

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, AUGUST 17, 2020

Present:

Selectboard members present: Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood

Selectboard members absent: Mike Dunham

Others: Brian Story, Rosemary Audibert, Brian Krause, Beth Foy, Cal Stanton, Diana Osborn, Kate Riley, Lisa Crews, Louise Cross, Marina Asaro, Margo Warden, Rick Aupperlee, Lois Frey, Noel Dodge, Scot Meyer, Kim Dunkley, Lynda Hill, Marla Emery, Greg Tatro, Diane Lehouillier, Joie Lehouillier, Jackie Stanton, Jeanne Engel, Jennifer Burton, Walter Pomroy, Howard Romero, Kirsten Owen, Lea Kilvadyova, 3 other community members

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

Appointments to the sheriff's department committee, discussion about September meeting scheduling, and discussion of public comment about groups gathering without masks or social distancing were added to the agenda.

3. Review and Approve Minutes of Meetings Past

Nat moved to approve the minutes of August 3, 2020, Kyle seconded and the motion was passed.

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

Rosemary said the previous year budget status is probably 98% complete. She should have it reconciled by the next regular meeting. She thinks we will be close to what Brian estimated in December for year end.

Board members agreed to come into the office in person to sign warrants and the tax rate document.

Rosemary asked if the board wants to waive homestead declaration penalties this year. There is a 3% late penalty that the board can choose to waive. Nat asked what we have done in the past. Rosemary said the board has waived it in one or two years but mostly we have had the penalty go on the bill. Eric asked why people would not have filed the homestead declaration. Rosemary said some out of state taxpayers don't realize they have to fill out the form or they filed it late. Kyle asked about how this applies to people who filed their taxes late due to the extension that was granted. Rosemary said the extension was until July 15. The penalty would be only for those who filed after that. Doug asked, the homestead declaration would be for primary residences? Rosemary said yes. Doug said it seems we should be looking at money availability rather than past precedent.

Rosemary said she thinks it will be \$500 or \$600 at most, not a lot of money.

Doug moved to waive the homestead declaration late penalty, seconded by Kyle.

Nat asked why Doug made that motion. Doug said he thinks the penalty will probably fall on people who will have difficulty paying it. People are short of money right now. He thinks it is a reasonable thing to do in this time of pandemic.

Beth Foy commented in chat that it is easy to miss on some tax software.

The motion was passed.

Rosemary showed the tax rate calculation based on the grand list total (\$231,019,300), the budget and two additional monetary articles passed at town meeting (total of \$1,901,059.39) and school adjustments (\$9,199.03.) Brian said the tax rate needed to raise the \$1,911,089.44 is 4 cents less than what was in the town report. Rosemary said that is due to the reappraisal.

Nat moved to approve a town tax rate of .8272 for the 2020-21 tax year, Doug seconded and the motion was passed.

Rosemary said the first tax due date will be September 30. The rest of the cycle will stay the same as in past years.

5. *Road Commissioner/Road Foreman Report and Action Items*

Brian Krause said his crew will be ditching and replacing culverts on Ober Hill and Dukes Road for 2 weeks. They will shut down daytime traffic most of the time during the project.

Brian said he spoke with FEMA engineer Richard Downer about the library flood door we had been looking into. Downer suggested not going over 4 feet tall because buildings are not designed to handle that much load. If we stick with 4 feet we could bolt a piece of plate to the foundation with a gasket or if we want to get more elaborate we could build a door that would hinge but it would be more involved and would have to be locked from the inside. That would be more expensive and harder for a town employee to implement as they would have to access the library.

Eric asked if Brian recommends a 4 ft. high flood door based on the engineer's recommendation. Brian said yes; the engineer's recommendation was to only go 4 ft. high because of the structural integrity of the wall. He is waiting for more information on designs, but the only thing that would change the 4 ft. recommendation would be if an engineer gave the opinion that it would be okay.

Eric said Brian K. should inform the library before we do anything.

Doug asked if a 4 foot high door would have protected against any of the recent floods. Brian S. said yes, it would have protected the building in November. Eric said he thinks it would have protected during the ice jam flooding. The only one he can think of when it wouldn't have been enough is the '95 flood. That definitely would have gone over 4 feet.

Brian S. said he is a little worried about how quickly and easily the type of structure Brian K. described could be installed. He likes the flood gates we can slot in because it doesn't take any strength or training to install them, in case someone from public works is not available to install them. Brian K. said what he is thinking of would take roughly 5 minutes for a public

works employee to install. The aluminum plate shouldn't weigh that much. Nat asked the cost different between what Brian S. is proposing and what Brian K. is proposing. Brian said he doesn't know what a premanufactured flood gate costs. Making one would cost about \$500. Nat said a premanufactured one would cost a lot more than \$500. He likes to save money. But he would like to get the library's input before making a decision. Eric said it might be worth finding out what manufactured commercial flood gates cost. If public works is not available, the fire department is familiar with those and could easily install one. If there is not a huge difference in cost it might be worth it to stay consistent.

Nat asked if the 4 foot figure was based on that structure. Brian said it sounded more like it was a general rule, but the engineer has visited that structure. He is familiar with it. Brian thinks he was hesitant, as most engineers would be, to say without extensive study that we could go over 4 ft. He thinks it is pretty safe to say not to go over 4 ft. as a general rule.

Nat asked if this would be installed this summer or fall. Brian K. said if he was going to build it, he would do it this fall.

Doug said he would like to know if the engineer was expert enough or was just declining to go beyond a general rule. Eric said we would have to hire an engineering firm to do a structural study to find out for sure.

Jeanne Engel said the library had an engineering study done, she would say 3 or 4 years ago. She believes she sent it to Brian Story. They studied it for flood proofing and said we could go up to the height of the door.

Nat asked if the aluminum plate idea would work if it were the full length of the door. Brian K. said that what he was originally thinking. He thinks he would cut the plate in two so it could be installed by one person.

Jeanne said the library has a contractor who is an aluminum welder looking into giving an estimate for an aluminum door on hinges that would be permanently in place. Brian K. asked if it would have a gasket and lock. Jeanne said she believes so.

Brian K. said we are replacing the 4300 truck next year. We need to order the truck a year ahead of time because of how backlogged they are. He showed the board a quote from Clark's for a new truck. We have 2 trucks scheduled to be replaced in 2020-21. He will bring the other one up next month. We need to order them soon. We typically don't pay until we take delivery. Kyle asked if we are trading in the old truck. Brian K. said yes. The price with trade-in is \$107,855.

Nat said before voting on this large an amount, even though it is in our capital plan, we should probably warn it on the agenda. He also would like time to look at the quote ahead of the meeting.

Brian said he won't be able to get a quote for the second truck until closer to the September meeting. Eric suggested having possible action on both proposals on the agenda next month.

Brian K. said he is sure Clark's will hold the price they offered until then, but he will double check to be sure. He will get the second quote to Brian S. as soon as he gets it.

Nat said we got a couple of bids on paving and we were going to wait and see if we got a grant. Are we still waiting to hear from the state? Brian S. said we haven't yet gotten a determination on that grant award.

Nat said he has been thinking about gravel and a new gravel pit. We had bore samples done. If we were to start reviewing the bore sample data now, it is possible we could negotiate a deal with the owner in advance of town meeting to put it before the voters. If we did that, with Act 250, MSHA, etc, he thinks we wouldn't be into that new pit until at least summer of 2022. He is hoping we can clear time from Brian S.'s and Brian K.'s schedule to resolve that issue. Brian K. said he would be all for that. Eric asked how much life is left in the gravel pit. Brian K. said a couple of years. We found some extra material. Brian K. noted that by the middle of September the high wall on the current pit should be finished off and seeded. Nat said he thinks if there are projects that can be put off to focus more on gravel he thinks we should do that. Brian S. said he thinks they can do that. He wants more advice from the consultant we selected to analyze the core samples. Eric said he agrees with Nat that we should start working on it.

Kyle thanked Brian and his crew for installing flower boxes on the Railroad Street bridge for the Beautification Committee. They look great.

6. Adoption of Municipal Policies and Codes as Required for Receipt of Vermont Community Development Program Grant

Brian S. said we applied with Jenna's Promise for a Community Development Program grant to redevelop the Barrows House on Main St. To get that redevelopment money we are required to adopt a set of policies and codes. Last time we accepted money from this organization we had to adopt a similar set of codes and standards, but the standards were updated in 2017 and we need to update our commitment. We have to adopt an Equal Opportunity Policy that does not allow us to discriminate against any protected class. We need a Fair Housing Policy that says we apply equal opportunity to all housing programs we use related funds for and will not discriminate when awarding contracts related to housing development.

Kyle asked if Jenna's Promise will have to follow this set of guidelines in determining who live in their housing units and gets jobs at the coffee shop. Brian said yes; they will have to adopt non-discriminatory processes also. Use of public money requires adoption of policies like these.

We need to say we will not site facilities in ways that exclude protected classes and not discriminate based on handicap status or age, that we do not condone use of excessive force, that we will not use grant funds for federal lobbying, that we will adopt a code of ethics in relation to use of these funds and that we will have a drug-free workplace. It is our responsibility to monitor subrecipients like Jenna's Promise to make sure they are following non-discriminatory practices. We have to protect whistleblowers.

Kyle asked how the board oversees subrecipients. Brian S. said the bidding process we use currently is a process for that. For the most part we would designate responsibility to Greg Tatro to oversee contracts and contractors' practices. He tries to be aware of contractors' working conditions. A certain amount of it relies on whistleblower protections. We are not working with anyone unknown to us. We have been fortunate that we haven't had any hard questions about this. Kyle asked, do we mostly wait for complaints to come rather than being more proactive? Brian said regarding their protections for their employees and their work habits we are mostly overseeing for visible actions. We are asking them to certify that they follow general guidelines but we don't audit their employment guidelines or hiring practices. We generally work with people we know.

Kyle said she is wondering if we shouldn't get more robust procedures in place in terms of oversight. Brian S. said he thinks she is right. As we are doing more of this maybe we should have greater oversight. It is something he would probably want to get training and support on.

Kyle said women and minorities often are not comfortable coming forward when there is a problem so we should not rely on that. If we are the responsible party we should be doing due diligence. Brian said mostly we ask people to self-certify they are compliant and in the absence of complaints we trust them.

Doug asked if there is a great deviation between this set of policies and the one we previously adopted. Brian said he doesn't believe so. He doesn't believe the policy on use of force was in there before and some wording about employment access was changed.

Greg Tatro said the home is for people suffering from substance use disorder. In the last year Jenna's Promise financially assisted 50 people into homes in Vermont. They don't know their race or sexual orientation and they don't care. That won't be an issue.

Kyle asked if Jenna's Promise has policies around this or plans to. Greg said yes. They will have house rules and the state government is working on a sober living program. There is also an organization that approves sober living housing and they will be getting their approval. That comes with house rules and probably a lot of the same things that are in this. Really the only reason you would ask someone to leave sober housing is if they are going back to using drugs again but the state is saying you have to have a plan for them. We don't want them on the streets.

Eric said we have to sign these policies to accept the money and it's not a lot different than what we signed in the past. He had always assumed the recipient would have something similar provided to them. Did Sterling Market have to sign something like this? Brian said he is not sure what they have to sign, but we won't award money to individuals and organizations that are not also equal opportunity. They will have to self-certify that they are. Eric asked if the state or federal government will make Jenna's Promise sign something similar. Brian said he thinks they will file with both the feds and with us, but it mostly relies on self reporting and whistleblower actions.

Doug moved and Nat seconded to adopt Form MP-1, the municipal policies and codes required for receipt of the Vermont Community Development Program grant.

Brian read some comments from chat. Rick Aupperlee asked about the statement in the Equal Opportunity policy that attempts will be made to contact known sources of woman and minority applicants. Brian said to a limited extent we already do that but we are hampered by not being aware of many woman or minority owned businesses for a lot of the contract services we need.

Jackie Stanton asked who is responsible for oversight of the stipulations. Brian said the town is responsible for the town and Jenna's Promise is responsible for Jenna's Promise but the town has to get certification from Jenna's Promise that they are meeting the requirements.

Scott Meyer noted that there are both federal and state whistleblower rules. Brian said yes, it would be against the law for us to interfere with whistleblowers anyway.

Cal Stanton asked if there is a plan for Jenna's Promise regarding what services will be offered, etc. Brian suggested that Cal and Greg connect offline to discuss that.

Kyle got disconnected due to technical problems.

7. *Letter of Support for Jenna's Promise Grant Application*

While the board waited for Kyle to come back, Brian explained the next agenda item. Jenna's Promise asked for a letter of support for a different grant they applied for to do work related to finishing upgrades and other redevelopment of the old church on St. John's St. Greg Tatro said Jenna's Promise received a USDA grant for \$250K. Their match is \$114K. They are doing a lot of handicap accessibility work. They will have a lift to the basement. They are applying for a Building Communities Grant to help pay the match. That grant will probably be about \$20K. Brian said he would like to write a letter saying that the town supports the efforts to redevelop and improve that space.

8. *Adoption of Municipal Policies and Codes as Required for Receipt of Vermont Community Development Program Grant (continued)*

Kyle remained disconnected. Eric called for a vote on the previous motion. **The motion was passed with Kyle absent for the vote.**

9. *Letter of Support for Jenna's Promise Grant Application (continued)*

Nat moved and Doug seconded to have Brian write a letter of support for the grant application Jenna's Promise is pursuing.

Kyle said she would like to start seeing more detailed plans for Jenna's Promise because it is a huge thing for our town. It is important that we be clear on exactly how it will all work. Eric asked if Greg could invite the board to any virtual meetings he has so the board can keep up with what his plan is. Greg agreed.

The motion was passed.

10. *Request to Lower ATV Speed Limit for Length of Hoag Road*

Brian said we received a couple of complaints about ATVs on Hoag Road. A resident there would like us to consider reducing the speed limit along the whole length of Hoag Road. Currently the speed limit on part of it is 25 mph. We worked with Green Mountain ATV to

lower the speed limit to 15 mph to around where the last residence is. The section between there and Clay Hill Road is a Class 4 road not open to cars. It mostly has been used for hiking. A resident in the area feels there is a lot of littering and abuse by ATVs. It is a challenge for her at her home and with her rental business.

Kirsten Owen said she has been living in that area for 20 years and she recently bought the property across from her and she is renting it out. The renters say they don't feel comfortable walking on the road with the ATV traffic. She is noticing a lot of speeding and people going much later than the designated hours. She believes it would be great to try to not have ATVs running through the natural environment. They are also impacting wildlife. Puddles are filled with oil slicks, which is not great for wildlife. The ATVs are disruptive in many ways. How can we change this? What are the possibilities of having people being able to enjoy their environment in this area?

Nat said ATVs are permitted on Class 3 and 4 roads in Johnson by means of an ordinance passed by the town as a whole by a town meeting vote 16 years ago. That is why they are permitted on Hoag Road. With COVID we have seen a statewide explosion of ATV use. Kirsten said last year is when the problems began. The ATV club transformed the Class 4 road into a road that suits them better for driving. It got bad before COVID. Nat said he thinks it would take a town meeting vote to override the ordinance. Litter, noise and oil slicks are concerning issues.

Kirsten asked how the ordinance is being enforced. Nat said our strategy recently has been to work with the local ATV club to keep things clean, enforce the ordinance and reduce speed limits. He thinks we need to work with Ken Tourangeau and his group of good ATV riders to reduce impact from bad riders.

Doug said there are people in his neighborhood who have similar complaints. There are people who live in houses next to the road who can't sleep on Sundays. The roads are being enjoyed by ATV riders and there is another set who are not enjoying it. He thinks the Hoag Road section ought to be looked at along with the whole layout of these roads and usage. It should involve discussion with local and maybe state ATV organizations. He thought the selectboard adopted the ordinance and there was a public meeting. Brian said it is a town ordinance. He wasn't here but as he recalls there were enough signatures raised to contest the ordinance so it went to a vote at town meeting on whether to uphold or rescind the ordinance. Doug said there was a committee charged with working on the ordinance. It was rewritten and taken out of their hands and the committee resigned. Eric said there was a petition raised to bring the ordinance to a full townwide vote, as can happen with any ordinance passed.

Doug said ATV riders are enjoying our back roads but by their very existence they are interfering with the enjoyment of others. He would propose that we not limit examination of this to Hoag Road but consider the entirety and bring in all the players.

Eric said it was similar when snowmobiles first came around 60 or 70 years ago. VAST got organized and took over and started policing their group. That is similar to where VASA is now – in the infancy stage of policing their own membership. He thinks we are starting to see economic impact. About half of Hoag Road is Class 4. Class 4 roads are open to ATVs by

state statute. That is beyond our control. But we did open up our dirt Class 3 roads and a few paved roads to ATVs.

Kirsten said ATVs now are so different from those in the past. There are more and they seem louder. She wonders how it devalues property to have ATVs roaring by with that level of noise. Eric said we just had a townwide reappraisal and he is not aware of any properties that were devalued because of ATV or other road use. Appraisers look at all factors when grading property. Kirsten said, not if they're not aware of it.

Nat asked if Ken Tourangeau has been made aware of issues with litter and people riding past curfew hours. Brian said he has spoken to Ken about this but he needs to reconnect and let him know it is an ongoing problem.

Kyle said she thinks it is very important that we listen to residents about their experience and loss of quality of life. Even if we can't put a dollar value on it we shouldn't sweep it aside as not important. When Ken was here last speaking about ATVs coming into the village her recollection was that he said he doesn't hear complaints. He said ATVs have a low hum. From what she is hearing from people on Gould Hill and Clay Hill, it's really impacting their quality of life. Ken needs to hear that. She thinks we need to start demanding better. It is true that ATVs change and evolve. It sounds like they have become more sporty and more robust. They were never designed to be on roads. She thinks it's creating problems and we need to be proactive about addressing them.

Nat moved to lower the ATV speed limit on Hoag Road to 15 mph. Brian said he and Ken Tourangeau were able to lower the speed limit for the occupied length of Hoag Road. This would lower the speed limit for the unoccupied section as well. **Kyle seconded.**

Doug said he thinks this shouldn't be done piecemeal. It is a townwide problem. He doesn't think we should do spot speed limits. We need to look at routes ATVs are traveling, where they throttle up and down and where they make noise. This is a squeaky wheel getting grease.

Nat said he doesn't disagree. It seems like this is the beginning of the conversation, not the end. Kyle said she agrees there is a larger issue. It all needs to be addressed but she thinks it is important that a person took the time to come tell us about her experiences. She personally doesn't have a problem with addressing this one area tonight, keeping in mind that many more need to be addressed.

Brian said Diana Osborn asked in chat if reclassifying a road would have an effect. It would depend on state law. There are comments in chat that we have to think about the complaints we are hearing now we when talk about ATVs on Railroad Street and Main Street. Other comments include complaints about noise, questions about enforcement and agreement with Doug – mostly noise complaints.

Margo Warden asked, aren't we trying to brand the town as an ATV destination with our agreement to allow ATVs on Railroad Street and Main Street? Eric said he doesn't think the

board has ever had that discussion. What we have approved has been piecemeal. Kyle said she thinks we have discussed branding in terms of art and natural resources.

Kirsten said the rules allow ATVs to be up to 80 decibels, which is as loud as a lawnmower. They may be in groups. They can be out as early as 7:00 or as late as 11:00. How do we feel about that going through our town and on back roads in the peaceful natural environment?

The motion failed in a roll call vote with Doug and Eric voting no and Nat and Kyle voting yes.

11. Request for Active Management of Journey's End

Brian said we had a complaint from residents neighboring Journey's End about people camping overnight, a lot of litter, loud noises and being disruptive to neighbors. They are also saying there are large groups of people not using masks or social distancing. They are asking if we will do more active management.

Eric asked who we would have for enforcement – the Conservation Commission? Brian said the Conservation Commission does go out there and pick up a lot of trash and take care of the trail and site and they do a very good job of it. Nat asked if our constable would be able to help out. Brian said we don't have a good system for our constables to get involved in something like this. He thinks they could write a ticket for state littering laws but enforcing state law isn't what we normally use them for. The sheriff's department will respond to an emergency or some particular reason, but they are reluctant to hike all the way down to the water without being called for any particular reason.

Eric asked if that area has COVID-19 postings. Brian said we have put some there. Lynda Hill asked in chat if we can have sign saying, "If you bring it in, take it out." Brian said he thinks such a sign has been there in the past. We will make sure signage is up to date.

Lois Frey said she is not sure where COVID-19 signs are. She knows of one on a tree on the far edge of the property where people shouldn't even be going. She hasn't seen that posted on the kiosk. She would be happy to put signs up. Who is picking up all this trash that has been reported? When she gets there, there isn't much to pick up. Kyle said she thinks Jackie Stanton is picking a lot up. Lois said there may be trash along the side of the road.

Kyle asked where this complaint came from. Brian said from Jeff Russin in particular.

Nat said overnight camping seems like it would be a serious concern and it would be easier to catch someone doing it than to catch littering. He wonders if we could at least take down license plates and report them to the sheriff for them to follow up with. Brian said he wouldn't want any town employees to confront people. Nat said we could at least get license plate numbers and monitor the area, driving by on a Friday or Saturday night.

Eric asked, is it posted that no overnight camping is allowed? Lois said she is pretty sure it is. She said maybe we need to tell people who to report things to if they see something.

Eric said he is not aware of any ordinance the sheriff would be able to use against someone that was overnight camping. Brian said he doesn't think we have adopted anything like that.

Nat said we had the sheriff's department move someone off from Beard Park who had been camping there for about a week. Brian said they also moved someone who had been camping at Legion Field for about a week. He thinks the difference was the length of time. Without a request from us it might be harder for them to undertake going after people parking overnight for a single night.

Lois said Journey's End has no facilities to accommodate overnight camping. We don't want people camping overnight.

Eric suggested making sure there is signage at the trailhead about COVID-19, no overnight camping and carry in, carry out.

Lois said in all the times she has been to Journey's End there has hardly been any trash. Those using it are a group of responsible people.

Kyle said she is not interested in more active management other than getting our signage clear and encouraging people to clean up when they see something. When she takes her kids to Beard Park she brings a plastic bag for she trash and she is impressed with how clean it has been. She thinks in general the community is really good.

Eric said Beard Park vegetation could use trimming. Kyle agreed.

Doug asked, would it be proper to post no overnight parking? Brian said he doesn't think it would be because the parking there is still on-street parking. We could designate it as a no overnight parking area. Doug said he thinks as time goes along more people will be using our recreation opportunities and we should probably think about signage like that but he is not suggesting it now.

Brian said it would probably be better for enforcement to develop a more comprehensive parking plan. We have had requests for overnight parking in the village during the winter.

12. Resolution in Support of Old Mill Trailhead Improvement to be Named for Donor

Doug said Deborah and Ted Alexander had been summering here for a long time. After Ted died, he heard from Deborah that she and her family were thinking about doing a memorial to Ted and making a substantial contribution. She asked about contributing to the rail trail, which was important to Ted. Doug told her the state just got money to build out the rest of the rail trail and he suggested to her that perhaps with the expansion of the rail trail she would be interested in funding the shelter at the trailhead. She wrote back and said she was interested, though the family has some other potential projects. Doug called other board members and put together an ad hoc group to flesh out a proposal. He, Brian, Lisa Crews, Howard Romero and Lea Kilvadyova met at the trailhead. Doug wrote to Deborah and described what they had in mind. She is quite interested and would like to know what the funding would be. Would the town agree to dedicate the trailhead shelter to Ted Alexander, with a bio and picture, if an agreement can be worked out for a financial contribution for improvements? He thinks even if this doesn't pan out it would be useful to have some thought about making our shelter more comfortable, accessible and interesting.

Kyle said she agrees that space has so much potential and needs more TLC. The water for drinking has not worked all summer. It would be great to make it more than what it is. It is important that we see it in the bigger context of our vision for Old Mill Park. She hopes this idea will propel us into thinking about a bigger plan for that park. She supports this in concept. Have they expressed how much involvement in design they want? Doug said he hasn't heard them express any interest in that, just cost and the memorial aspect. Kyle said she is interested in knowing how much involvement they want in the look, feel, etc.

Doug moved and Nat seconded that the town of Johnson be agreeable to the concept of formulating a plan for improvements to the rail trail trailhead at Old Mill Park and that if agreement can be reached with regard to a financial contribution that the trailhead shelter be dedicated to Ted Alexander, carrying his name, picture and biography, in exchange for a contribution for the agreed-upon plan.

Walter Pomroy said he wants to make sure the board is very clear on what it is doing. There are naming right and there are dedications. They are different. Naming rights carries important legal ramifications that stick with the property, possibly forever. Dedication just means putting up a plaque. There is a very distinct difference between naming a building after someone and dedicating it or thanking a person for contributing. The motion is confusing with regard to what the board is doing. If the town is going to be naming this building, the board needs to slow down and examine the decision. It carries a lot of legal ramifications and the board ought to have a policy. He has been involved in similar discussions with the Green Mountain Club. He thinks the board needs to back up.

Lea said she is in support of the proposal. From conversations with Doug her understanding is that the Alexanders are eager to proceed and at the same time they also have other ideas about how to spend their money. She would like to think we can respond with something specific in terms of design. She acknowledges the need for public input. Hopefully we can get some. But she also doesn't want to lose this opportunity. It is not often that someone wants to make a donation to make something better. She wants the board to be cautious that they may lose interest after a certain amount of time. Her understanding is that they are looking for an image of what we are proposing and Howard Romero is working to sketch something out based on thoughts that have been brought forth.

Nat said there is an ad hoc committee going that could move forward quickly with announcing public meetings or soliciting written input. He doesn't think that needs to delay the process.

Doug said what Deborah Alexander was talking about was naming rights. They would get the naming rights for their contribution. His motion would be specific to that. Howard says he has drawn sketches. We could have the ad hoc committee decide if the sketches include what we were talking about and take them to the public. Deborah had asked if they would have naming rights and he said he would take it to the board. That is the first step that is important to them.

Scott Meyer and Kim Dunkley expressed support.

Diana Osborn asked, isn't Johnson about in the center? Maybe we could consider a campsite at the park for people doing the whole rail trail. That might be especially necessary if we start making changes to overnight camping in other areas.

Rick Aupperlee suggested opening this up to a larger public conversation.

Brian said he thinks we can get drawings from Howard, publish them and ask for public comment. He can work on a survey. Maybe we can have a Zoom meeting to discuss it. He wants to be clear that so far this is not a committee convened by the selectboard, just a group of private citizens who are weighing the interest of the selectboard. The selectboard is not granting authority to the group to act. Eric said he would interpret Doug's resolution as saying we would entertain this but we are not committing yet.

Nat said he would encourage the ad hoc group to start getting input from the public. He thinks this would be wonderful. He wants to be careful that we have robust public input. Along with getting estimates to build it he would like to know estimates for annual maintenance. He assumes there would be ongoing cost. His other thought is that this will put more pressure on us to redesign that intersection, which is not very user friendly now.

The motion was passed.

13. *Letter in Opposition to S.237 An Act Relating to Promoting Affordable Housing*

Brian said VLCT and LCPC are both submitting letters in opposition to S.237. The central complaint they have and that Brian has is that it is applying Burlington standards to the rest of the state, reducing our local control and impacting our ability to govern ourselves. He is interested in asking the selectboard to oppose it. It is less about the specifics of the bill than about the impact on local governance.

Eric said Duncan Hastings sent out a letter about LCPC's opposition. He asked if other board members had seen it. Nat and Kyle said they hadn't. Eric said it may have just been sent to him and Brian. Brian apologized that the board was not copied on it.

Kyle said she reached out to Lamoille Housing Partnership and Dan Noyes for their opinions. She is trying to figure out why we would oppose something that seems to be protecting vulnerable populations. Lamoille Housing Partnership said in June they were in support of this bill. Dan Noyes says that according to the Speaker of the House it is unlikely the bill will even get to the floor because the budget is a priority and by time it gets to the house floor it could look very different.

Eric said in that case we might not need to take action tonight. We can get stronger information to share with the full board on LCPC's and VLCT's position and the reasons for it.

Doug said he talked to Duncan Hastings and Dan Noyes. His understanding is that this is about housing in unaffordable places like San Francisco. Our form-based code would have state requirements stuffed into it. It really doesn't translate to this type of community and creates problems for us.

Eric said he doesn't see why we can't wait until we get more information.

Nat said he hasn't gotten much information about it. He is not prepared to take a stand one way or the other tonight.

Kyle said she feels ambivalent about strongly taking a stance one way or the other when it may look different when it comes out of committee. According to Dan they are trying to work out the grievances of VLCT. She thinks it is good to give it a little more time. She doesn't want to oppose something if that goes against our anti-racism commitment statement.

Eric said we will come back to this in the future. He suggested that Brian get more information on VLCT's and LCPC's positions.

Walter Pomroy said he did research on this. He feels the town should strongly support this bill. A lot of communities other than Chittenden County support this. The whole point of this bill is equity, inclusion and diversity. We have come forth and said those things are important to us. Bills that support equity, diversity and inclusion should be given a chance to come forward to correct systematic biases. Vermont Affordable Housing's position was that zoning is systematic bias. VLCT has an article in their own magazine from Xusana Davis talking about systematic bias but they seem to be ignoring it. Realistically this law won't affect us at all. Form based code doesn't get into multi-family housing units. There will be minor tweakings we will have to do. If we are going to get serious about addressing systemic bias we should come out strongly in favor of this law and tell VLCT they should be looking at these things differently.

Brian said in chat Beth Foy agreed with Walter about not following VLCT or other organizations without fully understanding.

Jackie asked where the recommendation for the town to write a letter of opposition came from. Brian said LCPC, LCPC rep Duncan Hastings, and VLCT all have come out in opposition to it.

Kyle said she wants to see those letters. To Walter's point, she feels she would never support something moving us in the wrong direction regarding housing equity and systemic racism.

14. Updated Town and Village Employee Memorandum of Understanding

Brian said he got comments back from the village on the MOU regarding employees working in the municipal office. With the joint meeting coming up he would like to revisit the MOU and try to move it forward. The village had asked for a couple of changes. They suggested changing some terminology regarding the two parties (town and village) and getting it more consistent throughout. We have been working on a date for when we had to turn in changes in wage calculation determining how wages are shared between town and village. They want to make it explicit that if the agreement is dissolved each party will pay for 100% of their employee. He thinks it makes sense to adopt the requested change about town and village parties and he thinks it is okay to adopt the language about what happens if the MOU is dissolved. He doesn't think it is necessary to tie a date where wage negotiation happens with the agreement. They would like to specify that we would do it in November or December before the new agreement is signed for January 1.

The board agreed this should be a topic for the joint meeting. Eric said the draft MOU will be emailed out to board members.

15. Date and Agenda Items for Joint Meeting with Village

Brian said the trustees suggested meeting on August 24, 25 or 26. The selectboard agreed to propose meeting Monday, August 24 at 7:00.

Brian said we don't have a moderator lined up. Eric said he thinks it will be difficult to moderate a Zoom meeting. Brian said he feels he could serve that function. Eric agreed he could. Kyle said she is comfortable with that.

The staff MOU is the only agenda item Brian has to add for the joint meeting Doug said he thinks if we are going to discuss the charge for the racial justice committee we should discuss how members of the committee get chosen.

Kyle said she will be recommending that we change the name of the committee to broaden the scope of work to something like social justice and equity issues.

Kyle asked if the joint meeting would be an appropriate time to talk more about the merger study. Eric asked if we got anything back from the consultant. Brian said no. He would not recommend that as a topic for the same meeting just for time reasons. If we are interested in talking to them about it he thinks we could discuss when to do that at the next meeting.

Eric said we don't necessarily need a joint meeting to discuss benefits. Would town and village have a uniform benefits package? Brian said if we did, it would have to be by agreement. We also need to work out what to do about Rosemary and Susan. Rosemary is elected and she hires her assistant. They are neither town nor village employees. That is a potential third category of employee. Eric said both town and village compensate both of them. Nat said he thinks it would be nice if the healthcare benefit could be the same for town and village. Eric said for Rosemary and Susan, too. Brian said we should have a joint meeting to discuss Rosemary's and Susan's compensation if nothing else.

Nat asked if there is anything to discuss regarding the old mill house and the former Tatro property. Brian said he will review their notes and see.

16. September Meeting Schedule

Eric said the first Monday of September is Labor Day. Do we want to have a meeting that day, move it, or not have a working meeting in September? Brian said he doesn't think there is anything that can't wait until later in September if the board is willing to wait, with a couple of things maybe pushed to October. Doug asked if we can have something in writing about the gravel pit by the beginning of September. Brian said he will try to get it out in advance of when the meeting would have been. It was agreed to have only one meeting in September, on the third Monday.

17. Law Enforcement Study Group Appointments

Brian said 3 highly qualified people have volunteered for the study group – Greg Tatro, Diana Osborn and Duncan Hastings. Duncan was not able to come tonight. Eric invited Greg and Diana to speak.

Greg said he is willing to serve. His main concern would be public safety. He wants to look at the numbers to see if we are getting what we are paying for and if there is a way to save some money for the town. He thinks he could figure this out pretty easily.

Diana said her interest was triggered by Nat's invitation. He invited her because he knows she works in Lamoille County as a first responder. She works with the sheriff's department, especially dispatch. She is concerned about the financial aspect. She thinks it is important to look at the other towns. She has about 10 years of school board experience and she was a founding member of the River Arts board, so she is familiar with working on boards. She understands the group would not make decisions but would be doing background research for the board so they could make the best decision. She likes to research issues and this is one that is interesting to her.

Kyle asked how many people we are supposed to appoint. Eric said two. Kyle said Roger Marcoux serves on the Jenna's Promise board. She said she wonders about potential conflicts of interest. She wants to make sure Greg could be objective.

Greg said Roger is on the board but that really isn't going to make any difference to him. He is a resident of Johnson. His primary goal would be public safety for the town. He thinks we need law enforcement but we might not need quite as much as we have. Public safety is the number one priority but everyone is concerned about tax dollars with COVID and reduced incomes. It won't be a problem. He tells it the way it is.

Doug asked Greg and Diana if they think they have time to put into this. Greg said he doesn't know how much time it will take. If it is just one meeting a month it should be okay. If it is one a week, that would be harder. He will make time. Nat said the meeting schedule will be dependent on the members. We haven't put a timeline in place for deliverables. He thinks a rough expectation will be to have something in a year for us. The schedule will have to work for the 6 members.

Nat said he encouraged Diana to apply for this because of her experiences as a first responder in Morrisville, her experience as a long term resident and school board member and her feedback on the Class 4 roads, which was extensive and very detail oriented. He talked to her on the phone and she seems to understand what is going on. He thinks Greg is a great candidate because he is a business owner. He runs an organization that is roughly the same size as the Lamoille County Sheriff's Department, at least in terms of number of employees. Two big drivers of the budget are payroll and equipment. He thinks Greg's experience will be valuable. Duncan is also very qualified. There is no wrong answer here.

Nat moved and Doug seconded to appoint Diana Osborn and Greg Tatro to the law enforcement study committee.

Eric said he echoes what Nat said. Duncan brings a wealth of knowledge but what Greg and Diana bring is a fresh set of eyes from the outside. He thinks there could be a lot of value in that. Doug said he thinks they are both highly qualified and he likes to see the community strengthened by adding new volunteers.

Kyle said she agrees all 3 candidates are very strong. She takes pause with the potential conflict of interest. Kyle moved to amend the motion to appoint Diana Osborn and Duncan Hastings. The motion to amend was not seconded.

The motion was passed in a roll call vote with Kyle opposed.

18. COVID-19 Concerns

Kyle said she received a letter from a citizen who is an NVU employee and also a Johnson resident who reported a dozen or more college kids at the elementary school playing basketball with no social distancing or masks. Students haven't gotten their second test yet and they have been told they can't go off campus until they get a second negative test. The citizen wanted it brought up to the selectboard that this is a problem already occurring.

Eric said the college is doing the best they can to reiterate the importance of social distancing. He is not sure how much enforcement they have. The elementary school is trying to do the same but they have opened up their basketball court and they don't have 24/7 surveillance. We can share the information with the college. Kyle said it sounds like it has been shared but it was a dead end because they don't have a way of enforcing their rules. Eric said we are seeing this around the country. College campuses are opening up and students are partying and not adhering to social distancing.

Nat said he thinks the only teeth we have is being able to recommend to David Manning that he close the basketball court. Brian said there are some comments in chat that others have seen similar groups. Eric said he will reach out to David Manning and Jonathan Davis from NVU and see what their thoughts are. Doug said when Eric talks to David Manning they should consider where students will go if they are not there. They may just go underground. Nat said he thinks it would be a good suggestion to at least close the court down until they have gotten their two tests.

19. Executive Session for a Labor and Staffing Matter

Nat moved to go into executive session for a labor and staffing matter as allowed under 1 V.S.A. § 313(a)(1), inviting Brian S., Brian K. and Rosemary to remain, Kyle seconded, the motion was passed and the board entered executive session at 10:22. The board consented out of executive session at 10:55.

20. Executive Session for Attorney Communications

The board entered executive session to discuss communications with the town's attorney at 10:56. The board consented out of executive session at 11:16.

21. Adjourn

The meeting was adjourned at 11:16.