

JOHNSON SELECTBOARD MEETING MINUTES  
ALL PARTICIPATION BY ZOOM TELECONFERENCING  
MONDAY, JANUARY 18, 2021

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood  
Others: Brian Story, Rosemary Audibert, Hugh Albright, Bobbi Rooney, Eben Patch, Jessica Bickford, Ken Tourangeau, Kim Dunkley, Scott Meyer, Phil Branca, Rob Rodriguez, Shayne Spence, Kirsten Owen, Tina Bidwell, Lois Frey, Margo Warden, Doug Collins, Neil Shepard, Jackie Stanton, Sophia Berard, Marla Emery, Mark Woodward, Athena Parke, Beth Foy, Brackett/Aloisio, Diane Lehouiller, Greg Tatro, Olivia McGovern, Joie Lehouillier, Lotty Roozekrans, Marina Asaro, Theresa Snow, Lea Kilvadyova, Jasmine Yuris, Jen Burton, Chad Letourneau, Lynda Hill

**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 item to go over the proposed warning and ballot for town meeting. Kyle said she had a few thoughts about Martin Luther King Day that she wanted to share.

**3. Review and Approve Minutes of Meetings Past**

**Mike moved to approve the minutes of January 4, 2021, Doug seconded and the motion was passed.**

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

Rosemary said revenues to date are at 89.5% of budget and expenses are at 41.11% of budget. A large item included in the warrants this time was the sheriff's department expenditure. Eric asked what all the charges for the courier were. Rosemary said the library uses a courier instead of mailing books. Those expenses come out of the library budget.

Rosemary said she will do a Front Porch Forum post regarding animal licensing to tell people they can do licensing through the mail since the town office will probably be closed through April 1.

**Mike moved to authorize Eric to sign warrants on behalf of the board, Kyle seconded and the motion was passed.**

**5. Public Works Supervisor/Highway Foreman Report**

Hugh said the highway department did a lot of sanding this past month. They performed normal equipment repairs and maintenance, installed a new spreader on the pickup, serviced the loader and addressed illegal parking on roads during snow events. They also participated in safety trainings from Vermont Local Roads

**6. Review Alternative Options for New Salt Truck**

Hugh said he reviewed the truck that was specced and agreed upon based on Brian Krause's recommendations and he wholeheartedly feels that the vehicle the town committed to going with will not best serve the needs of the town. He researched some other avenues and sent his

ideas to Brian Story. He thinks we need to think about putting the brakes on the planned purchase and going another route.

Eric said he recalls that we switched to a different model that was a little heavier duty. Hugh said the model we chose is supposed to have a heavier duty rear end, but the reason we are breaking rear ends now is lack of traction. Employees are loading trucks to the hilt to get them up hills. The wheels spin and when the truck regains traction the load slams into the rear end. He feels a smaller four-wheel drive truck would be better. It wouldn't have to be loaded as heavily and torque would be spread all through the front and rear. He feels that is clearly the better route to go. There are many other reasons he thinks we should go with a smaller truck, not just cost, but obviously the cost would be a bit lower. He is looking for a truck that can address issues we have during the times of year we are not plowing. A smaller truck would have a dump body with drop-down sides so employees could put small tools in the back.

Eric said he thinks Brian Krause indicated that if money were no object he would go with a four-wheel drive truck similar to what we ordered. He doesn't remember the cost difference between that and a two-wheel drive truck. He asked if Hugh has any thoughts on that. Hugh said he believes adding four-wheel drive increases the cost at least \$20K. He doesn't understand why that truck needs to be that big. He understands that we have gotten a big truck so we can haul as much weight as possible to increase traction. He thinks it is preferable to have a smaller truck that can hold four yards – a little less than the current truck. It would be cheaper to maintain and the dealer would be closer. The salt shed is in the middle of the route so it would not be a long way to come back for more salt.

Mike asked how much cheaper that would be. Hugh said he thinks we can save at least \$15K. Mike said he thinks we should cancel the existing order.

Nat asked how Clark's feels about that. Hugh said he talked to them. The conversation was friendly but he could tell they didn't want to cancel the chassis, which is understandable. Nat asked, will they allow us to do it and will it cost us money? Hugh said the contract seemed vague. He doesn't know the legalities. Brian agreed that the contract is quite vague. It does not specify any remedy if we want to cancel. We want to maintain a good relationship with Clark's. He thinks there is room for negotiation. Canceling is probably doable, given that we had to order a truck so far in advance. He doubts they will have trouble finding someone else who wants this truck and might be happy to be able to receive it earlier.

Kyle asked, we haven't given a down payment? Brian said no, but we did sign a purchase and sales agreement and Clark's has laid out money for the truck we are going to purchase.

**Mike moved and Nat seconded to authorize Brian to start discussion with Clark's on canceling the salt truck order.**

Kyle asked, the smaller truck will definitely be available when we need it? Hugh said yes. We can get the chassis in May and slip it into the same build schedule as the truck we were planning to get.

Doug said Brian had mentioned that the contract with Clark's does not specify any remedy if we want to cancel but the law provides a remedy, which is that Clark's gets the benefit of the bargain. We are looking at having to pay them their attorney fees for collecting and the loss of benefit of the bargain. That is the leverage on their side.

Eric asked if the truck Hugh is proposing can push the plow and wing and do everything the current truck does. Hugh said yes.

Mike said Clark's wants to keep our business. He doubts they will rake us over the coals. There is another deal down the road for them. They will want us to keep doing business with them. Eric said they have taken us on our word because we have never broken a contract before. If we cancel this order he wonders if in the future they would require a deposit. Mike asked, so what if they do? Eric said then we would have to come up with the deposit in the fiscal year before we get the truck. Nat said we should just hear what they have to say and then make a decision. Mike agreed.

**The motion was passed.**

**7. *Jenna's Promise Placemaking Grant***

Brian said he had misunderstood what this grant was for. It is not related to the cafe. It is for Jenna's House. There is a grant program for placemaking and beautification. Jenna's Promise is going out for a grant and would like an endorsement from the town. The town won't be acting except to endorse the planned development downtown.

Olivia McGovern said the goal of the grant is beautification and creation of public community spaces. Jenna's Promise plans to create a patio and seating for the community outside Jenna's House and they are looking for support.

Nat asked, Jenna's House is the church? Olivia said yes.

Kyle asked where the patio would be. Olivia said on the side with all the grass, on the right if you are looking at the building.

Kyle asked, when she said it is for the community, does she mean people coming to take a class or watch a movie at Jenna's House could then hang out there? Olivia said yes. The top floor of the house will be for the community. The outside space will be open for everyone 24/7. It will not be limited to events.

Doug asked the approximate size of the patio. Olivia said they are thinking about 14x14 ft. for the patio and a covered area of about 12x10 ft. A walkway to it would be included. In the future they hope to have an outdoor stage but that won't be part of the grant.

Kyle asked, this is the Better Places grant? Olivia said yes. Kyle said she believes that grant can provide \$5K to \$25K. How much is Jenna's Promise going for? Olivia said probably around \$13-15K.

Olivia said she can provide a rough outline of what Jenna's Promise is looking for in the letter.

**Nat moved and Mike seconded to direct Brian to write a letter of support on behalf of the selectboard for Jenna's Promise's application for a placemaking grant and to authorize the chair to sign the letter on behalf of the board.**

Village trustee Athena Parke said she thinks it is a really exciting thing they are doing.

**The motion was passed.**

8. ***Town Budget Review and Adoption***

Brian said the amount to be raised by taxes in the draft budget is 2.6% over the amount in the original written budget last year but there were a couple of modifications made to the budget during town meeting that increased the amount to be raised by taxes. The amount to be raised by taxes in this budget is a total of \$1,907,645, about a \$6K increase over the budget as modified, which is less than 1%.

The last time the board reviewed the budget there was an error in the estimated fund balance to reduce taxes. It looks like we will be able to contribute \$100K to reduce taxes.

The amount for the fire contract with the village will increase by 3%. Nat said village trustee minutes suggest that is the worst case scenario and the increase might be less. Brian agreed.

Brian said he changed line item 383 for this fiscal year to show \$37,500 to be contributed to the bridge and culvert reserve fund as instructed by the voters at town meeting. Eric said when the voters increased the budget by that amount, the anticipation was that we were going to work on Scribner Bridge last summer but we were unable to because of the pandemic. This satisfies Walter Pomroy's concern by showing the money being put in the bridge and culvert reserve fund. We anticipate taking the money out of the fund in the upcoming fiscal year to do the work.

Eric suggested that Brian show where he came up with \$100,000 of cash on hand. Brian said we have actual cash on hand of about \$611K at the end of the year. He explained how he came up with an available uncommitted balance of \$127K. We are estimating we will end this year with a positive \$22K, so that gives us estimated total cash on hand at the end of the next fiscal year of \$150K. We anticipate using that reserve for paying down the budget and for our tax anticipation reserve fund.

Our tax rate this year will be approximately 83 cents, slightly under last year's tax rate. The tax rate is basically level. A property owner with a \$150K home will save about \$2 over the course of the year on the municipal tax rate. The tax bill includes the school tax, which will be a significant increase.

Eric noted that if we are able to get out of the contract with Clark's and have savings by going with a cheaper truck, that doesn't affect taxes at all. Money is coming from the reserve

fund to pay for the truck. The only way it would help would be to leave a little more in the reserve fund.

Brian said the sheriff's communications budget is up a little from the earlier draft but still down compared to last year. Doug said he thinks we have some unpleasant surprises in the future regarding the sheriff's department budget. It is wonderful that LCSD is holding increases to 3% but based on his experience that means there will be a shortfall and a penalty to be paid later. He noticed that the governor issued an executive order starting down the road of consolidating law enforcement departments. That might affect the communications employees Roger Marcoux has.

Kim Dunkley said she sees the health officer is getting a raise. She has put in at least five calls to the health officer and gotten no response. She is disappointed that a raise is being given to someone who does not even have the ability to give a phone call back. Eric said that is duly noted and will be passed along. The main reason for the raise was that it had been about two decades since the health officer got a raise.

Eric asked if Brian has had Susan look at the budget draft to put different eyes on it. Brian said he intends to have Susan and the auditors look at it.

Brian said there are a few changes to the library budget that are not shown in the print copy given to the board. Grant income and expenses are both going up by the same amount. It looks like there is an issue with the library retirement line item. That will be revised down slightly.

Eric said we could have until the end of next week to finalize and adopt the budget. He was going to ask if the board wants to take positions on any articles on the town meeting warning. There could be a fair amount of discussion on that, so the board might want to meet next week. Kyle said she would feel more comfortable approving the budget next week if Brian is planning to get more eyes on it before then. Mike agreed the board should hold off on approval until next week. The board agreed to meet next week and approve the budget then.

#### **9. Review Ballot Questions**

Eric said two articles were brought in by petitioners. We did not require signatures as usual. One will be a binding vote and one is non-binding. He understands there have been some wording change agreements worked out with Shayne Spence, the petitioner of the opt-in cannabis article. Normally changes are not allowed because the warning can only show the wording that was on the petition people signed. But this year we are not requiring signatures so we have the flexibility to change as long as we stay within the intent of the petitioner.

Brian read the suggested wording Shayne had agreed to. It asks the voters to establish a Cannabis Control Commission to study state laws and regulations regarding cannabis sales, facilitate community discussion on whether to approve legal cannabis sales in Johnson, and work with community stakeholders to make recommendations to the selectboard regarding cannabis sales. Shayne said the original language would have been a full opt-in question and this is half of that. Part of the opt-in process would have been to set up this commission. Shayne talked to a few people and Nat proposed this approach of having the conversation as

a town and using the Cannabis Control Commission as a way to do that. There is a statewide Cannabis Control Commission in the process of being formed. They will be putting out recommendations to the legislature. Part of the job of the local commission will be to take a look at those and be an educated voice on how we want to go forward as a town.

Nat said sooner or later someone will petition the town to have a vote to opt in for cannabis sales. Instead of opting in now he suggests doing our homework and letting the state settle what the regulations will be. He thinks it is great that Shayne brought this forward. He thinks this is one that the selectboard should take a position on. He thinks it is important for the community to prepare for the inevitable petition.

Kyle asked what community stakeholders Shayne has in mind. She is hearing and reading that the way the law is written it is deeply flawed and not equitable to people of color, minorities, women, small business owners, or small farmers. She is thinking of those populations as stakeholders, as well as Johnson Works, the Planning Commission and perhaps the Racial Justice Committee. Nat agreed. He said he would add Healthy Lamoille Valley and other prevention partners, Jenna's Promise and the Recreation Committee. Shayne agreed. He said having local control gives us the ability to ensure there is equity. He doesn't want some big cannabis company coming in and taking over our town.

Nat said a couple of people mentioned that we might not want to call it a Cannabis Control Commission because that has a specific legal definition.

Doug said it is unfortunate but he thinks substantial change to the wording of the article is not authorized even without signatures on the petition. He thinks once the petition is submitted the presenter of the petition is not authorized to negotiate new wording. Eric said he would argue with that view. Normally if there were signatures we could not by law change the wording but since we are not requiring signatures we would put the article in on our authority and if we are doing it on our authority he believes we can change the wording. Mike asked, is it Doug's belief that we have to go forward with the original petition or the original petitioner can drop it? Doug said he doesn't know that the official petitioner can drop it. Eric said they can't. Doug said we waived the requirement for signatures but a petition is still a petition. But this is not an area he has practiced in. If our attorney said we could change the wording it would be fine with him. Nat said it defies common sense that we would not be able to make the changes if everyone involved is amenable to it. Mike said he thinks we should have an attorney answer that question.

Eric said the same issue arises with the ATV question that was submitted. It was originally presented in the wrong format and could not be in the warning with that wording.

Brian said he thinks we can proceed with the assumption that we can make changes. Eric agreed we can proceed with that assumption, Brian will talk to our attorney and we can approve the warning next week. Brian said he has an appointment to speak to our attorney tomorrow about ballot questions. The board agreed to assume that changes can be made and finalize the warning next week.

Nat said he would like to hear from Jessica Bickford. Jessica said because a Cannabis Control Commission is named in Act 164 and would be a statutory body, she believes that this article needs to refer to a temporary Cannabis Control Study Commission, which would not be the actual commission that would be put in place if we were to opt in to cannabis sales. The group of people on this study committee may be different than the actual Cannabis Control Commission. Shayne agreed to that change.

Jessica said the bullet calling for the committee to facilitate community discussions is really vague. We might want to clarify by adding “on topics related to potential outcomes, short or long term.” And where it says, “make recommendations to the Selectboard regarding municipal regulation of the retail sale of cannabis in Johnson,” she suggests making that “regarding additional municipal regulations beyond the state level Cannabis Control Board.” That is the governing body that will make changes and recommendations to Act 164 throughout the next year. Retail sales would not be able to go into place for most businesses until October 2022 so there is time for this.

Jackie Stanton said what she is observing is not a simple word change but a pretty major change from the original intent of Shayne's petition. She is assuming Healthy Lamoille Valley is not in agreement with retail sale of cannabis and now Jessica Bickford is helping to rewrite the article. She is going back to Doug's point. It's confusing. What happened?

Shayne said after he put the petition forward a couple of people reached out to him and Jessica was one of them. She had a conversation with him that made a lot of sense. She said we have time and don't need to rush into the question of opting in or not yet. We can have a more fleshed out conversation. His intent is just to move the ball forward on this. He thinks this is a significant step forward. Nat suggested a middle ground between what he wanted and what he thinks some others want to happen, which is nothing. Brian said we are operating on the assumption that we can make changes to the wording but we will run it by our attorney before we put it on the ballot.

Kim said she is grateful to Shayne for bringing this to the table. She echoes Kyle's thoughts about all the different entities and being inclusive of getting everyone to the table.

The board and Shayne agreed that the wording discussed for the cannabis article is good.

Eric said there have been major changes proposed to the wording of the ATV warning. He doesn't think what was originally submitted was in the proper format to be on the warning. The question would be non-binding. He reached out to Kirsten Owen and told her that he felt the petition as presented would not be allowable and suggested she could try to come up with language in the proper format. He sees her revision as proper format. The proposed question now is just “Shall the town of Johnson revoke the ATV ordinance created on June 19th, 2006?”

Nat asked what the practical impact of this would be. Eric said it would be a non-binding vote. If it was overwhelmingly in favor, the selectboard usually listens to that input. It would be the decision of the future board after town meeting what the board wanted to do. He

believes the voters have the right to petition for a special town meeting to overrule the selectboard on revoking the ordinance and if that happened we would go back to the current ordinance.

Nat asked what happens if there is no ATV ordinance. Where and to what extent can people drive ATVs in Johnson? Eric said it would be subject to state law. We would not authorize ATVs on any of our highways. By statute, they are allowed on Class 4 roads. Nat asked, but not class 2 or class 3? Eric said that is right.

Kyle asked, revoke means do away with the entire ordinance? Eric said yes. Kyle asked, and then the selectboard would create a new one? Eric said not necessarily. Brian said the question is non-binding. The voters can ask the board to revoke the ordinance. As part of its decision the board may decide to make a new ordinance or may decide just to revoke the current ordinance and leave it up to state statute.

Nat asked if we are going to schedule our informational meetings tonight so people will know when they can come to ask questions about these articles. Eric said at next week's meeting people can weigh in on the merits of the articles. Brian said he thinks we could set the dates tonight. Rosemary and Brian said the requirement is to have one meeting within 10 days of the vote.

Ken Tourangeau asked why Kirsten wanted to revise her proposed wording from saying residents should be able to control their roads to changing it completely. The petition started with her road and her road only. Eric said the original position as she presented it was in a format that would not be allowable. It had wording that was prejudicial. We can't have an article that in any way prejudices people to support it or not. There can't be reasons given why to vote for it. That was the main reason it had to be redone. We would not have allowed that to go onto the warning.

Bobbi Rooney asked if any board members talked to the petitioners outside of a board meeting. Eric said yes, he did. He shared with the petitioner that the way the ATV article was presented would not be allowable. He believes this year we can change the wording of a petition before putting it on the warning because it is being put on the warning under selectboard authority. In a normal year with signatures on a petition the board would have the right to just disregard the petition. Doug said Kirsten presented a previous version of the fourth question in her original article to him and he told her that the town had no ability to prohibit use of ATVs on Class 4 roads so that section would have to be rewritten. Mike said he never talked to her. Kyle said she talked to her about some procedure things. Nat said he did not talk to her.

Kirsten said she was really concerned about Class 4 roads regarding runoff created by impact. That was important to her. Class 4 roads seem more fragile. She thought Class 4 roads would be part of revoking the ordinance but it looks like that is not the case. Eric said if we revoke the ordinance ATVs have the right to go on Class 4 roads by state statute.

Ken said ATV users also care about the environment on Class 4 roads. The ATV club has helped take care of roads. When there is no ATV ordinance all roads are legally used. This is futile in his opinion.

Chad Letourneau asked if the petition is about Class 4 road erosion or about ATVs getting to Main Street. Brian said this is specifically about the ATV ordinance. It would affect all town roads. Ken asked what difference ATVs on roads will make regarding runoff and erosion compared to a kid driving a pickup. Eric reminded him that this discussion is just about wording, not the merits of the articles.

Kim asked, if the voters were to say they wanted to revoke the ordinance, then would the board at a special meeting be able to say that Hoag Road is closed to ATVs and everything else is the same? Is that how Kirsten can try to get relief from what she is experiencing? Eric said this question is non-binding. It is only about revoking the ATV ordinance. Anything changing what ATVs can and cannot do would be a modification of the current ordinance. That is a separate question from what is being asked here. Kim asked, is this the venue to get to that so that Kirsten eventually can address the road she is interested in trying to preserve? Eric said that would be a board decision. There could have been a petition that came in requesting that the board modify the ATV ordinance to restrict travel on certain highways, but that is not the way this one is worded.

Neil Shepard said there were four questions and they were more comprehensive than this single sentence. He thinks something longer is needed to provide a wider context so voters can understand what they are voting on. Is there language from the original questions that can be added back? He doesn't understand why this has to be a single sentence.

Eric said we have to be careful that articles aren't leading questions to the voters. Wording like "because it causes erosion on Class 4 highways" would be a clear violation. There was some leading language like that in the original petition. Neil said the first question has language about asking the board to address which roads ATVs are allowed to use, establish speed limits, noise limits, day and time of allowable ATV use and method of enforcement. None of that is prejudicial language. He doesn't understand why that language can't be put back into the question. Eric said what he quoted may not be seen as prejudicial.

There was discussion about how that language could be added. Kirsten agreed with what was suggested. She asked if question 2 would be revisable. Eric said that is another question. He thinks that would be a second petition.

Kirsten suggested maybe all of the questions could be rewritten in an acceptable way. That would help the community understand their options. Could she look into it further and bring correct language back tomorrow or in a couple of days?

Nat said it occurs to him that what really needs to happen is an ad hoc committee. He understands that a committee was put together in the past and people with different views came to the table and had discussion about what they would want from an ATV ordinance and they came to an agreement and presented it to the selectboard. He thinks that is what

needs to happen again. Not everyone is going to get exactly what they want. There will have to be some compromise and discussion. Instead of just putting out a question where one side or the other wins, can we have a community discussion?

Doug said he would point out that the selectboard can have discussion and set up a committee. He thinks people have been hesitant to revisit this. There was a committee that made a recommendation and then what they recommended was revised and the entire committee quit. The selectboard adopted the revised version, which was challenged, and the majority of the town voted for it. It is important to understand that Title 23, Section 3506 says an ATV shall not be operated on a highway unless the highway is not being maintained during snow season (by definition that is a Class 4 highway) or the highway has been opened to ATV travel by the governing body.

Mike said he has come to the conclusion that it is not our job to tweak anybody's petition. He thinks both articles should stand the way they were written. If the second is not presentable, so be it. He doesn't think we should tweak it.

Doug suggested some possible wording. Eric said he thinks if we can get down to one question that is the correct format. Kirsten asked if she can have more time. Eric said we can't keep going back and forth to our attorney. He would like to settle this tonight so it can be discussed with the attorney along with the other articles. Mike said the deadline for turning in petitions was January 14, which has passed.

Kirsten said she thinks if the first question as worded now is what everyone would like to simplify the article, she can go with that. Then she said she wants more time. These questions could have been tweaked yesterday but she was told they weren't working at all and she was under pressure to change them. Now she feels she needs time. If she could just have until tomorrow. The town won't show them to the lawyer tonight. Kyle asked what time the appointment with the lawyer is. Brian said he has to send an email out by 9:00 am. Eric said the problem is that we are well beyond the deadline for petitions to be submitted. If Kirsten makes changes after the meeting the selectboard won't have an opportunity to review them. He would rather decide on the wording tonight.

Ken Tourangeau said he agrees with Mike and Doug that the time has passed and the petition shouldn't be modified.

Jen Burton said she was under the impression that a person could submit as many questions as they wanted to. Can't Kirsten just submit four separate pieces? Eric said anybody can submit as many petitions as they want to. Jen asked, isn't that what Kirsten is doing? Eric said he took it as one submission on one topic. Jen said she took it as four submissions on one topic. Kirsten agreed.

Kyle said she wonders if we couldn't look at the four original questions again and take out whatever Eric felt was prejudicial. Eric said we can do that. We are dealing with a non-binding resolution and spending a lot of time on it. He thinks we could get a good flavor of the voters' intent with any one of Kirsten's questions. He doesn't think we need four

questions. He thinks one will give us the answer we are looking for as to whether we should reopen the ATV ordinance. Kyle said the four questions address specific things the board would have to look at in the ordinance. She would like to look at the four questions and take out whatever seems inappropriate and then the article for the warning would be the one Kirsten submitted before the deadline, with those small adjustments.

Brian showed the four original questions and the board discussed possible changes. Doug said our attorney may or may not feel we can use the four questions originally submitted. He suggested that if he says we can't use those perhaps we could switch to the revised question Kirsten had previously said was okay. Kyle said she would support that.

Mike said this whole thing is totally irregular. Since when does the selectboard modify people's petitions? Eric asked, since when did we waive the requirement for signatures? Mike said he voted against that. He said some on the board are pro-ATV and some are possibly anti-ATV, so we are getting prejudicial input. Eric said we are trying to get the articles in the proper format and adhere to the intent of the petitioner. Mike asked why we don't find out from our attorney if we can make changes. Eric said we are going to. Mike said the work could be all for nothing. Eric said if the attorney tells us the wording can be changed, then the work will be done.

The board came up with wording that board members and Kirsten were happy with. Brian said he will present those revised four questions to the attorney and if the attorney says those are inadvisable we will look at using the alternative question of whether to suspend the ATV ordinance until a new one is established.

Brian said we received requests for increased appropriations for Home Health, the Red Cross, and the Clarina Howard Nichols Center and we received new appropriation requests for the Recovery Center and Salvation Farms. Each of those appropriation questions will appear on the ballot.

Brian has draft language for the merger question that he will talk about with the attorney tomorrow. Eric said the question for the voters will be whether the voters want the selectboard to enter into discussion with the trustees about a possible merger. The question of whether to merge or not would still come to the voters. Brian showed his draft wording: "Shall the Town of Johnson collaborate with the Village of Johnson trustees to create a specific merger plan." Doug said he doesn't like the word "collaborate." He suggested, "Shall the town and village study their respective and mutual interest in a merger?" Eric suggested "enter into discussion." Brian asked if we want to include language setting a deadline for a report. Eric said no.

#### **10. Lamoille Regional Solid Waste District**

Brian said we don't have a representative to the Lamoille Regional Solid Waste District and their annual meeting is coming up. He can volunteer to attend their annual meeting. He won't be a voting representative but he can at least report on it. He has gotten no requests yet to serve on that board. Rosemary said she hasn't seen a consent form come in yet for that position. It was agreed that Brian will attend the solid waste board annual meeting.

### ***11. Lamoille County Sheriff's Department Monthly Report for December 2020***

The monthly sheriff's report was emailed out.

### ***12. Board Positions on Articles***

Eric asked if the board wants to take a position on the cannabis article. Mike said he is against it. Nat said if it is an article on whether to opt in he doesn't think the board should have a position. If it is to create a committee to do what we said the committee would do he thinks it is very much in the town's interest to do that. We will have to answer a lot of questions on what opting in means. The committee will help voters to have information to make that decision. Eric said the board will decide next Monday whether to take a position on this article.

Eric asked if the board wants to take a position on the ATV article. Mike said he is against any restriction on ATVs. Nat said he doesn't have a position and he doesn't believe the selectboard should take a position. Doug said he thinks it is time for another look at ATV usage in our community. Maybe we can get some consensus. He thinks that can be done outside of this article. Kyle said she is more of the thought that this is something we need to hear from the people on and not state a position. She does have a personal position but she doesn't think it needs to be a board position.

Jen Burton thanked the board for working through the wording of the ATV article for Kirsten and everyone behind her.

Ken also thanked the board. He said the board has worked with his ATV club in the past. He is against the ATV question because ATV riders try to be good patrons of everyone. He has talked to Brian and the selectboard members many times. During Green Up his club picks up a lot of trash from Class 2 and Class 3 roads – not Class 4 roads because they are clean. ATV riders don't trash the environment. They volunteered to fix Coddling Hollow Road and everyone from the town was very happy with how they helped to fix the erosion there. They know if they cause erosion they don't get to ride on the road. Each club has two members who have received training and are certified on things like erosion control, ground hardening, and wetlands. Over the past year a lot of people have found out how great using ATVs is. His club has worked with Brian to mitigate issues. They have tried to have the Hoag family let ATVs on their land. Three landowners in Johnson allow ATVs on their land. He thinks the economic impact to Johnson of revoking the ATV ordinance would be horrendous. ATV riders brought lots of sales last year to Jolley and the Eden store and Mac's in Morrisville. Newport just opened up to ATVs. There were no issues and it brought in money. Most ATV people are all for revisiting the rules but there is no way the town should just pull the plug as the article is asking. Since 2006 there have been no accidents, no deaths and few issues and the ATV club has tried to address the issues. He has been to the selectboard trying to address them. He thinks this article is a waste of the town's time. There was 100% approval of the question he asked at town meeting last year. His club and the ATV community have shown the town they have been respectful. There are always a few bad eggs but they shouldn't ruin it for the greater population.

Lynda Hill asked if snowmobiles are allowed on some of our roads. Eric said yes. They typically just go short distances between trail connections. Lynda asked if ATVs are on the

same sections of roads. Eric said no. Snowmobiles are mostly on private property or public lands. They try to avoid roads. But there have been different roads opened to snowmobiles so they can get from one trail to another. ATVs travel more on the roads than on private property.

Greg Tatro said he doesn't think people riding four wheelers are going to be jogging or hiking. That is not who they are. They are more people that work with their hands. He feels like we are being a little prejudiced to that population. That is what they like to do and they should have a chance to do that. They should be welcomed and respected in our communities. Motorcycles are louder than four wheelers and we often hear them in town. He can't believe that rewriting this petition is legal.

Bobbi Rooney said most motor sports organizations are all volunteers. They don't get paid. They host fundraisers. They spend their weekends in the woods. They are not bothering anybody. People all seem to enjoy the rail trail and it happened because of the snowmobile community. They groom it. Some people who use motorized vehicles also ski, snowshoe, hike and ride. She thinks people are being prejudiced, as Greg said, when looking at restricting motorized vehicles. Some people are not mobile enough with their own body to be able to go out and hike. We need to take that into consideration. Her cousin had a spinal injury that left him with limitations and he bought an ATV so he can get out and enjoy this community and give himself some independence again. We should take that into consideration. We all do different things.

Joie Lehouillier pointed out that some people need to use ATVs for farming or other jobs. Use is not just recreational.

Kim said she respects snowmobiles and the ATV club. She would like everyone to try to work together and use language that unites us. She appreciates what Bobbi said; she just didn't like how she said it. She likes to think of the rail trail as multi-use. We should try to work together. If residents are feeling like they need to sell their homes and leave, that is an issue for the town to see how to work with clubs to help work through issues.

Kirsten said there have been accidents and deaths. Since 2019 accidents have tripled in Vermont. The issue is that ATVs are not designed to be on the road. The tire design that makes them safe off-road makes them unsafe on a road. Another important issue is that there has been so much increased ridership. Some surrounding towns don't allow ATVs so they come to Johnson. The noise ordinance says that loud sounds such as grinding noises that are difficult to listen to should not be allowed. She loves the idea of Bobbi's friend being able to drive an ATV but the problem is that we are getting trailers bringing ATVs into Johnson from all over the state and out of state. The noise of 11 going by at a time is very different from one at a time. There are issues with safety and noise and other issues as well.

Bobbi said to Kim that she is just direct. She says what is on her mind. That doesn't mean she doesn't like anyone. She is all about working together.

Diane Lehouillier thanked the board for taking time to discuss this important issue. She doesn't think it is a matter of not respecting ATV users. The biggest problem is the noise they create in our environment. If we could fix that, that would fix a lot of the problem.

Eric noted that there are only 34 people in this meeting. He suggested that anyone who is strongly for or against anything on the warning should do some outreach to people who are not here.

Nat said he is against the board taking a position on the merger. He doesn't think it is a good idea for the town to do at this time. Kyle said she is leaning in the other direction. She thinks we should definitely continue to look into this more. She doesn't know if the board needs to take a position but she personally wants to continue moving forward. Doug said he doesn't think the board should take a position. He has a strong position that he would not consider merger with the village if the selectboard were responsible for utilities. Everything we do now would be completely taken over by that. He doesn't think we have the capacity to handle what they are doing. Mike said we had decided early on that the board was not going to have a position. That is why we had an outside entity come in to do an evaluation. But that doesn't mean that individual board members cannot have opinions. His opinion is that there should not be a merger. A local accountant who used to be a trustee told him that if there is a merger the town had better come up with at least \$200K. The town would not have the luxuries the village has about the way they divide out their expenses. And he thinks it would be overwhelming to try to maintain water, sewer, electricity and the fire department. Eric said he would not be supportive of a merger at this time. There are too many unanswered questions in the village. Right now they are dysfunctional in a sense because of their changing board membership. He doesn't think they can take on the negotiation aspect of a merger. He doesn't think it is wise for the town.

Scott Meyer asked for clarification about the discussion as he had missed some of it. Eric said there is an article for the town meeting warning asking whether the voters should authorize the selectboard to enter into discussion with the trustees about a merger. The question being discussed is whether the board wants to take a position for or against the question. No one wanted to take a position but people discussed their individual positions.

Scott said the previous village trustee board chair was called out for having an opinion on this topic on several occasions. He is trying to figure out how we go from a village trustee being called out for his opinion to having the same discussion with the selectboard. He had discussed with Eric having the same wording for town and village votes so there is no bias or wordsmithing to point voters in a different direction. He thinks town meeting or the village annual meeting are the best times for chairs to speak on whether they are in favor of a merger or not. The boards were originally going to try to remain as neutral as possible. That is why we went with a third party, so there would be no bias. He is still shooting for both boards to use the same language so it is not biased in either direction. Brian read the wording that the town came up with and said that he thinks the same wording could be used for the village with the references to village and town switched.

Scott said if the trustees speak about whether or not they are in favor of the question, that doesn't give a neutral stance for residents to make up their own mind. He is trying to figure

out whether the trustees should give their opinions. Eric said he would suggest that the trustee board discuss whether it wants to take a position. The trustees may decide they want to. Scott said he wants to make sure what they do is similar to the selectboard.

Nat said he thinks the point about neutrality was to have a neutral and fair process for the report and objective advice. Now that the report is out, or will be shortly, we think it is fair and reasonable for the public to look to the trustees and selectboard members, current and former, to say what their opinion is. He thinks we should be able to tell people what we think as individuals.

Eric said he doesn't think we would want to take a position on the allocations to nonprofits. We never have in the past.

**13. *Martin Luther King Jr. Day Remarks***

Kyle said as today is the 35th national celebration of Reverend Dr. Martin Luther King Jr.'s life and legacy she thinks it is important to reflect on his teachings and remember that as elected officials we have a responsibility to uphold democracy at all times, even if it feels uncomfortable. One significant way to do that is keeping our BIPOC community and our most vulnerable populations at the forefront of our minds when taking votes or writing policies and ordinances by asking ourselves, "Who will this benefit? Who will this lift up? Who will this shut down? Will this policy or ordinance establish social justice now or ten years from now?" As she was doing her own reflecting today on how she can be a better ally and upholder of social equity she read these words by Dr. King's daughter that struck a deep chord: "Instead of using my father to criticize the Black Lives Matter movement, use his words and teachings to enact legislation, establish policies and engage in practices that reflect Black lives mattering. Because as Martin Luther King said, true peace is not merely the absence of tension; it is the presence of justice." Kyle closed by reading the town's anti-racism statement.

**14. *Adjourn***

The meeting was adjourned at 10:21.

*Minutes submitted by Donna Griffiths*