

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, FEBRUARY 3, 2020

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Brian Story, Rosemary Audibert, Barry Cohen, Amy Tatro, Carrie Watson, Casey Romero, Jackie Stanton, Mara Siegel, Dan Noyes, Rich Westman, Seth Jensen, Charles Gallanter, Lois Frey, Rebecca Flieder, another Basement Medicine reporter, Shayne Spence, Lea Kilvadyova, Charlotte Reber, Lynda Hill, about 8 other community members

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

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

Brian added an appointment to the conservation commission. Mike added discussion on sprinklers.

3. Public Hearing for Vermont Community Development Program Grant

Amy Tatro said Jenna's Promise is a nonprofit helping people in recovery. They are looking for a block grant to renovate the Barrows house. The second floor would provide sober living and the first floor would have a coffee shop. They are seeking town approval. They will be asking for \$500,000 from HUD. The application is due a week from tomorrow.

A community member asked Amy could elaborate more on the plans. Amy said they will be providing sober living for people who have been sober for a certain amount of time. They will have to have a job and will be paying rent. They will be able to work in the coffee shop to start to gain skills. To staff the coffee shop, they will need to bring in other sober living people besides the ones who are living upstairs. Barry Cohen said the coffee shop will just be a typical coffee shop. The town needs one. It has been closed for some time.

A community member asked, do you have a model for this program? Are you inventing a new wheel or do you have a program you are basing this on? Amy said they are inventing the wheel a little. There is not another program in Vermont quite like this, or even in New England. But they have seen similar models in Denver that work with the homeless, giving them jobs and training them so that they can get an apartment. There are similar models with other risk groups besides those in recovery.

A community member asked how many will be in the sober living. Amy said there will be six bedrooms and they are hoping to have six to eight women living there.

Lynda Hill asked who will manage the coffee shop. Amy said Jenna Tatro LLC will own the building and coffee shop. It is a low-profit business. Dawn and Greg Tatro will be the overall managers. Linda asked who will take care of day-to-day management. Amy and Barry said

they will hire someone. Lynda asked, management will be hired by Jenna's Promise, not leased out to someone? Amy and Barry said yes; they will hire a general manager. They already have one in mind.

Casey Romero asked about the timeline of what will happen with the building. Amy said their grant application goes in next Tuesday. They will probably find out if they are approved at the end of March or early in April. Then it will take two to three months to get contracts in place with subcontractors, the state and HUD. About September they would be able to start renovations. Then it would be about eight months turnaround, so they are thinking it would be done in the spring of next year. Barry said Jenna Tatro LLC owns the building now.

Dan Noyes asked about other partners. Amy Tatro said North Central Vermont Recovery Center in Morrisville is guiding them and giving them some people who they think are ready for the next step. They will be helping quite a bit.

A community member asked if said North Central Vermont Recovery Center will oversee the residence upstairs too. Amy said the idea is that the residents are far enough in their sobriety that they don't need much oversight. They may need a community of others in recovery. They will go to meetings regularly. They will have to have regular drug testing and pay rent. Barry said they will have been sober for quite some time and will be ready to move away from a really structured sober living house to something more normal. It is a necessary step in their recovery.

Brian said he got some questions by email. The first question is: Is there data to support that Johnson is the best most effective place for this? Amy said according to a report from last year there are 16 facilities in all of Vermont that can handle drug addiction. There is little sober housing, less for females. There are only one or two facilities for mothers. There are not enough beds in this state. Eight is probably not enough but it is a start. Johnson is central in Lamoille County. Lamoille County has a lot of drug addiction. Johnson is a good central point for getting to Burlington while also helping surrounding communities by not being too far away.

Brian said another question he received was whether the property will remain on the tax rolls. Amy said yes, and the renovations will make it worth more and increase the property taxes.

Brian said another question was: How will this help to attract families and businesses to the area? Barry said having a good coffee shop will attract tourists and encourage them to stop. They hope it will be an upscale coffee shop that people will want to come back to. Does it a coffee shop attract people to Johnson? Probably not, but at least they will have a good experience while traveling through and residents will enjoy it. As far as sober living, if the question is directed more to that, that is a tough question. Does sober living attract anyone? Probably no. But here is something to think about. If they are not in sober living, where are they? Out in the community and using and that is not a good thing. If we can get them off the streets and stop them from using, that will benefit everyone, including Johnson.

Lynda Hill asked, are they Vermont residents? Barry said that is their goal. Can there be an exception, for instance if their parents live here? Maybe. But the goal is to stick with Vermonters.

Lea Kilvadyova said, based on the description, people will not even know. It will be a beautiful building with people working in it. Barry agreed that people will not notice. Amy said hopefully the people in sober living will want to give back to Johnson and help create a stronger community.

Brian brought up the study Amy had mentioned earlier showing there is a real shortage of beds around Vermont and in Lamoille County. We would have a terrific problem if we didn't have enough Vermonters to fill the beds.

Brian said another question received was: How much time has or will the town administrator be spending on this private or nonprofit venture? Brian said so far he has spent less than 10 hours. He is thinking the total time start to finish for the grant application will probably be 30 hours or so.

Lynda asked, why Brian and not the village? Brian said because the town took it on. We could have referred it to the village but we were willing and took it on. The town will be the financial agent for the grant money. That will involve Rosemary's time dealing with invoices and making sure proper procurement procedures are followed. In addition to the 30 hours for the grant application, maybe there will be another 45 hours between him and Rosemary. But he thinks it is likely to be less. That is a generous estimate.

Eric said these types of grants require a municipality to be a sponsor and put in the application. And part of Brian's job is to serve as economic development coordinator, which includes doing things like this. Jenna's Promise will be taking a currently vacant building that is in disrepair, fixing it up and bringing it back to life. It will go back on the tax rolls with a better tax rate. It is a win-win project.

Brian said another question was: Will this impact future opportunities for securing HUD grants? Amy said in the short term, yes. Typically they don't want to give money to the same place soon after a grant is awarded. If there was another project in the next few months, getting this grant might prevent getting another for that project. But she feels it would only be maybe a year until we could argue that it was time for more grant money to come back here. They haven't give money to Lamoille for a long time so she feels sure they would be willing to give more a year from now.

Lea said Johnson benefited from this funding several years ago when establishing Sterling Market. It was great for the municipality to be involved. We achieved something good. This could be another example. If we don't ask for the HUD funding, another town will ask for it.

Lynda asked what hours the coffee shop will be open. She said people really want a place to get breakfast in Johnson and they also really want lunch. Amy said they are looking at opening at 5:30 AM for commuters and closing around 7:30 or 8 PM. They have discussed maybe extending the hours in summer.

Lynda asked if the women that work there will make enough money to pay the rent, or will they work part-time there and also somewhere else? Barry said they should easily make enough money to pay the rent. They should be totally self-sufficient. Amy said Jenna's Promise also has a partnership with Smuggler's Notch. Smuggler's Notch is willing to transport people there with a van so they can work if they prefer work at Smuggs. Barry said people with substance use disorder are regular folks with a variety of skills. They may be able to find someone in recovery to be the manager.

Linda asked about the facilities that will be provided upstairs. Amy said there will be a community living room and kitchen and two bathrooms. They are planning to have eight beds in six bedrooms. But that could be reduced to 6 beds. The rent won't be too high.

Shayne Spence said he supports this project. He has been working with Jenna's Promise on the Polar Splash event. He is in recovery and he has spoken to a lot of peers in recovery. The two biggest hurdles are housing and employment and Jenna's Promise is working on addressing both of those for people who are very vulnerable and need all the help they can get. He feels we should support this.

Casey Romero said in spring a group is going to embark on a Healthy Communities planning grant session. This county's proposal is to support workforce transitions for three groups, one of which is people in recovery. That planning work will give us a lot more information and contacts about what goes on elsewhere and in Vermont. It puts us in a better position to know about that world. She thinks this project will give the town a way to say that we invented our own model of incorporating different best practices and people can come and learn from us. We will have something people will want to know about.

Eric asked if he is correct that coffee is already on its way. Amy said yes. They have some green beans ready to be roasted. They are deciding which beans they want to start with. They will be doing test roasting soon. They will make their own coffee with a Jenna's Promise logo. (*Seth Jensen arrived at 7:23.*) They are planning to distribute it all over the world, with proceeds going to Jenna's Promise. They need a way to sustain their organization long term. They know they can't depend on grants and donations forever. They need to run Jenna's Promise like a business for long-term success. They will be roasting the coffee at the coffee shop and people will be able to see it being roasted.

Rebecca Flieder of the college newspaper, Basement Medicine, said college students often don't get to Johnson in the winter because it is too cold. How does Jenna's Promise plan to pull in student traffic to the coffee shop? And how can Basement Medicine help? Amy said the nonprofit is working with the college to try to create some kind of agreement. It could be about providing transportation or bringing things to the college. They are looking to make a connection. They are hoping the environment at the coffee shop will be so good that people will want to come down from the college.

A community member said she agrees that this is certainly something we all should support in Johnson. She misses the coffee shop that used to be here.

Barry and Amy said they had brought plans with them for the project. They showed where the plans were set up on a table. They will leave them in the town offices for a few days.

Mike moved to approve the Resolution for VCDP Grant Application Authority (see attached resolution), Nat seconded and the motion was passed.

4. *Review and Approve Minutes of Meetings Past*

Mike moved to approve the minutes of January 20 and January 27, 2020, Doug seconded and the motion was passed with Nat abstaining as he was not at the January 27 meeting.

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

Rosemary said the town report went to the printer today.

6. *Appointment to Conservation Commission*

Brian said the conservation commission is suggesting Carrie Watson to fill a vacancy. Carrie said she is grateful to serve the community and looks forward to being more involved. **Doug move to appoint Carrie Watson to the Conservation Commission, Nat seconded and the motion was passed.**

7. *Adopt the Proposed Update to the Capital Equipment Plan*

Brian said he had made some changes to p. 5 of the capital plan. In the past the town has shared a tractor with the village. It has become clear that our needs and theirs are different. They would like a smaller one and we would like a larger one, so we won't be able to continue sharing it. We need to purchase one. He amended the plan to include the purchase. It will be a 75+ horsepower tractor equipped with a Class 2 hitch and mowing deck. We will purchase a used one and that will inform a decision as to whether to buy used or new in the future. He is planning on a lifespan of at least 10 years for the first one. The total cost including the mower is less than \$100,000.

Nat asked if it will be used primarily for roadside and rail trail mowing. Brian said it will be used primarily for roadsides and fields. There are also a couple of pieces of road equipment that can be used with the tractor to help with gravel road maintenance – a disc that can be used to reclaim gravel from the sides of roads and a roller for compaction.

Eric asked if a disc helps with stormwater permit work. Brian said it is an approved tool for managing runoff and the state gave us money to purchase equipment for that purpose as part of a Municipal Roads General Permit grant program. Doug asked, will it help us make roads narrower? Brian said it will help stop the spread of roads outward. It may be optimistic to say it will make them narrower.

Brian found that he had printed out the wrong page of the capital plan; what he had printed did not show the changes. So it was agreed to postpone adoption of the revised plan.

8. *Strategies to Promote Broadband Deployment for Johnson*

Lea Kilvadyova said she is here on behalf of the Lamoille County Planning Commission. She is also a Johnson resident. (*Charles Gallanter arrived at 7:42.*) LCPC got a grant from the Vermont Council on Rural Development to provide broadband planning assistance. Through that they have been able to work with some towns. Some towns, like Johnson, already had dedicated broadband committees and they tried to work with those committees. They also have started some citizen groups in towns that didn't have them. Johnson has a broadband

committee that has been looking into this along with LCPC. A lot of what LCPC has been doing is educating themselves about what is out there. There is a lot happening now on the broadband front. It is mostly happening in communities with active citizen groups. Having high speed internet is very important but we don't have adequate federal legislation or resources on the state level to have it delivered to all like electricity. Over the past 6 months LCPC has organized some meetings with providers. Some communities asked LCPC to bring particular providers to them to speak with them. They had regional meetings with state personnel and looked into legislation.

Lea sees two fundamental paths forward – pursuing broadband improvements as an individual municipality or applying to join an existing communications union district or creating a new district. There is also a third alternative – doing nothing.

Electric distribution utilities are looking into what their role can be in providing broadband. She met with Vermont Electric Coop last week. She would say that right now relying on the coop to provide broadband service is along the lines of doing nothing. It is a tremendous undertaking. They are looking at what their role could be, but more likely it will be a role of partnership with some other entity, building infrastructure together that could serve both.

An example of pursuing broadband as an individual municipality is Craftsbury. They got two grants of approximately \$300K to build 13 miles of fiber optic line. The town contributed \$25K. The infrastructure is town-owned and leased to a provider. In the near future the infrastructure may be folded into the Northeast Kingdom Communications Union District.

Fletcher is pursuing a public-private partnership with Mansfield Community Fiber. The town is having a vote on town meeting day on a municipal bond to build infrastructure. If it happens, the town will negotiate with MCFiber.

A town of 3500 in New Hampshire created a public-private partnership with Consolidated Communications to string fiber to every home and business. The town obtained a \$1.8 million municipal bond to support the buildout. Consolidated contributed money also.

It is possible to do something as a sole municipality but it usually requires partnership with a private entity. Lea thinks that is a potential path for Johnson. She would not give up on it as a possibility.

A collection of municipalities can form a communications union district. It is similar to a solid waste district. Municipalities each delegate a member and the district is charged with the task of building broadband infrastructure. It ends up being a public-private partnership of some sort. What happens in the end is that the infrastructure is owned by the district but designed, operated and maintained by an internet service provider. Both for a municipality and for a collection of municipalities there is a financing mechanism than can insulate taxpayers from liability. The CUD can obtain bonds and it is not allowed for taxpayers or ratepayers to be assessed any additional fee for the cost. This has been driving a lot of municipalities to consider a CUD.

Lea showed a draft map of current broadband efforts. The map shows where CUDs are in place or in planning or under study. One of the areas on the map is the area covered by ECFiber. It includes about 24 towns. They have connected several thousand customers to their network by now.

There will be a workshop on February 27 in Johnson to discuss CUDs and options for moving forward with broadband. Lea thinks Johnson should decide which option to pursue. It is not inconceivable that several paths can be pursued concurrently. LCPC is interested in applying for a grant to look at feasibility and planning for broadband in towns that are interested. LCPC is here as a resource to push this forward.

Lynda Hill asked, aren't Comcast and Consolidated the two primary providers in Johnson? Would they be the ones we would work with initially? Lea said she thinks that is a valid approach. Some communities started with Consolidated.

Shayne said if we do work with an already established company to build out coverage or improve coverage he thinks having the infrastructure owned by ratepayers and not Consolidated would be ideal. He is wondering what research in other towns has shown. Lea said ideally it would be good if providers extended their infrastructure on their own. As long as the municipality is getting involved and public resources are on the line it is reasonable to establish what the partnership should look like. If we get a provider in the room, that is when we ask the questions. There are different models for who owns the infrastructure in the long term and in the short term. The details are to be worked out. We won't find out unless we talk to providers. Some providers are willing to talk and some are not. That will inform Johnson's efforts.

Nat asked, in towns that took out bonds, is the expectation that the bonds are repaid through ratepayers or taxes? Lea said taxes are not involved. In New Hampshire it is a little different. New Hampshire allows a town to do an assessment fee on new infrastructure. She believes in Chesterfield, NH those who subscribe using the new infrastructure pay an additional \$10 fee per month that will last the duration of the bond. It is anticipated that the fee will decrease over time. In Vermont an assessment is not part of how it gets paid. Vermont has to find different ways. It is not allowed to use tax resources.

Nat asked how long they expect it will take in Fletcher from town meeting day if the bond is approved to building out infrastructure. Lea said she understands that MCFiber has already started a fiber buildout. The way their partnership looks – and they have been proposing this to other communities – they are building a portion of the infrastructure from their own pocket. They will get a loan and they have business resources. They will build to a certain point but they can't build throughout the whole town. That is where Fletcher proposed, for back roads MCFiber is not reaching, to pay with a municipal bond. The portion that MCFiber is building from their own resources is already on the ground. She thinks there would not be a long turnaround time for the rest. If the town were not pursuing a municipal bond option, MCFiber would come back and build the rest at a later date. Their strategy is to build along main routes and capture a customer base and then come back and go the last mile. If a community like Fletcher doesn't want to wait they can consider a municipal bond option.

Mike said Lea had said taxpayers would not pay, but she also said that the Town of Craftsbury contributed and the town owns the infrastructure. Has the internet provider paid the town back for its contribution? Lea said she doesn't know. Craftsbury got grants and she imagines the grants required a match and that was what the town paid for.

Nat asked if Northeast Kingdom CUD is open to accepting new member territories. Lea said yes. They have asked LCPC if there are any towns adjacent to Northeast Kingdom CUD that might be interested in being part of their effort. She told them some might be interested. One definitely is. We will know after town meeting how many Northeast Kingdom towns are joining the district. Any others that are interested would have to apply and be accepted or not.

Nat asked if they have to be contiguous. Lea said it is better if they are but there is the possibility of a non-contiguous district. She would say the biggest advantage of those districts is combining human resources. This is a complex matter and people can burn out unless they are really driven and there is an easy scenario. A lot of Johnson is already served by what is currently considered high speed internet, so the situation is difficult. That is the advantage of a district. They have a scale that can attract providers. The downside is that working through a CUD probably would take longer. It is also possible for a town to join a district and then leave the district. She would say it is not inconceivable to look at other options while something else in the works. Johnson could contemplate several scenarios.

Eric said we have a broadband committee that he thinks we could characterize as floundering. They are having trouble with how to go forward. Where do we go? We don't know how to take the first step. The committee should propose something to the board, but he thinks they are struggling with the first step. Lea said that is where it can be hard for a single municipality to move forward. It might be easier to hand the discussion over to a district with a town rep at the table, where there are more people and they have only that matter to discuss.

Lea said she sees the possibility of Johnson applying to join Northeast Kingdom CUD. If LCPC gets the grant there is the possibility to look at a different formation that would not have to involve the CUD. Another path would be to talk to individual providers, get details of their proposals and say yes or no.

Nat said it seems like we need to start conversations with Northeast Kingdom CUD and see what the steps are to join.

Lea said at the February 27 meeting LCPC is inviting a consultant who has been working closely with Northeast Kingdom on their study. She hopes the consultant can provide more info on paths forward. Nat asked the time of the meeting. Lea said she believes it is at 6:00 at the municipal building.

Doug said he thinks the selectboard needs to tell the broadband committee to figure out the best path and tell us what it is. Nat said he thinks they came to us with basically the same options that Lea has pointed out – negotiating with providers, joining Northeast Kingdom CUD or forming a new CUD. Or waiting for the coop to do something. But there are so many

variables in play that we can't really depend on that. It seems we have 2 clear options. He asked Lea if she is saying we should pursue them both. Lea said she thinks it is possible.

Doug said the broadband committee had a survey and they gave us the results. He didn't have any sense of us moving it forward. He would like to tell the committee to figure it out.

Lynda asked if the broadband committee could talk to Northeast Kingdom, Consolidated and Mansfield Community Fiber and get a feel of what they think would be best and if they are even interested. Wouldn't that be a starting point – to talk to those groups and find out if Johnson is anything they want to deal with?

Lea said Charles Gallanter from the broadband committee is here and he has excellent knowledge and a good sense of what the potential landscape could look like.

Lynda asked if the broadband committee has talked to Northeast Kingdom. Charles said they talked to Mansfield Community Fiber. He is not interested in talking to Consolidated. Their technology is obsolete.

Lynda asked what MCFiber said. Are they interested? Charles said yes, if we finance it. Shayne asked, like Fletcher? Brian said he believes we are in a situation that is a little different than Fletcher's. MCFiber financed the infrastructure for Fletcher themselves in the high density areas and got public financing for the rest. Charles said our problem is that our high density areas are already filled. Only the lower revenue areas are left. Johnson is 70% full with Comcast.

Lynda asked, so Consolidated could potentially expand out further? Charles said maybe. If they want to extend DSL we wouldn't be interested.

Lea said she thinks it is important to talk to providers. By the end of 2020 a lot of federal dollars will be released. Johnson may not qualify in phase 1 which will only be for areas that don't have speeds of 25/3, but there will be a phase 2 when Johnson could potentially qualify. There is another program where providers have to apply. We need to have a sense of whether they are interested in applying for areas where we are struggling. If we talk to them we are higher on their radar than if we don't. She recommends not giving up on Consolidated.

A community member said he heard Consolidated has awful service. Charles said they do for DSL but if they did fiber that would be different. The community member said MCFiber's rates are high – \$90 for basic broadband. Lynda and Charles said that is how much Comcast costs. The community member said there is technology that will make the current technology obsolete. It might be worth waiting to see what kind of technology comes out by the end of the year. He would desire fiber.

Lea if there is a provider willing to talk to us she would recommend that we pursue conversations to understand in detail what they can offer and whether it is good for Johnson. In the meantime there is a district option which would not be bad but would take time. And then maybe down the road Vermont Electric Coop could do something. They said if we have

a plan we should show it to them and they will work with us to see if as part of the plan the Coop could benefit and they could talk about co-investing in infrastructure.

A community member asked if there are any statistics on the number of households in the 30% area that does not have high speed internet. Charles said he has all those numbers. The community member said he wonders if enough people even want the service.

Lea said on average for fiber optic a provider needs 6 customers per mile. There are companies willing to work with that model. The community member asked if we look like that. Charles said he doesn't know. The other thing is that they need a minimum number of people. They need six customers per mile for a total of 800 customers. We don't have that in Johnson. Brian said that is the number of people who are not covered with high-speed internet but there are people who aren't satisfied with Consolidated or Comcast. Charles said the people the committee has talked to are not interested in competing with Comcast.

Jackie Stanton asked, is our town with 70% served typical of other towns in these unions? Lea said often these CUDs are in areas where there is no Comcast service but there are towns that have Comcast. In Lamoille County, Johnson, Hyde Park and Stowe have similar percentages served. Cambridge has 35% with high speed internet. Brian said ECFiber serves places like Montpelier, Berlin and Barre. He would expect those areas were pretty well filled out. MCFiber does not have the exact same model as ECFiber but MCFiber is closer and more likely to work with us.

Doug asked if Lea had said LCPC was going to start working with towns. Lea said they have been working with towns and will keep doing so. They haven't been involved at the selectboard level but if towns are going to move toward decision making that will involve committees presenting to selectboards. LCPC will meet the town where they want. They don't want to push a regional approach where it is not welcome or doesn't make sense.

Doug asked if towns ever submit requests for proposals. Can we say where we are interested in having service and ask providers to tell us if they are interested? Lea said she hasn't seen that being done much in Vermont but in New Hampshire at least three towns have done that. She thinks it would be worthwhile. Some providers might not respond to an RFP but it is a legitimate approach. Why not do it?

One of the college newspaper reports asked if there is there a chance for us to use technology that is totally brand-new and be the first town to use it. Could Johnson be a model for everyone else? Lea said new technology is coming out all the time. She would be looking where success is, based on technology that is now considered state of the art – wired fiber optic. At some point we need to go with something specific. Fiber has promise for many years to come.

Nat asked if the broadband committee has talked to Northeast Kingdom CUD. Charles said no. He has listened to them. Lea said they don't have a CUD yet. The towns are voting on this at town meeting and after that whichever towns decided to join will join the CUD. LCPC has been talking to a consultant that has been advising on the CUD. The consultant is coming

here on February 27. Charles said he has gotten conflicting information on how to form a CUD.

Mike asked, the broadband committee does not have a recommendation? Charles said not at this time. Eric said he still does not see a path forward. Should we be providing direction to the committee? Nat said he thinks a selectboard member needs to be at the February 27 meeting. He hopes members of the broadband committee will attend as well. Charles said he has heard conflicting information about CUDs. He wants to get information at the February 27 meeting.

Nat suggested directing the broadband committee to start talking to providers directly and come up with a list of those who are most likely to benefit us. Doug said the committee should get proposals for Johnson from the providers. Nat said the second action item he suggests is going to the meeting on February 27. Eric asked if broadband committee members understand those directions. Those present said yes.

9. *Review of Highway Access and Work in the Right of Way Policy Legal Comments*

Brian said we got feedback from the VLCT legal review of the policy. He went over it with Brian Krause, who had no comment about their changes. Brian S. and Brian K. made some changes on p. 8, replacing “access” with “project” in several places.

The first comment from the legal review was that we should avoid using gendered language such as road foreman. The solution is to replace “road foreman” with “public works supervisor.” The public works supervisor is currently our road foreman and Brian expects that they will be the same person well into the future. He made that change throughout the document.

Another recommendation was to alphabetize definitions. Brian made that change as well.

On p. 2 they suggested some grammar changes. They also suggested striking the second paragraph and rewriting it. Previously the select board had voiced concern about what someone could do on their property without requiring a permit – working on their driveway, etc. We tried to narrow the language down but VLCT is recommending broader language that would cover pretty much any work in the right of way.

Nat said that seems unrealistic. Why did they recommend that? Brian said their recommendation is more about asserting our rights. The more restrictive we make it the harder it would be to assert our rights where we feel we need to. If we pick and choose when to assert our rights it is more complicated.

Eric asked, so someone would have to get permission if they were going to resurface the part of their driveway in the right of way? Not said he is not sold on that. He understands it is beneficial to the municipality but we have a lot of property owners that have rights that need to be respected. Eric said permit request for such work would get pretty much carte blanche approval. We are concerned about development that would affect our highway negatively. Brian said these requests would be easy to approve but would still require an application. He asked what the fee is to record an application. Rosemary said it is \$15 a page. Brian said the

application would not be over a page but even if we waved our fee the cost would still be \$15.

Doug asked to what extent VLCT can tell us what to put in our policy. Brian said they have no authority to tell us what to put in, but for any changes we want to make he would recommend going to our legal counsel. He thinks if we want to revert to our previous language we should go to the town's attorney for advice on that.

Donna Griffiths asked, for comparison, if a permit is needed for work on a driveway in the state highway right of way. The town would probably not want to be more restrictive than the state. Doug said he would guess that a permit would be needed but there are many unauthorized accesses to state highways and much unauthorized work in state highway rights of way.

Nat said he feels if our policy requires permits for many small things that people don't know they need a permit for, it defeats the whole purpose and we can end up dealing with selective enforcement.

Brian said our current policy specifies that applications will be handled by the road foreman or road commissioner and VLCT recommends limiting it to the road foreman (which would be changed to public works supervisor.) Eric asked why they are against including the road commissioner. Brian said they feel because the selectboard will retain the authority to step in if needed we are better off having one designee. Having two could create a burdensome amount of paperwork for people if they don't know who to apply to. It is cleaner if we have one designee. Doug asked who our road commissioner is. Brian said he is. Eric said one reason we named the town administrator as road commissioner is that the administrator is here every day. If the public works supervisor is not available the road commissioner would be. Brian said the selectboard can always get involved and even temporarily name a different designee. If the public works supervisor is going to be out of town they can assign this duty to whoever is acting as supervisor or to the road commissioner. Doug said the road commissioner will have a lot more jobs to do whereas the road foreman is likely to be more familiar with the property. He doesn't have a problem with the road foreman being the person to handle applications. Brian said our practice now is that the road foreman handles all these applications.

Eric said in our paperwork we need to designate Brian Krause as public works supervisor.

Brian said on page 3 VLCT struck language on security deposits because that is already covered in Section 7 and was redundant. They suggest in language about the content of the application changing the word "parcel" to "premises."

They didn't like our Appendix D, which is a diagram we had for what good insulation of a culvert looks like. They said if we are going to provide that we should enforce it or it shouldn't be in an appendix. We could still give people a picture of what good culvert insulation looks like. He thinks it is fine to give that to people when we give them a notice to proceed. It doesn't need to be an appendix.

A community member asked, this policy just applies within road rights of way? Brian said yes; it applies to the part of private property that is within a town right of way.

Mike said the policy doesn't address ownership in private property. Trees in a right of way belong to the owner of the property. Eric said that is addressed in state statute. Brian said he doesn't think we need to reaffirm that here. Mike said if a tree was cut down in a right of way, the tree should be left there. This policy should address that. Brian said this policy is not for our work in our right of way. It is for private individuals doing work in our right of way. We wouldn't fill out a permit application for work we are doing in a right of way. But we would not remove anything from private property, even dirt, without having a discussion.

There was another there was a suggestion on correcting language to be more consistent.

On p. 5, Section 10, VLCT said authority to eliminate a previously permitted access has been explicitly delegated to the selectboard by statute. The selectboard can delegate the authority but can't abdicate it altogether, at least not by means of a policy. Ultimately, it is the selectboard's responsibility. The cleanest way to handle it might be to eliminate language that gives the road foreman the power to eliminate a previously permitted access. He can come to the selectboard and ask for that authority. Eric agreed that would make sense for as often as this happens. Brian said he doesn't know if we have ever had that happen.

Under permit suspension and assurance of discontinuation they think the town might not want to designate the power to someone else. Maybe it has to come before the board. The board can on a case by case basis let the supervisor of public works revoke a permit after someone has applied for a permit and gotten a notice to proceed. If after getting a notice to proceed the property owner doesn't do what they said they were going to do or damages the road, first we would give notice that they are in violation and instruct them to take corrective action. If they fail to do so, then we can discontinue the permit. VLTC's suggestion is that maybe that should rise to the selectboard level. Doug and Eric agree that would be a good idea.

Brian said VLCT suggested removing language indicating the public works supervisor could go directly to the town's attorney. We did not intend that so he eliminated that language.

In Section 14 about appeals VLCT rephrased the language we had and put it at the end of the process rather than in the middle.

Brian said most of the suggested changes seem uncontroversial with the exception of the second and third paragraphs on the second page. Eric asked if Nat is suggesting taking that to our attorney. Nat said he thinks our attorney will say the same thing because it is in our interest.

Doug said he wonders what our attorney thinks about the definition of non-municipal work. Work is not defined. And there is the question of whether the policy covers the entire right of way. We will never know if someone replaces a culvert or paves a driveway. Rather than retaining strict control, Doug suggests thinking about what will really come up and what we want to know about. For some of these things the policy is a sham because we won't know

what happened. He suggests defining de minimis substantial work. He would ask our lawyer if we can do something like that. Brian said he agrees. If we start requiring money and time for every little thing then people aren't going to do it. Right now it is a free process and we are having trouble having people turn in proposals if they are doing work on Class 4 roads. We don't want to make it harder to get compliance. Doug said everyone in town probably plows in the right of way. He doesn't think paving should be covered under the policy either. Brian said he tends to agree. He prefers the language we had previously had that has a more restricted view of what we are interested in. Eric asked if the board wants Brian to take that to our attorney. Nat said that would take at least two months.

Eric asked if this policy started with boilerplate language from VLCT. Brian said we started with boilerplate language from them that only addresses highway access. We modified it to address work and then narrowed it down to what work we were interested in. They are pushing back and saying that if we are interested in work we should be interested in all of it. We had said we were interested in work that was likely to affect the road. Eric said this is policy, not ordinance. It doesn't have the same teeth as an ordinance.

Mike asked Doug's opinion. Doug said there could come a day that we would rue not having control over a right of way. He would define what work in the right of way is. He would ask VLCT to tell us what work in the right of way is. Nat said he feels some of the language VLCT added spells it out. He read the applicable language. Doug said he regrades his driveway several times a year. He doesn't know about including regrading in the policy. Brian said the language we had that VLCT struck said the policy was for anything that affects the grade of the highway or alters the flow of water into or out of the right of way. VLCT felt that was too narrow and that we would miss things we have the authority to regulate. Eric said this is just a policy and we can change it later. Doug said he would leave in the language that we wrote. The rest of the board agreed to leave that and make the other changes VLCT recommended and not to run this by the town's attorney. Brian said he can have a clean copy for the next meeting.

Jackie commended the town for changing to gender neutral language. She said that is really important and meaningful to her.

10. *Light Industrial Park Update*

Brian said he has been working with Seth Jensen on a new nexus statement. They will complete the submission for the next round of grants before town meeting. The grant we are applying for will be for a little over \$1 million.

Nat said we have been asked for a one-page summary for town meeting of total expenses so far for the light industrial park. Will that be available? Brian said he needs to do more accounting on his time. How much actual money has been spent is easy to produce. But he has to look at emails and his calendar to come up with an estimate of his time. Nat said he thinks hard dollars are the most important to include. Brian said he can't estimate Duncan's time before Brian got here.

11. *Review Old Business*

Brian said the gym was reserved on February 1 so the racial bias training cannot be that day. We have the gym reserved from noon to 5:00 on March 7. He thinks that will work out with the group doing the training but this is tentative. Nat asked when we will have a firm date.

Brian said in the next couple of days. He needs to talk to Bor Yang. She knows we are looking at that date but it is not confirmed.

Rebecca Flieder asked who the training is for. Brian said it is open to the public. It is on conscious and unconscious biases. It will be put on by the state Human Rights Commission.

12. *Sprinklers for Municipal Building*

Mike suggested looking into the cost of putting sprinklers upstairs in the municipal building. That way we wouldn't have to worry about whether we had over 49 people in the room. Nat said he thinks that is reasonable, though it is not that big of an issue moving to another space. Eric said if we know ahead of time how many people we will have. Mike said the village had a meeting that they had to move. Sometimes if we move from one place to another we might lose some people. Brian said he can look into the cost. He is talking with the fire marshal now about our elevator. They want us to replace the trim on the window in the elevator service room with non-combustible trim. We are technically in violation now but we will get it fixed. Rosemary said we have a conditional permit for 90 days.

13. *Mail Received*

Brian said we got a mailing from the US Census Bureau. We are likely to be one of the communities that will be difficult to count. We will have to work with the census bureau a little about managing that.

We also received a letter from an individual who had complaints about security lights around Dollar General. In the past we have talked about their sign. He sent a letter to them about the sign and never had a response. We don't have any applicable zoning. They were not subject to Act 250 because the property is under 1 acre. Eric asked if the writer of the letter understands that we have no jurisdiction. Brian said the letter was sent more out of frustration. Eric said there is no one we could even refer them to. Brian said he doesn't think whatever contact he has with Dollar General is good. He never hears back from them. Doug said we can't do anything anyway. Mike said that is true but if the company is interested in trying to get along with communities where they have stores, why wouldn't they want to throw an olive branch? Eric said he thinks it is a huge national corporation and we are a very small town in a small state so probably they do not care.

14. *Executive Session to Discuss a Personnel Matter*

Nat moved to go into executive session to discuss a personnel matter as allowed by 1 V.S.A. § 313(a)(4), Doug seconded, the motion was passed and the board entered executive session at 9:31. The board consented out of executive session at 9:47.

15. *Adjourn*

The meeting was adjourned at 9:47.

VERMONT COMMUNITY DEVELOPMENT PROGRAM RESOLUTION FOR
Grant Application

SINGLE APPLICANT

RESOLUTION FOR VCDP GRANT APPLICATION AUTHORITY

Single Applicant

WHEREAS, the Town of Johnson (hereinafter "Applicant") is applying for a Grant under the Vermont Community Development Program; and
WHEREAS, it is necessary that an application be made and agreements be entered into with the State of Vermont.

Now, THEREFORE, BE IT RESOLVED as follows:

1. that Applicant possesses the legal authority as defined in the State Act 10 VSA §683(8) to apply for the grant and to administer the program; and
2. that Applicant apply for a grant under the terms and conditions of said program and agree hereby to enter into Certifications and Assurances thereof; and
3. the Applicant has a duly adopted and current Municipal Plan 8/15/16 (Date Adopted) and that the project is consistent with said plan; and
4. the Applicant has received documentation from the Regional Planning Commission that the project is consistent with the "Regional Plan; and
5. that Brian Story is hereby authorized to be Contact Person and as such to provide, on behalf of Applicant, all documents and information necessary for the completion of said application and to provide such coordination as may be necessary for said application; and
6. that (Name) Brian Story Title Town Administrator who is either the Chief Executive Officer (CEO), as defined by 10 VSA §663(6), or is the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Authorizing Official (AO) for the Grants Management On-line System, Intelligrants; and
7. that it is understood that, if the application is funded, the receipt of VCDP funds, as federal funds passed through the State of Vermont, may require that an audit of the Applicant be conducted under the provisions of the Single Audit Act, as amended, and that VCDP funds may be used to fund only a limited portion of the audit cost.

Passed this 2 day of February, 2020

LEGISLATIVE BODY

	_____
	_____
	_____
_____	_____

The above resolution is a true and correct copy of the resolution as adopted at a meeting of the Legislative Body held on the 2 day of February, 2020, and duly filed in my office.

IN WITNESS WHEREOF, I hereunto set my hand this 2 day of February, 2020.

Clerk	
	Signature