

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, AUGUST 19, 2024

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

Others: Tom Galinat, Rosemary Audibert, Charles Flaum, Casey Romero, Lois Frey, Sue Lovering, Doug Molde, Adrienne Stevson, Margo Warden, Charles Gallanter, Peter Moynihan, Noel Dodge, Paul Warden, Kyle Nuse, Jan Gearhardt, Cal Stanton, Jackie Stanton, Randall Szott (remote), Ken Tourangeau (remote), Kirsten Owen, Dean Locke, Kim Marble, one other person

**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**

Duncan added authorization to put together and circulate a bond information sheet. Tom added scheduling a hearing on a potentially vicious dog and possible approval of a buyout application. He noted a correction to the August 5 minutes – the Wallace property approved for a buyout was at 161 River Road West. He also added to the agenda an executive session for employee review and discussion of the rec coordinator position. Eben added a request from the village trustees regarding fuel bids.

**3. Selectboard Issues and Concerns**

The first Monday in September is Labor Day so the board agreed to hold the first September meeting on September 9 instead. A public information meeting for the bond vote and a public hearing on the municipal plan will also take place on September 9. *[The times stated during the discussion were later determined to be incorrect. The hearing on the municipal plan will be at 6:30 and the bond vote informational hearing will be at 7:00.]*

Shayne asked Tom for an update on where we are with the website RFP. Tom said Charles Flaum gave him a list of suggestions. The RFP was posted online and put in the News & Citizen. Additional information based on Charles' suggestions will be sent out to interested people. The due date for responses is September 6. Shayne suggested extending the time period for responses to give people more time. The board agreed that would be a good idea.

**4. Committee Reports – Tree Board and Conservation Commission**

Eben thanked Sue Lovering for the write-up she had submitted about the Tree Board's activities, which included good news about a grant. Sue said she doesn't know how many people actually know about the arboretum. She runs into people who don't know it's there. She wonders if there are ways to get the word out. The arboretum has 69 plantings. There are picnic tables, etc. It is growing. The Tree Board will apply for a grant at the end of the year and hopefully do a lot more planting with grant money. After that she doesn't see more money coming for a while. Work on water and a storage area is in process. The Tree Board would like to get that done and be free to work on planting next year.

Eben asked how the town could get a Tree City designation. Sue said that is a big honor. Places with that designation are usually much larger than Johnson. It is a nationwide designation that tells people that our town cares about trees. It also makes it easier to get grants. Until recently in Vermont, to get that designation there was a requirement to spend a certain amount of money. The Tree Board would have needed an annual budget of \$8K. But they recently decided that in-kind hours can be used as

well. She has been told that with the arboretum we should be able to get the designation. We also have to have a tree ordinance. The Tree Board has started that with the shade tree preservation plan.

Sue said the Tree Board's biggest need is for volunteer help.

Duncan said the document Sue had submitted indicated the Tree Board would like to install a path in the entrance right of way for the arboretum to make it clear that it is an entrance. He asked what they have in mind. Sue said they want to bring the path up to the sidewalk so the entrance doesn't look like a driveway. They still have to talk to the property owner. Duncan said he thinks it is good idea. The easement is not well described in the deed. He suggested we may want to have a written agreement with the property owner describing where the path would be.

Duncan said Sue had also indicated the Tree Board would like to install one more path at the arboretum. Where would it be? Sue said it would be a loop around the sycamore.

Duncan said if there is going to be a budget request for treating ash trees, it would be good for the selectboard to have an idea of the cost. Sue said this year the cost was quoted at \$1200 but billed at \$910.

Duncan noted that another desire of the Tree Board is to plant trees around the village and at Whiting Hill Cemetery. Mark said he would like them to plant disease resistant elm trees. Sue said until recently those cost \$600-700 each, but the price has come down. George Pearlman donated the one in front of his house. She thinks it cost \$350. She can look into it.

Eben said he would not like the door closed on a possible sculpture park intermingled with the arboretum. He thinks they go well together. He is not saying the sculptures would need to be huge. Sue suggested maybe they could be around the outside of the arboretum. Casey Romero suggested we could start with a temporary exhibit in conjunction with the Studio Center.

Noel Dodge said the arboretum has a Google business page. In the last year interactions with the site totaled over 200,000. Shayne asked if the Tree Board gets data on when people visit the arboretum in person. Noel said no, he only knows if people visited the web page.

Lois Frey had sent a report on the Conservation Commission. She said she had some additions. The Conservation Commission was started at town meeting in March 2005. Some of what they do is education and some is fieldwork. They need more volunteers. One suggestion they have is that perhaps an AmeriCorps volunteer could help them and the Tree Board. Their education offerings include Sunday afternoon programs in March. They tried to do a snowshoe event but had to cancel it because of mud. They try to get people on town land at least once a year. Over the years they have created a series of videos. Recently they created a 3-minute video on bat houses.

Mark asked if bats are coming back. Lois said yes. They have been seen by the bat house in the arboretum. The Conservation Commission has come up with a post for bat houses that allows them to pull the house down for cleaning. They have installed two at the arboretum and one at the Wescom lot.

The Conservation Commission has asked Mike Green, a consulting forester, to look at the possibility of a logging operation on the Gomo parcel. That is an opportunity to bring in money for the

community. The Conservation Commission would like to have ecologically-informed management plans for town land. Duncan brought up the possibility of logging on the Prindle lot. There are some really mature hemlocks there. Mark asked if the Conservation Commission also works with the village on the old talc mill property. Lois said they haven't done anything there in recent years. Some students did projects on all the town lands. They laid out educational opportunities and places where trails might go but the Conservation Commission hasn't followed up on that.

Lois said working with Jason and the town public works crew the Conservation Commission was able to patch up the accessible trail at Beard Park that had washed out in one section. Conservation Commission members have been working on trying to reroute where water might run on the property. The Vermont River Conservancy offered to do trail maintenance on the trail to Journey's End. They put in a bridge and puncheons.

Shayne asked if the Conservation Commission has discussed potential uses for properties that may come into town ownership along the river. Lois said they haven't had formal discussions but they are interested in pollinator gardens and planting trees.

Lois said the selectboard approved land management review forms that were intended to help groups as they started to plan projects. The Conservation Commission has expertise that can help keep people from making mistakes. If someone wants to do something on town land, the Conservation Commission would like them to fill out the form and talk to them. They don't want to do anything to slow them down or stop them; they just want to talk to them. This idea may have fallen through the cracks and is probably something she should discuss with Tom.

The selectboard agreed to hear from the Beautification and Rail Trail Committees at the second meeting in September.

5. ***Liquor Licenses***

Rosemary said Sodexo Operations LLC at the college is applying for first class and third class liquor licenses. They have not had a third class license before.

**Shayne moved and Mike seconded to approve first and third class liquor licenses for Sodexo Operations LLC, with the standard letter to be sent. The motion was passed.**

6. ***Year End Financials***

Rosemary distributed budget status and year end reports. She does not have the final year end report but she is getting close. We currently show about a \$250K surplus. Eben said revenues were 125% of budget and expenditures were 95.3% of budget.

Rosemary said we are about \$50K overspent for flood expenses. Does the board want any of that to come out of the emergency fund? We will eventually get FEMA money to cover some of it. Board members agreed to leave it as is.

Rosemary said the library board had money budgeted for building maintenance that they wanted to move into this year. Does the selectboard want to reserve those funds? Eben said he thought the board already made a motion to allow rollover of those funds.

The halfpipe bill was \$41,800. The skatepark committee technically has enough money to cover it.

Rosemary said she is not sure who will be handling the grant to study bringing people downtown from the rail trail or the grant for Legion Field. Dean has been handling the Legion Field one. Mark asked if there are deadlines to use the funds. Tom said he hasn't seen Vermont Community Fund grants have deadlines. Shayne said he knows the Rail Trail Committee will be discussing use of grant funds.

#### 7. *CEDS Update*

Randall said he had a conversation with someone at the Vermont Community Foundation about money allocated for recreation. He let her know about the transition in that position. It did flag a little concern for her that the project was identified by the previous rec coordinator. She wanted to know the status of the project. Rosemary believes the equipment has been ordered and will be installed in October.

Randall said Vermont Emergency Management has received an RFI with questions regarding the Swift Current application. The timeline for response is by the middle of September, but VEM has to do its own review first so they want information earlier. There is not really anything for the town to address. There are engineering questions for Pomerleau and their engineering team to address.

Randall said this Friday there will be a conversation between the Preservation Trust and some stakeholders. There will later be a broader conversation with more people. These conversations are about a Plan B for relocation of the grocery store. Randall will attend if there is board support. The selectboard supports Randall attending.

Duncan asked if any of the requests for information from FEMA about the Swift Current application give Randall concern about the viability of the application. Randall said he can't say definitively. There were a number of technical questions and he doesn't know if they are easily addressed or are huge red flags.

Duncan suggested that if any of Randall's contacts can give feedback on the viability of the application it would be good for us to know. Board members said it would be good for the community to know also. Mark said this is the predominant issue in the community. Randall said we want to support business owners but we also need to explore other options that may not include Pomerleau.

Paul asked if form based code is being considered as these plans go forward. Randall said he is aware of concerns about form based code. He knows there was discussion with the selectboard about possible exemptions. He doesn't know where that landed. Paul said the Planning Commission voted not to recommend that there be exemptions granted because they felt it might not be the best idea in the long term to make it easier to redevelop in the same place.

Duncan asked if that was communicated to the selectboard. Tom said it was mentioned at a selectboard meeting. The DRB still has authority to approve a noncompliant application. Duncan said he doesn't think they do. He doesn't think they can waive any of the requirements. Eben said he thinks this probably needs to be addressed at a work session meeting.

Paul asked what the process is to address it if the board decides it wants an amendment to form based code. Randall said he believes if there is a conflict between the selectboard and the Planning Commission on this issue a citizen petition can create a requirement for a townwide vote and then it is taken out of the hands of the selectboard and Planning Commission. But he doesn't know that with certainty.

Shayne asked if the Planning Commission discussion was about exemption for all flood mitigation projects or about adding flood mitigation as a potential reason for a variance. Paul said the discussion was to give the DRB latitude to grant an exemption to the requirements for flood mitigation projects.

Charlie Gallanter said variances are set by state statute. We don't get to change them. The process Paul was outlining to grant flood mitigation variances is a non starter. It would have to go before the DRB. The builder would have to apply for a variance and then it would be adjudicated by the DRB. Exemptions for flood mitigation are not allowed under statute.

Mike asked if the Pomerleau building is out of compliance with form based code right now. Charlie said it is currently out of compliance because of covering the window at the post office. And in the past Pomerleau has done work that would have required permits but did not apply for permits (which would have been approved.) Tom said he thought the plywood over the window felt like a temporary measure. It seemed burdensome to have them fill out a permit application for the temporary work. Duncan said until recently there was no permit application for anyone to fill out. Charlie said Brian Story drafted one.

Eben said he thinks we need more meeting time if we want to talk about form based code. Duncan said he thinks need to discuss where we go if the project gets approved because it won't meet current form based code. Tom said he thinks we need to clarify to the Planning Commission that they were only asked to consider granting the ability for a variance, not an exemption, and see if that would change their vote. Duncan said he thinks it is also important to understand that we might be talking about special consideration for buildings other than the grocery store.

Tom said because there wasn't a permit application he was advised that at some point the selectboard should make a motion saying that all work prior to a certain date is exempt and held harmless.

**8. Reappraisals**

A memo from Justin Mason was included in the board packet. We received proposals from 3 firms and his recommendation is to contract with NEMRC. Eben said he personally is interested in seeing the proposals and prices. He asked Tom to get that information for the September 16 meeting.

**9. Town Sewer Water Connection**

Duncan said he and Paul Warden coordinated by email. Tom gave him a copy of the current ordinance in Word format. He was planning to take a first stab at amending the ordinance. Paul asked if there is estimate of the number of acres or houses that would be affected by the proposed change. Duncan said he is hoping LCPC might be able to give some idea of the acreages of properties we might be opening it up to.

**10. ATV Ordinance**

Eben asked what the board would like to do. A board member could be delegated to work on an amendment to the ordinance that would come back to the board for a vote. Duncan said he would like to leave the ordinance alone. His opinion is that we have too many other things to think about. Shayne said he would also just as soon leave it as is. The board got many emails about the ordinance. One particularly helpful email was from Paul Warden. He gave information about a previous survey indicating most people in town are okay with things as they are with ATVs. He doesn't see why we need to change it. Eben said there emails against the ATV ordinance and also some in favor of it that he hasn't forwarded to the board. The numbers for and against an amendment to connect both sides of town seemed fairly equal. He is in favor of doing what we said we would do.

Mike moved to start the process of amending the ATV ordinance to make the test ATV use areas permanent. Mark said he is content with the way it sits now. The motion died for lack of a second.

Eben said we did agree at a past meeting to connect the other side of town. Duncan and Mark said they think we just agreed to consider amendments to the ordinance but did not make any promises to open up access.

Margo Warden asked what it means that the motion died. Eben said the current ordinance is still in effect. Mike suggested the board could bring this back for further discussion if previous minutes show we agreed to make a specific change.

#### **11. Tractor Parade**

**Duncan moved to approve the Tractor Parade on September 7 and to direct the town administrator to file for permits with the state, Shayne seconded and the motion was passed.**

#### **12. Town Logo**

The board looked at conceptual logos provided by Adrienne Stevson. Duncan asked why the current logo is not acceptable. Eben said he thinks it is acceptable; there is just a desire for a new one. Adrienne said the old one may not be in a format that is easy to put on documents. There was mention of it being round for social media or profile pictures. Eben suggested the possibility of an informal survey at town meeting about the logo.

**Shayne moved and Mike seconded to adopt the top logo on p. 3 of the submitted document.**

Doug Molde said he thinks it would be good for Reimagining Johnson to have a logo to start with.

**Shayne and Mike agreed to amend the motion to add that the logo should be changed to use "Est." as the abbreviation for established. The motion was passed.**

Adrienne asked if the board wants her to make mockups of what future signage could look like with the logo. Shayne said he would love that. Mark said she should include what it would look like on truck doors. Duncan said we will want to include it on the new website.

Adrienne said she designed a potential homepage of the website that was included in the information she provided to the board. It is based on what she is hearing from people about the importance of communication. It shows upcoming events and the latest notices and posts and has a way to sign up for alerts. Eben said we should push everyone to use VT Alerts rather than developing our own alert system. A system of our own would be an extra layer that he doesn't foresee emergency management heavily using. Mike said Adrienne's example page is much better than what we have currently. Shayne suggested maybe we could have a feed of the latest VT Alerts for our area on the web page.

Mark asked if anyone has any idea how many email addresses we have for Johnson citizens. Tom said after we pick a contractor we can have conversations about whether we want a way for people to sign up for email updates.

Kyle Nuse said the work Adrienne is doing is saving the town tens of thousands of dollars.

#### **13. Appoint Selectboard Member Vacancy**

Eben said he believes there are 3 potential paths forward to fill the future vacant seat on the selectboard. One is holding a special election. He asked what that would cost. Rosemary said \$750-1000. Another is an appointment process. Or the seat could stay vacant until town meeting day. Mike

said he favors appointment. Mark said he is in favor of leaving it vacant because a special election would cost money and we probably couldn't do it until October. Rosemary said it could be done on the same day as the general election. Mark said then it would be cheaper. He would be okay with that. If we appoint someone it opens us up to accusations of favoritism. Rosemary said for a special election candidates would have to petition.

Duncan read from the relevant statute, which says, "When a vacancy occurs in any town office, the selectboard forthwith by appointment in writing shall fill such vacancy until an election is had; except that in the event of vacancies in a majority of the selectboard at the same time, such vacancies shall be filled by a special town meeting called for that purpose." He is not entirely clear on what that means and he would suggest obtaining an opinion from VLCT. He was always under the impression that the board had the 3 choices Eben discussed. Tom said it sounds like the board has to appoint someone. Duncan said he thinks we should get a formal opinion. Mike said we need another board member. We can't have 4 members on the board because there could be tie votes. Eben asked Tom to get an opinion from VLCT and send it out so the board can discuss this at a future meeting.

Duncan noted that the wording of this item on the agenda was confusing. He thinks the intent was to figure out what to do about the vacancy, not to appoint someone.

#### **14. Road Classification**

Tom asked Paul Warden if the Planning Commission is just recommending that sections of roads be reclassified. Often it is easier to reclassify an entire road or an entire stretch from one milepoint to another milepoint. Paul said on Hoag Road, for example, they are focusing just on hydrologically connected segments, which is only a small part of the road. The rest of the road abuts private property and it might be detrimental to the landowner to reclassify the road. Why reclassify more than we have to?

Paul said 3 of the recommended reclassifications would be pretty easy. They also proposed upgrading Prospect Rock Road to Class 3. Tom said it would need to be brought up to Class 3 specs first. Paul said that would require funding. It is a town asset that gets a lot of use.

Eben asked if the Planning Commission considered reclassifying Town Highway 12. Charles said they couldn't find it. Paul said he doesn't think it has any hydrologically connected segments.

Tom said Jason has his own list of possible reclassifications, including the end of Coddington Hollow Road and Town Highway 12. Eben said he doesn't think timewise we can take them all up at once. We have to notify everyone on the road. Tom said we only need to notify property owners abutting the section to be reclassified. Once we start the process there are a number of bureaucratic steps required. It is easier to do them all at once than to do it every year for a different road. We could have one hearing for all 4 roads. Duncan said we have to do a viewing of the road as well.

#### **Shayne moved and Mark seconded to start the process of converting Town Highway 47, 2 sections of Hoag Road and 3 sections of Mine Road to legal trails.**

Duncan said he doesn't think we should limit the reclassification to hydrologically connected sections. If we are going to talk about reclassifying highways we should take a careful look at maps and determine milepoints where the reclassification should start and end, not just reclassify hydrologically connected segments.

Eben said there are ramifications to reducing the amount of Class 4 mileage. Duncan said we don't get paid anything for Class 4 roads anyway. Eben said only a certain percentage of our roads can be Class 2. Duncan said legal trails count on the highway certificate. Eben said it has been mentioned before that Whitcomb Island Road and Upper French Hill may be good candidates for Class 2 roads.

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

Shayne said he would like us to start the process of seeking funding for upgrading Prospect Rock Road to Class 3. Tom asked if we can delay the start of the process until after we get the road foreman report at the next meeting. He will probably have roads to add. Eben said we can have a motion adding roads at the next meeting.

Duncan asked if the motion that was passed referred specifically to hydrologically connected sections. Tom said yes, the sections the Planning Commission recommended – all of Town Highway 47, two sections of Hoag Road and 3 sections of Mine Road.

Paul asked why Duncan wants to go beyond hydrologically connected sections. Duncan asked, why not? There could be a new study in the future resulting in new hydrologically connected sections. To him making all of Hoag Road a legal trail is a no brainer. Paul said the adjoining landowners might not think that way. Duncan asked why. There is no difference in access. Paul said it might affect property value. Eben said Terri Sabens said road reclassification doesn't affect property value. Charlie Gallanter asked if it affects title. Tom said he doesn't think it does. Doug Molde said he doesn't see much difference between a trail and a Class 4 road.

Doug said when he was on the selectboard LCPC had not done all the hydrologically connected segments. Did they ever update that? Charlie Gallanter said they never finished. They were doing visual inspections and they did not complete 100% of roads.

Tom said he thinks Jason's input will be important. It would make more sense not to have sections of Class 4 road separated by sections of trail. That makes it complicated for maintenance.

Doug said he asked for the Planning Commission to study this quite some time ago. The request was primarily driven by hydrologically connected sections but it has morphed into something different. Upgrading a road confers benefits to some that aren't conferred to others. Presumably the town would pay for it, using town money to make some people's land more valuable, or at least more insurable. He thinks the board is losing track of why we were starting down this road, which was because of hydrologically connected sections.

Tom said he has heard an upgrade in road classification justified based on the percentage of the grand list found on that road. Has the value on the grand list of Prospect Rock properties been considered? Paul Warden said no. The Planning Commission looked at Prospect Rock because it is hydrologically connected. They talked about it as a town asset. Tom said he always thought an upgrade might make sense for Coddling Hollow because the number of houses seems to be growing. Doug said he believes there are good reasons to help the people who live on Coddling Hollow and also good environmental reasons not to make it a highly traveled road.

Duncan said gravel roads will be really important for bicyclists. If we turn a road into a trail it should be rideable by all bicycles because that will be a great benefit to the community. He is uncomfortable



trying to evaluate or prioritize road upgrades based on grand list values. There was a study done years ago that showed residential properties require more in services than they pay in taxes. Mark said that study was pre Act 60, from before kids came with money. Duncan agreed that maybe it would look different now. But he is uncomfortable upgrading roads based on whether it will contribute to the tax base.

**15. Kennel Options**

Tom said right now we don't have any options for kenneling. We got an offer from Hyde Park that did not seem like a good fit. We sent some suggested changes to Hyde Park and have not heard back. VLCT advised us to use an outside kennel and not the personal kennel of a town employee unless we have an agreement in place. One possibility is to try to reach an independent agreement with the kennel Hyde Park is using. He sent an email to the kennel and has not gotten a reply yet. Does the selectboard want Tom to reach out to Crystal, one of our current animal control officers, and see if she is willing to get independent insurance on her kennel? Would the board consider paying her an annual stipend to cover that cost? Duncan asked, she would also get a certain amount per day if she was boarding a dog? Tom said yes. The board agreed Tom should reach out to Crystal about her capacity and willingness to kennel dogs on her property.

**16. River Gauges**

Melissa Manka of LCPC sent out an email about an opportunity to get a rented river gauge. Eben said he thinks it would be a great resource for data, but he doesn't know how much the town has in its budget to afford it. This is just a temporary interim solution. Duncan said he understands LCPC has been funded to get up to 11 more permanent gauges. He thinks within the next couple of years we will probably have 11 more in the watershed. Eben said the cost for the rented unit would be \$7500 for setup and \$1500 for each additional month. The thought was to use it during the hurricane months. Mark said that just gets us one additional gauge. Tom said our fifth largest flood happened in December. Duncan said the cost would be shared by other towns. He doesn't think our cost would be the whole \$7500. Shayne asked who would make the decision on where it would be located with multiple towns chipping in.

Tom asked how Eben feels about watershed communication now compared to last year. Eben said it is better than last year. Tom asked if this would help. Eben said no data hurts. Unless we get events like last July's flood he doesn't know that this would be a responsible way to spend taxpayer money. There is better upstream communication now so we know when water is coming this way. He would be interested if we could get 5 communities to contribute to the cost of having it for next July and August. Mark said he thinks of flooding as a spring thing. Shayne said there are a lot of times of year when it can flood. It is not a seasonal thing. Mark asked when the permanent ones will be deployed. Duncan said it could take a couple of years. Mark said he is not excited about this. Shayne said he would conditionally support it if all the other communities were willing to share the cost. Mark said he would not be in favor of it if it were below us on the river.

Eben said he can reply and say there is an appetite if multiple communities participate, and we would like to know the proposed locations. The board agreed to that.

**17. Potentially Vicious Dog Hearing**

The board agreed to schedule a hearing in response to the potentially vicious dog complaint on August 21 at 6:00 p.m.

**18. Buyout Application**

**Shayne moved to approve the buyout application from Rick Aupperlee for 43 Railroad Street, Mike seconded and the motion was passed.**

**19. Rec Coordinator Position**

Tom said we have received two resumes for the rec coordinator position. Does the board want to hold interviews or get more candidates? The board agreed to interview the candidates.

**20. Authority to Prepare Bond Vote Information Sheet**

**Duncan moved and Shayne seconded to delegate authority to prepare a bond vote information sheet to Eben Patch as chair and to have him circulate it as soon as it is ready for publication.**

Mark asked if the board will see it before Eben approves it. Eben said he would like to have another meeting before the informational meeting. The board agreed to schedule a short meeting for September 3 at 6:30 to go over industrial park information. Rec coordinator interviews will be held after that.

**21. Fuel Quotes**

Eben said the village is going to look into propane costs and they wondered if Tom could look into fuel costs. **Duncan moved to direct Tom to investigate fuel prices on behalf of the town and to accept propane prices from the supplier chosen by Erik Bailey. The motion was seconded and passed.**

**22. Other Business**

Shayne asked if we ever got a response from the village on whether they are interested in splitting the cost of a new website. Tom said they want to see prices first.

Duncan said he had sent out a draft bond vote information sheet. Board members should send suggested changes if they have any.

Doug Molde said the Rail Trail Committee is planning to submit a grant application that is due September 10 so they have to be on the agenda for the September 9 selectboard meeting to get approval.

**23. Executive Session for Confidential Attorney-Client Communications**

**Mark moved to enter executive session to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the body under 1 V.S.A. § 313(a)(1)(F), Shayne seconded and the motion was passed at 9:16.** The board consented out of executive session at 9:28.

**Shayne moved to authorize SP&F Attorneys, PC to commence a declaratory judgment action in the Lamoille Unit of the Civil Division of Vermont Superior Court to clarify and determine the scope of the Village and Town's maintenance responsibilities for "sewers and drains" within the Village's municipal boundary lines upon the Town's payment to the Village as set forth in Section 7 of Act 305 of 1917, Duncan seconded and the motion was passed.**

**24. Executive Session for Employee Review**

**Shayne moved to enter executive session for employee review, Mark seconded and the motion was passed at 9:31.** The board consented out of executive session at 9:52.

**25. Adjourn**

The meeting was adjourned at 9:53.