

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, OCTOBER 15, 2018

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Brian Story, Rosemary Audibert, Duncan Hastings, Don and Lucille Sargent, Bobbi Rooney, Rob Rodriguez

Note: All votes taken are unanimous unless otherwise noted.

Meeting videotaped by Green Mountain Access Television. GMATV info: <https://greenmountainaccess.tv/>; PO Box 581, Hyde Park, 05655; info@greenmountainaccess.tv or 802-851-1592

1. Call to Order

Eric called the meeting to order at 7:00.

2. Additions, Changes to Agenda

Brian added an update on a situation with school maintenance during winter and how it impacts town recreation activities and an executive session to discuss a potential discipline issue. Eric added a local option tax discussion. Kyle added a proposal for a letter to send to Sheriff Marcoux.

3. Review and Approve Minutes of Meetings Past

It was noted that in the September 17 minutes, the date of the LEDC annual luncheon needs to be corrected from October 5 to October 25. Brian said he believes he mischaracterized the Nadeaus' familiarity with our gravel core samples at the September 17 meeting. He thinks the minutes accurately reflect what he said but the Nadeaus are not actually familiar with the gravel samples and don't have an official opinion on them.

Kyle moved and Mike seconded to approve the minutes of September 4, September 12, September 17, and October 1, 2018 with the incorrect date in the September 17 minutes corrected. Doug asked about the term "meter horn" in the September 17 minutes. Brian said that is the correct term. **The motion was passed.**

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

Rosemary said she and Brian recommend putting \$44,844 into the emergency fund, \$10K into the building and grounds fund and \$10K into the tax anticipation fund.

Mike moved to put \$44,844 into the emergency fund, \$10K into the building and grounds fund and \$10K into the tax anticipation fund, Doug seconded and the motion was passed.

Rosemary said we have spent 21% of budget for the current year and revenue is at 70% of budget. We have collected 36.73% of taxes, which is close to the prior 2 years.

Rosemary said we need to purchase rolling shelving for land records at a cost of \$1623, including delivery. Eric asked if that is a shared cost. Rosemary said no. (*Duncan arrived at 7:09.*) **Kyle moved to authorize Rosemary to spend up to \$1700 for shelving for the vault, Doug seconded and the motion was passed.**

Rosemary said the board is being asked to approve an errors and omissions change to the grand list for the Tony Lehouillier property. The value is being changed from \$1,350,000 to \$991,000. The change mostly has to do with current use. A wrong beginning balance was used. Nat asked about the practical impact. Rosemary said there is none because we get less revenue from the property owner and more from current use. **Nat moved to approve the errors and omissions change requested by the assessors, Doug seconded and the motion was passed.**

Rosemary said the town has received a request for tax abatement for a trailer that burned. It was agreed to schedule a Board of Abatement meeting for 6:30 on November 19.

5. Road Commissioner/Road Foreman Report and Action Items

Brian said the public works department has made progress with grading roads and equipment repair and maintenance. They have almost completed staging winter sand. They have put chloride on roads and worked with the gravel pit. They have finished work on Prospect Rock Road and Grow Road. They are almost done closing the sand pit down for winter and winterizing the trucks. They will try to finish a few more summer projects but will probably not be able to do everything they would like to.

The salt shed cover and one of its rafters were damaged by the salt hauling company. They agreed to pay for replacement of that section but Brian K. and Brian S. think it might be better to tape the damaged area for now and do the permanent replacement in the spring. They think temporary taping will suffice for the short term and we don't have a lot of time to do the replacement with the other projects the crew wants to complete.

Doug asked who is making the judgment that taping will suffice. Brian said he, Brian K. and a representative from the company that manufactures the shed. They thought the damage could be repaired entirely with taping but Brian K. and Brian S. felt that was not sufficient for a new shed damaged by a negligent driver.

Nat asked if the salt company will pay us for the time it takes to replace the damaged section. Brian said yes, he understands they will cover 100% of the cost.

Eric asked if we took possession of the new truck yet. Brian said yes.

Brian said he met recently with a group from the Brownfields Committee working on needs gap analysis. An inspector from the state specializing in petroleum products commented that if he ever needed a model of best practices for storing petroleum products he would take a photo of our garage.

6. Planning Commission Report

Duncan said LCPC was hoping to get some grant revenue but was uncertain if it would come through. All the grants they hoped for came through, plus an additional one. They are losing an office manager and a GIS planner and it is possible that another key employee may take a job elsewhere. (*Bobbi Rooney and another person arrived at 7:19.*)

Brian said we sent out notices for the required enhanced energy plan public hearing on November 6. After the Planning Commission holds that hearing, the village has to have one public hearing and the town has to have two.

Duncan said the town will soon get a memo from LCPC seeking feedback on the importance of ridgelines. LCPC would like that feedback to come from the selectboard. The selectboard will probably solicit input from the Planning Commission, Conservation Commission, etc. LCPC is going to redevelop its position on significant ridgelines. This has to do with their adoption of their regional plan.

7. *Snowmobile Club Requests*

Bobbi Rooney said Sterling Snow Riders is looking for permission to do improvements to the snowmobile trail from the railbed to the groomer shack. The trail is narrow and grown in with softwoods that limit snow cover. It is rocky and water bars have filled in and water is running down the trail. They want permission from the trustees and the selectboard to repair the trail for this year. There has been discussion about logging the property. They are looking for a temporary fix to save their groomer and next year if logging takes place they will apply for a VAST grant to revitalize the trail. They already spoke with the trustees and they were in agreement.

Sterling Snow Riders also has a request regarding the Old Mill Park parking lot. Last year the snowmobile club plowed it for truck and trailer parking. They would like the park to be opened up year round, not just part-time, and to be plowed in the winter to keep it open for all of the community to use. Last year there were more dog walkers and cross-country skiers than snowmobile trucks and trailers parking in the lot. It is a park for the community that pays taxes. The club and the community would like to see it opened and plowed year round. They are willing to continue to help take care of it. Last year the gate was locked and they had to find someone with a key in order to plow and open it, so sometimes people couldn't use it.

Eric said Bobbi asked him what he thought the selectboard would entertain as far as opening up the trail on the Tatro property a little. There are large trees that are holding snow off the trail. We have owned that property around 20 years and he thinks we have never logged it. Maybe we should think about that. He walked the trail with the snowmobile club. There are some huge hemlocks. Typically when a softwood forest becomes very open, with old trees and a lot of visibility, it is time to log it. He thinks it might be worth it for us to log it. It would generate income for the town and village. We could also have the logger take all the ash out before it gets killed. He attended the village meeting tonight and they gave permission for Sterling Snow Riders to do repairs now, with the town's concurrence. They directed Meredith to work with Brian, if the town concurred, to investigate logging the property. We would probably need to get a forester to see what we have and then maybe we would put it out to bid. Kyle asked if Noel Dodge was on the walk. Eric said no.

Doug asked, don't we have some kind of plan from the Conservation Commission? This is the first he's heard of logging. Eric said we haven't talked about it. Doug said he is not opposed. He thinks if we are going to log it we should consider what is appropriate for VAST usage and whether we want mountain bike trails. And the Recreation Committee and Conservation Commission should be consulted.

Mike moved and Nat seconded to allow Sterling Snow Riders to do trail improvements on the Tatro property.

Nat asked for more detail on the planned work. Bobbi said the club would repair water bars, get rid of some big boulders and remove some big trees that are blocking snow from the trail. Doug asked about how many trees would be removed. Bobbi said the club does whatever is least invasive to the environment. They would remove maybe 10 or 15 trees.

Nat asked if the club is covered under VAST's insurance. Bobbie said yes.

Mike asked if the trees to be removed are log trees. Bobbi said no, they are junk. But maybe the club can take them to be milled into bridge decking that they could use to repair their bridges. Mike and Doug discussed a friendly amendment giving the club permission to remove trees near the trail and have them milled. Eric pointed out that that would be different from the motion the trustees had already made and approved.

The motion was passed.

The village trustees authorized Meredith to work with Brian to look into logging the former Tatro property. Doug said he thinks that should be another agenda item.

Duncan said the Conservation Commission should be consulted. In the past there was interest in using that property for a sugaring operation. Personally he thinks it would be a great location for a mountain bike trail. The board should consider uses like that.

Nat said he agrees the property would be great for mountain biking. That can be great for economic development. Different people in town would have many different opinions on that land.

Eric suggested authorizing Brian to start looking into this with Meredith and come back with recommendations from the Conservation Commission and others. **Mike moved to authorize Brian to work with Meredith to investigate the possibility of logging the former Tatro property.**

Doug said he is opposed to that. He thinks we ought to start by getting community consensus on that property first. Eric said we will never get community consensus. Nat said we may not get consensus but the conversation should start at that level. Brian said he thinks we can do some community outreach events to generate ideas. Eric said he thinks Brian and Meredith could take the lead on that.

The motion was passed with Nat and Doug opposed.

Nat said one reason we haven't left Old Mill Park open year round in the past is that people would drive on the field. But now there are boulders preventing that and we have a fifth public works employee so he thinks it would be great to leave the park open.

Brian said there are still some access points where people could drive onto the fields. Closing those off is one of the things the public works crew is trying to do while the weather is still good. He expects they will get it done before the weather turns.

Duncan said he thinks it is a great idea. The rail trail is an all-season trail.

Bobbi said the Recreation Committee included her club in identifying how rocks should be placed to make sure they would still have access. They are still willing to groom the trail around the park.

Mike moved to keep Old Mill Park open this winter, Nat seconded and the motion was passed.

Bobbi asked if the town is going to continue to let her club access the former Jewett property.

Mike moved that the town sign a landowner permission slip allowing Bobbi Rooney's snowmobile club to use the former Jewett property, Doug seconded and the motion was passed.

Bobbi said she read in the board minutes the discussion on the possibility of a new hemp farm. One thing she wants the board to take into consideration is the smell of a hemp farm. The smell from the one near her was so strong it would burn your eyes. *(Bobbi and the community member accompanying her left at 7:48.)*

8. *Proposed Sculpture for Municipal Building Garden*

Brian said the person who proposed a sculpture for the municipal building garden hasn't been back in touch with him and didn't leave contact information. Kyle said she will be meeting with the Studio Center on Wednesday about sculptures. Brian said the person who contacted him talked about a sculpture that would be between the patio and fire station, closer to the patio. There would be a few cylinder-like shapes representing individual experiences of immigrating to America. The artist has installed these in a couple of places. He would make a permanent installation here.

9. *Administrator's Report and Action Items*

Brian said the survey of Evergreen Ledge Cemetery is complete and we have new maps of the cemetery. The area identified for new plots covers less than a quarter of the cemetery. He showed the board the maps. There is a section where we can easily sell plots with no impact on existing plots.

We didn't have the early portion of the cemetery surveyed. There are still a lot of issues there. Don and Lucille Sargent are interested in purchasing two plots in that area adjacent to other Sargent family plots. The person who did the survey doesn't feel he can definitely establish where the plots in that area start and stop. There are no corner stones. Plots are not in straight lines or evenly spaced. There is definitely a space near the existing Sargent plots with more than enough room for two more plots but it is hard to say exactly how much space there is. Brian spoke to our attorney who suggested that we might be able to protect ourselves from liability by writing a bill of sale that says Don purchases the plots as is and is required to demonstrate there is not anyone interred there before digging them up. That can be demonstrated by scraping off the grass and topsoil. Brian is told that you can definitely tell if

anyone has ever been interred there. Eric said there will be different colored soil if there is a casket there. Duncan agreed. Brian said he is told the signs are very definitive. He is not sure we would want to incur the expense to do this examination for all the gap plots in the old section but if we made it a requirement or suggestion when we sold plots to the Sargents that could clear us of potential liability.

Duncan said he assumed a 4x12 ft. plot centered on each headstone. Based on that assumption he came up with five spaces in the empty area near the existing Sargent plots with 3 feet of buffer between stones. There are no depressions or humps or evidence of interments in the space the Sargents want. He doesn't really agree with the surveyor that there is not enough definitive information. His opinion is that there is enough room. The Sargent stones are directly in line with the next group of stones.

Brian said he wants to revise the cemetery deed. We might want to modify the plot size if we want to take advantage of the plot lines drawn out by the surveyor. He wants to modify the deed for this sale and also update it in general. He thinks it might be worthwhile to make a distinction between selling plots in the early cemetery and plots in the modern cemetery. In the early cemetery we would want to use a quit claim deed and specify that the plots are available to the best of our knowledge based on existing records and have something in the deed and bill of sale stating that we expect the buyer to do their best to determine whether the space is empty before digging.

Doug asked if there would be any signoff by us on the verification before the plots are utilized. Brian said he thinks the buyer is assuming the responsibility and it is their responsibility if they disinter a person. Whether we check it or not, he doesn't think we assume liability. If they did the check and then wanted a new plot based on what they found they would have to come to us then and demonstrate there had been someone there in that plot. Doug said he thinks they should present the results back to us before they proceed. He feels there should be a check at the town level and a mechanism to refund the money if the plot is used. Brian said he thinks that is a good suggestion. He thinks we would do that with the bill of sale rather than by modifying the deed. He thinks we would not want to give them the deed until they verify. Doug said he thinks we would give them a deed with these conditional steps in it stating that they can't utilize the plot if shows evidence of interment. Brian asked if we can issue a deed to a private individual that has restrictions on their use so they have to come back to us before their use.

Don suggested that he go ahead and examine the plots and if there is nothing there then the town can sell him the plots just like any other plot in the cemetery.

Duncan said the deed requires the person getting the plot to mark the corners at their expense. An individual has to mark the corners on behalf of the town and the purchaser has to have monuments placed. Duncan would volunteer to be the person who marks the corners and, in this case, if the town wants verification of sliding the sod back to examine the soil he would be willing to look at it. He believes it would be nice to use open plots where it is reasonable to expect that won't disturb remains. State law specifies severe fines or penalties for an individual who knowingly disturbs the remains of an interred individual. We may want to reference that in the bill of sale.

Doug said we may have someone who doesn't want to do the soil investigation before purchasing. Brian said he thinks we should establish procedures. It is likely that others may want to purchase plots in the old cemetery. Brian said he will have our attorney work on a bill of sale and deed. He will follow the attorney's advice on where to locate the language. We will use the two parts together to complete a sale. Doug said "agreement to convey" rather than "bill of sale" is the right terminology.

Mike moved to appoint Duncan Hastings as sextant for the Evergreen Ledge Cemetery, Doug seconded and the motion was passed.

Mike moved to authorize Don and Lucille Sargent to conduct a preliminary investigation of the plots they will potentially purchase in Evergreen Ledge Cemetery.

Brian said the survey showed 10x12 plots. He suggests dividing each into two 5x12 plots. Duncan said 4x12 is typically big enough. Brian said he didn't give the surveyor much direction on size. Duncan said the existing deed approved by the board specifies a 4x12 plot. For a single interment, that is plenty. Originally he proposed one burial or two ashes and after discussion the board changed it to 3 ashes. It seems that the board could move ahead with the Sargents' request using the existing deed. Can he assume in marking the plot corners that the plots will be 4 ft. wide? Board members said yes.

Nat seconded and the motion was passed. *(The Sargents left at 8:18.)*

Brian passed out the latest draft of the municipal merger study RFP. He said so far he has gotten comments about intangibles such as customer service or resident experience. There is an intention to have those factors considered. That could be better reflected in the scope of work. He thinks there will be another draft, but this is close.

Eric said he had suggested to Brian and Meredith that the RFP include something about interviewing officials from a town and village that have recently merged to find out if there were any unintended good consequences or drawbacks. Doug and Kyle agreed that would be a good idea.

Doug said he thinks the pros and cons need to be analyzed from both the village and town points of view. A pro for one could be a con for the other. Eric agreed.

Eric asked if the intent was for Brian and Meredith to share this draft with their boards and then discuss it again. Brian said he thinks that is likely. He would expect to bring another draft back to the board.

Duncan asked if a final written report is one of the specified deliverables. Brian said yes. The RFP calls for a written summary of the main components of the scope of work. It might be better to say a written report with an executive summary.

Duncan said it will be tricky in that negative and positive factors may be different for the town and village. Brian said one thing the village didn't like in the previous draft was that it identified areas of analysis rather than pros and cons.

Doug said he thinks there should be a suggested plan. Those who conduct the study should put forward a proposal. Eric said he doesn't think they can. He guesses there will be some strong pros and maybe some strong cons and it will be a community decision and not something they can quantify to say which way we should go. Doug said he thinks it will be a community decision but they could say in their opinion what would benefit the two entities.

Kyle asked, isn't part of it that they will not be emotionally involved? Duncan said he hoped a neutral third party analysis would come out of the study. Hopefully, being neutral, the consultant will be able to assign pros and cons. The recommendation that could come out of the study could be something short of a merger or a process that could lead to a potential merger. The boards don't have to agree with it but we can at least ask the consultant for their professional opinion about steps we could take. As one of the people who developed the petition it was his hope that we would get some degree of analysis about potential next steps.

Doug said he assumes other communities have done merger studies. He wonders what language they have used in their RFP's about generating a report. Brian said he wonders if we could write a rubric for them to use when making recommendations.

Duncan said there are potential benefits and negatives that are not as quantifiable or fact-based. For instance, people sometimes ask now why there are two boards for only 3000 people. That's an intangible. He is not sure exactly how to capture that. Brian said the intangibles are not well captured now in the RFP. Nat said because we live here we have a better idea of what those are. Eric said people don't know the difference between the village and the town.

Doug said he would like the study goals and deliverables to include a report on the best plan the consultant thinks would suit the community. Mike and Kyle agreed.

Mike asked if Brian looked at other towns' RFP's. Brian said the RFP language mostly came from him and Meredith and the people who circulated the petition. He has read RFP's from other towns but didn't use them as a reference in writing this one.

Duncan said he thinks Eric's suggestion about looking at the experiences of other communities with mergers is good.

Brian said we got positive feedback from the state on the revolving loan fund guidance document. They made a recommendation to be specific about the definition of moderate income and provided suggested wording.

Duncan recommended not accepting the suggested wording for p. 3 about loaning \$5K per job created. He thinks that is a pretty high threshold. He thinks the federal standard is one job for every \$30K loaned. His opinion is that we don't really need to tie the loan amount to a dollar amount per employee. Brian agreed that he doesn't like the suggested dollar figure and

feels a dollar figure is not really necessary. Nat said it is another hoop to jump through. Doug said he thinks it creates a measurable we don't really need. Brian said we have the power to evaluate the loan on whether it creates jobs. Duncan suggested instead of giving a dollar limit we could say loans shall be consistent with federal requirements with regard to job creation or retention. Eric said then we wouldn't have to change the document as federal requirements change. Doug said he would say "as required by" rather than "consistent with."

Duncan asked if the board wants him or Brian to make the changes. The board said Duncan should do it.

Brian said there was a comment from the state that we should be careful when lending to ourselves or the village. We should be very clear on how the loan was solicited and approved. We don't need to add language about that.

A punctuation change was suggested.

Mike moved to approve the revolving loan fund guidance document with the changes discussed, Doug seconded and the motion was passed.

Nat moved to authorize Duncan to develop checklists of loan requirements, Kyle seconded and the motion was passed.

Brian said John Mandeville said the 3 application forms are okay. Hopefully after his next meeting we will get an agreement from him to serve as our loan administrator. Brian would like permission in the interim to have John serve as our loan administrator for a single loan application we have outstanding right now. He is not sure if we will have a loan committee review that or if it will come straight to the board.

Nat moved to authorize John Mandeville to serve as loan administrator for the currently outstanding loan application, Mike seconded and the motion was passed.

Duncan said the Historical Society building is very dirty. Many people have commented about how awful it looks. Brian was going to look into the possibility of the public works crew pressure washing it. If they can't, the Historical Society would like to have it cleaned.

Dean West has agreed to work with Gary Clark on replacing the weathervane at the Studio Center with a similar one. Duncan will work with the town on getting a lift and manpower to remove the old weathervane and put a new one up.

Duncan said the Historical Society would still like to get together with the selectboard to talk about a joint use agreement.

Nat asked if the weathervane project and the building cleaning project could use the same lift. Brian said it has been the hope that we can find time to do them both. It is looking less and less likely. At some point we will have to start cutting projects but for the time being Brian is still hopeful that both projects can be done. *(Duncan left at 8:53.)*

Brian said there are many units served by one driveway at 988 College Hill Road. It would be hard for an emergency responder to find one unit as they all have the same address. That does not conform with E911 standards. The college suggested renaming the driveway to Badger Road and giving all the units individual addresses.

Nat moved to approve naming the driveway serving 988 College Hill Road Badger Road, Kyle seconded and the motion was passed.

Brian said Johnson Works is doing the Buy Local promotion and the Holiday Jubilee again. Both were successful last year. Johnson Works is soliciting a contribution for the Buy Local promotion in order to lower the cost to local businesses of buying advertising. Kyle said Meredith asked the trustees to approve a contribution of \$250. That would be ideal.

Nat moved to contribute \$251 for Johnson Works' Buy Local promotion, Mike seconded and the motion was passed.

Brian said last year Eric made a personal donation. Anyone who is interested in making a personal donation should let Johnson Works know.

Johnson resident Olivia Carter has been talking to Kyle and Brian about scheduling a Harvest Festival on Legion Field and using the oven. She wants to have vendors, food, activities and crafts. It would be on October 27. Kyle said there will be a tent. They would like to use the stage. She is wondering if the power is on. There will be music. It will be mostly acoustic but it will be amplified if they can get power. The event will be 11:00 to 3:00. They are hoping to have free activities for kids including a large leaf pile. There will be apple pressing to make apple cider. The compost facility and a pig farmer will take the apple pulp.

Doug moved to approve the noise ordinance waiver request and the facility use request for the October 27 Harvest Festival on Legion Field, Nat seconded and the motion was passed.

Mark Woodward has offered to make a sign for the Powerhouse Bridge. Mike asked if it will look similar to the old one. Brian said yes. **Nat moved to accept a sign donated by Mark Woodward for the Powerhouse Bridge, Doug seconded and the motion was passed.**

Board members expressed their appreciation for Mark's offer.

Brian said Peter Moynihan has done enough work to use up the \$2500 allocated for him. He sent a letter asking for \$500 in additional funds to cover labor to prepare beds for winter. Mike said he heard many people this summer questioning why the town was paying him at all. Doug asked where Peter was doing his work. Brian said by the east and west welcome signs, at the municipal building, at the garden across from Sterling Market and at the cold spring. Brian thinks we spread him a little too thin and that resulted in some unsatisfactory gardens in some of those locations. It was not really possible to handle all those plantings with the amount of time we paid for. Kyle said she wonders if we should have given him more specific direction about look, type of flowers, etc. Brian said he thinks we could do a better job.

Brian said Peter wants to add soil amendments and dig up plants this fall. The town's half of the cost would be \$250. Nat asked, wasn't there a 60-40 village-town split because the cold spring belongs to the village?

Doug moved and Kyle seconded to authorize paying 40% of the \$500 requested by Peter Moynihan for labor to prepare planting beds for winter if the village trustees approve paying the other 60%.

Eric asked where the west welcome sign. He thought it was being replaced. Brian said he recently got the proofs for it.

The motion was passed with Nat and Mike opposed.

Brian said Checkerberry Field is not getting a lot of use anymore. Bill Loscomb has asked the Recreation Committee about placing a lacrosse goal in a disused baseball batting fence area at Legion Field for lacrosse practice. Brian suggested putting it at Checkerberry Field instead in order to bring use to that park. Bill prefers Legion Field. The Recreation Committee doesn't have a strong preference. They would like to see it at one of those two locations. It wouldn't fit with existing use at Old Mill Park.

Kyle said Bill is a lacrosse coach at the high school. He is trying to create a safe space where existing and new lacrosse players can practice. They throw the ball so hard and fast that they really need a backstop. He would like it on Legion Field for more exposure and because it might be more convenient from parents' point of view, as some children could be at other nearby areas such as the basketball court while others used the lacrosse goal. He would pay for the goal net himself.

Doug said he thinks Legion Field is moving toward something other than athletic use. Checkerberry Field was a gift from Nelson Duba. He is not sure if there are any limitations in the original conveyance. He would rather see the goal at Checkerberry Field. Ordinarily he would say this is a decision for the Rec Committee, but the community building aspect of Legion Field use is changing. It is becoming more of a community space. Kyle said the ice skating rink is at Legion Field. Doug said he wouldn't mind the use in the winter but he wouldn't want the goal there in the summer.

Nat said he talked to Bill. He told him everyone wants to use Legion Field for the same reasons Bill does. He told him if lacrosse practice takes off the goal would have to be moved to Duba Field but it seems fine to him to start out with one goal at Legion Field.

Mike moved and Kyle seconded to let Bill Loscomb put a lacrosse goal at Legion Field.

Doug asked if there are any periods of time or activities when Legion Field would not be available for this use. Mike said we could say it is allowed as long as it doesn't conflict with established uses. Kyle said Bill already runs Tuesday Night Live.

The motion was passed with Doug opposed.

Brian said work on the municipal building siding has been finished for the season. Leftover material didn't weather well in the garage last year so it is being kept inside the municipal building this year. We will reuse what we can when work recommences next year.

Brian talked to an exterminator about the boxelder bugs we have all over the municipal building in the fall. We have sprayed for them in the past. The best time to spray is in October. He got an estimate of \$600. He expects it will probably take a couple of treatments.

Doug said the bugs are not usually considered a problem. Donna asked why the town would spend money to get rid of them when they cause no damage. Brian said he believes some people who come to the building are disturbed by seeing them. They are completely harmless, however. Donna commented that the pesticide is probably not completely harmless.

The board decided to take no action to authorize expenditure for extermination.

Brian said in the future we might try to arrange power washing at the time of year the bugs congregate.

Brian said there was a meeting for potential Development Review Board members. It was not well attended. Eric said there was only one person there who wanted to be on the DRB – David Butler. Brian said his suggestion is that we schedule a formal training where attendance is required for DRB membership. The people who have expressed interest are Kim Dunkley, David Butler, David Williams, Jim MacDowell and Will Jennison. **Doug moved to appoint Kim Dunkley, David Butler, David Williams, Jim MacDowell and Will Jennison to the Development Review Board, seconded by Kyle.** Nat asked if there are any alternates. Brian said not currently. Currently we have 5 people committed. There are a couple of others who may be interested. He will reach out to them and tell them go to this meeting if they are still interested. **The motion was passed.**

Brian said the application for a Municipal Planning Grant for the light industrial park has been submitted. The strategy we took was to present the light industrial park as a model for areas statewide that are threatened by climate change and disasters. We are developing a complementary economic center outside the floodplain to serve as a model for other communities. Brian will submit an application for EDA funds as well. Those will be more flexible. We can use them for permitting, preparation for construction and a site survey and if we fail to get the Municipal Planning Grant we can use some EDA funds for final engineering as well.

Brian showed the board a draft quit claim deed for the East Johnson sewer system. What we have for records on the system is a set of "as designed" plans. We are suggesting to the village that a quit claim deed that will look something like this draft and "as designed" plans should be sufficient to convey the property. If anyone is familiar with how the sewer system is different from the "as designed" plans it is the village. It would not be entirely unreasonable of them if they wanted more details about the current state of what is in the ground. They might come back to us on that.

Mike said that has nothing to do with it. Whatever the condition is, it is immaterial. Brian said we don't have a detailed description of what is there. Doug said typically that is handled by saying "as installed in the existing location generally described as . . ." That would be his suggestion – to convey the system not according to the plans but as built and generally described.

Mike asked, nothing in this document could be seen as relinquishing our 25K gallon allocation? Doug said he would suggest sending our lawyer the document on our allocation and making sure we are not giving up our allocation. We should either state explicitly that we are retaining the allocation or make sure we are not conveying it.

Rosemary said the town sold some of the pump station land to the Romeros years ago. Doug suggested adding language saying that what we are conveying does not include the land conveyed to the Romeros.

Eric said the whole board should sign the quit claim deed and he questions whether someone from the village should sign to accept it. Doug said that never appears in a deed. The law is that if the other party doesn't accept the deed it doesn't operate as a conveyance. We have to deliver it to them and then record it. Eric asked, when they pay us the \$10, that is their acceptance? Doug said the payment is generally a fiction. The typical amount is \$1.

Brian said the next step is to take this to the trustees and ask if they will in principle accept something like this.

Doug asked if Brian can ask our lawyer about the blighted building ordinance. Brian said he will.

10. Local Option Tax

Eric said an anonymous person dropped something in our mailbox about local option taxes. One issue with that for us is that we are a receiving town. A local option tax is typically done by a sending town. Does anyone want to consider a local option tax? Local option taxes fund PILOT. A local option tax is an increase in sales tax. The municipality keeps half and sends half to the state.

Doug said he thinks John Mandeville would be the appropriate person to talk to about this. Mike said he thinks a lot of people in this community pay enough taxes as it is. And there would be extra work we would never get reimbursed for.

11. Winter Weekend Maintenance at Johnson Elementary School

Brian said the school board has proposed eliminating maintenance on weekends at school facilities. If they do this over the winter it will impact winter recreation activities like basketball because people won't be able to access the facilities safely. He talked to VLCT. They said if we continue to operate recreation activities and send people to the school while it is not plowed and walkways are not shoveled and sanded we would probably be accepting some liability by directing people to a facility we knew was not safely maintained.

Eric asked if the school would have liability as well. Brian said yes.

Nat said there are people working there on the weekend anyway.

Kyle said she thinks this has already been decided. She got a note as a parent.

Nat said he spoke with principal Dave Manning. Nat feels it is outrageous that the school board would say we can't use our community school on weekends. Dave agreed. Dave told him there are people working in the building all weekend long, every weekend, all year. Nat feels it is irresponsible not to provide safe access for them. The Rec Committee is upset. They were close to cancelling recreation programs because of this. Nat called Dave and he was upset as well. He has been trying to work with the school district central office, which has been uncooperative. Dave has identified some money he hopes he can reallocate to winter maintenance. He believes we will not have to cancel programs. He was helpful and agreed it was not right for the school not to be accessible on weekends.

Eric asked if they are doing this to all the elementary schools. Nat said he doesn't know. He knows some other towns have recreation programs that are offered through the school and don't take place on weekends.

Mike said decisions like this are typical when local control is lost. He agrees that this is 100% unacceptable. Nat said he told Dave that if Johnson has to cancel rec programs there will be an uprising.

Doug said he thinks the town should send a letter to the school district saying that we consider winter maintenance on weekends a responsibility and if it isn't in the budget we may recommend that voters reject their budget. Kyle said they are claiming they have to make budget cuts. Eric asked if the letter should go to the school board or to central office. Other said to both. Doug said we should tell them that as local representatives we are thinking of taking a position on their budget this year because of this issue. **Doug moved and Mike seconded to direct Brian to draft a letter to the LNMUUSD school board and the LNSU central office about the decision not to provide winter maintenance on weekends.** Nat said Dave Manning was very helpful on this issue. Doug and Kyle thanked Nat for his work on the issue. **The motion was passed.**

Brian said it has been suggested that the town provide the school facility maintenance. Our advice from our insurance provider is that we would be exposing ourselves to voluntary liability and it is likely they would decline to cover any incident related to maintenance at the school. And our highway employees are on overtime hours if they are here on a weekend. There would be significant cost and great risk to the town. We do maintain the town highway there on weekends, as we do all other town highways.

12. Proposed Letter to Sheriff Marcoux

Kyle said she drafted a letter she hopes the board will consider approving and sending to Sheriff Marcoux concerning the recent allegations against him from his former employee. She showed the board the letter along with a recent press release that was on Facebook that she referred to in the letter and some of the comments from the public on that press release. Most of the comments were negative.

Nat asked if Kyle thinks the press release he issued was inappropriate. Kyle said she thinks what felt inappropriate was that it was released on social media. That wasn't the right place,

especially before anything is brought to court. She thinks it is important that we say we are aware of the allegations and are concerned about them and that if it was indeed public complaints that got the employee terminated we have a right to see them.

Eric said he doesn't think Sheriff Marcoux could show the complaints to us. They would be part of the employee's personnel file. Kyle said a law enforcement officer said there should be a log book, maybe without names, that shows dates and what the complaint was.

Mike said the email board members all received from the sheriff conflicts considerably with what is alleged to have happened. *[Mike corrected this statement at the next meeting. The board did not receive an email from the sheriff but did receive an email concerning the sheriff.]* He is not comfortable being a party to any of this until a decision is made in court. He doesn't think we should send a letter at this juncture.

Eric said he agrees with some of that. We contract our police service. LCSD is not our department. They are at an arm's length from us. He wouldn't want to try to shorten that arm. He feels that would not be in the best interest of the town. He thinks we want to stay as far away from this as we can.

Mike said the board doesn't want to be looked at as taking sides. Kyle said we would not be taking sides, just saying we are aware of the allegations. We are affiliated with LCSD. Roger Marcoux told Eric over the phone that the termination was due to public complaints. She feels it is a right of ours to ask about the complaints.

Eric asked why we would want to see the complaints and what we would do with the information. Kyle said everyone she has spoken to has only described positive interactions between the former employee and our citizens. She is curious about what the complaints are about. Six months before the employee was terminated there was an article in Stowe Reporter that was all praise. She feels we are entitled to ask for this as a contracting town that gives a large percentage of our budget to LCSD. It affects all of us.

Doug said he thinks if the employee has a lawyer the lawyer will be getting the public complaints as part of the discovery process. He doesn't think we have any control over LCSD staffing or disciplinary processes.

Kyle said there is no oversight for the sheriff so it is up to the public and the people who fund his department. Doug said the oversight comes from the court. The employee either did or did not meet the job requirements. If the termination is proven to be gender related that might be reason to re-evaluate our contract. He would ask Brian to look into our contract and see what right we have to ask for the information Kyle wants. He suspects it is not in the contract that we have the right to the information. Even if we have a way of stepping in, we have to decide if we want to. He liked the officer in question a lot and felt she had great judgment.

Nat said if there is a problem with gender discrimination or any misconduct he thinks we need to take it seriously but he agrees with Doug about letting the court process handle it. The court has investigative ability we don't have. He thinks we should follow the case closely. Mike said we should reserve our judgment until there is a court decision.

Kyle said she thought at the last meeting the board did decide we would send a letter. Eric said we talked about it but thought we would want to talk to Roger first. And he thought about it later and decided he should call Roger. Roger said there were some public complaints against the officer and he terminated her with attorney consultation.

Nat said he is uncomfortable because four men are telling the only woman on the board why we shouldn't be looking into the matter more. There are board members on the Hyde Park and Wolcott selectboards who are female. He would like to hear from other female board members in a similar position. Kyle said she knows the other boards are discussing this as well. Doug said maybe they would have reasoning that would convince us.

Kyle said she thinks this is concerning. She would be willing to take out the request to see the complaints but she thinks it is important to have a letter on the public record showing that we expressed concern over these allegations.

Doug said he would like Kyle to check with other boards and see their position and rationale. You don't want to be quiet when you should be speaking but he doesn't know that we have standing to speak. He guesses we have no standing under our contract. Brian said he would want to check our contract but he doesn't believe we do. Doug said he doesn't want the sheriff's department to engage in gender discrimination but he doesn't think we can decide. He personally has no facts in front of him.

Eric said it appears the consensus of the board is that Kyle should follow up with members of other boards.

13. Executive Session for Personnel Issue

Nat moved to go into executive session for a personnel issue under 1 V.S.A. § 313(a)(4), Mike seconded, the motion was passed and the board entered executive session at 10:10.

The board came out of executive session at 10:47

14. Adjourn

The meeting was adjourned at 10:48.

Minutes submitted by Donna Griffiths