

JOHNSON SELECTBOARD / VILLAGE TRUSTEE BOARD
JOINT MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
WEDNESDAY, AUGUST 27, 2024

Present:

Selectboard members: Mike Dunham, Peter Hammond, Adrienne Parker, Eben Patch, Paul Warden

Trustee board members: Will Jennison, Ellis O'Hear, BJ Putvain, Ken Tourangeau

Others: Erik Bailey, Tom Galinat, Rosemary Audibert, Eric Schultz, Eric Osgood, Diana Osborn, Beth Mauch, David Bergh, Sharron Scott, Art Klugo, Lydia Putvain

Absent: Darrell Wescom

Note: All votes taken are unanimous unless otherwise noted.

1. *Call to Order*

Ken and Eben called the trustees and the selectboard to order at 6:00.

2. *Consider Additions or Adjustments*

Ken added the Pledge of Allegiance, which was recited. It was also agreed to add approval of language for a joint message on a VTSU grant application and discussion of the gate at the town/village garage area.

3. *Public Comment*

Beth Mauch, chancellor of Vermont State University introduced herself and the other VTSU representatives present. She said VTSU wants to be a partner with the community and work with board members to understand community needs. The Johnson campus is a vibrant campus, not only for our students but for the community. VTSU is looking for ways to continue that vibrancy through partnerships.

Diana Osborn said she went to the town website to look at the new Class IV road policy and found that the one on the website is the old 2013 policy. She also had a question about the ATV sign on Main Street and wanted to find out if the ATV policy had changed while she was out of town, but she couldn't find that policy on the website. Eben said Main Street is a state highway. ATVs are permitted by the state on Main Street. The town will look into the policies on the website.

4. *Selectboard, Village Trustees Issues and Concerns*

Adrienne said she and Tom purchased a TV and a laptop for the meeting room. The hope is that any committee or board can use those for their meetings.

Ken said at the last couple of selectboard meetings, it has been very hard for people watching remotely to hear anything. Adrienne said she ran the last meeting and didn't have a USB so she couldn't use the microphones. Tom said he will see if GMATV can assist us in improving the setup. We are using their microphones.

5. *VTSU Grant Application*

Beth Mauch said VTSU has submitted a pre-application for a Community Development Block Grant. Art Klugo said there will be a community meeting related to the grant application on September 16. Sharron Scott said public notice about the hearing will be in the next News & Citizen. Peter read aloud a suggested letter to the Johnson community explaining the grant application and inviting people to the September 16 public meeting, to be signed by Tom, Erik

and David Bergh. The letter lists ways flooding has impacted Johnson and says that the Town and Village of Johnson, Vermont State University, and partners have been in discussions about the possibility of moving essential town services to higher ground on the Johnson campus. As a next step, they are pursuing a \$10 million federal grant to transform VTSU's Martinetti Hall into a Community Services and Resilience Center.

Will asked if the grant is just for Martinetti Hall. Beth said it is mostly for Martinetti, but it is also proposed to soften the turn to Martinetti off College Hill Road to make it safer.

Will asked how it would affect the grant if the town and village decide not to move their offices to the campus. Sharron said VTSU needs at least one partner to make a commitment with a lease. They realize the town and village boards can't necessarily make a commitment at the time of the grant application. They have other partners that are able to do so. They will have at least one signed lease. The grant is not dependent on the ability of the town and village to move.

Will said he finds it misleading that the first paragraph talking about floods affecting the town mentions the fire department and wastewater treatment facility. Neither of those can move up to the college. The post office could possibly move. The grocery store we have no control over. He understands there is not space for a grocery store at Martinetti. David Bergh said it is conceivable there could be some kind of co-op market there. Will said the fire department and wastewater treatment facility have nothing to do with this grant.

David Bergh said the intent was to note the scope of the impact of the floods on the community and say that the college could be part of addressing the needs, not to suggest that every place listed could be part of the move. Peter said the letter is to describe what happened to Johnson to people who are not here. Mike said it doesn't say we will try to locate the fire department or wastewater treatment facility there.

Ken said he agrees with Will. He also would like to add that 3 months ago the village trustees voted to rebuild the wastewater facility in place. They will continue to explore all options, but the facility will not be relocated unless the village gets funding to cover it so there is no additional cost to ratepayers.

Erik said he was the one who added the mention of the fire department and wastewater treatment facility.

Ellis asked, Martinetti Hall is all administrative now? The VTSU representatives said yes. Ellis asked where those administrative people will go. David said the college has space in other facilities on campus. Ellis asked if we will lose jobs in Johnson. David said no.

The village trustees agreed they would prefer to go back to the original version of the letter that did not mention the fire department and wastewater treatment facility. Selectboard members agreed to that.

Tom asked if VTSU will need a letter of support. VTSU representatives said yes. Art Klugo said it will be needed before September 25. It was discussed that both boards will have time to see and approve it before then. (*VTSU representatives left at 6:32.*)

6. *Joint Property Delegation of Maintenance Responsibility*

Tom said he believes the 2022 version of the MOU between town and village regarding responsibility for jointly owned buildings was never signed. He and Erik had some discussions and he came up with an updated draft MOU which states that, up to a cost threshold that can be decided tonight, the village has full control over maintenance decisions for the cold storage building, with the town paying half the cost, and the town has full control over maintenance decisions for the municipal building, with the village paying half the cost. If the cost is over the threshold amount, that triggers a joint meeting.

BJ noted that Erik is authorized to make spending decisions up to \$19K without a board vote. Tom said his threshold for spending without selectboard approval is \$3K.

7. *Joint Property MOU Review, Update, Amend and Adoption*

Ken said there is a difference between needs and wants. The draft MOU says “maintenance and improvements.” Tom asked if he would like to remove improvements. Ken said yes.

Eben suggested \$6K as the threshold. Half of that would be \$3K, which is the amount Tom can spend without board approval. He suggested there is no need for the sentence saying that a joint meeting is needed for decisions over that amount. Both boards agreed to that.

Peter moved that the selectboard adopt the Memorandum of Understanding Between the Town of Johnson & Village of Johnson on Responsibility for Jointly Owned Buildings as amended this evening and authorize the selectboard chair to sign it, Adrienne seconded and the motion was passed.

BJ moved that the village trustees adopt the Memorandum of Understanding Between the Town of Johnson & Village of Johnson on Responsibility for Jointly Owned Buildings as amended this evening and authorize the trustee board chair to sign it, Will seconded and the motion was passed.

8. *Server Replacement / IT Services*

It was agreed that the village will get prices for server replacement and the town will get prices for IT services.

9. *Trash Bins at Town/Village Properties*

Adrienne said the trash bin at Legion Field has been emptied by the village but there was an issue and it had to be taken away. Erik said it was falling apart. Ken said there was a request to put a recycling bin there too, but we don’t recycle. Everything Casella picks up goes into the same dump. There is no point having a recycling bin if everything in it would end up in the same place as the trash. Erik said the bin was taken away because it was non-functional. Nate brought in an open bin to replace it for pizza night, but nearby residents filled it with their own trash. The village then put in a replacement with a lid that only opens so wide, so a whole trash bag can’t be put into it.

Ken asked if the town will buy the village a new trash bin to replace the one they put on Legion Field. They used their spare for Main St. Eben asked them to send the town an estimate. The selectboard agreed Tom can buy a new bin for the village.

Adrienne brought up the question of whether we may need more trash cans or lighting on Legion Field as the library moves there and the street is used more. Ken said he is not in favor of adding more work for town staff.

Adrienne said she would like to advocate for School Street being added to the village center designation. That would allow us to lower the speed limit. Will said the police can't enforce anything lower than 25 mph. Ken said the expanded downtown designation the trustees have discussed only allows more grant opportunities to people in that area. It does not expand the village limits. School Street is already within the village limits. Adrienne asked, but not in the designated center, right? Paul said it is not currently in the designated village center, which is being expanded. Ken described the areas the village has asked to have added to the designated center, which include School St.

Will said if Adrienne wants to expand trash pickup on town property he thinks she should take it up with the selectboard. (*Lydia Putvain arrived at 7:04.*)

Ken said as far as the speed limit, he thinks we need to talk to the sheriff more about enforcing speed limits. Railroad Street is also an issue.

10. Town Clerk/Treasurer

Eben said Rosemary is planning to retire and he is trying to start the conversation early about succession planning. Ken suggested having board chairs and vice chairs, the town administrator and the village manager come up with a suggested way to move forward that can be brought to both boards. BJ recommended looking at both having the same person in the town and village clerk and treasurer positions and having different people. Eben said the town has a staffing study coming up. It is supposed to be looking at town positions, not village positions, but it is acknowledged that there are some shared services. Adrienne said she wonders if the village would be interested in contributing to include a study of village positions so we could look at it more holistically. Ken said the trustees did that themselves last year. They asked Lydia, Marla and Susan about their duties and created a spreadsheet. Eben said he is fine with the subcommittee idea. Tom asked if he can reach out to the employees about their duties. He has no idea what the village duties are. He wants to identify the needs of both village and town. BJ said he thinks we need to consider keeping the town and village clerk/treasurer positions together and also consider separating them and see which will be more efficient. Ken said he is not interested in looking at all positions. Rosemary suggested that if there were separate town and village clerk/treasurers, the village clerk/treasurer could be the assistant town clerk/treasurer and the town clerk/treasurer could be the assistant village clerk/treasurer. Tom said the village treasurer position is probably the most complicated. We need to hire for that one primarily. He thinks the village clerk should also be the town clerk so they have access to the election system. It was agreed that the trustee board and selectboard chairs and vice chairs should work with the town and village administrators and Rosemary to come up with ideas.

11. Office Staff Transition Planning

Ken said there is no need for any office staff transition. Rosemary said office staff have all been participating in trainings on payroll, general ledger, elections, etc. Eben said if any existing employee wants to move up into one of the clerk or treasurer positions, then there will be more of a transition. Ken said Susan was asked if she would be interested in a joint clerk/treasurer position and she said no. Rosemary said maybe Susan would be willing to be assistant town

clerk and treasurer for the village. Lydia said she hopes she, Marla and Susan will be spoken to and their opinions considered before any decisions are made.

12. *Catch Basin/Culvert Identification and Agreement on Future Responsibility*

Tom suggested that Jason and Nate could identify which catch basins or culverts are village responsibilities and which are town responsibilities. Ken said no agreement we come up overrides the village charter. Eben said the charter says that in exchange for 10 cents on the grand list, the village will take responsibility for sidewalks, storm basins, gutters and drains. Drains are culverts. Peter asked if there is a reason not to identify the town and village responsibilities and make it clear. Will said he thinks it is worth half a day or so of Nate's time to work with Jason to identify responsibility for anything Jason is not clear about. If there are disagreements about anything they can come to the village. Ken said no matter what they decide, that doesn't supersede our charter. BJ suggested just seeing whether or not they agree on everything.

Tom said the village could amend its charter to clarify what it is responsible for. That would involve hearings and a vote at the village annual meeting. Will said he would be opposed to paying legal fees for that, but he is all for the foremen spending half a day to discuss responsibilities.

Eric Osgood said it used to be very simple and clear-cut. If Steve Smith could look in one end and see light at the other end, it was a town culvert. If he couldn't, it was the village's responsibility. There were a few gray areas over the years, like culverts that run into storm basins and storm basins that run into culverts. The town and village would work together to resolve those. It all came to a head when a storm drain on the Manchester property failed and caused a sinkhole. The town had to invest about \$20-25K to fix it. It was an emergency because the road was impassible. The question of who owns those storm drains is still not resolved. There are 3 similar ones out there that he expects will fail at some point. The town sought legal advice. At one point the selectboard authorized taking the question to the Superior Court to get a definite answer about whose responsibility those storm drains are. He is concerned that if the boards come to an agreement now about responsibilities, 5 or 10 years from now the boards at that time may no longer agree. The boards could get a really clear answer from the Superior Court. It wouldn't have to be adversarial. And then the decision would be forever. The court would interpret the village bylaws. The current boards can't hold future boards to any agreement. The Superior Court option may be the best course.

Peter asked, what if we got the town and village crews together and fixed the remaining three storm drains? Ken said the prior selectboard didn't want to do that. BJ said we talked about filling them in. Ken said the village got a legal opinion in support of filling them in. Eben said if a municipality makes a change to them and it results in a washout, the municipality is financially liable. He believes at the time he said he was open to filling them in as long as the village would take on the liability. If the village won't be liable, who will? BJ said the property owner who put them in. Eben said he would want it to be proven to him that that is the case under the law. BJ said it is one thing if the town or village puts in the storm drains, but if a private landowner does it and we fill it in, we are not affecting any town or village structure. It is not illegal for us to fill them in. Ken said the storm drains are not the town's or the village's. The village had a suggestion for fixing them but the town didn't want to do it. Erik asked, why

not get the landowner who put them in to fix them? Eben said CJ Manchester told the boards that his father may have put them in.

Both boards agreed that Nate and Jason should look at culverts and catch basins within the village limits. Erik said they only need to look at the ones where responsibility is questionable.

Will said he thinks if the storm drains were filled in there would be no issue with erosion. Tom said Jason estimated it would cost about \$20K to fill in the remaining 3 storm drains and replace them with culverts. Jason's opinion is that because they are in the right of way we have the right to do that. We could put culverts under the road and then a ditch to the river. But the Manchesters would have to approve the ditch.

Paul said he thinks we should consider what Eric Osgood suggested about a Superior Court ruling. Will said changing the village charter is another option. He suggested starting by finding out what the need is by having the two foremen meet.

Erik noted that of the 3 remaining Manchester storm drains only 2 are in the village.

13. *Update on Buyout Properties*

Eben said he wants to update the village because the buyouts will impact village taxes.

Rosemary said there has already been an impact to village taxes just due to some assessments going down, but there will be much more impact once the buyouts go through.

Tom shared a list of potential buyout properties. There are 4 properties whose buyouts have been approved. Some others are still waiting on Vermont Emergency Management. Others have homeowners who are still deciding whether or not to proceed. We will know soon which properties will come off the grand list. Once closing happens the properties will go to the town and demolition will happen after the town owns them. The cost will be 75% covered by FEMA and 25% covered by Vermont Emergency Management. There will be no cost to the town.

Ellis said people going through buyouts have been paying village and town taxes for the last 3 years, while not even living on the properties. Are they going to get reimbursed? Tom said no. Eben said they could request abatements. Ellis said we are still charging them service fees for connections. Ken said to stop that they need to cut and cap their sewer connection and sign off their allocations. Tom said if there is anyone who has not been paying taxes, they will be paid when the transfer happens. We are the first lienholder.

Eric Osgood asked, if the town offices are moved to college property, will the college maintain ownership of the building and rent to us, or will the property be transferred to the town? Ken said he doesn't think that has been worked out. Erik Bailey said there are different options. It has not been figured out yet. Eric Osgood pointed out that if the property is owned by the town and not the state it may affect our PILOT payment.

14. *Gate on Joint Property*

Eben said the village wanted the gate to the town and village garages kept closed for safety of the site and the town was supportive, but it has created extra work and impeded deliveries. Can we just open the gate and have the contractor for the village garage project take responsibility for safety of the site as is normal for construction projects? Or is there another interim solution that will make everyone happy?

Ken said the contractor can only do so much to secure the site. He saw kids riding bikes around in there. The front entrance is where they come in. If the village wants the gate shut they should be able to keep it shut. Town employees can drive around back if they don't want to open the gate. This is for a short period of time for protection.

Adrienne asked if there can be a sign for people who make deliveries. Ken and Erik explained that the gate is closed, not locked.

BJ and Ken asked how the gate is impeding workflow. Eben said it needs to be opened every day. Ken and BJ said it just needs to be opened once a day.

Adrienne suggested looking at the price of automatic opening gates. Others said that would be too expensive. Paul said if employees don't want to get out of the truck to open the gate they can drive around back. Eben said after hours delivery was the biggest issue. Paul asked how many vendors that includes. Tom said it is the salt and chloride vendors. Paul said we should be able to just notify those vendors the gate is not locked.

Ken said the village asked for the gate to be closed until November 1.

It was agreed to continue to leave the gate closed and to notify the vendors that it is not locked.

Eben said the town will need some space back in the lower storage building once it gets cold. He suggested October 1 as the date that space will probably be needed. The grader needs to be parked somewhere heated when it is cold.

15. Adjourn

The meeting was adjourned at 7:57.

Minutes submitted by Donna Griffiths