

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, JANUARY 21, 2019

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Brian Story, Rosemary Audibert, Brian Krause, Charles Gallanter, Barbara Backus, Diana Osborn, Cal Stanton, Jackie Stanton, Mark Woodward

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 7:00.

2. Additions, Changes to Agenda

Eric added discussion of a change to past minutes. Brian said the East Johnson sewer transfer was listed on the agenda twice so #13 on the agenda is not needed. Nat asked to add discussion of power washing the Holcomb House and an update on merger study status. Mike asked to add discussion about possibly having two meetings a month

3. Review and Approve Minutes of Meetings Past

Charles Gallanter said when the board increased the size of the broadband committee he understood that it was to have 5 members plus himself and Rob Rodriguez but the minutes said there were to be 5 members total. Board members agreed that their intent was to have 5 total members on the committee as stated in the minutes.

Nat moved to approve the minutes of December 17, 2018 and January 7, 2019, Kyle seconded and the motion was passed with Mike abstaining as he was not at the January 7 meeting. It was agreed to postpone approval of the January 14 minutes until a future meeting to give board members time to review them.

4. Treasurer's Report / Review and Approve Bills, Warrants, Licenses / Any Action Items

Rosemary said to date we have spent 49.88 % of budget. We have gotten the 3rd installment of state aid to highways and received grant money for detours for the construction project last summer.

A list of delinquent taxpayers has been sent to the attorney for collection. Like last year, mobile home accounts were sent if the delinquent amount was over \$600. Current taxes are 57.86% collected, slightly less than at this point in the past couple of years.

The school district is having an Australian ballot vote on February 19 about allowing Cambridge into the school district. Does the town want to send a bill to the school district for the cost of having BCA members working the polls that day? The cost would probably be a couple of hundred dollars. Nat asked if other towns are billing the school district. Rosemary said she doesn't know. The board decided not to bill the school district.

5. Road Commissioner/Road Foreman Report and Action Items

Brian K. said his crew has mostly been doing snow removal and plowing. He has purchased 500 tons of salt already this year. We probably have 100 tons in the salt shed. Our budget was based on purchasing 500 tons without figuring in that the price per ton would go up.

Because the price did go up, even if we hadn't had a bad November we would be over budget for salt by \$5800. If the weather continues as it has been, we will be over by more than that.

Eric and Doug asked how salt is purchased. Does Brian have to order 500 tons more? Brian said no; we can order any amount we want?

Brian K. said we have used about 3500 yards of sand. We have gone out 69 times, which is 75% of an average year. Depending on the rest of the winter he could see us possibly purchasing another 1500 yards.

All employees have between 150 and 180 hours of overtime. When possible, they have been going home after working 8 hours on days when they come in early. We don't have a full crew on weekends. We are trying to save overtime wherever we can, but with the weather and the fact that the storms have been coming on weekends he doesn't know if he can keep overtime under the 250 hours that the board had talked about.

Brian K. said there has been some talk about the board maybe wanting to save on mud abatement this year. We might be able to cut some from mud abatement. He would like to try some different methods. He doesn't know that full road reconstruction is necessary in all spots. An area on French Hill that was done as half reconstruction years ago is still holding up. Whether or not the board cuts the amount budgeted for mud abatement, he would like to try different methods so we have more options moving forward.

Eric said if we can get the same bang for less buck it seems makes sense to at least try it and see if it works. How much could be cut? Brian S. said he thinks we could cut \$15K from mud abatement for the next budget year.

The board thanked Brian for his work and for thinking outside the box. *(Brian K. left at 7:17.)*

6. Administrator's Report and Action Items

Charles said he and Rob and were hoping to have 7 members on the broadband committee. Then subcommittees of 3 could meet to do work. They think 3 people working independently would be more effective. They have 4 candidates for the committee. His feeling is that the board should not appoint them at this time but should look for more members.

Charles asked who on LCPC is our point person in terms of obtaining grants. Eric suggested calling LCPC's executive director, Tasha Wallis. They will assign someone. Duncan Hastings, the board's representative, could probably help.

Doug said he is not tied to having 5 committee members. Nat said his only hesitation with 7 is whether the committee will be able to get a quorum when it needs one and whether there are enough qualified people to fill all the slots. Charles said getting qualified people doesn't seem to be a problem. As far as getting a quorum, they will figure it out. The board agreed to table broadband committee appointments until next month. *(Cal and Jackie Stanton arrived at 7:26.)*

Brian S. said he has talked to our attorneys about the best way for us to take ownership of Evergreen Ledge Cemetery. Deeds for both sections have been found and it is entirely owned by the Evergreen Ledge Cemetery Association. We have to take some action to take it over. The attorneys recommend a quiet title. They give a cost estimate of \$7500.

Doug asked if Brian knows why they have the theory that a quiet title would allow the town to become the owner. Brian said he would be afraid of misstating their reason as he doesn't know enough about the topic. They have offered to come talk to the board directly. Doug said he thinks the board just needs to know what their theory is. He doesn't think we need them here to explain it. Mike brought up the cost of having them here. The board agreed that Doug will help Brian formulate a question for the attorneys.

7. *Request to Amend Meeting Minutes*

The board had received a request from Cal Stanton to record verbatim in minutes from last May some statements that were made at that meeting. Eric said the board is required to have minutes that show who was there, the time of the meeting, any action, etc. The board intentionally does not normally record verbatim what was said in the minutes. That would make the minutes too long. Just the gist of the conversation is recorded. Cal would need to convince the board why the section he cited from last May is something the board should consider recording verbatim.

Cal said he considers the comments to be noteworthy. The public espousal of a tiered version of the First Amendment struck him as unconstitutional. He thinks people can say whatever they want but Mike speaking from his official position and talking about a tiered First Amendment, putting veterans above everyone else, struck him as unconstitutional and biased. We all have biases but Mike espoused that from his official place to his constituents. To Cal, it marginalizes 95% of the population and makes him question Mike's suitability as a fair arbiter. Clearly he will be biased in favor of veterans. He was surprised that Mike's comments didn't make the minutes. He feels someone should check Mike on that. (*Mark Woodward arrived at 7:34.*) People have the right to say whatever they want but he would like to think board members are held to a higher standard. He would hope there is something in the oath board members take about upholding the Constitution. He thinks Mike's statement violates it. He is looking for support from the rest of the board.

Mike said the comment Cal refers to wasn't picked up by the minutes or the newspaper reporter that was here. They got the gist of what he said. He believes he earned freedom of speech by being a veteran. He is sorry Cal took him literally. The military is not a safe space for freedom of speech. Because of their experience in the military, veterans don't want to speak up. He has talked to a lot of veterans. They don't speak up and he tells them they are veterans and have earned the right to freedom of speech and need to speak up. If they don't speak up things will happen out of their control. If he works loosely with some words and he gets someone to speak up, he doesn't see anything wrong. He doesn't mean it literally that he thinks he is better than anyone else. He just says it for the benefit of veterans so they feel they can have a voice.

Eric invited other board members to express opinions on whether the board wants to record the comments from last May. He said they can only be recorded in the minutes of this meeting; we can't go back and change the May minutes.

Nat said that discussion at the May meeting was a real case study on how not to conduct a public conversation on a difficult subject. There is a lot to be learned from that meeting. Mike says a lot of things Nat doesn't agree with in meetings and vice versa. If Nat were to engage Mike on everything he disagrees with, meetings would last even later. No action was taken that night curtailing anyone's rights. He thinks we need to do a better job of facilitating those conversations moving forward rather than arguing about what we did in the past.

Kyle said she appreciates when people from the public take the time to watch our meetings and read the minutes. We have our duties as a board and the public has a responsibility to keep us in check and call us out on things when they feel it is appropriate. She thanked Cal. She thinks there is a time and a place for board members to voice personal opinions on certain subjects. She didn't call out Mike's statement as Cal is now but she does think in retrospect that was an inappropriate comment. This is not the place to be making those comments. She feels it is important to note in this meeting that those comments were made.

Doug said it seems to him that board members are not held to a higher standard of discourse than others. He doesn't want people's opinions to be censored. He and Mike don't see eye to eye a lot of times but Mike has valuable contributions as often as Doug does. He worries about political correctness and also about statements that are innocuous and pablum. He worries about both sides of the spectrum in public discourse.

Jackie said she was at that meeting. When Mike described that tiered system, she did take him literally and she thinks rightfully. He was very passionate and when he described this tiered system of rights he excluded many people, her included, and she really felt it. Nine out of 10 veterans are male, so there is gender bias on top of the rest. He also made that speech after the neo-Nazis he invited to the meeting self-identified as veterans. She doesn't know if that is true or not. She would take that with a grain of salt. After they said that, Mike gave a speech with him at the top and neo-Nazis in the middle and her at the bottom. He serves all the people in the town. Did he invite the neo-Nazis with Eric's consent? Eric said yes. Jackie asked if the other board members were aware that Mike went to their house and invited them to the meeting. Eric said probably not.

Mike said he thought Jackie said at that meeting that the people in question weren't neo-Nazis. He went to their house because there were going to be people here blindsiding other people in the town and not giving them an opportunity to defend themselves.

Kyle moved and Nat seconded to fulfill Cal Stanton's request to record verbatim for the minutes some of Mike's comments at the May 21, 2018 meeting.

Mike said he thinks we are going down a slippery slope. The minutes of May 21 were approved on June 18. The meeting was on public access TV. He thinks we have moved on.

Cal asked if the board embraces Mike's statement. Nat said he thinks he addressed that. Kyle said no.

Eric said he doesn't think it is fair to Mike or any other board member to single out one part of a long discussion and report verbatim what one person said. Anyone could make the same request about things said at any meeting by any board member.

Doug said he would be opposed to anything other than including the whole discussion.

Doug moved to amend the motion to call for recording that entire agenda item verbatim. Nat said that was his understanding of what the original motion called for. Kyle said that was not her intent. **Nat seconded the motion to amend.**

Mike said all this is trying to accomplish is to paint him in a bad light. He probably misspoke. He could have gotten across his point without going as far as he did. But he resents the Stantons calling him sympathetic to neo-Nazis. He is not. He believes everyone has a right to defend themselves. If they are going to be talked about they should be there to defend themselves.

Cal said his question is whether Mike can be trusted to be a fair arbiter given his hierarchical position on free speech. Mike said he doesn't believe in a hierarchy.

Cal said he is disappointed that the board is not holding him accountable. Eric said we can't; the voters can. Kyle said she thinks that is why Cal is here.

Jackie asked, if another elected official described this tiered system in a formal public setting, what would happen then? Eric said as he understands it, elected officials are immune for what they say on the floor. He asked Mark Woodward if that is right. Mark said you are not immune. There are strict rules about what you can say. Eric asked if you could say what Mike said. Mark said yes.

Mike said Jackie and Cal probably think he would treat them differently than others. He wouldn't. Jackie said he treated her differently. He didn't come to her house.

Kyle asked if Cal is comfortable with the amendment. Cal said the important part to him is Mike's speech. If the board wants to go beyond that it is okay. He gathers that the board embraces Mike's statement. Mike said they don't embrace it.

The motion to amend failed 2-3.

The original motion failed 4-1.

8. *Administrator's Report and Action Items (continued)*

Mark Woodward said the drive shaft of the town clock appears to be degrading and falling down on the drive gear, causing the clock to slow down. (*The Stantons left at 7:59.*) He wants to let the board know he will see what it will cost to get a new drive shaft. He thinks the cost would be minimal if that is really the issue. He will come back when he has an

estimate and has gotten other advice to be sure he is correct about the problem. He thinks the cost will be no more than a few hundred. (*Mark left at 8:05.*)

Brian said he prepared a draft conflict of interest policy based on the VLCT model. The only major change from the model was language about providing notice to the Village of Johnson of any modifications we plan to make to the policy. They have agreed to do the same.

Nat asked if the village has passed a conflict of interest policy. Brian said no. The state said we were going to be required to have one before July 1 of this year.

Doug asked if this would be a subject for a joint meeting with the village trustees. Brian said it could be or we could each do it independently. We have a commitment to notify them if we are making a change to the policy but that doesn't require that we seek their input.

Kyle moved to adopt the proposed conflict of interest policy, seconded by Mike.

Mike said we do have a situation where a town employee is running for selectboard. Depending on the outcome of the election we could revisit the policy. He does think there is conflict of interest if a town employee is serving on the selectboard. Eric said this policy addresses that. If a board member or relative directly benefits from an action of the board they would have to recuse themselves from that action. Mike said he is concerned about the general perception even if the employee is not voting on an issue that would affect them. He is concerned about how it looks. He would not change the policy now. He feels we can leave it as is for the time being. Nat said it seems like we should craft a policy that would foresee that happening regardless of the outcome of the election. Mike he feels it would have the appearance of impropriety if the board were to do it before the election. He wouldn't want to do it now, considering that we have a public employee running for public office.

Eric said the board can't prevent someone from running or getting elected but can prevent elected officials from being employees. The school district has that in their policy. But not all boards do. In Eden their highway foreman is on the selectboard.

The motion was passed.

Brian said Barbara Backus and Charles Gallanter brought in a petition for an article at town meeting to review the language of the adopted inclusivity statement.

Eric said he understands that Brian and Rosemary had concerns about whether this should be 2 different articles. Brian said yes. The first sentence says "if the Town of Johnson is to have an inclusivity statement." He believes the intention was to ask a single question, not 2 questions – not first whether we would have an inclusivity statement then second, if we had one would the language be as proposed. Barbara said yes, the intention was just to ask the second part. Brian said he talked to our attorney who said we can just present this as a single question – whether to adopt proposed new language for the statement or keep the current language.

Kyle asked, if we include this as an article, it would potentially undo what we voted in? Eric said yes; the vote on the article would trump the board's decision. We don't have a choice whether or not to include this as an article because it is a legitimate petition. If the voters vote in favor it would trump our previously approved language; otherwise the existing language stands.

Brian said strictly speaking this would be an advisory vote and not binding. Eric said not if the voters approve it. Brian said it is similar to the article about Trump because we don't have to have an inclusivity statement. Eric said he believes this is different because it is something we can affect. We can implement an inclusivity statement if the voters mandate it. The Trump article was about something we had no ability to affect but we can do this. He thinks if it something we can legally act on it is mandatory if the voters approve it.

Nat asked, if it is advisory only do we have the option to put it on the warning or not? Last year we did discuss whether to include the Trump article. Eric said he thinks this is not advisory. Nat asked, so we don't have the ability to change the language? Eric said we can't change the content but we can change the wording if there is something that is just not correct in the wording on the petition. We can modify it as long as it doesn't change the intent of the petition the voters signed.

Charles asked if the board can make it 2 questions. He said a lot of people who signed the petition thought we didn't need an inclusivity statement but if we had one they wanted the wording on the petition.

Eric said we can have two questions in one article. He could agree or disagree about making it two questions.

Barbara asked, if it was 2 questions and the result of the first was no, that would wipe out the other one? Eric said that is right. The voters trump the board.

Brian said the advice of our attorney is to have one question. If we had two, he would feel more comfortable having them in reversed order. Otherwise we might end up with contradictory statements. He is not sure we can have a conditional article where we don't move on to the second question if the first vote is no. If we do it as two, he would suggest voting on the language first and then voting on whether or not to have an inclusivity statement. Eric said he doesn't think that is how he would do it. Brian said it avoids the situation where we vote not to have an inclusivity statement but then vote that the statement should have this language.

Eric said we have had 2-part questions in the past – articles where the second part was if the vote was in favor of the first part then do you agree to this dollar amount? He thinks we could do it that way. If they voted no on the first question there would be no inclusivity statement. If they voted yes on the first question then the second would be whether to accept the proposed language.

Mike asked what Barbara's intent was. Barbara said she thinks it is important for the voters to discuss whether they want an inclusivity statement and to discuss the language.

Eric said if our attorneys advise we don't need two questions it would be cleaner to have one. Nat said people can move an amendment from the floor if they don't want an inclusivity statement. The voters have that power.

Doug said he is in favor of having the discussion but he thinks we will have to allocate a couple of hours. It will be a culture war. The things in the statement mean different things to different people.

Brian read the suggested language from our attorney: "Shall the voters encourage the selectboard to amend the inclusivity statement to read" followed by the proposed language.

Charles said saying we will amend doesn't necessarily mean we will replace it. Brian agreed. "Amend" sounds like we are adding to it, not replacing it. Doug suggested the wording "amend the inclusivity statement to read as follows" followed by the proposed language in quotes.

Nat said he is less concerned with the exact language on the warning than with how the discussion unfolds. He wants people not to talk past each other or get angry with each other. He is not sure how to accomplish that but he hopes we can lead the conversation in a respectful direction.

Eric said it sounds like it doesn't need to be 2 questions. He probably would go with the advice of the attorney. Barbara asked, and someone could still move an amendment? Eric said yes.

Brian said he will come up with language which he will share with the board and with Barbara.

Brian said another article will be for the recreation and community development coordinator. He gave the board copies of the job description. The person would work with the Rec Committee and with some other community groups. (*Charles and Barbara left at 8:32.*) Brian said the article will need to describe the duties and estimated number of hours per week. He is thinking 30 hours. He is getting information about pay rates in similar towns. He is estimating the pay rate will be about \$16 to \$18 per hour with $\frac{3}{4}$ benefits. The total cost will probably be close to \$50K with benefits.

Kyle said Kerri O'Halloran sent an email saying she was concerned this was way too much for one person's plate. Kyle had somewhat the same concern. She wonders if we want to revisit the duties. Eric said when we get someone here we will probably look at it. His impression was that we were adding significant hours to make the job appealing to prospective applicants. Kerri may not have realized how many hours we were thinking of. Kyle said Kerri thought 20 to 25 hours a week would be needed for Rec Committee work

alone. Brian said the skate park estimated they would need 250 hours a year. We could scale back to just those 2 groups.

Eric said he thinks the words “community development” will cause problems. He suggested just calling the position “recreational coordinator.” Including “community development” will make people think of what Lea did as economic development coordinator. This position is probably not developing anything, but more coordinating. Brian said it depends what we assign the person. Right now the scope of work includes room for the position to do community development but the more of that we ask for the less time the person will have for recreation.

Mike said he doesn't think we will find many people interested at \$16 to \$18 per hour.

Doug said he would like to see focus on the recreation part and not development. Even if we could use development there is serious need for recreation and he thinks we should focus the position there. Brian said we can do that. And we could cut some hours. We could make it a 25 hour a week job. We can still offer pro-rated benefits. Eric said we could post it as 25 to 30 hours. That might help with applicants. Some might be looking for less and others more.

Mike said if the state minimum wage becomes \$15 no one will want this. Most people meeting our requirements could make more elsewhere. Brian said he thinks all our wages would be affected if that happened. Nat said he thinks if that happened it would happen over time. ‘

Doug said he thinks we should advertise the position as 25 to 30 hours and determine the needs when the new person is on the ground.

Brian said for the article he will estimate \$18/hour and 30 hours per week.

Kyle said she thinks it is important that whoever takes on the job can do it well. She thinks without the community development part there is more than enough recreation work. She wants to be realistic.

It was agreed to meet Monday, January 28 at 7:00 pm to review the final budget and approve the articles.

Nat asked Diana Osborn what she had come for. She said she hoped to talk about Class 4 roads. Eric invited her to go ahead. She said she had heard from Donna that she was supposed to have a permit to plow her road and that instigated some research on her part. She ended up with a lot of questions. It seems to her that the selectboard should provide clarity about responsibilities of landowners adjacent to Class 4 roads and responsibilities of the town and do away with the permit for plowing. She didn't see any state requirement for such a permit.

Eric said he thinks the board ended up deciding a permit is needed but with no charge. We want to have a record of what roads people are maintaining but it won't cost the landowner anything; the board waived the fee.

Diana said Prospect Rock Road, where she lives, is plowed by different people at different times. There is no routine of who plows when. Eric asked how we address that. Brian said that is a good question. It sounds like under our current policy we would have to have lots of permits for that. We could probably cover it with a single permit and multiple signatories.

Eric said he thinks we will have to revisit this. Brian said he will take a closer look at the draft right of way policy, which covers work to rights of way. Our Class 4 road policy would also come into play. Our current one says you have to obtain a permit to do plowing. He believes that is where it says plowing is an action that requires a permit. It is not discretionary.

Diana said she and her husband keep a stretch of about 100 yards of the Class 4 highway open with a snowblower. Do they need a permit for that or only for plowing?

Doug said we have definitional problems of what is work on a road. The town can't do work on Class 4 roads or they become Class 3 roads but we have a duty to pass them on. The town is trying to monitor work on roads so they are not destroyed and people have access.

Eric asked if we should have a work session meeting on this topic. He said there is no easy answer on Class 4 roads.

Diana said her property is shown as going to the center of the Class 4 road but it looks like others end at the road edge. Does ownership go to the center or to the edge of the right of way?

Brian said there is a state standard; he doesn't recall which it is. In Johnson we have both. Eric agreed we have parcels that show both. The town doesn't own the land; it owns a right of way.

Diana asked, if she owns to the middle of the road it is her responsibility to keep at least half the road passable? If that is the case she would have to do work on the road.

Doug said there are dominant and subordinate uses. For many of our roads it would cost many thousands to figure out who owns the land so state statute says there is a presumption that the property owner owns to the middle of the road. That gets the property owner taxed on the land under the road but the dominant easement is the town's right of way. The town has a right to use the road.

Diana said she wonders if there is a contradiction if there might be an obligation for the landowner to keep the road passable.

Doug said the underlying interest is subordinate to the town's.

Diana asked, if the town has an obligation to maintain the road, why don't they? Doug said the town doesn't have an obligation to maintain Class 4 roads.

Diana said she understands that there are not state appropriations for Class 4 roads but doesn't understand that there is anything preventing the town from deciding to maintain those roads.

Doug said we have a regulation about converting a road to a Class 3 road when property owners put money into it. We don't have an obligation to maintain Class 4 roads. We are trying to avoid obligating taxpayers to bring them up to standards. People moved to those roads with the idea that they would maintain them themselves.

Diana asked if the town is allowed to spend money on Class 4 roads without mandating that they be turned into Class 3 roads. Eric said the town has budgeted money for culverts. Property owners have the right to get a certain amount of gravel free for maintaining Class 4 roads. .

Doug said some towns have been sued and required to turn roads into Class 3 roads because they were acting like they were Class 3 roads.

Diana said up until about 20 years ago the town maintained Prospect Rock Road up to Prospect Rock. Since then they have changed their policy. She would ask the town to take another look at that. Maybe they don't want to take on every Class 4 road but maybe if there is a road that was historically maintained the town could see if it is worth putting in some work on a heavily-used road.

Eric said this relates to what Doug was referring to. The town used to grade and do maintenance on Class 4 roads and got advice from attorneys and VLCT to stop because towns were getting sued in that situation. We were playing favorites and not doing the same work for all Class 4 roads. All Class 4 roads have to be treated the same. So the town changed its policy and no longer maintains Class 4 roads. The town will fulfill its statutory requirements to provide culverts and gravel.

Eric said property owners should have a permit for plowing but where there are multiple property owners the board may need to think about that.

Donna Griffiths asked if anyone in the town has a permit for plowing Class 4 roads. Has the town actually issued any permits for that? Brian said very few. Eric said we aren't enforcing it yet. Donna said saying it's required seems meaningless unless the town does a huge amount of public education to let people know they need permits. She questions the point of saying it is a requirement if it isn't going to be enforced.

Doug said he thinks it is ridiculous to require people to get a permit to plow. Mike agreed. He said they are doing the town a favor.

Brian said this was brought to our attention after winter started so it is a little late to go after people. If this will be our policy we need to start issuing permits well before winter. Nat said it will be a tough education battle.

Brian said we have had had a request from one employee to review the combined time off program to revisit the way we are dealing with the 3 banks for accrued time, particularly the catastrophic leave bank. There is no value returned if the employee retires with time in that bank and the employee would like the board to revisit that policy.

Nat said there was a joint board committee about 4 years ago that was looking at this. As he recalls, employees at that time very strongly supported the policy as it stood. Brian said he thinks the support depends on what the alternative is. His impression was that they favored the current program over what was being proposed. Rosemary said currently only 2 people have catastrophic time.

Mike asked if the village has the same policy. Eric said yes. He asked what the village's sense is on this. Rosemary said to her knowledge they haven't discussed it.

Eric asked if the board is interested in having the two boards get together to open this up. Doug said he is not. Mike said he doesn't agree with the whole bank procedure anyway. Kyle said she is not interested. No board members indicated interest in looking at this further.

Brian said the highway employees are interested in the board adopting an on-call policy. They have agreed to some concessions. They agreed to the change in policy that was started last year or the year before; if they get called in early in the morning they go home after they work 8 hours when possible. (*Diana left at 9:05.*) Eric said he doesn't see that as a concession. The board ordered it. Brian said they regard it as a concession.

Brian said the employees are suggesting that in the winter there would be no minimum callout time. They would go out just for as long as they were needed. But they would like \$200/week for on-call pay. In summer there would be a 2-hour minimum callout time and they would still like \$200/week for on-call pay. That would be higher than on-call pay for other towns. Hyde Park doesn't have on-call pay. Most towns that have it give less than \$100/week. The village pays \$80. South Burlington has the highest on-call pay. Their on-call pay is listed at \$340/week but Brian thinks that is for 2 employees, not for each employee. The next highest is \$140/week.

Eric asked, what about towns comparable in size and number of miles of road and employees? Brian said there weren't many respondents so it is hard to compare. On-call pay of \$40-80/week is probably typical for the most comparable towns.

Doug asked, they would get the on-call pay for being available to show up and they would also be paid for what they show up to do? Brian said yes. Our employees would effectively be on call constantly. Now they are working on a slight rotation where one employee is not on call on any given weekend. They are not interested in continuing that in summer. Then it is more convenient to just send whoever is nearby to handle situations like a downed tree.

Mike said it was a condition of employment when they were hired that they would be on call without compensation. They took the job under those circumstances. He feels \$200 is extremely excessive for on-call pay. We are under no obligation to give on-call pay.

Brian said currently we have a 4 hour minimum callout time. Mike said that is extremely generous. Brian agreed. He said that is why they are willing to have no minimum callout time for winter.

Mike asked how the numbers turn out if we compare paying for the minimum callout time vs. paying \$200/week. Brian said it would be very unlikely for us to save money paying \$200/week. Employees would do well under that. The 4 hour minimum callout isn't often very applicable in winter. The routes take between 3 and 4 hours. Sometimes employees are called out for less than a whole route. Occasionally we would save money if we sent them home right after they finished their task but most routine plowing lasts 3 or 3 ½ hours.

Eric said every single weekend employees are unable to have a drink and they have to stay within the radius of the pagers. They basically give up every weekend in winter. He understands Mike's point that it was a condition of employment but it is asking a lot of them to forfeit every weekend 6 months out of the year.

Mike said he is not saying they don't deserve on-call pay but he is pointing out that we are under no obligation to give it to them. He thinks \$200 is excessive.

Eric suggested that Brian take back comparables and have them come back with a reasonable number. Mike said he supports that. Board members agreed that \$200 is a non-starter. Brian said he will ask them to suggest a number more in line with what other towns and the village are paying.

Eric encouraged those who have never been before to go to Local Government Day. It is an opportunity to meet legislators, go into any committee and testify. Brian said it is a lot of fun. He and Eric have some things they want to lobby for. Kyle said she would be interested in going. Mike will try to attend. Nat has to check his schedule.

Brian showed the board a public notice he drafted about the East Johnson sewer transfer. He based it on the notice about transferring the Sweetser right of way. It was not prepared by an attorney. With board approval he will post it and after 30 days the board can complete the transfer. Doug suggested that the village have their attorney look at the notice and see if they like it. **Doug moved to authorize the chair to sign the public notice regarding the East Johnson sewer system transfer contingent on village review, Nat seconded and the motion was passed.**

Brian said he has been working with John Mandeville to apply for a Northern Borders Regional Grant for the light industrial park. He is targeting that for construction costs.

Brian said after speaking with Nat he made a couple of changes to the list of old business. He added conflict resolution training and the gravel pit. Anyone else who wants to add anything should let him know. Doug suggested adding the blighted buildings ordinance. Kyle suggested adding branding.

Doug asked where we are on the mural for the rail trail. Brian said that will come at the end of the fiscal year. Kyle said she believes the plan is that it will be up as soon as the ground thaws. The concept is figured out. It will be independent of the Parker and Stearns building. Brian said it will be able to be relocated to town-owned property in the area if necessary.

Brian said we are applying for grants for benches to place on the rail trail and for rail trail signs similar to the signs in Hyde Park.

9. *Holcombe House Power Washing*

Nat said the Historical Society has been interested in getting their building power washed. It is really unsightly. Dean West got some quotes – one for \$900 plus the cost of a lift (about \$1700 total) and one for \$2500. Is the board interested in accepting the lower quote?

Mike said paint will get sprayed off and we will have to contract with someone to paint the trim.

Kyle said she is wondering about the painting schedule for that building. Having such a light color will be a continuing problem. A dark color would be more forgiving. Nat said it is vinyl.

Doug said a hose did a marvelous job cleaning his building. Mike said he can't imagine spending \$1700 to wash that building. Doug said having spent 2 hours with a hose and being satisfied, he is hesitant. Nat said he just wants to help them get the building clean. If there is a cheaper option he is all for it. He imagines most of the expense is labor, not the pressure washer. Mike said a pressure washer will pull off a lot of paint. He is trying to save the town money.

Eric said the town has a pressure washer but it would still require a lift. Brian said he thinks it would also require volunteers. The public works department had hoped to do it in the fall but winter came on earlier than we were prepared for. It was agreed to table this until the warmer months. Doug suggested putting it on the old business list.

10. *Merger Study RFP Update*

Brian said we did not get any proposals submitted. There is a consultant Meredith knows that will probably be willing to submit something. We could wait for that. Or we could put the RFP back out as written. Or one consultant who is not going to submit anything offered to help us rewrite the RFP. They are based in New Hampshire and feel the cost to travel here would be too much. But they have done this kind of work before. Mike asked if they gave a sense of how much that would cost. Brian said no.

Eric asked if the village is aware. Brian said they might have had an email but they haven't met since the deadline.

Kyle asked if any other recently merged towns had consultants. Brian said the ones he spoke to didn't use consultants. We also could build a citizen committee instead. He would not recommend going that route until we at least try again to get a submission. Before we give up he would like to look at the scope of work again and either rein it in or get more money. He thinks people who would volunteer to be on a committee would all have an opinion already. The best we could do would be to have equal numbers for and against.

Doug asked if a regional planning commission could do it. Brian said the village has objected to that. Doug said he was thinking of one from elsewhere, not LCPC. Brian said he doesn't know. He could look into that.

Doug asked if the Agency of Commerce and Community Development might have ideas. Brian said we have been there. We posted the RFP on their statewide proposal system.

Mike said we could take a chance and just take a vote on a merger. Nat said the result of the vote wouldn't matter if the village didn't have a similar vote.

Brian said there are 3 possibilities. We could delay until we get a submission. He believes we will get one soon following the old RFP. We could repost the RFP with a new deadline. Or we could go back to the drawing board and develop a new RFP with a new scope of work. Mike said then we will have to go back and forth with the village. Who knows how long that will take?

Eric asked if there is any reason the village wouldn't want to wait for the consultant who will probably submit. Brian said he doesn't think so. Eric said if we are going to wait for that what harm is there in posting again?

Kyle said she likes the idea of asking another regional planning commission. Eric said we probably should go through our regional planning commission. We could share that there was concern about conflicts of interest and ask if they would suggest another planning commission. Doug suggested we should ask Meredith about it. Brian said he will talk to her about it. Eric said we wouldn't have to go that route if a consultant is going to submit something.

Brian said he will post the RFP again with an extended deadline. Eric suggested posting it with a requirement that they submit a letter of intent to bid within 2 weeks. Mike said we can try that and if nothing changes then maybe we can look into changing the RFP or asking how much it would cost to get help with that. Brian said he will reach out about that.

Brian said there is one other thing to keep in mind. He spoke to Chris Koliba at UVM. This could be a senior capstone project for the MPA program, which would keep costs way down. It would mean we would have to seriously change the scope of work. Otherwise it would be too much for a capstone project. If the board is interested he could work with Chris Koliba but it probably would push this further into the future.

Doug asked, what is the credibility of a student project like that? Brian said when he was in the MPA program he helped write a study for Waterbury that they ended up not needing but the town was happy with what they wrote. Another piece he helped write was a housing needs survey for Winooski which was very well received and is still their active document. It is student work but professionals are leading the projects. Doug said he thinks the purpose of this is to have a product that is convincing. A student project doesn't have the cachet of credentials. Brian agreed it might not.

Brian said he will repost the current RFP and find out more about what it would cost to work with a consultant to rewrite the RFP and he will find out about the village's appetite for both things. Eric said he should also find out about the village's appetite for getting a reference from LCPC.

11. Proposal to Meet Twice a Month

Mike said a lot of selectboards have 2 meetings a month and their meetings end by 9:00 or no later than 10:00. He thinks if we had two meetings a month we would have a better sense of what is going on and we could say we would stop by a certain time. Recently there was a meeting where the board didn't get out until about midnight. With two meetings people would be less pressured and the agenda would be less cluttered.

Eric asked if it would affect Brian's workload. Brian said he thinks it would make it easier. Rosemary said it would be helpful with regard to paying bills.

Kyle asked if it would cut down on work sessions. Mike said yes. Brian said he thinks so.

Brian said some boards have an information meeting and an action meeting each month. Mike said he thinks that would be a good approach. People sometimes complain they don't get enough information.

Nat said he thinks meeting twice a month makes it easier for the public to participate.

Eric said we could just require Brian K. to come to one meeting each month. Maybe the Planning Commission could come to the opposite meeting.

Doug said he would rather have one longer meeting a month.

Mike moved to hold selectboard meetings on the first and third Mondays of each month and to try to end the meetings by 9:30 pm, seconded by Nat. The board agreed the new schedule would start after town meeting. **The motion was passed.**

12. Review FY20 Budget

Brian handed out a new budget draft. He said for legal expenses he increased the year end estimate for the current year by a couple of thousand dollars. He has not increased the amount budgeted for the upcoming year. He thinks we will have to add a couple of thousand finish out the Evergreen Ledge Cemetery issue. He split out mud abatement as its own line item with \$15K for next year. That reflects the savings Brian thinks we can have.

Nat said he had been thinking about the idea of breaking the budget up into different articles that people would vote on. But Duncan told him we have legal advice from VLCT that says voters at town meeting can amend the budget line item by line item. Our moderator disagrees but the voters have the option of overriding the moderator. Essentially they do have the option to amend line item by line item. He expects at some point someone will challenge Dave Williams on that. He would like to give Dave a heads up that could happen. Eric said he feels comfortable talking to him about it. He doesn't think he would change his position but would respect it if the voters did overrule him. Brian said to the best of his knowledge David is aware he has a different opinion from VLCT. Nat said he feels like the moderator should be overridden on that and if the votes challenged it he would support that. If Dave Williams were right he would want to design our budget differently so voters had more input.

Brian said the total budget is now increased by 3.8% with the changes he made. Without the light industrial park the increase is 2.2%. Eric said the amount to be raised by taxes is going up about \$144K or \$145K. Brian said we are contributing less cash on hand.

13. Adjourn

The meeting was adjourned at 10:11.

Minutes submitted by Donna Griffiths