee has been working on collaboration with the recreation coordinator. They had already begun shifting some administrative work to Dean. Given the growth of the park we they need more administrative collaboration and oversight from the rec coordinator. Casey hopes to step down as chair next July, taking a smaller role on the committee.

As far as support needed, for the half pipe construction project they need time from Tom and the rec coordinator. For the FEMA projects they need support from Ron. FEMA funds will not cover the 2 mitigation projects. They committee needs Tom's guidance. They want Tom to meet the committee. They hope he can come to their June 5 meeting. The committee needs more support from the rec coordinator than is possible with the current part-time position. That is part of a larger discussion that will start soon.

Casey said the committee has the same vision for the park as they did in 1997 when the parcel was identified as a potential recreation area and citizens identified biking and skateboarding as priority activities that could happen there. She can't identify specific future goals and visions now because she is buried in flood recovery work. The town and all the committees will need more time and good processes to identify needs and visions and resources the town does or doesn't have.

Tom said FEMA's initial assessment only allowed for about \$35K in repairs. Casey really fought and pushed and brought that figure up.

Shayne asked if Casey has had conversation with Randall Szott about potential funding streams. Casey said not yet. First she needs to see what FEMA comes up with. The committee got some help from Vermont Community Foundation already. There was a \$5-6K gap between what insurance paid for the shed contents vs. what was actually lost. Randall will definitely be part of the discussions.

Shayne said the rail trail committee is talking about connections between trails. There could be a connection with the skatepark's goals.

Mike asked if Casey has any sense of what the town share will be for any of these projects. Casey said it depends on the project. Mike asked, eventually the committee will be looking for some money from the town? Casey said probably. The Community Foundation doesn't have a local match for most of their grants, but state recreation grants are 50-50.

Duncan said Casey mentioned the need for more administrative services. He would put that in the "dream" category. Casey talked about hoping to step down as chair. Are we at a point in time where it makes sense to combine the skatepark committee with the rec committee?

Casey said the committee has talked about that with Dean. They want to remain as a committee. Duncan said they could be a subcommittee of the rec committee. Casey agreed. (*Kim Dunkley arrived at 7:15.*) Casey said it does make sense to collaborate and streamline.

Duncan said he feels it would make sense to look at recreation more globally as a community. At one time Laraway was going to help out administratively. Casey said there is a memorandum of understanding between the town and Laraway. Laraway also wants the park to succeed. It is useful to them. They are very much a partner. They donated a case of apples for Green Up Day and they were going to bring students to clean up but then another project needed them more. There are two Laraway people on the committee. Healthy Lamoille Valley is another community partner promoting substance-free recreation.

Kyley Hill asked when dirt will be removed to compensate for the concrete being brought in and for the prior concrete that was brought in. Casey said she imagines when construction starts. It wasn't a requirement at the time to remove dirt for the previous concrete, but they could do it. Howard said we will only know the volume that needs to be removed after the half pipe is built, so no dirt will be removed before construction. Once the project is done he and another committee member will do the cubic foot measurements.

Jeffrey White suggested using what is there rather than bringing in any more fill.

Charlie asked, why expand in a flood zone when there is another field higher up? Casey said those fields are used for team sports. And the goal is to have a small pump track there too. The contouring, cement ramps and dirt berms planned will actually reduce the force of the flood flow. This is accepted worldwide as a way of having recreation areas in flood zones. We can't add to the overall mass but the contouring is helpful. Howard said it slows the velocity of the water. (*Tyler Mumley arrived at 7:23.*)

**8. *Future Meetings with Committees/Commissions***

Paul said the Planning Commission will be holding a public hearing on June 18 for public comments on the draft municipal plan. It would make sense for the Planning Commission to meet with the selectboard after that. It was agreed to invite the Conservation Commission and the Tuesday Night Live Committee to meet with the board at the June 17 meeting. (*Howard and Casey left at 7:26.*) The selectboard will meet with the Planning Commission on the third Monday in July.

**9. *Buyout Applications***

A buyout application was submitted for 379 Lower Main St. West. The property owner is Mark Woodward.

**Duncan moved to authorize town approval of the buyout application for 379 Lower Main St. West, Shayne seconded and the motion was passed with Mark abstaining.**

**Duncan moved to authorize Tom, in consultation with Scott Meyer, to approve any buyout applications that come in between now and the next meeting, Mike seconded and the motion was passed.**

**10. *Class IV Road Policy Update***

Tom said Duncan made some final edits and a draft Class 4 road policy was sent out to the board on Friday. Tom made some adjustments to state aid and mileage and reorganized the policy a little.

Tom brought up the road mileage that is in the village. Duncan said there are 6 miles of road within the village. Tom said it is not clear to him whether we are getting reimbursement for those miles.

Mike said in Tom's report he said the cost of repairing high priority hydrologically connected sections of Class 4 roads to comply with MRGP would be astronomical. What is the cost? (*Sue Lovering arrived at 7:32.*) Tom said he visited a few of the sections last week. On Codding Hollow toward the Waterville side there is water running down ledge 4 ft deep. We are obligated to repair the road to Class 4 specs even though there is no road. We could reclassify it as a legal trail, reconfigure it to run where the ATV trail is, or repair it to standards. All the options cost money. Those are decisions to come. First we need a policy in place.

Mike said he thinks Class 4 roads are very important to the town. The board seems to have plenty of money for the skatepark but he doesn't think we find enough for Class 4 roads. He thinks there should be more money budgeted for them. If there is a decent road it increases the value of property on that road, which means more tax revenue. He thinks we should do all we can to maintain the Class 4 roads we have and not arbitrarily reclassify them as trails.

Eben said during budgeting he thinks Mike would like to consider budgeting more for Class 4 roads. He believes the Planning Commission has sent recommendations about roads to reclassify. That is a different conversation.

Duncan said in Section 4(B)(1), "See Section 3" should be changed to "See #2 below" because Section 3 was removed.

Duncan said he communicated with Daryl West, Doug Molde and others and his draft reflects some concerns they had.

Charlie Gallanter said the Planning Commission's proposal for a Class 4 road policy included budgeting money for Class 4 roads and reserving any surplus for future Class 4 road expenditures. Paul Warden said he thinks the Planning Commission would advise putting some amount of money into a Class 4 road reserve fund every year and then taking on a project every few years.

Tom said he and Jason have been working on identifying problem areas on Class 4 roads. They met on Reservoir Road to discuss small projects that could save money in the long run.

Paul said the Planning Commission thought it was important to have the highway foreman inspect Class 4 roads at least once a year.

Kim Dunkley asked if there is a line item in the budget for Class 4 roads. Board members said yes; it is \$2500. Eben said there is also a Class 4 road labor line.

Kim asked if the board could put it on the agenda to approve a reserve fund for Class 4 roads. Eben said he believes a reserve fund would need to be approved by the taxpayers at town meeting. The selectboard could recommend it. Kim said she requests that the board put establishing a Class 4 road reserve fund on the town meeting warning.

Duncan said to his knowledge the money for Class 4 roads in the budget doesn't get used. Nothing is booked for that line item because the public works employees don't have a line for Class 4 roads on

their timecards. A good first step would be change that and see how much we are actually spending to get a better idea how much to budget.

West said he thinks the proposed policy is similar to what the Planning Commission came up with a few years ago. He feels it is time to recognize that putting effort into maintaining Class 4 roads is a public good and economical. He is in support of the policy draft.

Paul asked if gravel, sand, etc. are available to citizens doing work on Class 4 roads. Eben believes that practice is no longer a requirement. He believes we have given out some material in recent years but not in line with past practices. Paul asked if that material is still available by request. Duncan said an issue is that our pit is being operated by Dale Percy. Our personnel do not have MSHA training. Getting gravel out of the pit used to be relatively easy, but that is no longer the case. Eben said MSHA is not triggered if they just drive equipment in, so it is still easy.

Daryl said the way he reads the policy, there is a movement to recognize that town maintenance is required and review will be done. The highway department has the ability to evaluate needs and make judgments about what needs to be done to bring roads into permit compliance or prevent bigger problems in the future. He feels like under this policy the town's hands are tied less than in the past.

Mike asked if those who worked on the policy are happy with it. Several people said yes.

**Mike moved to adopt the proposed Policy Regarding Class IV Highways & Trails with the recommended amendment to Section 4(B)(1) – changing “See Section 3” to “See #2 below.”**  
**Shayne seconded and the motion was passed.**

#### ***11. Industrial Park***

Tyler Mumley said Mumley Engineering is ready to move forward with design and permitting work for the light industrial park. They have been working towards nailing down the extra costs and they have reduced the amount of extra money they anticipate may be needed for unknowns. They have talked to the village and it doesn't seem that any extra engineering or design work will be needed for upgrades to water or wastewater utilities. VTrans does not anticipate that intersection upgrades will be needed so there should be no design or engineering costs for the intersection. They do still need an updated traffic study. The quote for that is \$16K. Legal document preparation is still a line item, with an estimated cost of \$15K. Duncan said the municipal attorney has indicated he thinks that is sufficient. The state has confirmed there are no wetlands so we will not have costs for wetland delineation, mitigation, permitting or impact fees. The state will not require any archeological investigations or surveys. Mumley is about 95% confident the state will not require a phase 1 environmental assessment. The estimate for bid document and bid assistance is \$5K. That is likely on the high side but we can leave it in there. Prime ag mitigation will not be required. There is deer wintering. There is talk about using the Prindle lot as mitigation. There is no financial cost for that. Permitting fees are still estimated at \$10K. The previous estimates for construction layout and construction inspection and certification were \$7K and \$5K. Tyler thinks those numbers are high. A more realistic estimate would be \$6K for both combined. The remaining additional costs anticipated are now down to \$42K.

Duncan asked if Tyler thinks it would be prudent for us to carry \$50K rather than \$42K for these expenses, understanding that we wouldn't use it if we didn't need it. Tyler said it would be prudent if it is not a big deal, but they have pretty high confidence.

Tyler said the biggest thing that will change from the original plans is stormwater, because the rules have changed. He showed the proposed layout. His understanding is that the road would be taken over by the town. The plan shows 5 small residential lots as well as larger commercial lots.

Eben asked, are we not sending stormwater to the system built through the public-private partnership with Vermont Electric Coop? Tyler said he believes it does not make sense to do that. Luke Willey said there was originally a conceptual stormwater design for VEC that included some treatment for water from impervious surfaces at the industrial park. That made sense at the time. But as they got into the details of the design for the Coop it became evident that it didn't really make sense. There should be adequate treatment at the industrial park site without combining stormwater from the two properties. Part of the complication is that the Coop only requires water quality because it is 3 acre site, while the industrial park will require full treatment standards. So combining the two doesn't really make sense. We would end up overtreating one side. Luke said stormwater from the industrial park will still go into the Coop lot and over the bank. As part of finalizing the stormwater treatment for the industrial park Mumley has to figure out how a delineation or split between the flows will happen. There will be a structure on VEC property to handle that. Anything above what goes into their system will overflow over the bank into a wetland. The concept is that our flow will bypass via that same split system. The details have to be worked out.

Duncan said Tyler described the first lot on the right as being divided into residential lots, which he is pretty comfortable with. When Ruggiano was doing the engineering there were 2 concepts. One was small residential lots and the other was small commercial lots. Has Mumley been considering those residential? Tyler and Luke said yes. The Planning Commission reached out to them with their support of wanting those to be residential lots. Board members asked, the Lamoille County Planning Commission? Luke said no; he believes it was the town Planning Commission. Paul said the town Planning Commission never made a recommendation.

Eben and Duncan discussed the need to check with the Northern Border Regional Commission to see whether they would be okay with a mix of commercial and residential. Duncan said personally he would be in favor of a mix. Mike said he is in favor of whatever generates the most money. Mark asked, when we went to the voters, did we put out the idea of residential lots to them? Mike said nothing was mentioned about housing. Mark said including residential use might require another vote by people in the town. Mike said we should stick with what we told the voters.

Daryl said as a taxpayer he wants to see as many employment opportunities for people as possible, not residential lots. That is what he thought the taxpayers were supporting.

Duncan said the past selectboard looked at 2 potential plans and his recollection is that the board decided to go all commercial. Eric Osgood said he thinks Duncan is right. Duncan said he thinks part of the reason for that is that there are probably other parcels in town that could be developed for housing but this is one of the few that is suited for commercial development.

Charlie said his recollection is that when the selectboard went to the voters one of the selling points was that buying the property would keep it from being developed as residential. It made sense for it not to be developed as residential because of the tax revenue vs. the cost of providing town services.

Duncan asked how confident Mumley is in the estimated construction cost. Right now the construction estimate includes 10% for contingency. Luke had suggested to him that it should be

between 10 and 25%. Tyler said in the early stages of a project contingency might go to 25%. At this point they have the plans pretty well nailed down so they have a high level of confidence in the estimates. Duncan said if we go out to bond we should bond for enough money to cover the cost. He personally prefers the contingency to be between 10 and 25% to make sure we bond for enough money.

Shayne suggested checking with NBRC on whether we could have residential lots. Mike suggested just going with the original plan. Mark said he would like to know if residential is an option. Duncan said he is leaning towards all commercial. Eben said he is supportive of all commercial, so a majority of the board is in favor of all commercial. (*Kyle Hill, Sheila White, Jeffrey White, and Charlie Gallanter left.*)

Duncan said he sent Bob Fletcher a copy of the guidance document for the revolving loan fund. He doesn't think it is clear cut whether we can borrow from it to build infrastructure. Duncan thinks it is pretty clear. He and Randall and have a meeting scheduled with Vermont Community Development, the original source of the funds, to ask them if they see any red flags. If we can't borrow \$175K from the revolving loan fund, would the board support adding that to the bond amount?

Mike said we will have to, but he thinks we can take it out of the revolving loan fund. Shayne said he thinks we will get the money back when we sell the lots.

Duncan said Bob Fletcher, the town's attorney, had suggested Vermont Economic Development Authority as a bonding vehicle. VEDA doesn't loan directly to municipalities. They will loan to an authorized economic development entity, which could be the Lamoille Economic Development Corporation. Duncan asked Pat Ripley if LEDC would consider being the entity that would accept the loan. Pat said he is willing to take a proposal to his board but he suggests we try a bond vote to come up with the funds ourselves.

Tom suggested bonding for an amount that includes 25% contingency. If we need the \$175K we hope to borrow from the revolving loan fund we can cover it with that amount and a smaller contingency.

**Mike moved to authorize Duncan to work with Randall Szott on the process of bonding for an amount not to exceed \$420,000 from the Vermont Bond Bank, Shayne seconded and the motion was passed with Mark opposed.** (*Tyler left at 9:03.*)

## 12. LCFRR Hazard Mitigation

Dave Williams said he and Eric Osgood got together several months ago to figure out what the town might do when the next flood happens. In the process of those discussions they learned that LCPC was probably a useful organization to work with. They have attended 3 meetings LCPC has scheduled. He thinks it would be helpful for a member of the selectboard to attend subsequent meetings. He and Eric do not intend to act as agents of or in lieu of the selectboard. They just want to bring to the board's attention things the board should be aware of and deadlines the board should meet. There will be a meeting in a week or so with FEMA, the Army Corps of Engineers, and other agencies. He and Eric plan to be there and they hope someone from the selectboard will be there.

He and Eric want to deal with the question of the entire Lamoille River basin, not just Johnson. One of their questions is what kind of funding might we get for that project. He and Eric have made a suggestion to Pomerleau about a solution to flooding on their property. Is that something the town wants to pursue with FEMA or the Army Corps of Engineers?



**Duncan moved and Shayne seconded to authorize Tom to sign pre-application letters in consultation with the board chair and to accept the volunteer efforts of Eric Osgood and Dave Williams to attend meetings and report back to the board with suggestions and recommendations.**

Eric said the pre-application deadline for available funding is June 21. They have some thoughts of things to be looked at but the pre-application has to come from a government entity like the selectboard. The selectboard may seek public input. LCPC should be giving the board a list of ideas. Tom said the pre-application doesn't confine us to specific tasks.

**The motion was passed.**

**13. Purchasing Policy**

Eben said he hasn't had time to read the proposed purchasing policy. He suggested moving this item to the next meeting. *(Eric and Paul left at 9:11.)*

**14. Lister Interlocal Agreement**

Duncan said the Town of Sheldon would like to join the lister interlocal agreement. Do we want to accept them? *(Lois and Sue left at 9:12.)* Mark asked if there is any downside. Duncan said he can't see any. The board agreed it would not be a problem for Sheldon to join.

**15. Cemetery Maintenance**

Tom said he met with Gary Whitehill and Jason and talked about where the property line is between Grow Cemetery and his land. He is going to remove some things he accesses through the cemetery so a fence can go in. Jason thinks the public works crew can put up the fence. There is \$7500 in the budget for cemetery maintenance. He wants to use that to buy fencing materials out of this year's budget. Is the board okay with a split rail fence at the front and a welded wire or single strand fence on the other 3 sides?

Duncan suggested only fencing the side next to Gary Whitehill's and the front. He would be okay with getting agreement from the neighbors about the property boundaries and marking the other corners. He thinks fence is not needed as there are existing stone walls. Tom suggested getting agreements from the neighbors on all sides about the property boundaries. Others agreed that would be a good idea. Mark encouraged Tom to get GPS coordinates of the corners and put them in the town records. They could also be in the signed agreement. The board agreed to fence two sides and get agreement from the neighbors but not fence the other two sides.

Eben suggested the board could discuss a long term cemetery maintenance plan at the next work session meeting. Maybe board members could think about it and come back with suggestions.

Shayne asked if Duncan knows whether other towns have the same issue of having a hard time finding people to do cemetery maintenance. Are there companies that do that? Duncan said to the best of his knowledge there are at least a couple of companies locally. Vermont Monument Company will do repair work. They will be expensive.

It was agreed to discuss this at the next work session meeting.

Eben asked if there is any plan to ever bring back abandoned cemeteries like the one off Mine Road or the one near Parker and Stearns. Duncan said according to statute if a cemetery is abandoned and 3 people with an interest petition the town to maintain it, then the town has to maintain it.

**16. Planning and Priorities Meeting**

Eben said hopefully we will have the planning and priorities meeting in July once the office has moved downstairs.

**17. Accept Resignation**

**Mike moved to accept the resignation letter from the recreation coordinator, Duncan seconded and the motion was passed.**

Tom said Dean would like to stay on as health officer and animal control officer. He would like to get a stipend vs. per-incident pay. Eben said that can be revisited during budget development. Duncan said he wants to hear from BJ about whether he wants a stipend.

Shayne volunteered to review the rec coordinator job description. Others suggested some people who could potentially help with that.

**Duncan moved to authorize Shayne to work with Tom on drafting an updated recreation coordinator job description for the first June selectboard meeting, Mike seconded and the motion was passed.**

**18. Adjourn**

The meeting was adjourned at 9:37.

*Minutes submitted by Donna Griffiths*