

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, FEBRUARY 3, 2025

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

Others: Tom Galinat, Rosemary Audibert, Adrienne Parker, Charles Flaum, Jeanne Engel, Kelly Vandorn, Scott Meyer, Melissa Manka (remote), 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

No changes to the agenda were needed.

3. Public Comment

Adrienne Parker said the calendar on the town website shows a meeting start time of 6:00. Tom said he will have Lydia Putvain change it. Eben thanked Adrienne for bringing it to the board's attention.

4. Selectboard Issues and Concerns

Peter said he would like to have School Street traffic on a future agenda. He also said someone approached him with a suggestion to post a link to selectboard meeting minutes on Front Porch Forum. Maybe we could also post agendas before meetings. Tom said Lydia is supposed to be posting agendas before meetings. He will check with her. Eben said he has no problem with posting a link to minutes.

Mark said a couple of people have asked him what is going on with the ice rink. Tom said the village was supposed to send a letter to Tom, Eben and Brian Raulinaitis. They have not received it yet. He thinks Brian's work on the rink is on hold. He has maintained it for 8 years and this year there was an issue while he was filling it. Tom doesn't think he has come back to fill it since then. Eben said his recollection is that Brian said he wouldn't be able to do it this year.

Tom said Justin Mason let him know that the press release from the assessor is not ready yet.

5. Consent Agenda

The consent agenda consisted of the minutes of December 2, January 3, January 9, January 13, January 20 and January 27, approval of the adjusted certificate for highway mileage for 2025 and approval of the buyout application for Pomerleau Family, LLC at 115 Lower Main West.

Mike moved and Peter seconded to approve the minutes and adjusted certificate for highway mileage on the consent agenda, holding out the buyout application for further discussion.

Duncan asked for clarification on the changes that had been made to the mileage for TH-31 (Patch Rd.) Tom said the changes were the result of state GIS mapping. The end of the road where it intersects with 100C was remapped. Guardrails blocked the old intersection so people started using a slightly different route. At the other end the intersection was remapped as a T instead of a Y. There was further discussion about the location and classification of the road and how much of it is owned by the town. Duncan said years ago the selectboard agreed to make a section of it going through a barnyard a pent road but never went through the process of throwing it up.

The motion failed with Mike in favor and Mark, Duncan and Peter opposed.

Duncan moved to approve the minutes on the consent agenda, Mike seconded and the motion was passed.

Eben said he thinks the board wants more information on the highway mileage certificate. Duncan said presumably there is a file on the request to make part of TH-31 a pent road. That would have a lot of information related to its classification, etc. Tom suggested that he, Rosemary and Jason can look at it together.

Duncan said he wants to make absolutely sure that all of Lendway Lane is shown as Class 3.

Tom said our certificate of highway mileage is due. Can he submit the copy previously signed by the board for this year and make adjustments next year if needed? It is how we get state aid. The board agreed to that. Mark said any changes won't have much fiscal impact. Duncan asked Tom to send along a memo saying we are researching and may make changes for next year.

Mike said his big concern with the buyout application is brownfields and liability for the town if there is any hazardous material.

Mark moved to approve the buyout application for Pomerleau Family, LLC at 115 Lower Main West.

Tom said Scott Meyer had two reservations about the application – brownfields and parking for Community National Bank.

The motion died for lack of a second.

Tom said the selectboard's previous motion was to approve the buyout application contingent on approval from the floodplain administrator. Floodplain administrator Scott Meyer had a concern about brownfields expenses not being coverable by the buyout. Funding for that needs to be sorted out. But acceptance of the property by the town is voluntary. At any time up until the date of transfer we can decide not to accept it. Vermont Emergency Management recommended that we move forward so as not to miss the grant opportunity. He emailed the Lamoille County Planning Commission (LCPC) to try to sort out funding for an assessment and for dealing with any contamination that might be found. Drew Waxler of Pomerleau sent him the underground storage closure form. It is his understanding that the tank was removed and the site was mitigated.

Tom said one of the restrictions for the buyout is that we are not allowed to have impervious surface or paved parking. We can have unpaved access roads. The bank asked for parking and access around the bank. They would like an access road to the back of the building that could also be used for parking. It would have to be gravel. He looked into subdividing the parcel but because it is in a special flood hazard area it is not eligible for subdivision. The only way to retain parking is to have a gravel access road that would be wide enough for both travel and parking.

Charles Flaum asked, there is no way to subdivide the property? If we change it into a park, the only way to have parking will be to create a gravel parking area? Tom said we cannot subdivide

because of our floodplain regulations. Mark said we can create all the gravel parking we want. Eben said we can also use pervious concrete.

Mark moved to approve the buyout application for Pomerleau Family, LLC at 115 Lower Main West.

Duncan said he had talked to Seth Jensen of LCPC and was under the impression that during the buyout process if it was determined that it was a brownfields site it could be mitigated. Tom said he spoke to Brian Eberhardt, a consultant for Vermont Emergency Management. In order for the property to go through the buyout, hazardous materials have to be dealt with. Some assessment might be part of the buyout but he doesn't know the extent.

Peter seconded.

Peter said if we are able to back out if need be in the future when we know more, he would support the motion. Mark said if we don't move forward and Pomerleau is not able to get the buyout, they may tear that building down and stop paying taxes on it and we may end up owning it. Eben said in that case there would be no restrictions on what could be done with the property. Mark said there could still be a brownfield and it would be ours to deal with. He thinks the buyout is more rational. He hopes Pomerleau will get enough money to be able to put a store in the light industrial park. This buyout will make putting another store in the town more viable.

Charles Flaum asked if anyone has talked to Pomerleau about a deal where he turns the property over to the town very inexpensively and the town gives him property in the industrial park. Then the town would have more leeway to build on the site. Mark said the buyout amount will probably be millions of dollars. Charles said he thought the building was assessed at \$1.2 million. Eben said the buyout amount is the value of the property the day before the flood, not the town assessment. Tom said if the Common Level of Appraisal is correct, the property would be worth about \$2.5 million. Duncan said that is if it was appraised correctly to begin with.

The motion was passed with Mike voting "present."

Mike said he has no problem with the buyout except for the brownfield issue so he is not voting for or against the motion.

6. *Clerk & Treasurer's Report: Warrants, Licenses and Any Action Items*

Rosemary said to date expenditures are 56.69% of what was budgeted. Eben commended the Historical Society on getting 400% of what was budgeted in revenue from donations. Rosemary said the loan documents for the new general store have been executed by the bank. The town report and ballots are at the printer. We should have the ballots by February 12.

Eben said we will have 30 days from town meeting to appoint a clerk and treasurer if the voters approve that. We need to approve job descriptions. Draft job descriptions were in the meeting packet. Duncan asked if we can find out whether the transition for auditor is similar. Tom said if we eliminate the role he doesn't know if we have to contract with an auditing firm within 30 days. Rosemary said we already have a contract with an auditing firm. Duncan said we should be prepared with information about that transition because someone will ask about it at town meeting. It was agreed that Tom and Rosemary will draft an offer letter that the board can approve at the next meeting.

7. Road Foreman Report and Any Action Items

Tom said the board may need to approve additional overtime. The highest amount of overtime is about 162 hours now and it looks like there might be about 10 hours this week. We are getting closer to the cap. Jason needs to get permission to go over 200 hours. Jason feels it may be a difficult mud season due to the amount of frost in the ground. We are also going through sand and salt faster than expected.

Duncan asked if there is anything preventing Jason from having employees go home early or go home on Friday to make up for being called in early or on a weekend. Eben said the union contract spells out the regular work week for summer and winter and says anything outside of that is overtime, so he thinks that would prevent what Duncan is talking about, but he would like that to be checked.

Tom said he talked to Jason about how to reduce overtime. One possible solution would be letting snow build up more before plowing. Maybe the crew could plow once on overtime and wait until regular hours to plow again. Eben suggested that Tom talk to Jason and come to the board with a recommended solution.

Duncan said we have a target for overtime hours. He knows other towns are doing it while staying at or below our target. He would love to see us not going over our target.

Eben said he talked to Jason today. With the lead time on trucks being a year and a half, the next board might need to talk about ordering one early for the 2026 replacement.

8. Library Relocation

Tom said he put out the RFP for clerk of the works and had no bids returned. He would like the board's permission to extend the deadline for 2 more weeks and to follow up with a vendor who showed interest and did not submit a proposal.

Mark moved and Mike seconded to extend the response period for the RFP for clerk of the works for library relocation until February 17. Duncan asked if there is anything we need to change in the RFP. Tom said he wants to reach out to the vendor who showed the most interest to see why they didn't respond. **The motion was passed.**

Tom distributed the first set of architectural drawings for the board to look at. Today the architects sent out a new drawing that would keep the building out of the 100 year floodplain so no floodplain permit would be needed. The plan is to elevate the building 2 to 3 feet above the 500 year floodplain. There will be a crawl space under the historic structure. He described how the building can be moved into place and put on a foundation.

Duncan said new state statute on municipal libraries says that the library board has the power to "manage the public library and any property that shall come into the hands of the municipality by gift, purchase, devise or bequest for the use and benefit of the library." Currently the town owns the library building and lot, but to him the current wording of the statute says decisions about management of the property and building have been taken out of the hands of the selectboard.

Scott Meyer suggested asking whoever wrote the rule about the intent behind it.

Kelly Vandorn and Jeanne Engel said they feel Tom is a crucial part of the relocation project.

Duncan brought up the question of who the deed from the school district should be made out to. Mark suggested that the library trustees talk to their attorney about the statute.

Duncan said he doesn't think the site plan should show a 100 year floodplain line as it does now. The FEMA floodplain maps do not delineate the floodplain on that site. Mumley has interpolated the data from the 1987 FEMA maps with more recent data. Our zoning regulations say the FEMA maps are the official maps. He talked to Tyler Mumley about putting a disclaimer on the site map that the delineations shown are interpolations and the actual FEMA maps do not depict the 100 year or 500 year floodplain for any parcel depicted. Mark said he thinks if the site is not on any floodplain maps we should not identify it as being in a floodplain. He thinks we should take the floodplain line off the site map, but continue to be conservative with regard to the elevation of the building. Duncan agreed.

Tom said a variance from form based code will be needed because the distance from the front of the building to the sidewalk will be dictated by the needs of the mover and may not conform to the code. Duncan said Paul Warden felt that the DRB had the ability to approve something that did not strictly meet code without going through the variance process. He would advise looking into that possibility. Tom said he thinks we can meet the statutory requirements for a variance. He doesn't like having a gray area.

9. Industrial Park

Tom said the engineer had some things due February 1 and there will be a meeting Wednesday to review them. Randall Szott will be there.

10. Rescheduling Regularly Scheduled Meeting of February 17, President's Day

Instead of meeting on President's Day, the board agreed to meet on February 18 at 6:30.

11. BRIC Grant Application and Request for Assistance from LCPC

Tom said he spoke with LCPC about the projects we applied for flood mitigation funding for that were not selected. The Foote Brook Farm floodplain restoration was the only one that seemed viable for a BRIC grant application. This grant is for scoping only. Some of the other potential projects include state infrastructure we have no control over. Scribner Bridge has already been scoped. The USDA armoring project on Lendway Lane would interfere with scoping there. We are not eligible for a 10% match; our match would be 25%. Tom asked about follow-up funding to do the project after the scoping study. This is part of the Stafford Act and there is annual funding. We could apply for BRIC funding next year to do the project. If there is a disaster, another option would be HMGP funding. For BRIC funding we would be in competition with a national pool, so it doesn't look great. The advice Tom got was that we should use the scoping grant to get a 100% design. A shovel-ready project scores higher. He asked if we could ask Cambridge if they would be willing to split the match and was told yes, that would increase our scoring capacity. Tom hopes to have more information by February 18. The board agreed Tom can reach out to Cambridge.

Melissa Manka asked if the board is waiting to make a decision on a grant application until February 18. Eben said yes. Melissa said she needs to confirm that there will be enough time to pull an application together after that.

Tom asked about the town's role and LCPC's role in putting these projects forward. Melissa said an LCPC consultant can draft and submit an application, dependent on timing. If the grant is awarded, LCPC can manage the project if the selectboard desires.

Tom said he got confirmation from Foote Brook Farm and MSI that they are okay with us moving forward with a grant application for the project. Eventually we will probably need a formal agreement with them.

12. Political Sign Policy

Board members signed the policy approved at the last meeting.

13. Dog Ordinance and Job Description Update to Review

Tom had sent out some minor suggested changes to the dog ordinance. Eben asked if the board is interested in considering any other changes such as an increase to fines. Any change to the ordinance will require a public hearing. Duncan said he doesn't think the fines have been changed for 20 years. Tom said his only concern is that if it costs too much to recover a dog picked up by the town more people might choose to abandon their animals rather than paying the fines and recovering them. Peter and Mark said they would prefer to leave fees as they are. Eben and Mike said they would prefer seeing them doubled. Duncan said he would be okay with doubling them.

Tom said he wrote up an animal control officer job description as well as a set of procedures and expectations. He suggested that board members review them. Eben noted that these could be adopted sooner than the revised ordinance.

Duncan asked if the procedures include required posting. Tom said they call for the animal control officer to notify the town administrator, who will do the posting. Duncan said he thinks there is a disconnect between what the animal control ordinance calls for with regard to posting and what state statute requires. Eben said he thinks our ordinance requires more time than state statute. Rosemary said the town decided years ago to make the posting period longer based on something that happened here. Duncan said in general it makes sense to follow state statute.

Tom said dog waste bags are accumulating by the trash can at Old Mill Park. We have bag dispensers at Old Mill Park and Legion Field but they are empty. He thinks we need to do something about picking up trash and the bag dispensers should be filled.

Mike asked about what we do with a dog that is running loose if we can't find its owner. Tom said we take the dog and we have 7 days to try to find the owner and notify adoption agencies. After 7 days the dog goes to an adoption agency.

14. Town Meeting Planning

Eben said we have daycare lined up. The 5th and 6th grade classes will be assisting with lunch. We have permission from the school to use the gym, the library and a classroom. Eben asked about the Pledge of Allegiance. The Boy Scouts didn't do that last year. Tom said he hasn't been able to find an active connection with the Boy Scouts. Eben asked if Tom has contacted committees to see if they want to set up tables. Tom said some have contacted us. It would be great to reach out to the Reimagine Johnson task forces and see if they want to set up tables. Eben asked if Tom could reach out to the chairs. Mike volunteered to try to find a contact with the Boy Scouts. Mark suggested there should be a large schematic of the new library at town meeting. Board members talked about trying to get violinists and flowers. Mark said we should put it out that we are looking for salads and desserts to go with the pizza for lunch.

15. Old Business

Duncan said he contacted Alec Jones at LCPC about the town sewer service area mapping project. He told Duncan the project had been sidelined because of other priority projects and Duncan told him to get back on it.

16. Executive Session for Employment Evaluation

Mark moved to enter executive session for employee evaluation under 1 V.S.A. § 313(a)(3), inviting Rosemary and Tom to remain, Peter seconded and the motion was passed at 8:38.

The board consented out of executive session at 8:45.

Peter moved to raise the public works supervisor hourly rate from \$34.86 to \$35.81, Duncan seconded and the motion was passed.

17. Adjourn

The meeting was adjourned at 8:46.

Minutes submitted by Donna Griffiths

UNAPPROVED