

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, JUNE 3, 2024

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

Others: Tom Galinat, Rosemary Audibert, Jason Whitehill, Randall Szott (remote), Eric Osgood, Andrew D'Aversa, Cheryl Fuller, Barbara Backus, Kelly Vandorn, Jeanne Engel, Stacey Waterman, Justin Mason, Kyle Nuse, Olive Nuse, Sue Lovering, Casey Romero, 6 other people

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

**1. Call Meeting to Order**

Eben called the meeting to order at 6:30.

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

It was agreed to add a request from the rail trail committee for the town to be a pass-through for funding for a project to replace picnic tables, a liquor license renewal for Dollar General, signature authorization for the VOREC rail trail grant agreement, a potential highway access permit waiver for village banners, a resolution to bond, and a request from LCPC for a town representative to reach out to owners of critical properties to see if they are interested in buyouts.

**3. Public Comment**

No members of the public wished to comment.

**4. Selectboard Issues and Concerns**

Duncan said Giselle Eldred sent him an email regarding an ongoing issue with a junk on a neighboring property. He thinks it could potentially be dealt with as a dilapidated building, solid waste or health issue. Eben suggested requesting a report from the health officers on the situation. Duncan said he thinks whoever investigates it should respond to Giselle. He feels that if we are going to have the dilapidated building ordinance we should enforce it.

Mike said he would like to have an executive session for employee evaluation at the end of the meeting.

Duncan said the Beautification Committee had sent out an email request about planting sunflowers and avoiding the situation last year when some were cut down. The village weighed in on the request.

**Duncan moved to authorize Jason or Tom to issue a right of way permit to the Beautification Committee for planting sunflowers with 5 conditions: that the committee obtain landowner permission, that the committee notify the village so the village can flag any curb stops or mailboxes they have concerns about as no planting zones, that the maximum height of the plants be 3-4 feet, that a clear zone of 4 ft. be left on either side of any driveway, and that the committee clean up the plants in the fall. Shayne seconded.**

Mike said this should have been warned if the board is going to take action. Wouldn't the public want to address this? Duncan said issuance of right of way permits is under the selectboard's purview.

Mike asked what the village's take on it is. Duncan said Ken Tourangeau's email response was that they have curb stops and mailboxes within the green strip. They don't want plantings because they might impact their ability to access curb stops and Ken feels plantings would be an obstruction to the traveling public and would be unsafe. Mike said we should defer to them to maintain cordial relations. If they don't want it we shouldn't support it. Duncan said one way to cooperate with the village is to

let them flag any curb stops they have an issue with. Shayne said cooperation goes both ways. When we approved this plan last year we said we wanted landowner permission and he believes that happened. If people from the village say it is okay to cut down flowers when we said it was okay to plant them, that is not cooperating with us. We approved the request last year and he sees no reason not to approve it again.

**Duncan and Shayne agreed to a friendly amendment proposed by Eben – adding a 6<sup>th</sup> condition: that Dig Safe be contacted.**

**The motion was passed with Mike opposed.**

5. *Consent Agenda*

The consent items on the agenda were the minutes of May 6 and May 20, signature of the adopted Class IV road policy, and authorization for the chair to sign the town administrator's appointment. Eben said he would like to add the Dollar General liquor license renewal. **Duncan moved to approve the consent items, including the Dollar General liquor license renewal, Shayne seconded and the motion was passed.**

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

Randall said he had a conversation today with Devin Coleman about the Certified Local Government program. One thing that came up was the potential need for the village to be a participant. The village may be the more appropriate participant. The town alone can't pursue certification because there is an incorporated municipality within the town. Certification involves creation of a historic preservation commission. A single group of people who may live in either the town or the village can serve in this role. They need to deal with the town and the village separately, but can do that in separate parts of the same meeting. The Historical Society is going to discuss the capacity to populate a historic preservation commission with volunteers. The board agreed to direct Randall to pass on information about the program to the village as it seems more appropriate for the village to pursue.

Randall said the Vermont Council on Rural Development is helping us initiate the process of developing a long term flood recovery plan. On May 29 a planning committee met to work out the logistics of the meetings that will happen as part of the process. Mark was there, as were village trustees, agency representatives, planning commission members and a former selectboard chair. The group discussed how to structure meetings, how to let people know about them, etc. They decided on the dates of the town and village wide meetings: July 22, September 10 and October 9. Sam Young from FEMA and his team will write the flood recovery plan. Sam was there and plans to attend all the public meetings. Mike asked if the May 29 meeting was open to the public or by invitation only. Randall said it was by invitation only but the future meetings will be open to the public.

Randall said there is about \$300 left of the \$1500 the board approved him spending to attend two conferences. He would like to attend two additional events – the Vermont Community Development Association late June meeting in Hardwick - "How Municipalities Can Drive Local Economic Development" – and the early August Vermont Community Leadership Summit in Randolph. He thinks the two will cost about \$115 plus mileage to Randolph. **Shayne moved to allow Randall to use the remaining \$300 authorized for attending conferences to attend the Vermont Community Development Association meeting and the Vermont Community Leadership Summit this summer and the motion was seconded and passed with Mike opposed.**

Randall said he had an email exchange with the Department of Tourism and Marketing and they are going to set up a phone call. They have divided the state into regions and they list points of interest in

each region. Johnson doesn't have anything listed and he wants to have a conversation about what we might have listed for our town. The state also engages in contracts with social media influencers. They are looking for things for these people to come to the state and do. That is a further conversation he is trying to have.

Randall went to the press release event related to the VOREC grant. They issued a press release that he passed on to the News & Citizen. The RFP for the scoping study has been written and sent out to engineering firms.

Shayne asked about the Vermont Vacation website. Is it only for tourism related businesses or does it include things like swimming holes or rock climbing? Randall said it includes a variety of things. People should send ideas to him if they have them. He doesn't think we will end up with more than 3 or 4 things listed, maybe not more than 1. Mark said he thinks this is critical. *(Kelly Vandorn arrived at 7:10. Jeanne Engel, Stacey Waterman and Justin Mason arrived at 7:14.)*

7. ***Interlocal Assessor Agreement***

**Duncan moved and Shayne seconded to approve the revised interlocal agreement for assessor services as presented and to authorize Eben to sign it.**

Mike said he has been working to find listers for Johnson. We need listers here in person to maintain a good tax base. We need people on the ground all the time looking at changes made to properties. One person here one day a week can't do it all. We need listers like we had years ago. The town was too cheap to pay them a decent wage. The money we are paying assessors now could be used to pay listers.

**The motion was passed with Mike opposed.**

8. ***Reappraisal and RFP for Town Wide Reappraisal***

Justin Mason showed the board what Hyde Park's RFP for a reappraisal looked like and asked if the board likes that format. Board members said yes. Justin said usually only one firm (NEMRC) bids on reappraisals. There are 2 others that might possibly bid. All the approved appraisal firms in Vermont will get the RFP. It will also be in the newspaper and on the VLCT website. NEMRC is currently scheduling for 2029.

Duncan said the RFP talks about the consultant making recommendations and drafting models but he does not see where it says they are developing a grand list. Justin said they will do a sales study probably 2 years in advance to get current sales in Johnson. In 2027 or 2028 they will perform inspections. In 2029 they will lodge the grand list and then continue working with Johnson for BCA hearings. Duncan said this document talks about them developing models and making recommendations. What they are really doing is establishing values on individual parcels which becomes the grand list abstract. Tom asked if they are creating the model or producing the abstract. Justin said both. Eben said the deliverables section mentions a completed grand list. Eben suggested removing the reference to estimates. The board will see the draft again once it is revised for Johnson. Eben asked about how much the reappraisal will cost. Justin said about \$100 a parcel and we have 1500 parcels. Eben suggested that Justin come back with a revised draft at the first meeting in July.

Justin showed the board how reassessment would change the tax rate. Duncan said the same dollar amount will still be raised if the CLA changes and the tax rate changes as a result. What he is interested in finding out is whether there is any penalty for having our CLA at 74%. Are we paying any additional statewide property tax?

**9. Road Foreman Report and Action Items**

Jason said the crew finished ditching Mine Road. It is up to MRGP standards. They put in a new hydrant at the skatepark. They are working on exhausting material out of the town gravel pit and hauling back sand. The salt truck had a brake job done. The crew started work on Foote Brook Road today. The project is funded by a Better Back Roads grant. We got a Grants-in-Aid grant to work on Ben Ober Road from Woodward Road to Mackey Road. After the grant work is done they will work on a section of Mine Road.

There are some Class IV roads that are high on the priority list. (*Sue Lovering arrived at 7:36.*) He is going to start putting together numbers for grants for Class IV roads. There are some Class IV roads he would like to talk to the board about in the future that could be turned into legal trails to save us from MRGP compliance requirements.

Barbara Backus said she lives on Upper French Hill Road. There is a ditch alongside her property that is never cleaned out or maintained. There is a grate there that has dirt on top of it. If that ditch doesn't take the water in a heavy storm her driveway goes out. What can she do to have that ditch kept cleaned out? There is a lot of knotweed in it. (*Casey Romero arrived at 7:40.*) Jason said he knows what she is talking about. There is going to be some work done in that area. He is waiting for permission from a landowner. There is a resident that doesn't want a ditch but we need one. (*Jason left at 7:41.*)

Cheryl Fuller said Hyde Park has a group of volunteers that goes around and helps take care of knotweed. She is wondering if Johnson could find people interested in doing the same thing. Eben said he thinks if a dedicated group of people came to the board with a plan the board would listen.

**10. Use of the Municipal Building and the Dedicated Space for the Seniors**

Tom said we ordered furniture for downstairs a month ago. We are hoping the upstairs will be available soon. Cheryl asked if it would be possible to use the listers' room. Eben said that is Justin's office. Tom said he also uses it when he needs privacy for phone calls and business.

Eben asked if construction is completed downstairs. Tom said there is still a punch list. (*Andrew D'Aversa arrived at 7:44.*) Some final touches are needed.

Shayne asked if there is any reason we couldn't make the downstairs space available to seniors while we are waiting to move the office downstairs. Tom said he thinks the town and village could discuss that. He asked if the seniors are still meeting in North Hyde Park. Barbara said the art group is meeting at the North Hyde Park fire station. They could have gone to Jenna's Promise but it is carpeted and they were worried about spilling paint. Kyle Nuse asked if the seniors asked about using the Johnson Fire Department building. They said no. Duncan said he thinks they may have carpet on the floor of their meeting space.

Tom said after the furniture arrives it will take about a week to put it together. Dale Tatro's crew is available to help with that. We will need about a week for telephone and IT setup.

Eben and Shayne asked about the size and other requirements for a space for seniors. Barbara said it has to be handicapped accessible with space to store supplies. A kitchen is nice. Shayne suggested maybe Tom could look into whether there is space available at the college that could be rented for the next month or two. Mark asked if the seniors have approached the United Church. One of the seniors said they have no kitchen. Tom said he reached out to the Church of the Nazarene. Mike said they

have carpeted floor. Barbara said there are different groups of seniors that meet at different times for different activities.

Duncan asked if they formed a 501(c)(3) nonprofit. Cheryl said yes; there was one until a year or two ago. She doesn't know if it still exists.

Duncan said the deed for the municipal building property says a senior center can be built on the land as long as it doesn't interfere with operation of the municipal offices. He doesn't believe the deed says that any portion of the municipal building is dedicated to senior use. Eric Osgood said Marion Prescott reduced the price for the land in exchange for a covenant in the deed that would allow for space on the property for seniors to build a senior center. There was never discussion about dedicated space in the building. The intent of the negotiations was that the town and village must provide space for a senior center to be built. Shayne said the deed also says plans would have to be approved by the town and village and that they could give or deny approval for any reason. Eric said to his knowledge seniors never pursued building a senior center. One of the seniors asked if there is any other agreement the town signed saying the seniors have a room in the building. Others said no. Tom said he thinks the idea was that the town offices would eventually expand upstairs and there was an understanding that any community use would be temporary. Cheryl said Rosemary told her after the flood that the seniors had a right to be here. Rosemary said she didn't say they had a right; she said she would ask the board.

Tom asked what the seniors need for the next 4 to 6 weeks. Barbara said the painting group will continue to go to North Hyde Park. Some groups are also meeting in people's homes. They would much prefer to be at the municipal building but they can make it work for now.

Eben said we are looking forward to having the office and community space back open. He believes the community space will be opened back up as soon as the office space is moved back downstairs.

**11. Request from LCPC for Town Representative to Reach out to Property Owners about Buyouts**

Tom said last week he met with Melissa Manka and Seth Jensen of LCPC. They looked at where buyouts are happening and what critical properties would help protect downtown Johnson. The deadline for buyout applications has been extended to August 16. There are ideas about using easements for floodplain restoration as an alternative to actually buying out properties. The deadline for letters of interest in Hazard Mitigation Grant Program funding is June 20. His understanding is that Johnson has the most municipal damage of the towns affected by flooding. Probably 5 or 6 towns will receive the bulk of the funding. LCPC feels it would be inappropriate for them to approach property owners about buyouts. They are asking that a town representative talk to property owners. LCPC would probably provide consistent language to use. There is the potential for loss of value from the grand list from buyouts but we could also gain grand list value by preventing future flood damage. Tom described several properties whose owners he might approach to ask if they are interested in an easement, subdivision or buyout. It would just be a conversation to inform them of the options.

Eben said a past study by LCPC identified 4 properties that could have significant impact. One has already been purchased by the town. Why not focus on the other 3 instead of the properties Tom described? Tom said the conversation may have shifted with the idea of the sewage treatment plant moving. There is a new vision now that is not about rebuilding.

Shayne said he likes the idea of getting information out to people. Mark said he thinks there are probably people who don't want to go through a buyout because they don't want to lose their home but who might be interested in selling an easement on their property. Duncan asked if there is any

reason contacting the property owners couldn't be incorporated into the project we propose to do with the grant funding. Mark said he thinks getting information out to people doesn't hurt.

Mike questioned how much dirt would have to be removed to affect flood levels. He feels removing dirt for flood mitigation will amount to nothing. Shayne said the point of flood mitigation efforts is not necessarily to prevent a flood event like the one in July. We can make decisions that could lower the level of flooding for events like the one in December. There are people whose job it is to do this modeling work and he thinks we should take their opinions.

Eric Osgood said Mike is right that anything we do in Johnson will have minimal effect but what is going on right now is beyond Johnson. The Lamoille watershed is huge. If we can make places for water to go all along the watershed he thinks we can make a difference. What we do in Johnson probably benefits Cambridge. What they do in Hyde Park and Morrisville benefits Johnson.

Duncan said he thinks the idea is worth pursuing but he is more inclined to include it in the grant application. Eben said he agrees there would not be a big effect. He would like to see LCPC go back to the properties they previously deemed very important.

Mark moved to empower a town representative to approach landowners and inform them about easement and buyout options. The motion was not seconded.

**Shayne moved and Mark seconded to empower Tom to work with LCPC to develop a list of potential landowners and language to use in reaching out to them to inform them of upcoming buyout deadlines and any options LCPC deems worthwhile.**

Duncan said he is wondering about the timing. HMGP applications are due June 20 and the buyout application deadline is August 16. Shayne said his understanding is that what is due in June is more like a letter of interest. Tom said it is a preapplication letter. He thinks if it included a letter or email from a landowner expressing interest it would give us a better shot at funding.

**The motion was passed with Mike and Eben opposed.**

#### ***12. Upward Bound Project Proposal***

Kyle Nuse said Andrew D'Aversa approached the rail trail committee about putting an international way finding sign somewhere near the rail trail. She and Andrew met and discussed potential locations.

Andrew said he is with the Upward Bound program at the college. He showed a photo of what he is hoping to build with students. Upward Bound helps first generation high school students get to college. This would be a service learning project. They would build the sign at the college and then install it. Kyle thought next to the welcome center would be the best location. They would cover all costs for materials and installation. Kyle described the location. It would be on the town side, not in the state right of way.

Duncan asked if some of the signs would give useful information like the distance to the village. Kyle said yes; they talked about that.

Duncan asked, the rail trail committee supports this? Kyle said yes.

**Duncan moved to approve the Vermont State University Upward Bound program installing an international way finding sign at the rail trail welcome center, Mike seconded and the motion was passed.**

Kyle said she and Andrew also talked about the idea of a mural inside the welcome center. Andrew may come back in the future to discuss that. *(Kyle and Andrew left at 8:34.)*

**13. Ash Tree Maintenance**

Sue Lovering said the tree board would like to treat 8 good-sized ash trees near the playground at Old Mill Park. She had a grant to pay for treating them with insecticide 2 years ago. This year the price is 25% higher. It should be around \$1200.

Duncan asked how those trees are doing. Sue said the ones on the end have their roots in the dirt. One by the parking lot is in a poor location. Duncan said there is an Act 250 permit for the property. There is about 6 inches of dirt over a tailings pile. The permit prohibits the town from excavating without getting prior approval from the Act 250 Commission. Sue said she feels it is important to save the trees we have. Future trees are not to be relied on because of the Act 250 permit.

Sue said emerald ash borer was in Belvidere 2 years ago. We are not sure where it is now. To date we haven't found damage in Johnson but the borer may be here. The treatment is effective but if you wait until the tree is infested it won't save the tree. The treatment lasts 2 years.

**Mark moved and Shayne seconded to approve spending up to \$1300 to treat the ash trees at Old Mill Park to protect against emerald ash borer.**

Mike asked, the trees could die at any time, right? Sue said she doesn't think they will. They are over 30 years old and very healthy.

**The motion was passed with Mike opposed.**

Sue said the treatment has to be done by a licensed pesticide applicator. If someone could train for the license they could treat the trees for \$79.95 each instead of \$300 each. She doesn't have time to get licensed. Mike said he would be interested in getting trained.

**14. Library Update, Request to Carry Over Funds**

Tom said mitigation hasn't been obligated for restoring in place at the library. We haven't heard if we will get the Department of Libraries grant but Jeanne Engel answered a second round of questions. The village has not heard if they can relocate the sewage treatment facility. We have to find out about all of those things before taking next steps with the library.

Stacey Waterman said the library board is requesting to carry over funds that remain in two line items in their budget for this fiscal year: building maintenance and repair and building capital expense. Over a year ago they got a quote of around \$6K for inserts for windows. They have been informed by the company that makes the inserts that if we install them now they may not continue to fit the windows if the building is moved. The library board would like to carry the funds to buy the inserts over to the next fiscal year.

Duncan asked if Rosemary sees any issues with reserving the funds and dedicating them for a specific purpose. Rosemary said no.

**Mike moved to allow the library board to carry over unexpended funds from Building Capital Expense and Building Maintenance as of June 30, 2024 to be used in FY25, Shayne seconded and the motion was passed.**

***15. Sheriff's Contract***

**Mike moved to approve the sheriff's department patrol and communications contracts, Shayne seconded and the motion was passed.**

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

Rosemary said to date we have spent a little over 73% of budget. We have received some insurance money for the library and the skatepark. She shared a list of delinquent taxes. We are short compared to the past two years. Taxes are at 96.81% collected. The legislature made some changes to the tax sale process that she needs to study.

***17. Interim Recreation Director Pay***

Tom said Dean Locke has agreed to provide support for recreation until we hire a new recreation director. We received \$25K last week for a new playground at Legion Field. Dean wants to follow through with that as well as helping with gymnastics and soccer. He and Rosemary looked at his hourly rate including benefits and retirement. They suggest continuing to pay that amount hourly, while not providing benefits or retirement. Tom thinks the rate is \$25.24. He will work minimal hours, only as needed.

Duncan said his base rate now is \$21.99. He does not get the whole amount we spend because some goes to benefits. **Duncan moved to pay Dean Locke \$23 per hour for providing recreation support until a new recreation director is hired, Shayne seconded and the motion was passed with Mike opposed.**

***18. Recreation Job Description and Posting***

Tom said he and Shayne were supposed to put together an updated job description but some coaches reached out and wanted to assist in the process. This seems like a good time to get more input and make the job description what it should be. Dean is willing to give his opinion on what worked and what didn't. Can we wait two more weeks and put this on the agenda for the work session meeting or can the board authorize him and Shayne to put it out after getting input? Shayne said he made a few small tweaks. He removed the references to community development and added a reference to the rail trail committee.

Board members said they would like to see the job description before it goes out.

Casey Romero said she thinks time needs to be spent on considering the job description. One aspect that ought to be talked about is separating the program aspect from the physical aspect of the job.

***19. Request from Rail Trail Committee for Town to Act as Pass-Through for Funding***

Shayne said the rail trail committee identified 4 businesses and one private individual willing to donate \$250 to cover the cost of prebuilt picnic table kits. They hope to have a Father's Day event when people will be invited to assemble the tables. There is no cost to the town. The committee just needs the town to act as a pass-through for money from donors. The goal is to build 5 tables. Two would go on the village green, one on Legion Field, and they have not decided on the locations for the others. The Beard park, the arboretum and the new path at the Studio Center are options. The committee asked to be put on the village trustee board agenda to request funding help from the village but they have not been put on their agenda.

**Duncan moved to authorize collection of donations and payment of costs for picnic tables and the motion was seconded and passed.**



**20. Highway Access Permit for Village Banners**

Eben said there is no documented right of way permit for the cable across Pearl Street where the village flies banners. He is proposing that we have the village fill out a highway access permit application and waive the fee.

**Duncan moved to issue a blanket permit for zero dollars to the Village of Johnson to place banners in accordance with village policy with the condition that the village follow federal and state traffic control standards, Mike seconded and the motion was passed.**

Duncan said if the village needs to do an emergency repair in the town right of way they are supposed to get a right of way permit. He thinks we should talk about issuing a blanket permit for them to do emergency repairs on town highways. Tom said the issue of permits for Lamoille FiberNet is another thing to consider. The board agreed to address that at a future meeting.

**21. VOREC Grant Signature Authorization**

**Duncan moved to accept the VOREC grant and authorize Eben to sign to accept it, Shayne seconded and the motion was passed.**

**22. Bonding Resolution**

Duncan said we voted at the last board meeting to go out to bond for \$420K. By state statute a resolution is required for that authorization. The board reviewed a proposed resolution based on one the village did a few years ago. Duncan suggested where it refers to a sum not to exceed \$420K adding "reduced by any other available funds." **Duncan moved to accept the resolution for bonding and have the board sign it and the motion was seconded and passed with Mark opposed.**

**23. Executive Session for Employee Evaluation**

**Mike moved to enter executive session under 1 V.S.A. § 313(a)(3), Shayne seconded and the motion was passed at 9:35.** The board consented out of executive session at 9:55 with no action taken.

**24. Adjourn**

The meeting was adjourned at 9:55.