

JOHNSON SELECTBOARD / JULIAN SCOTT HOUSE TASK FORCE MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, OCTOBER 20, 2026

Present: Selectboard members: Mike Dunham, Eben Patch, Paul Warden

Task force members: Duncan Hastings, Doug Molde, Rep. Dan Noyes, Mary Jean Smith

Others: John Sutherland, Rep. Richard Bailey, Sen. Rich Westman, Stephanie Smith (remote), Ken Picard

Absent: Selectboard members: Adrienne Parker, Peter Hammond

Task force members: Michael Mahnke

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Paul called the meeting to order at 6:00. He said this is not a selectboard meeting, but it was warned as a selectboard meeting so a quorum of the selectboard could be present. The Julian Scott House Task Force will coordinate the meeting.

2. Changes, Additions Deletions to Agenda

Duncan moved to accept the agenda as written, Mike seconded and the motion was passed.

3. Opportunity for Public Comment

No members of the public wished to comment.

4. Review and Approval of Minutes from 10/6/26

Some committee members had a copy of the October 6 minutes with blanks where some names should go. Duncan had a version with the names filled in and he told people what the names were.

Doug moved to approve the minutes of October 6, 2026 as presented in Duncan's version, Mike seconded and the motion was passed.

5. Discuss Next Steps, Question and Answer Period with Invited Guests

Stephanie Smith of Vermont Emergency Management said she attended a selectboard meeting a couple of months ago and she does not have any new information since then. There was a request that came through the congressional delegation to FEMA around changing the application type. That is not something that can be done once the application period is over. There are only two options. Either the town lets VEM proceed with demolition as already agreed to, or the grant is withdrawn, which means the town has to return all the funding.

Mary Jean said it seems like there is another option. If we have some evidence that there has been misleading on the part of administration, would that not be something we could discuss?

Stephanie said she doesn't believe there has been any misrepresentation or misleading. This is a voluntary program for the property owner and the town. Everything that needed to happen for review happened the way it needed to. The town agreed to participate in this project. All appropriate reviews were done at the federal and the state level with the State Historic Preservation Office. Even if there were any mistakes, she doesn't know what path we could take.

Stephanie said she could speak to the three items identified as challenges at the last task force meeting. The first one was around the date on the historic review form. This is a template form VEM uses that gets submitted for every property. It does not complete the process. It is the very beginning of the process to get the property into FEMA environmental and historic preservation review. Having the date wrong would not stop that process. It functionally doesn't matter. FEMA is required federally to review all projects against certain standards and to confer with the State

Historic Preservation Office and get concurrence before any decision is made. All of that occurred and having the date wrong on the form did not stop that from happening.

The second item was around eligibility for the historic register. Eligibility for the historic register does not prevent a property from being eligible for a buyout. It just means there might be specific conditions put on the property that would be required by FEMA, like photo documentation packages or signage. None of that was required by FEMA in this case. But if it was required, it would not negate the buyout. The buyout would still be able to move forward. There would just be specific conditions.

The third item was around the budget discrepancy that was noted. There was \$7,500 allocated for environmental and historic preservation review. This is a line item that is included with every single application because VEM does not know if FEMA will require it. That \$7,500 is there in case those are required. If there is a Phase 1 environmental review required, that would come out of that line item. That was not required by FEMA and the money was not awarded. If they don't require something they don't give funding for it, so VEM did not receive that \$7,500.

Mary Jean said we are looking at a historic place. Is there something we can do together to make this happen?

Stephanie Smith said one question the task force has asked is whether we can get rid of the open space requirement. That is in federal statute. She doesn't have the ability to change the requirements in federal statute. Money has been allocated and spent. There is a deed restriction in place that says the property is required to be maintained as open space in perpetuity. She can't make that go away unless the property is withdrawn from the program and the town updates the deed restriction, and it can only be withdrawn if the funding is returned. There is no other option.

Duncan asked, let's say \$434,000 can be acquired and remitted to FEMA. What does it mean to pull the project out of the buyout program? Who will end up owning it? Would there be any restrictions on the property?

Stephanie said if the town got the funding they would return it to VEM and VEM would return it to FEMA. The grant would be withdrawn. The town would have to have an attorney update the deed restrictions to remove the requirement of maintaining the property as open space. The property is in town ownership now and it would still be in town ownership. If the grant is withdrawn, there is no obligation to maintain the deed restriction or to have open space on the property.

Duncan said it makes no sense to him that the town would be responsible for undoing deed restrictions that were part of a FEMA-based approval process. Stephanie said this is a voluntary process. There is an MOU included in all property buyouts. Johnson agreed to do the project. That is why it is the town's responsibility to unwind it. Duncan said it still doesn't make sense to him. If the town accepted the property with those deed restrictions, which were a condition of the approval process, can't FEMA or VEM remove the deed restrictions? Stephanie said no; they don't have funding for that.

Doug asked how the deed restrictions would be lifted. Stephanie said the town would have to talk to an attorney. But the restrictions can't be removed until the grant goes away, because they are a condition of the grant.

Duncan asked, if the grant goes away, don't the deed conditions and restrictions also go away? Stephanie said they don't just go away. Someone has to update the deed to take them away. The requirement to have a deed restriction goes away. She doesn't think updating the deed will be a significant cost.

Doug said he is wondering if there is likely to be any opposition to a request to change the deed restrictions. Stephanie said she does not anticipate any opposition.

Doug asked if Stephanie is familiar with a letter from public records specialist Traci Leibowitz, that says any records maintained by FEMA or SHPO regarding their Section 106 consultation would need to be requested from those agencies. He asked if VEM has requested those documents. Stephanie said no. The public records request to VEM can only request documents they have. If the task force wants documents SHPO has, they need to be requested from SHPO. VEM does not maintain records of communication between FEMA and the State Historic Preservation Office.

Doug asked, so how does Stephanie know this was properly handled under Section 106? Stephanie said they do this every day and she has full confidence that they are doing it correctly.

Doug said he noted in the MOU that it says the expedited buyout program is only applicable when there is going to be a demolition project. It is not applicable when there is going to be something done other than demolishing the property. It looks to him like the assumption on this whole program left out the possibility of doing something other than demolition. Stephanie said that MOU is for properties where the town and the property owner have agreed to participate in the buyout program. That MOU was the town agreeing to participate in this project as an acquisition and demolition.

Doug asked, doesn't there still have to be a State Historic Preservation Office examination? Stephanie said yes, that is part of the review. VEM sends the application to FEMA for review. FEMA reviews the property for historic or environmental concerns. They coordinate with the State Historic Preservation Office. FEMA and the State Historic Preservation Office have to agree on a path forward. In this case, they did not require any additional conditions on the property.

Doug asked if the fact that they didn't require any additional conditions proves that it was properly examined. Stephanie said it doesn't prove that it wasn't. It was done properly. FEMA and SHPO had concurrence. VEM would not have gotten the award if they did not have concurrence from SHPO.

Doug pointed out that the application says it is unknown whether the building is historic or not, and yet attached to the application is a picture of the building with the historic marker about Julian Scott in front of it. Wasn't someone clued in? Stephanie said the application was put together by her team. They are not the historic experts. The application is not where you would find that detailed review information. The town would have to request that from the State Historic Preservation Office or the FEMA environmental review team. VEM's application predates any historic review. The application goes to FEMA and that triggers them doing the historic review, which they do for all properties regardless of their historic nature. Doug said it seems to him that if VEM staff can read English they would know it is a historic building. Stephanie said they are

managing hundreds of buyouts. They are doing the best they can to get them in as quickly as possible.

Duncan said he understands the stress that the Division of Historic Preservation and VEM are under, but that does not release them from the requirements of Section 106 for historic preservation review. VEM submitted an application with information on it provided by Historic Preservation and some of it appears to be inaccurate or incorrect. Does VEM not have any concerns about an application which might include inaccurate information? Stephanie said that form is not submitted by the State Historic Preservation Office to VEM. It was submitted by VEM to FEMA, who then coordinates with the State Historic Preservation Office. VEM made an error with a date, but that did not create any issues.

Duncan said there is a state historic marker in front of the building. It is where a significant national and state historic figure was born and raised. Does VEM want to be the organization responsible for demolishing this building? Is there no ability to work with anyone in the state to turn this ship about? Can't we figure out a way to save this building for the state and the nation? Are there really only two options?

Stephanie said there really are only two options. The town agreed to participate in this process. We would not be in this position if that had not happened. There is no waiver to the open space requirement. The only option is to withdraw the project.

Paul said there is frustration because there was supposed to be historic review and it doesn't appear that there really was one. Somehow this slipped through and while it is clearly a known historic landmark, it did not get flagged as such. That is why people are frustrated. We have asked for documentation to see what was done or not done, but Stephanie is telling us that regardless of whether or not the review was done properly by the Historic Preservation Office, there is no out other than coming up with a plan to return the money. Stephanie said she has full confidence that it was done properly. A building being historic does not prevent it from being eligible for a property buyout.

Mary Jean asked if the historical review process is done through VEM first or through the State Historic Preservation Office. There are some questions answered with "unknown" on the historic review cover form. Stephanie said that form is submitted by VEM to get the project into FEMA review. That is the very beginning of the process. Her team doesn't necessarily know the building is historic. The town is telling them they want to do the buyout and they are getting the forms put together so that the buyout can happen.

Mary Jean said there is a question about whether the property is listed or recommended for listing on state or national registers of historic places. That was answered "unknown." How can that be unknown when there is a marker? Dan Noyes said you can clearly see the historic marker in the photograph that was submitted. Mary Jean said there should have been a deep review by the state for a historic marker like this. John pointed out another question on the form that was answered "unknown."

Rich Westman asked, if either of these questions had been answered "yes," how would that have changed the process? Stephanie said it would not have changed it at all. The form was put together

by her team, who are not historic experts. The application goes to FEMA. The property goes through the Section 106 review regardless of whether they check that box or not.

Paul asked, wouldn't you expect that if "unknown" is checked, someone would have to go and find out? Stephanie said as soon as it goes to FEMA it goes through environmental and historic review and they have to have full concurrence with the State Historic Preservation Office before any award is made.

Paul said we understand that VEM staff are not historic experts, so it makes sense that they checked "unknown," but he would think that at the next level when there was supposed to be historic preservation review the "unknown" would be a flag that they need to find out. Stephanie said every single property goes through historic review. Paul asked, every single property is reviewed in detail? Stephanie is saying someone reviewed this property and decided it was not historic? Stephanie said someone reviewed the property and decided it didn't require additional conditions, not that it wasn't historic. Properties that are historic can still go through the buyout process. They are reviewing to determine whether additional conditions are required, such as signage or photo documentation.

Duncan said clearly the Division of Historic Preservation didn't do either of those things. In fact, he believes Laura Trieschmann testified to a legislative committee that they could have taken a few pictures, but it wasn't required. It is mind-boggling to him that that conclusion could have been reached on a building which is clearly of great historic value.

Duncan said we had our own historic evaluation performed on that building and the conclusion of that expert was that it is incredibly historically significant. Is there no way we can come up with a way forward to save this building from being demolished? Stephanie said she cannot change any of the FEMA requirements, so the only way forward to keep the building is to withdraw the grant.

Ken Picard, a staff writer with Seven Days, asked who is responsible at this point for doing the demolition. Does it fall to the town? If they don't do it, what action is taken against them and who does it? Stephanie said for all the buyouts VEM is both the sub-applicant and the applicant to FEMA. So VEM is managing the projects on behalf of the towns, to reduce administrative burden as much as possible from communities. VEM hired a contractor who does all the demolitions. They have some costs already approved because they went out on the site. They were planning for the demolition when VEM was told by the town that the town didn't want to move forward. VEM requested a time extension for the demolition to allow the town time to figure out if they would be able to come up with the funding to withdraw the grant. VEM wants the town to be able to figure it out, but the only way to figure it out is to come up with the funding that would allow FEMA to withdraw the grant and she doesn't have any other funding source that could be used for that. As far as what happens if the demolition is not done, she doesn't know. She hasn't gone down that path yet with the legal team because she is hoping we can figure out how to withdraw the grant instead of having to come up with corrective actions.

Ken asked, if the town decided to file suit against the state, presumably that would pause any action until the outcome of the lawsuit is known, correct? Stephanie said she doesn't know. She is not an attorney. At this point, VEM has paused all action. They are trying not to put any pressure on the situation. They want it to be resolved in an amicable way. No one wants to destroy the building if the town doesn't want that to happen.

Ken said there appear to be substantive omissions from the application or things that were overlooked in this review process. Doesn't that in some way affect the process? Stephanie said she is not aware of any transgression that would have made the process not happen correctly.

Mary Jean asked if Stephanie has any idea who the town could contact. It looks like the process failed to identify that this was a historic building. Is Laura Trieschmann or her office the only place we can go? Or do we take it to the legislature or to Governor Scott? That would take time.

Rich Westman asked about the timeline for raising the money. Stephanie said VEM has not given a deadline. Their last extension from FEMA was through the end of December. If the intent is to withdraw, they can get more time for that.

Rich asked if there should be a request from the town to withdraw. Stephanie said the understanding is that the intent is to withdraw and that it is just on hold until the funding can be returned.

Rich asked, if the intent of the town is to withdraw, how much time do we have? Stephanie said FEMA will give more time. Within this funding round, there are a couple more years. She doesn't know that we can go that long with this unresolved, but we can come up with a reasonable time frame. VEM doesn't want to have to set a deadline.

Rich asked, is the Town of Johnson technically the owner of the property? Stephanie said yes.

Rich asked, as the owner of the property, what rights does the town have? Stephanie said there is a deed restriction on the property due to federal statute around open space requirements. The deed restriction requires it to be maintained as open space, which is a requirement of the grant. If demolition doesn't go forward, the town is in violation of the FEMA grant.

Rich asked, as the owner of the property, what rights does the town have? For example, can they say that they own the property and VEM has no right to go onto it? Stephanie said no. One of the requirements of the grant is that all properties purchased through the federal acquisition process through FEMA funding are required to be maintained as open space in perpetuity. That is in federal statute.

Rich said since the town clearly doesn't want this to go forward, it would be helpful to find out what timetable we are on. Stephanie said right now the extension goes through the end of December. That is not a realistic timeline for the town to find funding; she is aware of that. VEM is not trying to pressure the town. We functionally have until the end of the funding round, which is in 2029, to close out all of the grants. If the intent is to withdraw, she doesn't see why FEMA wouldn't let it go a little longer. Usually they want something to be withdrawn within 3/4 of a year. Rich said, so at the most we are looking at until 2029, but it could be somewhere in between now and then. Stephanie said yes. She would have to talk to FEMA. All project work has to be done by July 2029. It might be hard to convince FEMA to keep this open if everything else is done and this is the only project remaining.

Rich said December of this year is a non-starter. If we are given a date that is beyond December, there might be potential to find money. Stephanie said she understands that December won't be

reasonable. At a minimum, the town would have until well into 2027. She can talk to FEMA and try to get a more exact figure.

Dan Noyes asked what is needed from the town to begin with the withdrawal process and if VEM will help file that paperwork with FEMA. Stephanie said yes, VEM will file all paperwork. They know Johnson intends to withdraw.

Dan asked, if the town requests to withdraw and we get to 2029 and the town does not have all the money needed, what does the process look like? Stephanie said the grant can't be withdrawn unless all funding is returned. Dan asked, what if we get to the end and we are not there? Stephanie said she hasn't talked to her legal team about what would happen at that point.

Paul asked, can we apply to withdraw without the money, or do we have to have the money in hand? Stephanie said no other documentation is needed now. They know we intend to withdraw.

Stephanie said she thinks the end of 2027 as a deadline is doable with FEMA. She is not sure about beyond that. Rich said he is hearing that they know the town doesn't want to move forward and we have at minimum until the end of 2027. Stephanie said she thinks that is reasonable. She has to confirm with FEMA. She doesn't have the authority to give an exact date.

Duncan suggested maybe the selectboard should send a request for an extension until the end of 2027 and have FEMA officially respond. Stephanie said that works. The town can send the request to her and she can send it to FEMA. Paul said we might be cutting ourselves short by doing that. Rich asked why the town would not ask for an extension until 2029. Others agreed. Duncan said his fear right now is that we have a letter from FEMA extending the deadline until the end of December of this year. How do we get official notification from FEMA saying we have an extension until a later date? Stephanie said she doesn't know that we will get that in writing no matter what the town does.

Duncan said VEM has a contract with a demolition contractor who technically could have gone in at any time in the first 90 days, correct? Stephanie said the contractor is fully aware of the situation. It has been removed from their list of buildings to demolish. Dan asked if they have been paid. Stephanie said they have been paid just under \$9,000 for prepping, staging and planning.

Paul asked about the town writing a letter for documentation purposes to VEM saying our understanding is that we have an extension with no end date set, but there is an understanding that we intend to withdraw and we have time to find the money. Stephanie said if the town wants to send something, she would make it a request. Or she can talk to FEMA first. She doesn't think a letter from the town is required, but the town could submit one to her. Duncan said it would worry him that there is a letter out there now that says we have until the end of December 2026.

Duncan said if we reimburse FEMA and remove the deed restrictions, it seems to him that there is an opportunity to develop a protocol or method to protect properties of significant historic value such as this one from future problems in the buyout process and for the State Office of Historic Preservation to own and operate properties of great historic value. He asked if Stephanie thinks there is interest on the part of the state in assisting the town in coming up with such a plan. Stephanie said she thinks we could talk about it. If there are things VEM could do to make it work better, they are always game to do that. She doesn't see any issue with having that conversation.

Duncan said when the Division of Historic Preservation came and looked at the building after it had been transferred to Johnson, he asked two of the representatives to see a copy of the report that would show compliance with Section 106. They didn't answer that question, but what they told him was that they had an agreement or MOU with FEMA to try and prevent these sort of things from happening in the future. He would advocate that that needs to be done. There needs to be a better way to do this.

Doug said he would like to see documentation of what State Historic Preservation did and how they handled it. Stephanie said she thought there was an outstanding public information request for that. Doug said there is, and until we get the information we can't say whether we agree with Stephanie.

Duncan said he is grateful for all the work VEM has done to assist towns and individuals, especially after the 2023 flood. It is just this particular situation that is frustrating for us. Paul thanked Stephanie on behalf of the town.

6. *Discuss and Act On Any Items Resulting from Previous Agenda Item*

Paul asked if we want to write a letter with a request or a statement of our understanding prior to getting results of the public information request, or if we want to wait for that and see what it says. Mike said he thinks we should wait.

Rich Westman said he would hope that in addition to requesting to extend the date, the town would write to all three members of Vermont's congressional delegation and ask for a variation from the federal rules. They may not do that, but the town should at least be on record as having asked them. At the state level, legislators will do what they can to see if they can find money to help.

Paul said the selectboard voted last night to write a letter. The idea proposed was to ask our representatives to find an appropriations bill and put money into it for this project. Is that a good or bad approach?

Rich said if there are a couple of years to work on this problem, that gives us a chance to find money at the state level and also an opportunity to ask for help at the federal level. Help at the federal level needs time.

Mary Jean said it still seems there is a glitch. Can we get the Historical Preservation person to talk to us? Rich asked, does it do any good to tell her she was wrong? It doesn't seem to him that it does us any good. Mary Jean said if Historical Preservation made a mistake and didn't have a proper report, doesn't that have any effect on Section 106? Rich said we want to get them on our side when we ask for an extension. Dan said the town should also write to Historical Preservation asking them to advocate on our behalf for an extension.

Rich suggested that the town could ask the congressional delegation to forgive us from having to pay back the money. Duncan asked if our request is to attach money to an appropriations bill or to give us relief. Dan said he would let them decide. Paul suggested both. Rich said we could just ask them to give up the requirement to demolish the building. John said he reached out to Sen. Welch's office and they reached out to FEMA and FEMA said they could not do it. He was thinking we could put together an application for congressionally directed spending funding and just go for the full amount needed. Rich suggested asking all three congressional members, not just Sen. Welch.

Doug said we shouldn't have to wait too long for the public information request answer. He thinks we should know the full story first. He thinks that helps. He would also wait to see if Ken writes an article. Eben said requesting the extension can be done without those things. Paul said we are talking about two separate letters. One is a request to VEM for an extension and another is a request to congressional representatives, which needs more background and detail.

Mike said Rich made a statement about not being accusatory toward the state for making a mistake. If a mistake was made it would be very simple for them to own up to it and help fix the situation. Rich said it is the state that will be making the request for an extension. He wants them to be as proactive as possible to get us as much time as possible. Paul said it doesn't sound like Stephanie's office made a mistake .

John asked, if we request to withdraw, should we attach a letter of support from state legislators? Duncan said he thinks it should not be phrased as a request to withdraw the application. Paul agreed. We should just say we are asking for an extension and that our intent is to save the building..

Rich said the town doesn't want reversal of town ownership of the property. The town wants leniency so that we don't have to take down the building. He would ask the congressional delegation for a variance in this case so that we don't have to take down the building. Duncan said right now there are restrictions on the deed which require removing the structure. Rich said they were put on by the federal government. He thinks the town should ask the congressional delegation to see if there is any way that we can agree to the deal up to the point where the town owns the land without being required to tear down the building.

Paul said we are sending two letters. One is to VEM saying that our intention is to save the building and we want an extension to July 2029. A separate, more detailed letter will be sent to our congressional representatives asking for a waiver. Rich suggested also asking state legislators if there is any way they can come up with the money.

Duncan asked, doesn't Congress do the budget in October? Would it be appropriate to suggest to them to put money in an appropriations bill? Rich said the town doesn't want the money paid back; the town wants the building not to be torn down and doesn't want to give back the land. The congressional delegation can potentially change the rules. Duncan said he asked what would happen if the grant was unwound and if the town would continue to own the land, and Stephanie said that we would.

7. Review of Work to Date

Duncan said he started on a final report to the selectboard but there are so many balls in the air that we probably can't finalize it.

8. Set Next Meeting Date

It was agreed to meet next at 6:00 on November 5.

9. Adjourn

Mike moved to adjourn, Mary Jean seconded and the motion was passed at 7:27.