

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, NOVEMBER 18, 2024

Present: Selectboard members: Mike Dunham, Peter Hammond, Duncan Hastings, Eben Patch, Mark Woodward

Others: Tom Galinat, Rosemary Audibert, Luke Willey, Tyler Mumley (remote), Dick Simays, Lois Frey, Jason Whitehill, Jeanne Engel, Kelly Vandorn, Jessica Bickford, Scott Griswold

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 Conservation Commission for a survey of the Gomo lot, to move item #15 to follow item #8 and to have an executive session at the end of the meeting.

3. Public Comment

No members of the public wished to comment.

4. Selectboard Issues and Concerns

Eben said siltation on the highway right of way from a couple of private properties, discussed previously, is still happening. He would like it followed up on.

5. Planned Purchases

Mike moved to approve the purchase of tires for the backhoe from Marshall Tire Group for the amount of \$2,979.25, Mark seconded and the motion was passed.

Mike said in the packet it said that the tires he had mentioned last time were for agricultural use but they are not. They can be used on industrial vehicles.

6. Committee Report – Historical Society

Eben noted that the Historical Society is a couple of members short. He asked if there are plans for member growth. Dick Simays said there is always a plan. It isn't always successful. Maybe it's time to put out another note to the public. Tom asked if he wants to advertise in the newspaper to reach surrounding communities or focus on this community. Dick said given that it is the Johnson Historical Society, he feels we should stay local. Mark said it would be nice to get multi-generational people on the board. Dick agreed.

Mark asked Dick if he feels the Historical Society is doing a good job of capturing present day events that will become history. Dick said they are beginning to. Mark said he feels it is important to document things for future generations. Duncan said Linda Jones is the official town historian. She has taken lots of pictures.

Tom said he has seen a trend in Vermont of volunteer numbers going down. One response has been project-based volunteers who commit for a shorter time to help with one project. Dick said that is something to think about. Lois Frey brought up volunteers who are not members of the Historical Society but who help with things like the accessioning committee.

Duncan said the Sheldon Historical Society got a large grant to help them make the upstairs of their building usable. Dick said Randall has met with the Historical Society and was going to see what was out there for grants. They don't have any shovel ready projects.

Mike said he doesn't think the whole selectboard has seen the good work done upstairs at the Holcombe House. Dick urged everyone to come take a look. Mike said it is really nice now.

Peter said Randall's report mentioned looking for an architect to do a condition assessment of the Historical Society building. Dick said Randall hasn't discussed that with them.

Duncan said we are about to enter budget season. It would be good to get a refreshment of the Historical Society's list of needs. Tom suggested putting a priority list on paper so the selectboard knows what to budget for. Dick said there is already a list with cost estimates Tom came up with.

Tom said work on the porch roof and knee braces probably should be done first thing in the spring. Dick said the Historical Society's problem has been finding contractors. Eben said the knee braces to him are part of a larger conversation because they are for the back apartment. Maybe it would make more sense not to have tenants in either of the apartments if the long term plan is for the Historical Society to use the whole building. Duncan said the outdoor staircase is a fire egress and will be needed regardless.

Duncan said he has visited other Historical Societies and Johnson's ranks highly compared to them. The programs the Johnson Historical Society does are first class. Everyone should be very appreciative of the hard work they do.

It was agreed that the selectboard will meet with the beautification committee next.

7. *CEDS Update*

Eben said Randall's report has 2 action items – one that has to do with the NEPA contract and one regarding participation in a Green Mountain Byway grant application. Randall said he also indicated in his report that if the board is interested he could have the state treasurer give a presentation about housing and economic development.

Eben said he talked to Duncan about the NEPA contract and it fits in what we budgeted for. Randall said it was accounted for by the Northern Border Regional Commission as well. There was a miscellaneous consultant fee piece and this contract is just for one specific use of the outside consultant fees for the Phase I environmental study.

Eben asked if Randall thinks the revisions to the existing contract will be ready for the next meeting or the one after. Randall said that is probably a question for Mumley. Luke Willey of Mumley Engineering said they were made aware that LCPC wanted a little more information on a couple of items. He thinks they can probably try to get an answer by the end of the week about whether the changes will be read for the next meeting or the one after.

Mark asked if there is any possible scope expansion for housing or if that is completely off the table. Duncan said he thinks we got a clear indication from the voters that they wanted it for industrial development, not housing. Randall said the selectboard plays a large role in determining whether the door is closed to housing. He doesn't think from the NBRC perspective it is definitely closed. It would not be a prohibited change of scope. Mark said he is concerned that 5 or 10 years from now we may have lots we have not been able to sell for light industrial use. There is a need for housing. Duncan is right about what the public wanted but we could bring it before them again.

Tom said if we change the scope now to include more possibilities it allows us to do those alternatives in the future. Just because we put possible uses in the grant doesn't mean we have to sell lots for that reason.

Mike asked, if we add housing as a potential use, is there an additional cost? Luke said from a design standpoint he doesn't think so. Mumley is just showing and permitting shell lots and not specifying anything other than sewer and water connections.

Mark said he thinks having options is a smart idea. He thinks 10 years from now we will have some empty lots. Eben and Duncan said lot of people at the bond vote informational hearing said they wanted to see industrial use only. Eben said we have had the conversation 3 times now and the board's interest has been in light industrial use. Duncan said if 10 years from now there are empty lots he thinks that is the time to have the conversation about housing as a use.

Tom asked if we have to give NBRC grant money back if we don't use the lots for what we intended to use them for. Randall said he thinks conversations can happen with NBRC. The conversations have a greater likelihood of success the earlier in the process we allow for alternate possibilities. If we have a nuanced and careful conversation, the nature of what connects to the infrastructure is ultimately somewhat flexible. The biggest caveat is that no NBRC funds can be used to fund the connections to the infrastructure.

Luke said Mumley would probably want to know for Act 250 permitting whether some kind of residential use was going to be involved to make sure that is in the permit and the permit does not later need to be amended. He doesn't think the use will matter for the other permits or for the design.

Duncan said it could affect water and wastewater or traffic generation. Luke agreed. Duncan said the required allocation could be different for residential vs. industrial use.

Duncan moved to approve the Mumley Engineering proposal for \$20,600 for NEPA review and to authorize Tom or Eben to sign the contract, Peter seconded and the motion was passed.

Eben said Randall asked in his report if we want to participate in a Green Mountain Byway grant application. Randall said he got new information about that today. Morristown and Hyde Park have decided not to participate. Eben asked if Johnson can still apply without other town and get 4 signs. Randall said he doesn't know but he assumes we can because the chair of the Green Mountain Byway board still wanted to know Johnson's interest after Morristown and Hyde Park decided not to participate. The original idea was that Hyde Park, Morristown, Johnson and Cambridge would all participate in the application.

Duncan asked, LCPC is making the application? Randall said yes, they were going to.

Mike asked if this is absolutely necessary. The interpretive panels the grant would fund are only 2x3 ft. and they cost \$2700 each. Mark said they are not absolutely necessary, but anything we can do to make people more interested in coming to our downtown helps our businesses.

Mark moved to proceed with the application for a National Scenic Byways grant with the town match not to exceed \$3000. Randall said in-kind contributions (e.g. the road crew installing the signs) count toward the match.

Duncan asked if the state will allow us to put them in the state highway right of way. Randall said that not discussed. **Duncan seconded and the motion was passed with Mike opposed.** Eben did not vote but Mike said he would like to hear what Eben's vote would be. Eben said he is in favor of the motion.

The board agreed they would like to hear from the state treasurer.

Randall said the Preservation Trust recommended a conditions assessment for the Holcomb House. They are trying to find an architect. They would provide some or all of the funding. If the board is interested in bracing for the apartment, there is money available from the state for rehabbing apartments. He was told that a municipality can apply for it. Pomerleau has a deadline of the close of business tomorrow to respond to questions from Vermont Emergency Management. We had a successful application for a Building Communities Grant for repairs and improvements at the rail trail welcome center.

Duncan said we decided not to borrow from our revolving loan fund for the industrial park project. He believes it is important to reach out the Vermont Community Development Program and ask if they are amenable to us retaining the funds and loaning them to potential industrial park tenants. There is a clawback provision where they could ask us to send the money back and he would hate to see that happen. Eben said he supports that idea.

Randall said he will be meeting with a business owner who is interested in funding opportunities, potentially including the revolving loan fund.

The board agreed that Randall should check with VCDP about keeping our loan funds and loaning them to industrial park tenants.

8. ***Budget Status Report***

Rosemary handed out the budget status report. We budgeted \$600K for PILOT and received \$447K, down from \$492K last year. Duncan asked Tom to find out why the amount was lower this year.

9. ***VEC Storm Water Contract Review and Signature Delegation***

Duncan moved to award the contract for the Vermont Electric Coop 3-acre stormwater upgrade project as recommended by Mumley Engineering and to authorize the selectboard chair or Tom to sign the contract, Mark seconded and the motion was passed with Mark abstaining because he is on the VEC board.

Luke said the contractor, MSI, will want to purchase the chambers this fall and store them. They will probably want partial payment. Tom asked him to find out the cost of the chambers.

10. ***Industrial Park Next Steps***

Luke said Mumley does not have the final plan but the green light from NEPA will ramp up the timeline. The NRBC wants the NEPA piece to be done before any permitting work starts.

There was discussion about how many of the lots are bisected by the town-village boundary. Duncan said the proposed adjusted area for the Town Sewer Service Area includes the parts outside the village.

Luke said LCPC is helping to coordinate meeting with the village to go over final sewer and water design soon.

Duncan asked if work on the project could potentially start in 2025. Luke said yes. Mumley would like to be ready to start submitting state applications shortly after the first of the year. If all goes well, we would be looking at permits for late spring. Duncan asked, Mumley will prepare the bid documents? Luke said yes. They could conceivably go out to bid by early summer, which would be later than ideal. The board can decide whether it makes more sense to try to do it next summer or to wait and go out to bid early for the next construction season.

Tom said cash flow will be a big factor. We have 5 projects coming up and 4 will definitely happen next summer. Getting a line of credit in the form of a tax anticipation note could solve cash flow problems. It makes the most sense to have it at Union Bank, where we already have our general fund account. Then Rosemary could easily make transfers from her desk. Eben asked Rosemary to prepare a recommendation regarding a line of credit for the next meeting.

Mark asked if Mumley envisions any hurdles with water and sewer connections. Luke said they have had no roadblocks so far.

11. Library

Duncan moved to delegate signature authority for reimbursement submissions to the Department of Libraries to Rosemary, Peter seconded and the motion was passed.

Kelly Vandorn said the library RFQ was posted today on the website. The library board would like to know as bids come in how the selection will happen and if they can be involved in some way. Eben said he would appreciate the library board getting the bids and reviewing them and making a recommendation. **Duncan moved to authorize Peter, Tom, and a member of the library board's choosing to form a review committee for the moving and architectural services bids, Mark seconded and the motion was passed.**

Kelly asked if someone from the selectboard has been delegated to be liaison for this project. Eben said for now Tom and Mark (current library liaison) will be the liaisons.

Kelly asked how the library board can make sure their request to establish a reserve fund is on the ballot for town meeting. Duncan said to ensure it is on the warning, the library board can submit a petition signed by 5% of registered voters. If the town receives a petition then the exact language of the question on the petition must be on the town meeting warning. Eben suggested sending the board an email with the request for the ballot question. Duncan said he has a hard time believing it would not get the support of the selectboard. Eben said if a petition is submitted, the way the question is worded is very important. Tom said VLCT has model language for reserve funds. Mark, Eben, Duncan and Peter all said they would support putting the reserve fund question on the warning. Eben said what is important to know is what the library board wants the reserve fund for and how they want to fund it.

12. NEMS Presentation

Scott Griswold said this has been a difficult year for NEMS. The first 6 months of the year they were down 143 calls, representing a little over \$100K in income. The third quarter up they were up 18 calls. They haven't made up for the decrease in calls yet. In 2023 they used mutual aid 20 times. As of November 8 they had used it 11 times this year. In 2023 they provided mutual aid to others 67 times. This year they have provided it 50 times. They are doing a good job of making sure they cover their own calls. The initial budget increase for the 5 towns was \$212,987. After many hours of discussion and work, the increase to the five towns has been reduced to \$35,574.

The legislature has been working on the No Surprises Act, which limits what NEMS can bill. Private insurers are using the No Surprises Act to their benefit. They negotiate a percentage of your bill. NEMS has raised their rates extraordinarily in anticipation of this. It is better to get 30% of a larger number than 30% of a smaller number. NEMS is making sure that does not hurt people. Once people meet their deductible they won't be responsible for anything else so NEMS needs to get as much as they can from the insurance company. That approach has helped them in the last half of this year. They also signed a contract with Copley to do transports of uninsured people. They just applied for a \$500K grant for replacing cardiac machines in ambulances. The grant would pay 100% of the cost. There is discussion about adding crew members to help out when people are on vacation, sick, etc. The NEMS board has also discussed doing long distance transfers for UVM. One transport can bring in \$4K to \$10K.

Mark said when he was in the legislature EMS services were having trouble because insurance companies were reimbursing the patient and the legislature changed it so money would be sent directly to providers, is that right? Scott said yes. NEMS has new billing software that shows primary and secondary insurance for everyone. Insurance companies are paying NEMS.

Scott said the appropriations from the 5 towns are based on the last full US census, the 2020 census. The amount NEMS is requesting from Johnson for Johnson's fiscal year is \$431,933. NEMS is on a calendar year, so half that amount is based on one budget and half is based on another budget.

Eben asked, the almost 9% increase is mostly due to decreased call volume? Scott said also the 5% pay increase. They have to offer pay that is competitive with other nearby services. Mark asked if NEMS provides health insurance. Scott said partially. That has attracted a lot of good employees.

Scott said NEMS would like to change the time of the month they bill the town so they will get payment at the beginning of the month, not the end of the month. That would help them financially. Rosemary said she thinks that is possible.

Scott said the per capita cost for NEMS' services is \$48.57. Last year Morrisville and Cambridge were both in the \$130-150 range.

Duncan said he wonders why this can't be a more regional service. Scott said regionalization is the only way to go. He noted that Rutland's Regional Ambulance Service is the least expensive in the state.

Scott noted that the NEMS budget assumes NEMS will get 50% of its lost calls back next year.

13. Political Signs

A resident had emailed with concerns about a lack of policy or clarity with regard to political signs. Duncan asked what the state's current policy is on signs in the state highway right of way. Mike said there are about six different things on the state website. It says municipalities may adopt ordinances, regulations or policies that prohibit placement of temporary political campaign signs or that allow placement for a short duration. They suggest boards consider a statement of where on public property signs will be allowed or that no signs will be allowed on public property. If no signs are allowed, it can be very short. He thinks we should work on it before the next election.

Eben asked, do we want a policy? Mike said he thinks a policy is good and clear and if it is adopted by the board everyone knows about it. Other board members agreed. Tom offered to draft a policy. Mike said he thinks the policy should be that no political signs are allowed on town property. Duncan said he thinks they should be allowed. Eben said he believes in the town remaining neutral. Mark suggested we need a definition of what a political sign is. A sign for a candidate? A sign about an amendment? Eben said there could be a sign about an organization that supports political causes. Mark said he agrees with Duncan that signs should be allowed on town property. Eben said some signs could be for something offensive. Duncan asked, how much of an issue has this been that it really needs to be addressed? Peter suggested no signs of any kind on town property. Mark asked, even signs put up by the beautification committee? Peter said he is okay with beautification committee signs. The restriction should just be on political signs. Rosemary asked, what about yard sale signs? Tom suggested the restriction could be on unsanctioned signs. People would have to get permission to put up any kind of sign. Eben suggested that Tom prepare a draft policy prohibiting political signs on town property.

14. Interlocal Kennel Agreement

Eben said Tom made some changes to the draft agreement with Hyde Park, clarifying that Johnson will only pay for Johnson dog costs. Duncan asked if anyone else is party to this local agreement or if it is just between us and Hyde Park. Tom said he asked for that information but it was not provided. Duncan said he thinks this is more like a lease agreement than an interlocal agreement. We are leasing two kennel spots from Hyde Park. He is okay with the agreement but he is not sure we should call it an interlocal agreement. Tom said that is correct; it is a sublease.

Eben said we had talked about the possibility of going direct to the kennel. Tom said he wasn't able to get a response from the kennel. Duncan said Hyde Park is leasing spaces from Lamoille Kennels. Tom said they pay the whole bill and we pay them. Going directly to the kennel facility might be undermining them. Johnson has a \$5K annual fee and a cost of \$25/day per dog. He understands they are being charged \$30K overall.

Mike moved to approve the Interlocal Agreement Regarding Animal Sheltering between the Towns of Hyde Park and Johnson and to authorize the chair to sign it, Peter seconded and the motion was passed.

15. Selectboard/University Liaison

Mike moved and Duncan seconded to designate Mark as selectboard/university liaison. Eben asked how the liaison will keep the selectboard apprised. Duncan said he thinks he should bring anything significant to the board. Mark said he will ask to get on the agenda as needed. **The motion was passed.**

16. Skate Park Update

It was noted that the skate park shed was broken into.

17. Municipal Energy Resilience Grant Acceptance and Signature Delegation

Duncan asked how much we were approved for. Eben said the information is in the packet. Grant funds will pay for door sweeps, attic insulation and a smart thermostat at the town garage. Tom said there is funding for other properties too. Eben said the total is \$21,628.20. The projects were described by Tori Hellwig at a previous meeting.

Duncan moved to accept the Municipal Energy Resilience Grant and authorize the board chair or town administrator to sign any necessary documents, Mike seconded and the motion was passed.

18. Road Erosion Inventory Grant Approval to Apply and Signature Delegation

Duncan moved and Mike seconded to authorize applying for a Road Erosion Inventory Grant and to authorize Tom or the board chair to sign the letter of intent. Eben said he understands there is a town match. **The motion was passed.**

Mark said it sounds like we may be doing some work on Class 4 roads. Tom and Jason said we will be doing some MRGP compliance work on Class 4 roads. Mark asked what work will be done on Class 4 roads. Jason said we need to make sure gully erosion is less than a foot and culverts are sized appropriately. The grant money will go farther on Class 4 roads because they don't have to be as wide and the work needed is less extensive. Tom brought up a lawsuit involving legal trails in Tunbridge that could have implications for legal trails statewide.

19. Salt Bid Review and Award

Duncan moved to accept the Compass bid for salt as submitted, understanding that we are not eligible for the state rate. Mike suggested putting off action on this. He would like to see if there are better deals. Jason said Compass produces the purest salt, with less additives. Many towns are switching to it. Others have a lower price but there is less salt in their product. His recommendation is to go with Compass. The motion died for lack of a second. **Peter moved to accept the Compass bid for salt with Eben authorized to sign the contract, Duncan seconded and the motion was passed with Mike opposed.**

There was discussion about the idea of joining with other towns to purchase in bulk. Tom said he thinks we should put pressure on the state to include towns in state contracting. Mark suggested we should talk to Sen. Westman. Duncan said he will bring up the idea of joint purchasing to the LCPC board.

20. Old Business

Eben said interlocal kennel can come off the list of old business.

21. Survey of Gomo Lot

Peter said the Conservation Commission has noticed some activity that they think extends onto the Gomo lot but they are not sure – some minor clearing, erection of posts and opening up an old logging road. He doesn't think the activity is a big issue, but they looked for survey maps and discovered that there does not appear to be a complete survey of the whole 140 acres of town property. The Conservation Commission feels the town should know precisely what it owns. They would like the property surveyed. Duncan said he thinks the cost will probably be about \$20K. It was agreed that the Conservation Commission should get price information and bring it back to the board.

22. Executive Session for Personnel

Mike moved to enter executive session for a personnel matter under 1 V.S.A. § 313(a)(3, inviting Tom to remain, Mark seconded and the motion was passed at 9:00.

The board consented out of executive session at 10:12 with no action taken.

23. Adjourn

The meeting was adjourned at 10:13.

Minutes submitted by Donna Griffiths