

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, JANUARY 20, 2025

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

Others: Tom Galinat, Rosemary Audibert, Randall Szott (remote), Brian Raulinaitis, Mike Mignone, Adrienne Parker, Kelly Vandorn, Jeanne Engel

**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**

Tom added a NEPA contract for the industrial park and the fire department contract.

**3. Public Comment**

Adrienne Parker asked if there is any update on whether the Sterling Market property came to the town for a buyout. Tom said yes; they are very interested. He is going to assist them in filling out an application.

Brian Raulinaitis read from the minutes of the January 13, 2020 village trustee board minutes. At that meeting, Troy Dolan said that Chan and Jeff had showed Brian how to open and close the hydrant correctly and the trustee board agreed that Brian had permission to use the hydrant himself to flood the ice rink if the fire department could not do it. There have been a few issues over the years and they have all been rectified. There was one this weekend. The last time he talked to the village trustees and the selectboard about the ice rink they came to an agreement that the village would bill the town \$100 year for water usage for the rink. In his work on the ice rink, he was not volunteering specifically for the town, but also for the village. It was never discussed how long he could keep the hydrant open. The ice rink needs a new liner. The other spigot at Legion Field is not working so it cannot be used for the ice rink. The village asked him to use the hydrant just for flooding the rink when it is first being established.

Mike said Brian had mentioned in the past that the rink is about 6 inches out of level. Brian said it is closer to 8 or 9 inches. (*Duncan arrived at 6:35.*) Mike said the rink uses more water because it is out of level. Brian agreed.

Brian said he has been buying hoses with his own money. Two years ago the town gave him a bad fitting that leaked and he bought his own. He has bought plumbing parts, shovels and lights. He even built a shed one year thinking maybe the town would buy it. He thinks the town owes the village \$100 dollars.

**4. Liquor License for Marsala Salsa**

**Mike moved and Mark seconded to approve the requested 1<sup>st</sup> and 3<sup>rd</sup> class liquor licenses for Marsala Salsa.** Eben asked if Rosemary sends our regular letter in addition to filling out the licenses online. Rosemary said yes. **The motion was passed.**

**5. Future Committee Report**

It was agreed that in February the board will select a committee to report in March.

**6. Community Economic Development Specialist Update**

Randall's written report explained that the Historical Society wants to move forward with the updated needs assessment suggested by the Preservation Trust. The cost is \$1500 and the

Preservation Trust will pay half. The Historical Society would like the match to come from the town Grant Matching Reserve Fund. **Mike moved and Peter seconded to approve providing the \$750 match for an updated needs assessment for the Holcomb House.** Duncan asked if the money would come from the Grant Matching Reserve Fund. Mike said he thinks it should. **The motion was passed.**

Mark said he is excited about the possibility of the Vermont Studio Center's Lowe Lecture Hall potentially being repurposed for some community use as discussed in Randall's written report. When the town sold that building, wasn't there some caveat like the town had right of first refusal or the right to use it? Rosemary said she thinks we might have the right to use it. Duncan noted that the town owns the weathervane on top of the building. It is not in good shape and if we remove it and don't put something else there, there will be a hole in the roof. The town did not want to pay for a replacement weathervane. Mark said he would like the town to get the building back. Mike said it would be nice to get it for a dollar. Eben said it could potentially be a cool project. Mike said it is obvious it is an albatross for the Studio Center. He would think they would like to wash their hands of it.

7. *Revolving Loan Fund Review and Approval*

**Duncan moved and Mike seconded to enter executive session under 1 V.S.A. § 313(a)(6) to discuss a revolving loan fund application and its related trade secrets concerning confidential business planning and prospective investment records and information protected from public disclosure under 32 V.S.A. § 3341 and 1 V.S.A. § 317(c)(9), inviting Randall, Tom, and Rosemary to remain, with Mike Mignone to be invited in during the executive session. The motion was passed at 6:51.** Mike Mignone was invited in partway through the executive session. The board consented out of executive session at 7:11.

**Duncan moved to approve Mike Mignone's application for a loan from the revolving loan fund at a rate of 2.7% with a term of no more than 10 years, with the first payment deferred 6 months from the date of signing the loan agreement, under the condition that Mike provide collateral and a credit report and to authorize the board chair to sign the loan agreement on behalf of the board. Peter seconded and the motion was passed with Mike opposed.** Mike said he agrees with the concept of the loan but he disagrees with the interest rate and terms.

8. *Industrial Park*

Randall said a contract with Mumley was signed and submitted to the Northern Border Regional Commission. At a meeting with the Lamoille County Planning Commission the question came up of whether certain legal language was needed in the contract. Randall contacted NBRC and after they consulted their lawyer they said certain provisions did need to be included. There has been conversation about wastewater capacity at the site and whether an emergency generator would need to be installed based on that. Mumley believes an emergency generator will not be needed. They sent their calculations to the village to see if they agree. **Mike moved to approve the NEPA environmental assessment proposal and to authorize Randall to sign it, Peter seconded and the motion was passed.** Eben noted that the cost is less than we were carrying in our funding stack for NEPA review. Duncan said regarding potential additional wastewater costs, it is possible that if there were an individual user with high use we could ask that user to contribute toward the additional cost.

9. *Library*

Tom said the building mover wants to start working in early March. There was preliminary approval of the contract today. A couple of tweaks are needed to make sure our insurance requirements match what the mover's insurer offers. The library board met with the architect. They

are working on conceptual ideas. Tom and Nate Brigham don't have good contact information for all the secondary utilities – Comcast, Consolidated, VTel, etc. They need to be brought into the moving conversation soon. A site visit has already been organized between the village and the building movers. Moving is scheduled for the third week of April. If there is going to be a foundation, site work would probably begin April 1. Work can start later for other options. Tom has been in contact with the people who previously bid on the municipal building and library work. They are still interested. The school and town attorneys are working on an agreement for the land transfer. Act 250 is not necessary. We are hoping for a closing date before April 1.

Duncan said he still thinks it would be a good idea to hire a clerk of the works or construction management firm. Tom agreed that we need that as soon as possible. The suggestion was that it be the general contractor we hire. Eben said a clerk of the works and a general contractor are different. A clerk of the works is the owner's representative, making sure the contractor is not duping the owner. Duncan said a general contractor can do construction management but a clerk of the works is important. They will review invoices and act as the owner's representative at work meetings. He thinks this is a big enough project that it warrants a clerk of the works.

**Duncan moved to authorize Tom to circulate a Request for Proposals for clerk of the works services, Mike seconded and the motion was passed.**

Tom asked about the return date for proposals. Duncan said he thinks it should be as soon as possible. There is a company that he believes will be providing clerk of the work services for the village garage project. They may already be in town working on that project. He will try to get contact information for them.

Eben asked if the library board has talked about a "sponsor a brick" program. Kelly Vandorn said they haven't really discussed it. She can bring it up at their next meeting.

Peter asked where the contract with the architect stands. Tom said he is working with attorney Bob Fletcher on that.

#### ***10. Political Sign Policy***

The board reviewed the political sign policy Tom had drafted. Eben asked if Rosemary has reviewed it and thinks it is okay. Rosemary said yes. Mike asked if Rosemary is ever going to set a number of feet from the municipal building where people cannot hold signs. Rosemary said she hasn't considered setting a limit on number of feet from the building. Currently people are not allowed to impede people from getting inside the building. **Mike moved to accept the Selectboard Policy Regarding Placement of Political Signs on Town Property and Highway Rights of Way as written, Peter seconded and the motion was passed.**

#### ***11. Sewage Treatment Facility Update***

Tom said FEMA has obligated money to restore the sewage treatment facility to pre-flood conditions and to elevate it in place. If the village chooses to do that and goes over budget, FEMA will cover the additional costs if they are reasonable. If FEMA gives the village money to relocate the facility and the project goes over budget they will get no additional money. It falls on the village to make up the difference. The village had a meeting in December with all stakeholders and funding sources. There is no answer yet on what money is available. But the difference needs to be funded somehow. They got an extension from FEMA for up to 30 months to make a decision.

Mike said he doesn't care for the talk about doing away with the municipal building. As far as he is concerned, this building will stay here and be a municipal office. Peter said he doesn't think we know enough to make a categorical statement. Mark said this building will flood again and again. He doesn't think we should go for any more extensions on the mitigation work we have planned for the municipal building. If it floods this summer we will not have done what we could to protect the taxpayers' property. He thinks we should move forward with that work.

Peter asked for more information on the mitigation. Tom said we met with FEMA in November or December of 2023 and put together an RFP to have this building restored to pre-flood conditions and to put a membrane around the building for flood protection, with floodgates at entry ways. The work was not done because we needed to know if this building would be torn down. It felt irresponsible to put \$90K into it when it could be torn down. The same conversation will come up with the HVAC system.

Duncan asked if there are ramifications we should consider if we go ahead and do it. Tom said if we pay to do the work and then there is something in the news about the possibility of the building being pulled down, there could be an opportunity for FEMA to pull back the money. Are we being responsible if we spend the money without a formal decision on the future of this building? Should we call for a joint meeting with the trustees to discuss it?

Eben said he has no problem doing the mitigation work on the municipal building. It sounds like the delta in funding for moving the wastewater treatment facility is really wide and there is not full support from the board for moving it here. Maybe the village would need to add cost recovery to the federal government to the funding stack for that project. Duncan said he would like to see us protect the asset we already have.

Eben said he would like someone from the village to talk to the selectboard. There are probably other topics for a joint meeting. Duncan said he would be fine with having Erik Bailey come to a meeting. He would like an immediate decision from the trustees about whether they want to go ahead with mitigation for this building.

Eben asked if Tom knows where the village is with the RFP for the clock tower. Tom said to his knowledge nothing has been done. Eben said he thinks that should be discussed at a joint meeting. He is interested in seeing if we could put another vault on top of the vault downstairs, but he hasn't talked to Rosemary about that. Eric Osgood told him that his recollection is that the vault was built to specs that would allow a second story.

Tom said he will talk to the trustees about a joint meeting about the future of the municipal building.

There was discussion about the trustees' idea of the town and village each paying half the deductible for the buildings they each insure. Eben said he thinks that is fair.

Peter asked, if we decide to go ahead with the mitigation, can the village say no? Eben said not currently based on the previous motions.

#### **12. *Municipal Building HVAC RFP Review and Award***

Tom said the RFP was for repairing, replacing or redesigning the HVAC system. We have 2 bids to replace the entire system. Those are \$67K and \$70K. The \$70K bid is from a Johnson resident.

One calls for Bosch equipment and one for Coleman. Bosch has a slightly longer warranty. We got one bid to replace the cooling system only with heat pumps for \$51K. Tom's recommendation is to replace only the cooling system with heat pumps that will reduce the need for propane down to 5 degrees. He is thinking we should not schedule the work until after May 1. We should know by then if there is any possibility of tearing the building down.

Duncan he thinks he recalls that another contractor said he might be able to repair the existing units. Tom said that contractor did not make the mandatory site visit or schedule a time to come do a site visit. He said he could take a look at the system to give a price. If we want to take that route he thinks we should open up the opportunity to give a price on repair to all 3 bidders. Duncan agreed.

Eben said he thinks the quotes are from reputable companies. He would be biased toward certain individuals so he will abstain from voting on this. Mike says he thinks we should start over again and get repair prices. Mark said he thinks we should go with the \$51K bid. Duncan asked if the heat pumps would be for AC only or also for heat with furnaces as a backup. Tom said they would provide both air conditioning and heat. At a certain temperature the heat would switch over to propane only. Peter said he thinks it makes sense to go with the \$51K bid.

**Mark moved to accept the \$51,383.22 proposal from EasTek Commercial Services, contingent on approval by the village, Peter seconded and the motion was passed with Mike opposed and Eben abstaining.**

***13. Budget Final Review and Approval***

The board reviewed the latest budget draft. Tom said he had increased clerk office fees because Susan thought the figure he had was low. Eben said he thinks the amount budgeted for revenue from law enforcement is too high. Duncan suggested \$6K. Rosemary said she thought \$5500 would be better. There was discussion about the 10 cents on the grand list payment and Holcomb House heating figures. The board discussed the contributions to reserve funds and made some adjustments.

**Duncan moved to approve the FY25 budget as currently presented after the adjustments agreed on at this meeting, Peter seconded and the motion was passed.**

Tom said this budget is a 4.05% increase. The tax rate increase will be more like 4.4%.

***14. Town Meeting Warning Approval***

The board reviewed the draft town meeting warning. **Duncan moved to approve the town meeting warning as submitted, with the understanding that the figures for the total budget and amount to be raised by taxes will be included in the final copy to be signed, Mark seconded and the motion was passed.**

***15. Stream Alteration General Permit***

A stream alteration permit for the Foote Brook Road culvert that the Lamoille County Conservation District is facilitating was included in the packet.

**Duncan moved to approve the stream alteration permit for the Foote Brook Road culvert replacement project that was included in the packet, authorizing the town administrator to sign the permit and all necessary documents for this project that do not incur any costs. The motion was seconded and passed.**

**16. Ethics Commission Liaison Appointment**

**Mark moved to appoint the town administrator as Ethics Commission liaison, Peter seconded and the motion was passed.**

**17. School Board Position Recommendation**

Eben said there are two vacancies on the school board and two interested candidates. But the school board's February meeting will be postponed and any appointment to the board will be only until town meeting day. The school board chair has asked if we could work with the candidates to get them on the ballot instead of recommending anyone for appointment now. Rosemary said both of them came in and got petitions. They know when they are due and how many signatures are needed. The board agreed not to make any recommendation for appointment.

**18. Buyout Application for Pomerleau Group, Sterling Market**

Tom said he will be meeting with Pomerleau tomorrow to help them with their buyout application. Duncan asked, the application will go through Swift Current rather than the regular FEMA buyout process? Tom said yes. Because they have a Swift Current application already in process, that funding pool is probably more accessible for this project. The Lamoille County Planning Commission is working with Stantec on a flood mitigation scoping study on some buyout properties. The scoping study has already started. As soon as the application from Pomerleau is in, Stantec can do scoping on that property as well.

Duncan said he heard from a citizen with a concern about the Pomerleau property, particularly the garage, being subject to Brownfields. His general understanding is that going through the buyout process would involve remediating anything that needs to be remediated. Tom said yes; the property will be prepared and then we will accept it. Or we could later say that we don't accept it.

Adrienne asked if the board has considered buying the property with a grant or bond. Once it goes through a buyout it has to be open space. We couldn't put lights or buildings there other than maybe a bathroom. Since it is the first thing people see when they come into town it would be a great opportunity to have an outdoor recreation area there. It would be good for us to have control of what can be done there. Could a deal be worked out with Pomerleau, maybe to let him have part of the industrial park, so the town could retain control of that area?

Mark said his guess is that the buyout price will be millions of dollars. He would rather not spend that much. Duncan said he understands that the land could be used for passive recreation. Tom said there can be no structures that impede the floodway. Eben said he has not discussed anything like this with the board. For every other property whose owner wanted a buyout the board approved it and did not try to attach any strings. It would feel weird to him to treat this one differently.

Adrienne said she agrees all the buyout properties should be open space but this one in particular is so centrally located, it would be a great opportunity to do something there. She doesn't know how long the buyout process will take. The building could be sitting there vacant for years and years.

Eben said he would prefer not to pre-approve the application now. Are there ramifications to waiting two weeks? Tom said we just want to make sure the Stantec scoping study includes it so we don't have to pay for additional engineering. They started their work maybe a month ago. Mark said he is willing to approve it now. It feels like we are going to approve it anyway. Tom suggested it could be approved pending Scott Meyer's approval.

**Mark moved to approve the Pomerleau Group buyout application pending approval by the town floodplain administrator, Peter seconded and the motion was passed with Mike opposed.**

***19. Review and Revise Town Administrator's Contract***

**Mark moved and Peter seconded to change the town administrator's contract to increase the hours from 32 to 40.** Eben said this is with the understanding that the job description may need to change. **The motion was passed with Duncan opposed.**

***20. Fire Department Contract***

It was agreed that the board will review the contract, which was just received from the village, and take action on it at the next meeting.

***21. Old Business***

Eben said he still believes the Beautification Committee MOU is not the selectboard's responsibility. It is up to the Beautification Committee to provide one. Adrienne said they will come back to the board in March with a proposed MOU.

***22. Executive Session for Employment Evaluation***

**Peter moved to enter executive session in accordance with 1 V.S.A. § 313(a)(3) for employee evaluation, inviting Tom and Rosemary, Mark seconded and the motion was passed at 8:58.** The board consented out of executive session at 9:18.

**Peter moved to recognize Jacob Earle for his welding mechanic skills, Mark seconded and the motion was passed.**

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

**It was moved and seconded to enter executive session under 1 V.S.A. § 313(a)(1)(F) for confidential attorney-client communication made for the purpose of providing professional legal services to the body. The motion was passed at 9:20.** The board consented out of executive session at 9:27. No action was taken.

***24. Adjourn***

The meeting was adjourned at 9:37.