JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MAY 4, 2026

Present: Selectboard members: Mike Dunham, Peter Hammond, Adrienne Parker, Eben Patch, Paul Warden
Others: John Sutherland, Tori Hellwig (remote), Jesse Whitworth, Lydia Putvain, Susan Tinker, Doug Molde, Linda Molde, Lois Frey, Scott Meyer, Charles Flaum, Morna Flaum, Noel Dodge, Sue Lovering, Greg Tatro, Charlie Gallanter, Seth Jensen (remote), Lee Rosberg (remote), Cynthia Hennard

Note: All votes taken are unanimous unless otherwise noted.

1. ***Call Meeting to Order***
   Paul called the meeting to order at 6:30.
2. ***Consider Additions or Adjustments to the Agenda***
   Eben added appointment of a representative for the interlocal assessor agreement and extra hours for the assessor for this year. John added discussion about possibly using the gravel pit as a categorical facility to accept material from Johnson and other communities. Paul added an executive session for personnel.
3. ***Public Comment and Public Announcements***
   No members of the public wished to comment.
4. ***Selectboard Updates and/or Concerns***
   Paul thanked Adrienne for organizing Green Up Day and thanked everyone who participated.

   Paul said the town sent two letters in support of the Vermont Council on Rural Development's Climate Economy Initiative. That is one of their foundational grants. They have been very supportive of Johnson. Diana Osborn wrote one letter and he wrote the other.

   Paul said we put out an RFP for a form based code administrator, but he is not sure why. In the past, the administrator has been the town administrator and he thinks it should continue to be the town administrator. Adrienne said she thought the planning commission was supposed to give a recommendation for appointment to the selectboard but that the position had to be advertised in the paper. Paul said the planning commission does have to recommend someone but we don't have to advertise in the paper. He suggests we ask the planning commission to recommend John rather than hiring someone to do what has always been part of the town administrator's duties.

   Jesse Whitworth said the planning commission hasn't voted on it yet, but they have talked about it. They were under the assumption that the town administrator had the job already. He doesn't see that it would be a problem to recommend John.

   Paul asked if we got any responses to the RFP. John said one person came and got an application.

   Jesse said he can give an update at the next meeting.

   Adrienne thanked everyone who came out for Green Up Day. She thanked the public works department for picking up the bags and thanked the fire department for their efforts.

5. ***Consent Agenda***
Mike moved to approve the minutes of April 20, 2026, Eben seconded and the motion was passed.
6. ***Clerk/Treasurer Report: Warrants, Licenses and Any Action Items***
Rosemary said we received the true up for school taxes. So the figure for current taxes in the budget status report is the correct figure. Mud season has been good to Johnson. Expenditures are 68% of budget. Eben noted that revenues are 95% of budget.

Eben said he thinks overall revenue vs. overall spending is fine, but some selectboard line items are high compared to budget. Rosemary said we are not budgeting enough for audit expenses. Eben said selectboard consulting services are 360% of budget. Rosemary said some of those expenditures were grant funded. Eben said beautification committee expenses are $290% of budget. He thinks they got a grant. Rosemary agreed they did. Eben said we overspent on heat for the library and water/sewer for Holcomb House. He noted that we are hitting budget targets for salaries and benefits except that for social security we have only spent 40% of budget. It appears we are overbudgeting for that.
7. ***Appoint Treasurer***
John said an advantage of appointing a treasurer and clerk now is that they will have more time with Rosemary before she goes. Once the new village treasurer has started, that will affect the amount of training our employees are able to get.

Adrienne moved and Peter seconded to appoint Lydia Putvain as town treasurer and assistant town clerk.

Eben said he will probably vote no on this motion. That has nothing to do with our employees. He feels that in the best interest of taxpayers, interviews should have been conducted. However, Lydia is very well qualified. Mike said he sees Eben's point but we don't have much time left with Rosemary. Paul said we did discuss with our attorney whether we need to advertise externally under our hiring policy. The answer is no and ultimately we decided not to.

The motion was passed with Eben opposed. Eben said his vote has nothing to do with personal relationships. He hopes that he can work together well with the employees in the future. He feels Lydia and Susan are well qualified.
8. ***Appoint Town Clerk***
Mike moved and Adrienne seconded to appoint Susan Tinker as town clerk and assistant town treasurer.

Eben said we are fortunate to have employees who want to stay on who are qualified.

The motion was passed with Eben opposed. He said he voted no for the reason he already stated.
9. ***Office Staffing Budget***
Paul said a couple of spreadsheets had been made showing current and proposed staffing. The difference between the two spreadsheets is that one shows the CEDS position at 24 hours per week and the other shows it at 40 hours per week. With the reductions in office expenditures due to separating from the village and with the CEDS position at 24 hours, there is a 3.1% decrease in expenditures. There is some variation in that depending on whether the person chooses a family versus a single plan for insurance, but no matter what they choose we will save money. With a 40-hour per week CEDS position, there is a 6.5% increase in expenditures (with the exact amount

depending on the insurance plan chosen.) We budgeted for a 24-hour per week position. Increasing the hours gives the CEDS more time do work for Johnson and they would be working here full-time so 100% of their focus would be on Johnson. But we budgeted for 24 hours and we are locked into that budget.

Adrienne clarified that the 6.5% increase is just in the budget for staff, not the overall budget. The difference between full-time and part-time CEDS positions is about $45,600 per year. Right now the CEDS role is 24 hours a week and those hours are going toward managing existing projects. She is not seeing our CEDS having bandwidth for new projects. One successful grant pays for this position many times over. Now is the time to invest in Johnson and this is the way to do it.

Eben said increasing the position to 40 hours per week would be about a 1.5 to 2% increase to the overall budget.

Mike said John came with a lot of experience doing this and he has offered to do it for us. Mike doesn't think we can spend $100,000 a year for another position. We haven't even given John a chance to prove what he can do. Adrienne said she is not advocating for the CEDS to take over John's work. She wants John to do town administrator work. He should work within his job description. John should not have to do extra work.

Doug Molde said he thinks a full-time CEDS position is necessary. With the industrial park we will need housing. We need to switch from rentals to owner-owned housing. And the rail trail committee hasn't had a project start since Tom Galinat left. Doug doesn't have expertise in looking for and writing grants. If this were $45,000 for a truck the town had to have, we would find the money. What is missing is the tangible nature of a truck versus something bigger than a truck. This is an opportunity for us to move our community ahead. With a 24-hour position, we are wasting that opportunity.

Paul asked if Doug has asked for support for grants and not gotten it. Doug said the board had previously said Carl's work was only on outstanding grants. His understanding is that Carl's 24 hours per week are filled.

Jesse Whitworth said Carl was hired for a very narrow focus, to finish up current projects. Do we know if he is fully maxed out at 24 hours or if he is just spending all his time on the charge he was given? Paul said we have added some tasks that he has managed to fit in.

Jesse said he is on the side of having a full-time CEDS position because the CEDS can focus and assist town committees. He thinks Randall Szott brought in over $800,000 in grants. It seems to him like this is a revenue generating position, not an expense. He thinks we have so many things we need to invest in that having more help would be good.

Eric Nuse said he is in favor of a full-time position. Tax money will go into it and we will get a return on the investment later. His experience with quality community development and grant writing is that you make money on the investment. We will probably not get a top quality person for a part-time position. The CEDS could provide support to committees. The Lamoille River Paddler's Trail is really successful because they have a professional involved who has grant writing expertise.

Diana Osborn said she seconds much of what Eric said. The main value she sees in the CEDS is in supporting those in town other than the selectboard. It would free the selectboard up to do selectboard work. The selectboard is already spread pretty thin. She sees great value in having a liaison to the other work going on in the town that is improving the quality of life for residents and visitors. The economic component is very important. We need an economic development person. Health insurance is a huge problem nationally. It is unfortunate that health insurance is coupled to employment and the board has to make a decision based on things like the potential benefit package cost versus the needs of the town. She feels it would be irresponsible to hire a part-time person without giving them the same benefits as a full-time person and it is unfortunate that the town has to pay to provide health insurance to a full-time person. She would like to have the decision made on needs and available funds and how they might need to be shuffled. She feels a move of integrity would be to offer whoever the employee is a compensation package equivalent to a full-time salary with the cost of insurance for a family of four.

Paul said he feels the same as many people who have spoken tonight, but we did not budget for a full-time position. That is his big concern. At the end of last year we had enough cash on hand to put $80,000 into the budget to lower taxes. He doesn't want to not have that money next year. He is worried about spending every penny. He agrees the position would probably pay off in the long term, but we have next year's budget to think about.

Eben said the difference in the cost for benefits between a 24-hour position and a 40-hour position is only $7,000. We are not really making a decision based on benefits. He hears what everyone is saying. Grants and committee support keep being brought up. It sounds like committees want the board to hire someone to move on their whim. We have other resources that do well for us regarding grants. The Lamoille County Planning Commission administers a lot of grants for us and does a lot of legwork on grants. We are over budget on several items.

Mike said it has been mentioned that a full-time CEDS could free up the board and take care of committees. It is not that person's job to be at the whim of committees.

Diana said the recreation task force was able to get $2,000 of seed money from VCRD to do work of the town, but the selectboard voted not to allow even a $2,000 pass-through grant for the task force. In the past the town has handled past-through grants for more money for other people who are not even doing the work of the town. If the board can't handle a pass-through grant, the task force needs someone who can. Who do they go to if not the CEDS? Eben said all the money goes to the treasurer. The decision would still wind up with the selectboard even if we hired a full-time CEDS.

Eben noted that probably 90 to 95% of what the CEDS does will be for the village. Adrienne said the village is in the town.

Eben said there is little conversation about the actual cost of grants. If we get a grant to put something in, then it costs the town money when we have to replace or fix it. Adrienne said the CEDS could go after grants for improvements to things we already have. We could direct them not to go after grants that would have high long-term costs.

Paul clarified that the CEDS would work for the selectboard. Adrienne said she thinks committees want someone who could be a liaison between committees and the selectboard.

Doug said when Lea Kilvadyova was here, money that would otherwise have been going to LCPC for grant management went to her. There might be funds coming in for the CEDS managing grants. He thinks what is missing is the ability of the selectboard to direct economic development – the ability to generate ideas and have someone you trust who can say what is needed and bring ideas to committees and tell them where the selectboard would like to go. Committees are looking for direction.

Mike said the industrial park will not be for housing as far as he is concerned. Doug said he understands that, but we need housing for people who want to work at the businesses in the industrial park. We want them in our community. If we are going to have an industrial park, we need to think about housing for people who work there

Greg Tatro recommended initially paying the CEDS what is in the budget this year and if the person is doing a good job, the hours can be increased next year. The prices of everything are going to go up substantially and will cost more than what is in the budget. He thinks the CEDS position will pay for itself over time, but this is not the time to make it full-time. Let's see what the person can do in 24 hours the first year.

Jesse Whitworth said committees are not demanding that the CEDS get grants for them. The idea is that if we had someone full time they would have more bandwidth to seek grants that will help the town.

Eric Nuse said he thinks it is important to remember that what a lot of these committees are striving for is not just making the town look better but making it more livable so people want to stay here and bringing in money from outside the town. The goal of the outdoor recreation task force is to use outdoor recreation to raise economic development. He believes there are three openings right now for people to work on grants. He thinks the town will have a hard time getting a good person for a 24-hour position, and if the person is good he thinks we will not have them for long.

<u>Adrienne moved and Peter seconded to go with budget option 1, which includes hiring a full-time community and economic development specialist.</u>

Peter said he is extremely conflicted. He wants to point out that we are not talking about another \$100,000 position. We are talking about adding a \$45,000 expense, not \$100,000. He thinks everyone has made good points for and against making the position full-time. As far as Eben's question about finding money to replace a grant funded item in 10 years, maybe in 10 years we will have more people living here and paying taxes and we will have the industrial park paying taxes. Anyone who is pointing out what we may be able to get for part-time money is right on. He doesn't think we will hire a 24-hour week person who is necessarily going to be someone we want to offer a full-time position to. He is worried about this year. A lot of that worry is because of what Greg brought up about fuel costs. He thinks we could make the position part-time for a year and then revisit it a year from now, but he thinks we will be having the same conversation a year from now. He doesn't see that there will be a good time to take this leap, but he thinks the leap could be good for Johnson. He will vote in support of the motion.

Charles Flaum asked who is marketing the industrial park. Wouldn't this person be doing that? Paul said yes, in conjunction with John. Eben said LEDC and LCPC hopefully will be helping as well.

Jesse said Mike had said John could potentially do this and would be interested. He asked to hear from John. John said he takes direction from the selectboard. He has done a lot of grant writing and management. But it will be up to the selectboard what they decide is in the best interest of the town. Adrienne asked John if it has been easy working on the Act 250 permit for the skatepark. John said it has been busy. He has had concerns with the volume of work. But he could pick up some grant work. He could lend a hand if the position was part-time and the CEDS needed some help.

Eben suggested keeping it at 24 hours and asking the voters for another $50K at the next town meeting.

Greg asked for clarification on how much the person would be paid. Eben said the budget has about $72,000 for the 24-hour position, including benefits. If we went to full-time it would be about $114,000.

Lois Frey asked if Carl is available through June 30. Carl said he will see what is happening with the industrial park. If we open bids in, say, early June, and the contractor plans to start right away, he will stay long enough to help the town through the construction work. If construction is not going to start until late August or September, that would give the town time to find a new CEDS. He would work with the town to transition to a new CEDS. When the board is ready to seek applicants and hire someone, they should just advise him how long they want him to stay. He will help with bigger projects until the town has someone else. Paul thanked Carl for his flexibility and all he has done so far. There was a round of applause for Carl. John said Carl has been a blessing to work with.

Eben asked Carl if he thinks a CEDS could do the job in 24 hours in Johnson. Carl said yes, he thinks 24 hours a week could be enough, but the first step is for the selectboard to work out clear roles and duties for the different positions. The board should have a plan for what it wants to try to accomplish through grants. If the town wants to apply for every grant that becomes available, 40 hours a week would be short for someone to do that.

Charles Flaum asked, didn't the board decide a few meetings ago to advertise for 24 hours with the option to increase the hours to 30? Paul said the board has discussed different options several times without a decision. If we hired someone we could always extend their hours if they were willing and if we wanted to.

The motion failed with Peter and Adrienne voting in favor and Paul, Eben and Mike opposed.

Eben moved and Paul seconded to hire a 24-hour per week community and economic development specialist.

Scott Meyer asked if the board has any idea how many of the grants the town is seeking require a match. Paul said we don't have specific grants targeted at this point. We do have a grant matching fund. If there is a substantial match, that is a consideration. Scott asked, wouldn't that tie into the number of hours for the position? He is concerned about the idea of someone working 40 hours a week to get as many grants as possible. If there are no matching funds, what is the point? Paul said, as Carl said, we need a plan rather than shooting for as many grants as possible.

Scott asked how much money is set aside for grant matches. Paul said about $500K but a lot of that is going to be used for the industrial park. He thinks there may be $150-200K that is not set aside for the industrial park. Eben said he does not think it is that much.

The motion was passed with Mike opposed

10. Johnson Eats Fundraising

Jesse Whitworth, co-chair of Johnson Eats, said the committee has gotten some money from private donors and some from VCRD. They want to continue to pursue additional funding from private sources and grants. The process of getting approval to apply for grants is not particularly onerous, but they are hoping they can get some autonomy to seek grants. They suggest being allowed to pursue grants under $10,000 with no cash match, debt, construction obligation, ownership obligation or long term commitment by the town with notice to the selectboard but no selectboard authorization needed. The selectboard could let the committee know if they had a problem with a grant application after they were notified. For grants larger than that or grants that would involve construction or debt, they would go through the formal process of asking for permission from the selectboard.

Paul asked, the committee is concerned about the two-week gap between meetings? Jesse said that and also sometimes the committee does not have anyone who is able to come to selectboard meetings. The idea would be to have clear guidelines on what grants they can pursue within their mission to make the process simpler.

Adrienne asked what maximum grant amount is now that can be pursued without selectboard authorization. Jesse said he thinks it is $2500. The committee has some grants identified that could be more than that.

Paul said his only concern is that Johnson Eats might go after a grant that another committee might also want to go after. We don't want two committees going after the same grants. Or at least we want to make a decision about whether they should do that.

Adrienne suggested they could get emailed permission from the CEDS, who could keep track of grant applications and know if someone else in town was applying. Paul said that adds a layer of complication, which is what the committee is trying to avoid.

John asked how the treasurer keeps track of grants. Jesse said Johnson Eats has an account. Rosemary said we have one income line and one expense line for the committee.

Eben said what Jesse is asking for would give favoritism to Johnson Eats vs. other committees. He doesn't think the current process will limit the committee. They can just send an email to John explaining what they want to apply for and John can email the selectboard the information. Approval for the application can be part of the consent agenda. If there is not enough time for the selectboard to approve the application at their next meeting, the town administrator can say that the application will proceed if there are no objections from selectboard members and then the selectboard can retroactively approve the application. He doesn't think committees are limited now.

Jesse said maybe he was just unaware of the process. Eben said that is why maybe we should have a policy. He thinks previously we just made a motion regarding committees applying for grants but it did not become part of any policy. Lois said she doesn't believe committees were told about the motion. Adrienne said she would be fine with raising the grant amount that can be applied for without selectboard authorization to $10,000 and making a policy for it. She asked if there should be any cap to the amount that can be applied for if no match is required and it is not a construction project. Eben said yes, there should be, because we take on 100% of the liability.

Adrienne asked if Johnson Eats has a reserve fund. Jesse said no. Adrienne said if a committee has a reserve fund then surplus at the end of the year can roll over into the fund.

Diana Osborn requested that as the board is establishing policies, they clarify the difference between a committee and a task force as far as what the town is willing to oversee, rather than handling it on a case-by-case basis. Paul agreed.

Diana said if no taxpayer money is involved, an alternate model for the group would be a community trust like the Civic Standard or the Elmore Store. The group could be decoupled from the selectboard and be a non-profit community trust. That would make the selectboard's job easier. Jesse said Johnson Eats is not ready for that.

Eben moved to research what action the previous board took with regard to committees applying for grants and to develop a policy on committee grant applications, Adrienne seconded and the motion was passed.

11. Act 181 Discussion

Paul said Act 181 is a revision of Act 250. The legislature passed it in 2024. It creates several different tiers. He read an update from the state Land Use Review Board stating that the legislature has indicated that Tier 3 and road construction jurisdiction will be repealed. Paul spoke to Dan Noyes who said it does appear that will happen. We would still have Tiers 1A and 1B, but not Tiers 2 or 3 or the roads issue. There was a request from a board member to write a letter in opposition to Act 181, which many towns have done. It seems that some of the parts of Act 181 that are the main concerns will be repealed, but there is no harm in sending a letter.

Eben said in our letter we should ask them if form based code applies for 1B. Paul said he asked Seth Jensen that and Seth said it is yet to be determined. Paul said the 1A designation is harder to get and it frees you from Act 250 review. In 1B, housing developments of 50 units or less are exempt, but to be eligible for it you have to have zoning and subdivision regulations, which we currently don't have.

Adrienne said in the past the selectboard has stayed neutral on state issues related to topics that some selectboard members dislike. Are we going to break that precedent now?

Mike said he thinks the majority of people in the community do not want zoning. When we have state overreach that is basically trying to force us into zoning, he thinks the selectboard needs to make a statement that we do not support it. This is an important issue. Paul said he is not sure he agrees that most people in the community think we don't need zoning. Form based code passed.

Charles Flaum said how our village looks will be increasingly important over time. We have lost revenue because of the college. The Recreation Economy for Rural Communities program is trying to bring people to this community through recreation. He welcomes a vote on zoning. There was discussion at some point about the idea that there could be housing on the industrial park site. Maybe Act 181 would have implications regarding what could be built there.

Greg Tatro asked what tier we are in. Paul said it hasn't passed yet, so no one is in any but we do not qualify for either one currently. Greg said he thinks there is a map that designates the areas that could be 1A or 1B. We should know which areas could be in 1A or 1B. For 1B, the lot size has to be less than 10 acres to put in up to 50 housing units. It would be good if we could figure out if parts of Johnson are designated as one of those areas. Paul said his understanding is that we have to apply to be in either 1A or 1B and we do not qualify for either now.

Charlie Gallanter said Act 181 does not apply to the industrial park because it is subject to Act 250. If we write a letter we should refer to Bill S.325.

Jesse Whitworth said he thinks pushback is important. If the selectboard thinks people they represent would be affected by Act 181 and would be against it going through, writing a letter makes sense.

Peter said he doesn't feel he knows enough about the tiers to take a position tonight. He suggests we let nature take its course. He doesn't think we need to rush and write a letter tonight. Mike asked, not even for Tier 3 and the road rule? Peter said those are dead. Mike said they are not definitely dead yet. Many other towns sent letters. Johnson could do the same thing.

Paul said he thinks we could write a letter just commenting about Tier 3 and the road rule. He would be happy to work on it if the board wants him to. It does appear that they are dead, though. . Eben asked if Adrienne thinks that the board should not send a letter from the whole board. Adrienne said since she has been on the board, with other things she has brought up, the board has said we don't get involved in federal or state issues. It seems like hypocrisy to get involved in this. Mike said this situation affects everyone in town. Adrienne said the resolution she brought up related to due process affected everyone in town.

Eben said he tends to agree. We can individually write letters as citizens. But the town taking a stance is something we typically have not done.

Paul said he will send information around. He suggests that the board not send a letter and that board members can write letters individually or as a collection of individuals, but not representing the selectboard. Other board members agreed.

12. Designation of Gravel Pit as Categorical Solid Waste Facility

Paul said designation of the town gravel pit as a categorical solid waste facility would mean we could accept material from remediation efforts that are not classified as hazardous. We could accept our own or we could accept solids from other towns for a fee.

Tori Hellwig said the Holmes Meadow project is wrapping up this spring. The property contains development soils. These types of soils are subject to additional testing and management rules and they can only be moved to approved places. Soils from Holmes Meadow were managed by a development soil management plan created by Weston & Sampson and we tested the soil and got approval to put it at the town gravel pit. Development of the plan and soil testing were funded by the state Flood Resilient Communities Fund. Those funds won't be as readily available for future projects, so getting this approval would be helpful for the future. She suggests seeking a designation to help handle development soils with more predictability and reduce cost to the town in the future.

Lee Rosberg of Weston & Sampson said development soils contain specific contaminants that may come from historical fill or discharge from vehicles, smokestacks, etc. The state has options for managing these soils. The main one is to truck them to Coventry to use as daily cover for the landfill, but that can be costly. Another option is to cap them in place, but that is not really an option when you are trying to remove soil for flood mitigation. Another option is finding a receiving site in an urban background area. We did that with some Holmes Meadow soil with the library project.

Categorical disposal facilities are permitted through the solid waste program of the state. They can accept different types of soils. We could get a permit for just development soils or we could add on other types. There is only one categorical disposal facility permitted for development soils in the state. It is in St. Albans. To get a permit, first there is a desktop review looking at geology, hydrology, setback requirements, depth to bedrock, surface water, etc. Once it is determined that the site is appropriate, then there is field testing including soil borings, monitoring wells, identifying direction of groundwater flow, depth of groundwater, etc. The third step would be an application. The application includes the field testing report, a facility management plan, and a closure plan. The application fee is $100. A facility management plan describes testing for soils coming for disposal, how much material can be disposed of, how it will be recorded, etc. There is a requirement for annual grading and covering the surface. A closure plan is required for when the facility is full. Closure usually involves capping with clean soil.

Paul said he understands that all the costs are covered within the existing ARPA grant we already have. Is that correct? Tori said yes.

Paul said ARPA money has to be spent by the end of May 2026. It seems advantageous to at least approve the first step tonight. There is no cost to the town and there seems to be a benefit to this. Seth Jensen said for tonight the request is for the board to authorize the tabletop review and testing.

Scott said Lee had mentioned lead, arsenic and PAH. What about other contaminants that may be found, especially PFAS? What testing is done and what is the liability for the town?

Lee said one of the keys is a facility management plan and having a robust testing requirement for anything that would be accepted. Having the right person review the test results is important. The facility would have to be managed by the town. The town would have to be willing to take on reporting and maintenance requirements. Seth said the management plan could say that we will not accept solids with certain contaminants like PFAS.

Paul asked, the contamination levels in development soils are not considered hazardous? Lee said that is the case. They can't reach the level of hazardous waste.

Diana Osborn asked if we have the administrative capability to manage a site.

Eben said he feels we should move forward with the tabletop review. If nothing else, we could have our own site for future projects, allowing us to save money.

Greg Tatro asked how much the testing would cost. Would the tests be done by the person bringing in the soils, not the town? Lee said testing would be required and the burden for testing would be on the person bringing in the solids. The tests would cost about $1,500 for a full suite of analyses.

Greg asked, we are talking about urban soils that are designated by the state, correct? Lee said that is correct. If they are coming from a site managed by the Department of Environmental Conservation there will be a soil management plan or a corrective action plan prepared in accordance with state environmental law.

Greg asked what is required with regard to covering the material for the winter. Lee said it is not just for winter; it is any time there is a lapse of active stockpiling for a two month period. A 12-inch cap is required.

Scott asked if the soil gets tested for pesticide residuals. He has some concerns about managing a site like this without a core group of people that know this science.

Paul asked, if we only accept our own soils, will the same stipulations apply with regard to annual cover, etc? Seth said yes. In terms of development grant contracts and budgets, rather than building in hauling costs for soils, we could build in costs of testing and management at the pit. It results in a lower total project cost. He thinks St. Albans initially limited soil coming into their site to projects in St. Albans. If we did that, we would largely be moving soils from areas like the village where they are already in contact with people to an area where they will be more secure. Paul asked if there are the same reporting requirements if we only take our own soil. Seth said yes.

Greg asked if it is different for stumps or material cleaned out of ditches. That is a different permit, right? Lee said there are different types of categorical disposal facilities. For development soil, there is more risk and more robust testing requirements. If you just wanted a permit for street sweepings and asphalt, there would be fewer requirements.

Greg said there is long-term exposure for us if we take contaminated soil. Usually just the top part is contaminated. He suggested taking the contaminated soil to the landfill and reusing the rest.

Paul asked, that is an entirely separate process from what we are discussing tonight, correct? Lee said there are a lot of different tiers of soil and soil classifications. Greg is right that usually just the top 18 inches is contaminated and needs to be managed. But it is easy to exceed the residential standard for pH. He thinks at Holmes Meadow, if all the material had had to go to Coventry it would have increased the project cost by over $1 million and the project probably would not have happened. The soil regulations in Vermont are tricky and moving anything out of an urban background area is tricky. Another soil management option is an insignificant waste management event – a one-time option to bring development soil to one place and cap it. But you can only do it once.

Jesse Whitworth asked how much potential revenue we are talking about from opening the site up to other towns. Paul said he has no idea. Based on what he has heard tonight, he is thinking that is probably a path we do not want to follow. Lee said the town could set the tipping fee to whatever we want.

Diana Osborn said she wonders if there is an opportunity to involve privately owned property. In addition to the town gravel pit, there is the Kullman gravel pit. It's not currently producing gravel and the owners are using it as a dumping ground for asphalt and other debris. Maybe they would take our town dirt and it would cost less than $1 million. Mike said he thinks $1 million is the worst case scenario.

Eben moved to proceed with desktop review and subsequent field testing for potential designation of the town gravel pit as a categorical solid waste facility, at no cost to the town, Peter seconded and the motion was passed with Mike opposed.

Paul said he thinks we need to give this more thought if we are considering moving forward.

13. Define CEDS Role in Grant Support for Individual Businesses and Entities

Paul said at a recent meeting it came to light that a business in town asked Carl to help them pursue grants for property improvements. We should discuss when we do or do not approve the CEDS or town administrator helping an individual business with grants. He wants businesses to thrive but we have limited resources.

Mike said he agrees with the email Paul sent out talking about a slippery slope. Adrienne said she thinks we could have a policy around it to ensure that any help from the town is helping the community and not just doing a favor for one business. We should have clear boundaries. She thinks other towns have policies like this so we would not have to reinvent the wheel.

Charles Flaum said Discover Johnson would not even be in existence if not for Randall Szott, who helped them look for grants when he was community and economic development specialist. His suggestion would be to write into the language of the job description that town business is prioritized but when time allows the CEDS may help in certain respects. Sue Lovering said Discover Johnson is different from a private property owner.

Charlie Gallanter said the beautification committee already takes town money and gives it to private individuals. This is the same thing.

Charles Flaum asked, didn't Mike Mignone come to the town and village requesting help? We were a food desert and without the town's help to his private business we would still be one. Adrienne said helping the General Store was more for supporting food access than supporting a private business.

Charles Flaum asked, couldn't this be handled on a case-by-case business? Paul said yes, but he wanted to make sure there was a public discussion on this because he thinks it is a slippery slope and the risk of case-by-case decisions is that they can be really subjective.

Eben said the hardest thing would be defining clear town benefit. We have worked with other large employers in this town on large grants but there was always a clear and defined town benefit. The town worked with Vermont Electric Co-op on a stormwater infrastructure project. We maintain rights to hook into that infrastructure for the industrial park, so there was a clear benefit to the town. And they are a large employer in the town.

Paul suggested tabling this for future consideration and the board agreed.

14. ***Additional Funds for Updated Mumley Contract***

John said Northern Border is asking for an updated cost estimate, which is beyond the original scope of work for Mumley.

Peter moved to pay Mumley Engineering an additional $1000 to meet the request of the Northern Border Regional Commission, Eben seconded and the motion was passed with Mike opposed.

15. ***Request to Open Industrial Park Bids outside a Selectboard Meeting***

Paul said the protocol requires reading out the bid specifications for each of the design elements in the bid. It is quite a lengthy process. Carl suggests doing it in a public meeting, but not a selectboard meeting. Carl said one reason is the length of time it would take to read every line of the bids. The other is that contractors and perhaps also Mumley might prefer not to attend a night meeting. It says in the procurement policy that bids will be opened at a selectboard meeting.

Eben moved to approve opening the industrial park bids outside a selectboard meeting at a public meeting, Peter seconded and the motion was passed.

16. ***Gravel Processing Bids***

Four gravel processing bids were received. Paul read the bids. Dale E. Percy, Inc bid $6.93 per cubic yard. G.W. Tatro bid $110,000. They added an alternate item to screen the material without crushing to ¾ inch, at a cost of $60,000. McCullough Crushing, Inc bid $9.50 per cubic yard. Boulder Excavation bid $69,855.60. The request for bids stated that the amount to be crushed is approximately 10,165 cubic yards. Eben said based on that amount, the lowest bidder is Boulder, though if we took the alternate for screening the material from G.W. Tatro, that would be the lowest and would be closest to what we have budgeted.

John said Jason told him that if the gravel is crushed to ¾ inch he can use it as part of his winter sand or as road material. Paul said he wonders how much we would lose if we screened rather than crushing. Greg Tatro said he wouldn’t crush the material if it is going to be used for winter sand, but he would crush it for using it as road material.

Paul said it sounds like we should discuss with Jason what the intended use is and whether we want to reconsider crushing.

Eben moved to accept all the bids and to make a decision at the next meeting after talking to the public works foreman, Peter seconded and the motion was passed.

17. ***Legion Field Bids***

Two bids were received for the Legion Field work. Larivee’s Excavating bid $48,000 for the main scope of work, $8,000 for Alternative 1, and $3,600 for Alternative 2. Hollow Excavation bid $24,785.13, $8,864.40, and $3,243.50.

Hollow Excavation did not indicate he has workers’ comp insurance. Eben asked if that is because he is a sole proprietor. Greg Tatro said workers’ comp is not needed for a sole proprietor. Charlie Gallanter said if having workers’ comp is a bid requirement, that bid is non-responsive. Greg said if that is a bid requirement then no sole proprietors will bid because they don't need workers' comp.

Howard said he thinks we have about $26,000 for the project. Rosemary agreed. Eben said if we don't take any alternates our only option is Hollow. Paul said we need to look at the wording of the RFP and see if workers' comp was a requirement in the RFP. If it was we may have to reject both bids and start over.

Peter asked what the two alternates are. John said one is three lights. John and Howard could not remember what the other one was.

Peter moved to award the contract for Legion Field work to Hollow Excavation pending confirmation of sole proprietorship and wording of the RFP, Mike seconded and the motion was passed.

18. Moderator Discussion

Paul said David Williams has been town moderator for a long time. He was not on this year's ballot, but he thought he was. He got some votes as a write-in candidate and Beth Foy got more votes and won the election. After talking to David, she declined the position. What she and David had intended was that David would be on the ballot and be elected to finish this calendar year and then he would step aside and ask the board to nominate Beth to be moderator for town meeting. Currently the town does not have a moderator. Paul suggests appointing David Williams with the understanding that his intention is to step aside prior to next town meeting. **Mike moved to appoint. David Williams as town moderator, Eben seconded and the motion was passed.**

19. Library Contract

Paul said he put this item on the agenda because Charlie Gallanter wanted it. Charlie said in one email post Paul described the contract as "pay as you go." He read the contract. He believes it was dated December 15 and the first payment for 25% of the cost was scheduled for 4 days later. Pay as you go would mean 25% of the work would be done in 4 days. Up to 45% of the total amount was due 49 days later. He questions whether that is really pay as you go. That was the argument for not requiring a bond. Paul said what he meant was that the town is paying in segments, not putting up all the money in advance.

Charlie said a problem with not bonding is, what if something happens to Brian? Who will finish the job? That is the reason for having a performance bond. Paul said there should have been a performance bond. He is not sure why there wasn't. But a performance bond would have increased the cost of the contract, so we would be in a bigger hole. Charlie said not necessarily. Typically there is also a bid bond. He understands that another bid was about 7% lower, but that contractor made a mistake in submitting the bid. If the town had gone with the lower bid, the contractor could have gone with the amount he bid or he could have forfeited his bid bond. A bid bind ensures that you will be able to get a performance bond for the project. If the low bidder had entered into a contract for the amount bid, the town would have saved money, or if the contractor had not then he would have forfeited his bid bond, providing the town money to cover the higher cost of the other bid.

Charlie said when the selectboard approved this contract. Eben made a comment that the town would not be responsible for any money beyond what it had available at the time of the award. That never made it into the contract. Eben said he has asked for a contract amendment for the last 2 or 3 months. Paul said the board has discussed getting a grant amendment and a contract amendment but we don't have either. Charlie asked if we are on the hook for the extra amount that we don't have. Eben and Mike said right now, yes.

Paul said another thing the board is talking to the library about is making a plan B for if we don't come up with all the money needed. That would require a contract amendment with Brian and maybe a grant amendment. The library met with the granting agency and they told them what was really necessary for the project in order to satisfy the grant requirements, but we were told that they didn't want to put that in writing because it could be a flag on the federal level.

Charlie asked why the town did not hire a clerk of the works. Paul said because of money. Eben said at the time we posted an RFP for the clerk of the works we were led to believe that in Vermont they don't work on an hourly wage but get paid based on the contract amount, so we couldn't hire one until we had a contract amount. And now we are in a position where we have a funding shortfall. Hiring a clerk of the works would just add money to a project that we don't have enough money to complete.

Mike said he still thinks we need a clerk of the works to keep track of things. He knows someone who said they would do it for $75 an hour. They would not work on site all day long. They would just stop in sometimes. It makes a big difference in the quality of the work having someone checking on it.

Paul said we discussed it and decided not to hire one because we don't have the money to spend on it. We would need a professional who had the appropriate insurance, etc.

Greg Tatro said Charlie brought up some good points. The town needs to use this as a learning tool so as not to make the same mistakes again.

Paul said Charlie is correct that we should have required a bid bond and a performance bond. The draft RFP for the industrial park calls for a bid bond, a performance bond and a payment bond

John said he heard today from Rep. Balint's office that our congressional funding application for library funding is moving forward. If the congressional project funding program is accepted and the president signs the budget, it is approved. We may not get 100%, but we should get substantial assistance.

20. Proposal to Log the Gomo Lot

The board reviewed a potential contract for logging the Gomo lot. Mike asked why only one potential contract was presented. Lois said forester Mike Green, who has been working with the conservation commission, spent a lot of time trying to get anyone to even look at the lot. He eventually found one. That is why there was only one. Mike asked, there is no nearby logger interested? Lois said no. Noel Dodge said access is the issue. Eben asked, they could not access from Waterville? Noel said he doesn't believe so. They would have to cross many brooks.

Eben said he doesn't think the prices offered are good.

Lois said the road to Codding Hollow has been neglected for many years and is not passable anymore. Jason looked at it maybe a year and a half ago to consider what we might do to fix it, but he didn't support trying to do anything with it because it would be such a big project.

Mike said 35% for softwood is fine, but not for hardwood. In his experience that is usually 50% of the delivered mill price. Noel said he thinks markets are different now.

Greg asked if a forester has cruised the forest. Do we know about how many board feet there are? Noel said yes, Mike Green cruised it.

Greg said the town should require the work to be done in winter because of environmental damage. He doesn't know why the town didn't get any local loggers interested. He knows three or four that he thinks would look at it, but they don't usually read the paper.

Lois said the plan is to log it over 2 years. The conservation commission feels having the property logged will help bring it back to something that will be a good revenue producer in the future.

Adrienne asked why the conservation commission is interested in having it logged. Lois said to improve the forest. They want to follow the management plan, take out certain species and improve the habitat.

Paul asked how it was advertised. Lois said Mike worked on lining up foresters. He is connected to a number of foresters. They didn't have an RFP. They hired Mike to do the management plan and had him take over looking for loggers.

Mike said when he had his property logged he didn't pay 20% as a management fee to the forester.

Eben said these are the taxpayers' trees. He thinks we owe it to them to put together an RFP and have the project bid out. Noel said the RFP will have to state that access is a concern.

The board agreed to put out an RFP.

21. Emerald Ash Borer Trunk Injection Treatment

Sue said there are still ash trees at Old Mill Park that need to be treated to prevent emerald ash borer infestation. Mike said he came to the conclusion that even though he would get training to do the injections, he might inject the trees the proper way and they would still die and he would be blamed by the tree board. He thinks the tree board should plant some more trees of other species.

Sue said we can't plant on that site because it is capped. Mike asked, if all the ash trees died, we couldn't replant? Noel and Sue said no. Those ash trees happened to hit dirt and they provide the only shade in the park.

Adrienne moved and Peter seconded to enter into a contract with SavATree for up to $1,200 to treat the ash trees at Old Mill Park.

Mike asked if anyone else does this. Sue said they are the closest and they charge to travel. Someone from farther away should end up costing more. They all charge about the same for the treatment.

The motion was passed with Eben and Mike opposed.

22. Signing Authority

John said he is working with LCPC on buyout properties with brownfields. There are some documents to sign but he doesn't have signing authority. **Adrienne moved to give John signing**

authority for FEMA documents on all approved buyout-out locations, Peter seconded and the motion was passed.

23. Joint Meeting with Village

Paul said we can't schedule a joint meeting with the village without village input. Mike said he doesn't think we should have any kind of meeting until the situation has been settled. Paul reviewed a list of potential topics for a joint meeting: subdivision and sale of jointly owned property, municipal office arrangement, ending the barter system for salt, and the clock tower. John said he got those topics from the minutes of a village trustee board meeting.

Scott Meyer said he and others went to the village annual meeting and were blown away that they are hiring new extra staff for village business because of the separation that is happening between town and village employees, when everyone used to work together. The trustees blamed it on the town. He is here to ask whose idea the complete separation was. Paul said a year or more ago the chairs and vice chairs of the trustee board and the selectboard met and three out of four, as he understands it, were in favor of separation. He was not there.

Scott said asked if it is fair to say that the separation is the selectboard's fault. Eben said there was open dialogue. We talked about pros and cons. It was recognized that there may be some changes in process for the public and some frustration. Town and village both have different directions we are going. The best thing for employees appeared to be what we are doing.

Scott said he has concerns that now that staff are being separated. Costs are increasing. We are asking taxpayers to potentially see an increase in overall budget. Paul and Eben said the town’s budget for staff is being reduced due to the changes.

Scott said he will be at the joint meeting bringing up these points. In a small community, when the town and village feel they need to separate because it is not clear who does what and they can’t fix it, that seems childish. A large segment of our community would love to see a merger to put an end to all this. He called the town about a storm drain issue and there was an argument between the village and town about who would come up and dig out a culvert. With separation, how do issues like that become more clear? How is this helping the residents of Johnson?

Mike said having shared employees has been a headache. Scott said he did not think so when he was a village trustee. Mike said he thinks it is better if there is a clear-cut separation. Hyde Park’s village and town offices are separate. Scott said he does not think that makes it right.

Paul said in an ideal world we could work things out and get along. A problem in the office last year led to this situation and this is where we ended up. The town and village have a history of not being able to work together on a lot of things. Mike said an example is that the town is being blamed by the village for the problem.

Eben said he believes it is better and more efficient for both village and town to have clear-cut lines. Village and town handle separate things. We need to work together but it is convoluted reimbursing each other for employee time.

Scott said it might be time for a merger where the village would only run the water and light utilities and the town would run everything else. Instead, we are doing this new idea that will only complicate things. We still have two boards and they are not even working together now. That is complicated.

Paul said he does not think employees will work together any less because town and village employees are separate. It doesn't mean the town and village will work together less than they do now. We are just separating the employees so each has a clear line of command and a clear supervisor.

Eben and Paul said we are not adding any staff. The village is essentially replacing Rosemary. They are hiring a treasurer, but they were already paying for a village clerk/treasurer.

Eben said he would like to talk to the village about buying out the town backhoe. Adrienne suggested discussing all assets and properties.

The board agreed to ask the village about scheduling preferences for a joint meeting.

24. ***Interlocal Assessor Services Representative***

Adrienne moved to appoint Eben as interlocal assessor services representative, Mike seconded and the motion was passed with Eben abstaining.

25. ***Extra Hours for Assessor***

Eben said it looks like Justin Mason will go over on his hours for this year. The other towns are okay with that as long as we pick up the cost. Some of this is due to E911 work on Melody Lane and Mudgett Hill, which was at our direction. He will be about 30 hours over for the year. Adrienne said he asked during budget season for his hours to be increased. Was this the increase he wanted? Eben said no. He wanted to increase his hours for catching up tax maps. He wanted to get serial numbers for mobile homes put on lister cards. The consensus was that the board is okay with Justin going 30 hours over what was budgeted for the year.

26. ***Other Business***

Mike said he thinks we should talk about the FEMA letter about the Julian Scott house. Paul said we did not add that to the agenda. Mike said there is the potential for it to cost a lot of money. John said Stephanie Smith from Vermont Emergency Management will be at the next selectboard meeting. She mentioned that they can rescind the request for demolition but we would have to pay back their $422,000 cost for purchase of the property, legal services, etc. Paul said obviously we can't do that. It was agreed to put this on the agenda for the next meeting.

27. ***Executive Session***

Eben moved to go into executive session as allowed by 1 V.S.A. § 313 Section (a)(1)(B) for a labor agreement update because premature public disclosure of the information would place the town at a substantial disadvantage and also to go into executive session for personnel matters as allowed by 1 V.S.A. § 313 Section (a)(3), inviting John and Rosemary to remain, Peter seconded and the motion was passed at 10:04.

The board came out of executive session at 10:24 with no action taken.

28. ***Adjourn***

The meeting was adjourned at 10:25.

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Minutes submitted by Donna Griffiths