

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, JULY 1, 2024

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

Others: Tom Galinat, Rosemary Audibert, Jason Whitehill, Melissa Manka, Seth Jensen, Joie Lehouillier, Carri Ferrari, GiGi Beach, Casey Romero

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 move item #21 to just before the clerk/treasurer report and to add possible approval of a fireworks permit.

3. Public Comment

No members of the public wished to comment.

4. Selectboard Issues and Concerns

Mark said since the electric car charger in the municipal building lot is not working we should take down the sign on the highway for it. Duncan suggested getting the charger fixed. Tom said one side is functioning and the other is not. We could disengage the side that isn't working. The board agreed that should be done. Eben suggested getting a quote for fixing it.

Mike said we need to discuss ATV's. He would like to open up every road in town to ATV use. Eben said that discussion can be on the next agenda. Shayne suggested having a Lamoille County Sheriff's Department representative there since enforcement has been an issue in the past.

Shayne said Sue Lovering wants to know where the project of replacing tree protectors on Main St. is and if there is a possibility of collaboration between the town and the village. Tom said the trees, grates and tree protectors are the village's. Sue Lovering got a grant on behalf of the town. The town has agreed to be in a fiduciary role but the work needs to be directed by the village. Tom suggested to Sue and Erik that the work might be too much for our crew and that they could hire an outside contractor, with the town paying any invoices. It is up to the village to take the next steps.

Eben said he would like to see if we could get the Holcomb House pressure washed. Maybe we could see how much that would cost. Tom said that is on the Historical Society's radar, but Dick Simays wants to wait until the paving is done.

5. Consent Agenda

Shayne moved to approve the minutes of June 3 and June 17, 2024 and the noise ordinance waiver for August 24, 2024, Mark seconded and the motion was passed.

6. Errors and Omissions from Assessor

Rosemary said there is an errors and omissions certificate from the assessor with a change to the grand list value for Village of Hyde Park utilities. It changed from \$440,300 to \$461,600. **Duncan moved to approve the errors and omissions certificate from the assessor, Mark seconded and the motion was passed.**

7. Tax Rate for FY25

Rosemary said the municipal grand list is \$243,060,400. The amount needed to be raised by taxes is \$2,193,686. Adjustments for school tax and exemptions bring it to \$2,208,196 so the tax rate needed is 0.9085. **Mark moved and Duncan seconded to approve a tax rate for FY25 of 0.9085.**

Rosemary said the school homestead tax rate was 1.48 last year. This year it is 1.80. The non-homestead rate was about 1.53 last year and has gone up to 1.87. Shayne asked what our tax rate was last year. Eben said it was 0.8871. Rosemary said the tax rate she recommends is very close to the estimate presented on town meeting day. Eben said our estimated rate was 0.9065. **The motion was passed with Mike opposed.**

8. Warning for Bond Vote

Duncan moved to approve the warning for the special town meeting on August 13 as written, with the time shown as 7:00 pm and the location of the informational meeting (Johnson Elementary School) added, Shayne seconded and the motion was passed. (*Joie Lehouillier and Carri Ferrari arrived at 6:49.*)

9. End of Year Update

Rosemary said we are at 83% of budget for expenditures. She still needs to establish the paving reserve fund and make the transfer for capital equipment reserve. We didn't spend any money out of the capital buildings category. Does the board want that to go into the buildings and reserves fund? Duncan said he thinks we would have to talk about it when we talk about the rest of the surplus. Eben agreed we will talk about it then. Tom said all department heads should be congratulated on staying within the 5% reduction the board asked for

Rosemary said staff are hoping to be back in the downstairs office sometime next week.

10. Road Foreman Report and Action Items

Jason said the public works crew put up a new bulletin board and got fencing for Grow Cemetery.

Mark asked if we had much flood damage from the recent storm. Jason said there was some damage where older grandfathered driveways meet roads, due to water running out of driveways.

Duncan asked about the gravel pit. Jason said he thinks about 6000 yards have been taken to the Nadeau pit from our pit. We have gotten sand in return. The sand pile is just over a third done. The rest of the sand will be hauled after the road construction is done.

Jason said we came in under budget on salt. (*GiGi Beach arrived at 6:54.*) Using brine is reducing the amount of salt we use. The next salt truck we get will have a smaller hopper and more tank space so we can use more brine.

Jason said the first segment of Foote Brook Road is almost done.

Tom said every time Jason's crew has a rented excavator and gets taken off the excavation work it costs about \$300 a day. Next year he thinks anyone who wants assistance from the public works crew needs to understand that the priority is using rented equipment. We need to keep that priority in mind when timing projects. Mark asked if we rent the excavator by the week. Jason said we rent it by the month. That is cheaper for us and there is a lot of demand for the equipment.

Duncan said Jason can schedule the work his crew does. Tom said he is just asking for support from the board for the message that when we have rented equipment that is the priority. Mike said any

request from a committee should be secondary. Duncan said Jason should schedule jobs for committees as he has time to do them.

Duncan in his opinion we have unfinished business regarding what we are going to do when the gravel pit runs out. Maybe that needs to be the subject of a work session meeting. Mike said that is a good point. Jason said the current pit won't be exhausted this year. It probably will be next year. (*Casey Romero arrived at 7:00. Jason left at 7:01.*)

11. Johnson Works Request

Joie Lehouillier said Johnson Works has been struggling for the last couple of years. They lost their 501(c)(3) status. They tried to get it back but they would need officers and a board for that and they have been unable to get enough volunteers. Carri Ferrari said they want to dissolve Johnson Works but keep doing what they have been doing for the past year. They want to form a volunteer group with a new name.

Duncan said the information sent to the board mentioned an event that blew up Johnson Works. What was it? Joie said a few years back there was trouble with a Facebook post regarding the old owners of Johnson Woolen Mills. Johnson Works has struggled ever since then to get their reputation back and get volunteers. Carri said it is also a problem that businesses have been depleted in town. There are not a lot of storefronts now.

Duncan asked what dissolving Johnson Works means. Carri said it's a trademarked name. To use that name they would have to go through the hoops to be reestablished as a nonprofit. But they don't need to be a nonprofit. That name has a tainted history and they don't have volunteers who want to join and be on the board. They just want to put on events.

Duncan said when Johnson Works was formed there was set of bylaws. He thinks there has to be a plan in the bylaws for what to do with any remaining assets. Has that been dealt with? Joie said she is not sure Johnson Works has any assets other than a bank account with about \$2K. But that has all been raised since they lost their IRS status. Tom said there is a plan to spend the money for events.

Carri said their new vision is basically the same: sponsorships and fundraising through community events, building the community up with events, using money raised from events to fund following events. The town agreed to sponsor the events for insurance purposes. The events cost the town nothing. She thinks there is a lot of mistrust with the Johnson Works name. A lot of people want nothing to do with it. It is completely separate from the town. It is not a town committee.

Carri said they plan 4 seasonal events – a haunted house, an egg hunt, a kickoff to summer event (a duck race, which was postponed this year because they can't technically fundraise as Johnson Works without their nonprofit status and is planned to be at the end of summer in conjunction with the tractor parade), and the Holiday Jubilee. They did not do the Jubilee last year. They bought lights to make the downtown bright. Kyle Nuse threw together a fantastic event. They plan to do the Jubilee this year. There are some popup things they could do if they have the time and the desire. But those four events are the base.

For a new name they are considering something with the acronym REAL, like Revitalizing Events Among Locals. The goal is to increase involvement and support. The definition of "real" fits with their mission. They will no longer have a website. They will use Facebook and Instagram and information on their events will be on the town website.

For transparency, they would like the town to hold their account. Joie said if they get donations or support from businesses, they would like that money to go through the town. They are not asking for funds. They will raise their own funds.

Shayne asked if their desire is to be a private group, not a town committee. Joie said yes. Shayne asked if there is a way someone who is interested in joining could join the group. Carri said yes; people can contact her. People generally want to help when they can but not make a long-term commitment.

Eben asked if the town has done something like this in the past. Rosemary said only for town committees.

Eben said the Historical Society and he thinks some other committees have people who show up to help without being on the committee. Shayne said not every committee has allocated funds. Others said the bread oven and Tuesday Night Live committees are examples of groups that do not get town funds.

Eben said he understands the intent behind the request to have money pass through the town, but he would be more comfortable with it if the group were a town committee. Duncan said with town committees, the selectboard asks for a purpose statement, appoints members and accepts resignations of members who resign. Joie said they would need a note taker and a treasurer if they were a town committee. They struggle to get those things. Eben said minutes are a requirement but they aren't required to have a treasurer. They said they wanted transparency. Minutes provide transparency. Carri said it is hard to get people to come to meetings.

Tom said the same thing happened when he was in Peacham. There was a group that was not a town committee who worked together on events and had a pass-through town account. Doing it that way takes away the requirement to have minutes and agendas. Too many requirements lose the fun and make it harder. Bills for the group in Peacham were approved by the selectboard and they followed the town purchasing policy.

Duncan gave the hypothetical example of a citizen creating a Nazi group and using the town as a fiscal agent, agreeing to follow the town purchasing policy. Tom said the difference is that the town is already sponsoring the events. The town would not be sponsoring the Nazi group.

Duncan said he doesn't care what they did in Peacham. He understands the group is doing good work and he likes it. But he wants to be sure there are no issues if they dissolve Johnson Works and the town assumes some responsibility for the funds. He doesn't believe Rosemary can use a bank account they established as a 501(c)(3). Was the bank account opened by the 501(c)(3)? Carri said she doesn't know.

Mike said he thinks we need to do all we can to help the group instead of putting up roadblocks.

Duncan said if we are handling the account we have to have a reserve fund in order to dedicate where the funds go.

Carri said if the town says no to this idea she will do it on her own.

Joie said she is sure the bank account was opened by the 501(c)(3).

Shayne said he is supportive of the work they have done. He thinks the cleanest way to move forward is for them to be either a 501(c)(3) or a town committee. Both give them the ability to fundraise. He doesn't know which option is preferable. He would love to see a town events committee.

Joie said one concern they have is that once they become a town committee the selectboard could be telling them what events they want to have. They don't want that.

Eben said the rec committee is having volunteer fatigue but he thinks this would fit as a subcommittee of the rec committee. A subcommittee is a subset of people on a committee.

Mike said we should ask Rosemary if she feels the request is doable or something she wants to do. Rosemary said it is probably doable.

Duncan said if someone donates \$250 or more and wants to take a tax deduction they need to have a letter from the organization they donate to. Rosemary would have to write it. Rosemary said we could have a form letter and she could just put in the dollar amount.

Mike asked if the group is worried about the possibility that too many people might want to join. Carri said no. Their concern is being asked to plan events they are not interested in planning.

Mike said he is in favor of a pass-through account. Mark said he thinks they should be a subcommittee of a town group. He is concerned about the precedent. Anyone in the community could look to the town as a fiscal agent. Duncan said he would rather see them as a town group or a 501(c)(3). Carri and Joie said to be a 501(c)(3) they would have to have officers and board members.

Eben said the general consensus is that the board would be more comfortable with the group as a town committee or subcommittee. In its purpose letter or mission statement the group could say they want to focus on the 4 events they want to hold and they could request establishment of a reserve fund. That has to go before the voters. Carri asked, they would have to wait until the next town meeting? Eben said to create a reserve fund, yes. If they want to keep money they raise this fiscal year to spend next fiscal year they need a reserve fund. Duncan said when someone donates money to the town, it becomes town funds. It is not dedicated. If the group had a reserve fund any donations collected could go into the reserve fund. The purpose for the reserve fund could be the four events.

Carri asked what it would look like to be a subcommittee under the rec committee. Eben said the group could go the rec committee and say they wanted to form a subcommittee. Duncan said a subcommittee typically presents an idea to the overall committee, which approves it, and then the idea is presented to the selectboard. If this group were a committee rather than a subcommittee they could skip the step of presenting to the rec committee and could just present to the selectboard. Mark said then they would need officers and minutes. Duncan said they can choose to have a chair or not. They would have to take minutes, but they can be one page. Carri said currently their meetings are just text messages. That is the reason they want to change how they run the group. If the group becomes a town committee she thinks the town will need to find a place to keep things like the Easter eggs. She doesn't want to be told she has to have meetings on a certain schedule. Donna Griffiths said she believes a subcommittee that is less than a quorum of the main committee is able to meet informally

without minutes, etc. Duncan said in that case they would then report to the larger committee and their report would be in the larger committee's minutes.

Eben said the request has been heard and the selectboard is supportive of the group. Duncan said he supports the idea of providing town insurance for the events.

12. *Rec Coordinator Job Description*

Eben said he hasn't had time to read the job description. He would like to discuss it at the next meeting. Duncan asked if it needs to be approved before posting the ad. Eben said if we post the ad and someone asks Tom for the job description he could provide the draft and say it is not approved yet. Duncan asked how different it is from the previous job description. Shayne said there is not a lot of difference. He removed some outdated language, such as a reference to Duba Field. In the new description it is clearer that the rec coordinator reports to the town administrator and selectboard. The role of the rec committee is also clarified. One concern he heard a lot was that they felt they were out of the loop. This description makes it clear that a bachelor's degree is not required, just preferred.

The board agreed that the ad should be posted as soon as possible. It will be posted on VLCT classifieds as well as on the town website. Shayne suggested posting it with the Vermont Recreation and Parks Association.

Duncan suggested people might be more interested if they knew the pay. Tom said he thinks there is a legal requirement to put the pay range in job postings starting July 1. Duncan said we can post a range and then negotiate the actual salary.

13. *River Road East Health Concern*

Tom said currently Dean is the only health officer working on this. He is on vacation. Dean and the owners have agreements in place. Dean checks every other week to make sure there is progress. There is progress happening. (*Casey left at 8:02.*) United Way is looking into ways to help with volunteers. Eben suggested Tom ask the health officer to send updates to the board.

14. *Dilapidated Building on 100C*

Tom said the plan that was accepted by the board had a completion date of August 1 and he is pretty confident the work will be completed by then. The cellar hole has been filled and the fence has been removed. Dean will make a final inspection soon. (*Carri and Joie left at 8:04.*)

15. *ACO Update on Recent Concerns*

Tom said he spoke with person who made the complaint of dogs running at large. She said there have been no more issues recently. According to Dean, the owner of the dogs has been warned and Dean plans to send tickets when he gets back from vacation because of multiple offenses. The owner of the dogs knows the tickets are coming. The dogs were not registered.

Duncan said in order to get a dog registered the owner needs proof of rabies vaccine. In the past there have been situations where an impounded dog had to be released in order to get a rabies shot. That is an issue to consider with the interlocal agreement.

Tom said the bills for kenneling of the dog seized in the animal cruelty case are going to the sheriff's department. He didn't tell the sheriff the bill was going to them. He just told the kennel we weren't paying it.

16. *Revolving Loan Fund Update*

Duncan said he and Randall thought it made the most sense, given Bob Fletcher's letter, to communicate with the Vermont Community Development Program to see if they would give their blessing to the town borrowing from our revolving loan fund. They have yet to hear back from VCDP.

Bob Fletcher basically said he would feel more comfortable with us borrowing from our revolving loan fund if VCDP said they think it is an acceptable use of the funds.

17. Grow Cemetery

Tom said there are stakes around the edge of Grow Cemetery. He and Jason will meet and use a compass to define the boundaries. He wants to see the original deed. He thinks the intention was probably for the cemetery to be a true half acre. He wants to see if the adjoining landowners will agree to push the boundaries out to make it a half acre.

Duncan said Grow Cemetery was originally part of the Town of Sterling. All the old Sterling records are in Morrisville. He and Deanna French have looked but found no reference to Grow Cemetery. If we can create a map or description and the neighbors sign off on it that will be sufficient to establish the boundaries.

Tom said Jason bought enough pressure treated split rail fencing to fence all sides of the cemetery. It cost \$3700.

18. Hazard Mitigation Grant Program Recommendations for the Preapplication Letter

Seth Jensen said he and Melissa Manka are here to talk about the upcoming preapplication for the Hazard Mitigation Grant Program. The program provides funding to communities post-disaster to take actions to reduce future damages. This upcoming round is unique because of the sheer amount of funding available – likely \$90 million or more statewide. The state budget includes full coverage of the match. The preapplication process this time allows more time to do engineering work before submitting an application. He and Melissa are hoping to leave tonight with a list of potential projects the town would like to pursue preapplication for. That doesn't commit the town to moving forward with the projects. Anything that could reduce flooding in the community could potentially be considered. Examples would be upsizing bridges and culverts or floodplain restoration. Melissa has put together a list of potential projects. It will take some work on LCPC's part to pull these all together. They would like the selectboard's endorsement to work with staff in Johnson on the preapplication. They would come back to talk more about details for the full application round.

The list of items for the preapplication includes work on road segments, bridges and culverts to be determined. He would need more detail about specifically what areas are of concern. If the selectboard is okay with it, he can work with Tom and Jason to get that information. Board members suggested Coddling Hollow Road. Eben suggested Hogback Road. He would like to see the road raised to reduce flooding. Seth said LCPC will have access to technical assistance for engineering to support development of projects. They could get engineering assistance to model how high the road could be raised without displacing water. Duncan suggested moving the road back could also be considered. Eben suggested looking at moving Lendway Lane and Rocky Road also. Eben said LCPC did a report with flood modeling and identified 4 properties as having value to reduce floods. He would be interested in including all 4 of those in the preapplication.

Duncan asked if LCPC will submit these projects on behalf of Johnson or if Johnson has to submit the letter. Seth said there is not a signature page. They can assist with pulling together the potential projects and all the technical work. If they are going to submit for the town they would like the selectboard to be on the record authorizing them to do that.

Duncan moved to authorize the Lamoille County Planning Commission to submit projects for the Hazard Mitigation Grant Program preapplication as identified on the flood mitigation projects list prepared by LCPC plus the 4 properties previously identified by the LCPC study

and to work with Tom and Jason to identify other specific locations which can also be included in the preapplication, Shayne seconded and the motion was passed with Mike opposed.

Seth asked if the board is okay with discussions with private property owners about some of these potential projects. The board agreed that is okay.

19. *Liquor License Approval Delegated to the Clerk*

Eben said a suggested motion was included in the packet to delegate approval of special events and renewals to the clerk. Rosemary said she knows this is allowed for catering and special events. She doesn't know about renewals. Tom said he and Rosemary haven't looked into that yet.

Mike asked the reason for the suggested motion. Tom said especially with catering permit applications we don't always get them far enough in advance before meetings. Rosemary will let the board know about any licenses she approves. This prevents having to make additions to the agenda.

Duncan moved and Mark seconded to delegate to the town clerk the authority to approve liquor license renewals and special event permits if allowed by law. Eben asked if the standard letter will be sent out with any renewals. Rosemary said yes. **The motion was passed.**

20. *Interlocal Kennel Agreement*

Tom asked the board to delegate one or two people to go through the proposed interlocal kennel agreement and negotiate with Hyde Park and come back to the board with a finished product. There are some things in the proposed agreement that he is uncomfortable with. He would like all 6 towns to sit down at the table and sign the agreement together. Right now it is just between Hyde Park and Johnson. Eben said one town, Eden, has already declined to sign the agreement. Duncan said he agrees with Tom that all the towns need to be party to the agreement. Tom said as it stands now he sees the agreement as a lessor/lessee agreement.

Duncan said as it is written the Hyde Park animal control officer is calling all the shots. He doesn't think we should subsume our animal control authority to them. The agreement includes owner-surrendered animals but there is no such thing under our ordinance. We only kennel dogs picked up as strays by our animal control officer. The agreement says Hyde Park has the discretion to allow less than the full amount of fees to be paid by the dog owner to Johnson due to financial hardship. Tom said he thinks the only way we would move forward as written would be if we paid a stipend to Hyde Park for animal control services and let them deal with the residents. Duncan said he thinks there should be something in the agreement about meetings of representatives from each town.

Shayne offered to help Tom negotiate the agreement. Duncan suggested board members can send Shayne and Tom concerns.

Duncan said he doesn't know if this agreement will work out. We ought to have a backup plan. Tom asked if we should investigate building a kennel. Shayne said he recalls seeing cost figures in the \$70K range for building a kennel. And it would require us to find someone to staff it. Eben suggested we could go to the kennel Hyde Park is contracted with and float the idea of contracting with them. Tom said he likes the idea of directly contracting with the kennel. Eben said he believes the board is in favor of that as an interim backup solution.

21. *Update on Municipal Building*

Tom said trying to run the office while moving would be difficult. He thinks we need to tell the public we are closed and focus on moving. Rosemary said she thinks July 11 is a realistic date for when the move will be done. Eben said if Tom and Rosemary agree on closing the office for some period it

should be posted on Front Porch Forum. Eben said Tom should work with the village on ensuring there is a way for people to report issues with utilities.

22. Fireworks Permit Request

The board reviewed the permit application. Duncan asked if it has been signed off on by the fire department. Rosemary said no. The application is for fireworks at an 80th birthday party on July 6 from 8:00 to 8:30 pm, with a rain date of July 7. Shayne said the application is supposed to be submitted at least 15 days in advance of the display. Rosemary said it was put in the drop box today. Shayne said the date on it is June 27. He reviewed the relevant statute. He said he thinks the fire chief would have to approve the application at least 15 days before the display. The board declined to approve the application as it was not submitted far enough in advance.

23. Executive Session

Duncan moved to enter executive session for employee evaluation under 1 V.S.A. § 313(a)(3), inviting Tom and Rosemary to remain, Shayne seconded and the motion was passed at 8:57. The board consented out of executive session at 9:24 with no action taken.

24. Adjourn

The meeting was adjourned at 9:25.

Minutes submitted by Donna Griffiths

UNAPPROVED