

JOHNSON SELECTBOARD MEETING MINUTES
ALL PARTICIPATION BY ZOOM TELECONFERENCING
MONDAY, JANUARY 25, 2021

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Others: Brian Story, Rosemary Audibert, Ken Tourangeau, Bobbi Rooney, Tina Bidwell, Eben Patch, Doug Collins, Jessica Bickford, Hallie Bourgeois, Diana Osborn, S&E Friedrich, Susan Tinker, Tyler, Shannon, Conrad, Alan Lehouiller, Spencer, Sophia Berard, Daniel Bradley, Jasmine Yuris, Neil Shepard, Sue Bohlen, Rick Aupperlee, Lynda Hill, Katie Orost, Beth Foy, Cal Stanton, Candy Griswold, Casey Romero, Kirsten Owen, Marla Emery, Mary Walz, Morgan Biasini, Michelle French, Mark Woodward, Kyle Hill, Peter Farr, Scott Meyer, Walter Pomroy, Conrad, David Williams, Joe, Rob Rodriguez, Shari, Liz Brackett, Jackie Stanton, Margo Warden, Shayne Spence, Shannon Collins, A. Lane, Athena Parke, Howard Romero, Kim Dunkley, Lea Kilvadyova, Marina Asaro, Kevin Lane, Joie Lehouillier

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 update on union negotiations. Kyle suggested information on the upcoming values mapping session.

3. Review FY2022 Draft Town Budget

Brian said since the last time the board reviewed the budget he updated some library and skate park figures. There has been no change to the tax rate since then. The amount to be raised by taxes is still \$1,907,420.03. He also got better numbers for the capital equipment fund and updated interest numbers.

Mike moved and Nat seconded to adopt the 2021-2022 budget as presented.

Kyle asked if Brian had others look at the budget. Brian said Susan has not been able to, but Beth Foy and some library board members were able to look at it. The auditors normally look at it but they are not in the office this year. Fewer people have looked at it than in a normal year. When he changes from the working copy to the print copy he will get more help looking it over.

Mike and Nat agreed to the friendly amendment that minor corrections to errors that are within \$100 of current figures can be made before the budget goes to print.

Kyle asked, what if it goes over that amount? Eric said then the board would have to have a special meeting.

The motion was passed.

4. Review Ballot Items

The board reviewed proposed town meeting articles. There are requests for increased appropriations for Lamoille Home Health and Hospice, Clarina Howard Nichols Center and the Red Cross. There are new appropriation requests for North Central Vermont Recovery Center and Salvation Farms.

The recommendation is that we split the cannabis question into two questions. The question as it came in really implies two separate questions. It asked if we should have retail sales licenses and integrated licenses but those are really two different types of licenses and we could adopt one or the other or both so the recommendation is to split it into two questions. Our attorney felt the change of language discussed last time from legalization to a research committee was a substantial change from the petition item and he recommended not making that significant change.

Eric said this petition was legally brought forward. It is a binding vote. The voters are the only ones that have authority on this matter. If it had come in with the required number of signatures we would have no choice but to have it on the warning. Technically, we could reject the petition because it did not have the required signatures but we had informed the public ahead of time that because of COVID we would honor any petitions without signatures. In his opinion it would not be right to throw it out now.

Nat said he believes the person who submitted the petition wants to withdraw it. Eric said as he understands it once a petition is submitted it is beyond the control of the petitioner. Rosemary said she believes that is true. Mike said he thinks we should know, not just believe. Eric said he meant that that is the case. It is a true fact.

Brian said he thinks the advice received is disappointing but clear. Someone else might have submitted a similar petition except that they knew this one had been submitted. If we rejected this, it could undermine confidence of the voters. He thinks our hands are tied but it is not the way most of us wanted it to work out.

Mike said he would like to reject the petition.

Nat said he wanted the community to have a conversation about how opting in would look in Johnson before we opt in. Whether we opt in now or next year won't delay any license in Johnson.

Eric said the challenge for us is how to educate voters and get the message out about what this means without lobbying or taking an official position.

Nat said he hopes that even if the article is rejected the board takes this up as an issue to begin having discussions in the community about what we would want implementation to look like. Even if this is voted down it will probably come up next year.

Mike said he thinks there are too many unanswered questions in the legislature. He thinks this is premature. It is too bad we couldn't have this discussion after everything is settled in Montpelier.

Jessica Bickford said she is curious about Article 11, concerning integrated licenses, and where that came from. State statute says that integrated licenses are only available to those holding a dispensary registration as of a certain date and there will be no more than five, one for each dispensary. She is confused about why the article about integrated licenses appears because she believes there will only be five integrated licenses at the state level because there are five dispensaries in the state and they are making provision for those to be able to switch over to retail.

Brian said he had understood integrated licenses to be for dispensaries or for those who wanted to both grow and sell. That was our attorney's impression also but it is a pretty new act and we could be wrong.

Jessica said there are lots of misunderstandings and interpretations around the state. There is a lot open for interpretation. She suggested seeking clarification.

Shayne Spence said his understanding was the same as Jessica's, that integrated licenses were for existing dispensaries and that there would only be five for the time being, for existing dispensaries. He is happy this conversation is happening. He understands that the legal advice is that the board has to treat this like a petition that had all the signatures, but he wonders if it is not too late to withdraw it and come back to it another time to make sure the language is correct to have a conversation.

Brian said his big concern about that is that if the selectboard rejects it on the grounds that there were not enough signatures it would be going back on the commitment the selectboard made earlier. It's possible that someone else might have raised a similar petition. Someone might have and they might have gotten signatures if we hadn't said that signatures were not needed. We made a commitment that we would honor any petition as though it had signatures. Changing direction would undermine the public's trust in us, which is essential for us to conduct business.

Mike asked when Shayne turned this petition in. Shayne said maybe a week before the deadline. Brian agreed it was about a week before the deadline. Mike said he thinks it is kind of a stretch to think that if Shayne hadn't submitted a petition someone else would have. That is getting close to the wire. He thinks when the petitioner is right here imploring us to withdraw this petition we should concur with the petitioner and withdraw it.

Mike moved to allow the petition submitted by Shayne Spence to be withdrawn. The motion died for lack of a second.

Nat said he is hearing a lot of confusion from knowledgeable people in the room about what an integrated license is. He is uncomfortable putting the integrated license article on the ballot with lack of clarity about what it means. He is not sure that it was even Shayne's intent

at the time he submitted the petition to include integrated licenses. Brian said he doesn't recall when integrated licenses got added. He knows it was not in the first draft. Shayne said he thinks it was added subsequently to make sure it complied with Act 164. Nat said if we don't know what it means he doesn't think it is responsible to put it on the ballot. Eric said this is the town attorney's advice. Does the board want to reject the whole petition? If the board recognizes the petition as it came in we would need to follow our attorney's advice.

Kim Dunkley asked if at the informational meeting there could be someone to speak about the pros and cons of these articles.

Lea Kilvadyova said she tends to agree with Mike about withdrawing the petition. She remembers that at the last discussion on this topic there was discussion about changing the article to call for establishing a committee. She doesn't think there is anything that prevents the selectboard from doing that on its own initiative. She doesn't see much point in keeping the article on the ballot. Eric said once the petition is handed over the petitioner doesn't have the power to withdraw it.

Jessica said this article only deals with retail sales. If someone wanted to be an agricultural grower, that is a different process and they could still start that this upcoming year. Article 10 just deals with retail stores.

Eben Patch asked, even though the petitioner can't withdraw it, can't the selectboard honor his wishes and remove it? Brian said it is a very unusual situation this year because we didn't require signatures. We said we would honor petitions with no signatures. Eben said since it isn't what the petitioner wants now he thinks the town should honor that as well. Brian said if we are honoring it as a valid petition we normally don't have the option of rejecting it. If the board chooses not to include it the board is not honoring it as a valid petition. If it is being treated as a valid petition once it has been submitted it is out of Shayne's hands. In a normal year enough people would have signed it that the board would not have the option of not including it. We only have this choice because we said people didn't have to get signatures.

Mike said it does belong to the town but the selectboard was elected to make decisions for the town. We have been given trust in matters such as this and we should have the ability to reject it with the wishes of the petitioner.

Eric said the only way we can make that happen is for the board to move to reject the petition on the grounds that it did not have signatures from 5% of the voters. The board voted to honor petitions without signatures. Technically we could use that against the petitioner right now and reject the petition because it does not have the required number of signatures even though we agreed we would honor it.

Mike moved and Nat seconded to reject the petition from Shayne Spence because it did not have the required number of signatures.

Doug said he is on the opposite side of this. He thinks Shayne is not a stakeholder once he turns the petition in. If we dislike the article he thinks we should vote against it rather than

going back on our word. The idea that Shayne can bargain this away is ludicrous. Eric said he doesn't see it as Shayne bargaining it away, just a decision of the board to reject it because it does not have signatures from 5% of the voters.

Rick Aupperlee asked if the lawyer's interpretation could be restated. He agrees with Doug that if people don't like the wording they should vote it down. Brian said the lawyer said we should make minimal changes. Altering the language to call for a study committee was making a significant change, which is outside the scope of what we would be able to do if treating this as a valid petition. We could technically treat this as an invalid petition. That has its own pitfalls because our ability to govern relies on us following through with what we say. The other advice from the attorney was that a retail license and an integrated license are not the same thing and they should be in two separate questions. It was raised tonight that there may be misunderstanding about what an integrated license means so that article could get struck.

Dave Williams said the selectboard told people they didn't need signatures on their petition and would be contradicting themselves and opening themselves up to justified criticism if they decide they are going to impose a signature requirement after the time for getting signatures has expired. But he hasn't heard anyone say they want to pass these articles. If the petitioner stated at both informational meetings in a public way that he wanted the articles voted down so the matter could be looked at through a clear lens in the year to come, he thinks it is likely those two articles would be defeated.

Kyle said she feels it would be very hypocritical of us at this point to reject the petition. She feels we should approve it and the work is for Shayne and others to convince people to vote it down if they are not comfortable with it.

The motion failed.

Brian said he will double check the information about integrated licenses before this goes to print. Eric said any changes to the articles will require a special meeting. Why would Brian think the attorney would have a different opinion from before? Brian said he knows that he and the attorney had the same view of what an integrated license means. But Jessica and Shayne suggest it means something different. If we leave it in and an integrated license doesn't apply, then it just doesn't apply to us.

Mike said Doug and David Williams had compelling points and reasoning. He thanked them for their input.

Brian said Article 12 currently reads: Shall the Selectboard work with the Village of Johnson Trustees to create a Merger Plan? He believes there is a request to change the wording. Eric said the selectboard is bringing forward this article on its own authority and the board is well within its rights to change the wording. Brian said Doug had given him a wording suggestion: Shall the Selectboard enter into discussions with the Village of Johnson Trustees with regard to a possible merger of the Town and Village?

Nat asked, are we definitely putting the merger study in the town report? Brian said as he understands it we are. Eric asked, have we received the final report from the consultant? Brian said yes. Nat suggested also putting the report on the town website. With 5 weeks left before people will vote it seems to him we should get it out to voters as soon as possible.

Doug said the prior language of this article almost seemed to him to be a directive. He wants to avoid unintended consequences. He sees this as a long process. We shouldn't imply that we are going to work with the trustees to effect a merger.

Kyle said she thinks she likes Doug's proposed language better. Her understanding is that there are many different types of mergers and ways we could go about merging. She likes the words "discuss" and "possible." She thinks there would have to be a lot of discussion to look at the different options possible.

Kim Dunkley suggested a Front Porch Forum post with a link to the information. Brian said he thinks that would be good to do in conjunction with putting it on the website.

Diana Osborn said if she saw this come up on the ballot she would wonder how it is different from what the town previously voted on – to look at a merger between the village and town. She would like to know how what she already voted for fits in with what is coming next.

Eric said the question before was about hiring a consultant to look at all town and village departments, functions, etc and see if there were reasons to merge or room to realize savings and to look at the pros and cons of merging. That report has been completed and will be in the town report. With knowledge of the consultant's report, we are asking voters if they want the selectboard to enter into discussion with the trustees on a possible merger. After completing that work there would still be a vote on whether to merge or not.

Kyle suggested maybe it would be prudent to add some of the language Eric just used to the warning, something like "with the knowledge in the report" or "now that we have the report," so it is clear that this is the next step after having a report. Eric said if we were discussing it in town meeting he thinks we could do that. If it is added into the language of the article in the warning it could possibly be seen as prejudicial and trying to get people to vote a certain way. Kyle asked, even though it is a third party report? Brian said he agrees with Eric. We believe the report is neutral and a good, fair assessment. But that is our belief. It is leading and prejudicial to point people toward a certain thing and suggest they read it before they vote.

Mike said the whole point of having the study done was to get it into the hands of voters for them to digest and make a decision on whether the town should merge with the village. The question should be: Shall the town merge with the village?

Scott said he wants the village to have the same wording as the town. Meredith had wordsmithed the article and sent out an email. He asked if Brian has that wording. Brian said he doesn't have another email from her. The last one he has is her signing off on this version

Scott said what she sent was probably before that. He is disappointed that her version is not available for this meeting. Brian said he doesn't believe he has it.

Beth Foy said she agrees with Kyle. She thinks the board needs to be clear about why they are asking the question. She would not interpret this as the next step but as the same question we already voted on. She would like clarity in the question.

Nat said the report was an independent report and the voters asked us to do it. He doesn't see how it is a problem to refer to it by saying something like "having conducted an independent study, shall the selectboard continue discussion with the village trustees?" Doug said he wouldn't go there.

Rick said he doesn't think the board can put wording in the article that establishes as a given that the public will have read the report before they vote. Although he supports reading the consultant's report, he would be careful about using wording about the report in the article.

Beth asked, is there a reason there needs to be a vote? What is the purpose of the vote? Eric said the prior vote only gave the boards the authority to hire a consultant, not to enter into any discussion.

Mike said we talked about getting this report into the hands of every single person in the town and village. Are we going to do that? Eric said yes, it will be in the town report and mailed to every resident.

Mike said after they read the report, they should make the decision about whether or not they want to merge with the village. Eric said that is putting the cart ahead of the horse. The only thing in the report is pros and cons of the merger and information about the functions of the departments. Mike asked, you don't think that is enough information for the public to make an informed decision? Eric said he thinks it is enough information for voters to decide if they want to proceed any further. Mike said he thinks asking whether or not to merge would give a pretty good idea whether people want to move forward with discussion or put it to bed. Kyle said that is why we have this article. She thinks it is not that simple. There are a lot of different ways we could merge and we have to discuss those possibilities and bring that to the voters.

Kyle said she feels like most people are going to get their ballots at home and will have time to look at this report. She doesn't see the prejudicial nature of referring to the report that is in the town report to create clarity for this question.

Doug said he is happy with the wording. He doesn't think we can direct people to the consultant's report. He thinks the limitations of the Australian ballot form limit us to this wording. We don't get to add other information. Nat and Mike agreed to stick with the wording Doug proposed. Kyle said she would have liked to have the report mentioned.

Eric said the ATV petition had four or five different questions. At the last meeting we tried to change the wording but we got advice from our attorney that that is not allowable. It has to be put in as presented with minor tweaking.

Brian said what is presented in this draft has reasonable minimal changes. However, Article 13 has a problem because suspending the ATV ordinance is not a power granted to the selectboard. We can look at rewording it but he thinks those changes would no longer be minimal, but significant.

Kyle said she thought this article had some additional parts. What happened to that? Brian said the selectboard decided to take out some language at the last meeting because it was felt to be prejudicial. The attorney said those changes are minimal but the requested action is not something the selectboard can do. We could change the wording so the requested action is amending the ordinance but then we would need to come up with what the requested amendments are. It is not easy to determine from the list of options presented what they would be and at that point we would be making significant changes.

Doug said he feels that the language about suspending, which we don't have the power to do, means this article is not properly includable.

Mike said he would like Brian to share as much of the attorney's letter as he can. Brian said that gist was that we can make changes to petitions but we should not change the intent of a question and we shouldn't make substantive changes. When looking at this question as originally submitted, because there is some leading language and because it uses "suspend" as the requested action, he doesn't think we can make minimal changes while also making it fit legal requirements.

Mike asked if Brian could read the last paragraph of the attorney's email that Brian had sent to the board. Brian read it. It says an alternative is to reject the articles altogether because too many changes would need to be made for them to be printed on the ballot. Changes would have to be made to every question. The board could reject the articles if they felt there were too many substantive changes. Mike said he thinks the board should not do major rewrites and should reject the whole thing.

Eric said the petition sent in was very poorly presented. Brian and the board have done much more and incurred more legal expense looking at this particular petition than we ever would with anyone else. It is not the town's responsibility to write a petition for someone who wants to submit one.

Nat said he thinks we do need to reject the petition altogether because substantive changes would be required to put it on the ballot, but it is clear that a significant part of the community is asking us to make changes to ATV regulations. Some want to expand access and some want to reduce it. The community is really asking us to have a conversation about this. The board could choose to replace these articles with a question or questions the board feels are appropriate. If we choose not to, it will come back to us next March after another year of frustration and discord among neighbors, in correct form with signatures. He is

amenable to putting something on the ballot this year along the lines of “Shall we have some changes to the ordinance that are more or less restrictive?” It will be advisory. He will be very reluctant to make any changes until there has been effort to get people together with different views talking to each other. He feels that will need to happen before any ordinance changes are made. Jen Burton had a good post on Front Porch Forum today saying that this issue can create more division or we can be good neighbors and try to work it out. Maybe on Green Up Day people who like ATVs and people who don't could pick up trash together. Whatever happens on the ballot, people need to get together and talk about these issues.

Kyle pointed out that it is hard for people to get together and talk now because of COVID. She agrees that we all live in this community and communication and trying to find something everyone can live with is important. We committed to including any petition questions that came to us that were not outlandish. At our last meeting we did a lot of work on this petition. Bailing on it now feels bizarre. She thinks we should figure out a way to keep our word. Maybe that means for article 13 we take “suspend “away and replace it with “amend.” She wants to continue making this work on the ballot because we said we would.

Doug said he thinks the different questions on the petition need to be treated as separate articles. He thinks it is clear that “suspend” doesn't mean “amend” and it is a process we can't do. He thinks Article 14 is clearly beyond our abilities. Articles 15 and 16 have been wordsmithed with minor changes and should stay. They are properly worded articles. These articles are advisory. The selectboard needs to address this issue. We need to open up communication and look at the ordinance. Nat said going with Articles 15 and 16 as Doug suggests is reasonable to him. He feels that is within the spirit of what we agreed to do. Mike said he still says it is a major change.

Eric said these articles are non-binding and advisory only. No matter how the vote comes out they would be nothing binding on the selectboard. He would remind the selectboard that we have already committed to allowing ATVs in the village on a trial basis next season and depending on the outcome of that possibly modifying the ATV ordinance. Once we do, the voters will have a say and that will be the vote that really counts.

Michelle French said she is an avid ATV rider who has lived here her whole life. That is what her whole family does. They enjoy getting out into nature. For anyone who questions it she suggests just taking a ride on an ATV and seeing what you can see. How much in taxpayer dollars has been spent on lawyer fees when there was plenty of time to figure out how to do this petition the correct way? It is frustrating that the people that judge ATV use are judging a minority of what is going on. Her problem is that the article was not worded correctly. Why are we wasting time and money helping to word something that may not be the general consensus of everyone?

Kyle asked, are we talking about the merits of the article or the wording? Eric said we should be limiting our discussion to how this petition should be put into an article, not the merits of ATVs.

Kirsten Owen said she thinks her second question could be simplified but she thinks it is an important question about what the town will do if ATVs are negatively impacting use and enjoyment of property. It has been done in other places. She would like to ask why the board is skipping over it so readily.

Brian said we just haven't gotten to it yet because we have been focusing on the first question. He showed wording provided by the attorney that alters that question a little but he thinks retains the original intent. His feeling on this is that it is a significant departure from what the selectboard normally cedes to individuals. It would be a very unusual step to take.

Kirsten said it has been done. It would be great if the town had a procedure to remove a road from ATV use if the use is negatively impacting a resident of that road. The town of Pownal did it. She suggests we look at what they did.

Brian said his concern would be what to do if one neighbor wanted ATVs and one didn't. He thinks it is unusual and not impossible but difficult.

Ken Tourangeau said the lawyer said the board could not make any substantial changes and that means the board has to reject this petition. The wording was all wrong. He doesn't feel the board can just eliminate one article because it was not a four-article petition, it was a single petition with multiple sections. He thinks the board should reject it. Speaking for the local ATV club, he thinks people should try to do something like what Nate is suggesting, getting together to talk it out. We don't want more division in town. Nate's idea about Green Up day is awesome. His club picks up trash on Green Up Day in every town in Lamoille County except Stowe.

Nat said the lawyer did say we have the option of replacing a question with a question the board feels is appropriate.

Doug Collins said he thinks the board is looking at legal actions if it makes changes like what is being discussed. He thinks the board has to reject the petition.

Spencer said he is vice president of Green Mountain ATV Riders club. ATV riding can be great. It can help build our community. He thinks the board is trying to reword the petition to an extreme. He thinks that shouldn't be allowed. As ATV riders his club wants to try to make the community happy and get along with people. They are willing to work with property owners. ATV and non-ATV riders working together on Green Up Day is a great idea. His club does donations. He suggests those who haven't ridden an ATV should try it.

Diana Osborn said Article 14 provides a mechanism for people to request that ATV use be restricted. The article does not restrict use, it provides a mechanism to request restrictions on use. There is already an ATV ordinance and extensive state statutes about what and what isn't allowed. What is missing is an individual's recourse if there is a problem. Article 14 is just saying there needs to be a mechanism for a resident to do something. Residents are trying to work with the selectboard to at least have them enforce the ordinance that exists. When something happens that is wrong people have no recourse. It is sad that when someone tries

to correct a situation having a severe impact the board would set aside the entire petition based on language preferences. It is important for people to have the ability to bring concerns to the selectboard and not have it set aside due to wording. The other articles give important feedback to the board. They are just advisory. Why not put the articles out as they are? So what if people pass something asking the selectboard to suspend the ordinance and the board doesn't have the power to do that? The board might find out that 88% of people don't even want the board to consider that, and that is important information. It says in the ordinance now that the selectboard can list roads where ATVs may or may not be operated. She is hearing residents asking the board to do that. The issue is whether citizens have a way to require the selectboard to address their concerns.

Eric noted that the meeting is 45 minutes behind schedule and asked if the board wants to limit how long the discussion can continue. It was agreed that the six people who had their hands raised at the time could speak and that would be the end of the public input.

Kirsten said she likes the idea of residents on a road being able to use ATVs on that road. She is not suggesting banning ATVs on every road where someone doesn't appreciate them. There are a lot of excess ATVs now coming from all over the place. Locals can probably work well together. She suggests roads could be closed to outsiders if residents didn't want them but open to local residents of the road.

Alan Lehouillier said he has lived here all his life. He hikes and rides 4-wheelers too. He thinks we all have to tolerate a little. It opens up Pandora's Box if we say one person can close down a road. Others there may want ATV use on the road. He thinks if the town gets rid of the ATV ordinance it will be like the Wild West with no rules anymore. Four-wheelers won't go away and the town won't have recourse after that. Now people can call Ken up and say there is a problem. It is a slippery slope. Next maybe someone will not want mountain bikers or snowmobiles. Nat was right. People should get together for discussion, find out what the biggest complaints are and try to work on that.

Shannon said she is a resident of Johnson and has been enjoying ATVs since 2013. She understands only minimal changes can be made to the articles on the petition but she is seeing a lot of changes. It is concerning. The group she rides ATVs with picks up trash and sticks. They are kind and generous. From the standpoint of a taxpayer she thinks it is a problem to pay lawyer fees to make changes on this.

Eric said he has no idea what it cost the town to work on these articles or how much time Brian has put into it. The lawyer has also been looking at the other articles so it would be hard to separate out the cost for this specific petition. Brian said he has had a phone call of less than half an hour dedicated to this topic. Other than that his work has been on the ballot and the warning in general. Nat said it is fairly routine to send the ballot and warning to a lawyer before town meeting. We do that every year. Brian agreed. He said we are spending a little more time with the attorney this year because things are different this year. We have never done an Australian ballot for all articles before. But it is not costing an unusual amount.

Kyle said this really highlights a bigger systemic issue of how a layperson knows how to write a petition. This isn't easy. People don't learn it in school. Regular people don't necessarily know how to do it. As a board going forward we should figure out a way to provide more assistance and education to make this process easier for people who want to be part of the process but don't know how or are intimidated.

Spencer said he agrees with Alan that if the town gets rid of the rules people are still going to ride ATVs and they are going to be sneaky or speed even more because they know they are not supposed to be there.

It was noted that 3 people had their hands raised to speak and more than 3 people had already spoken. It was agreed that the e people with their hands raised at that time would be the last to speak.

Bobbi Rooney said she likes what Nat said about working together. Her snowmobile club can usually get problems solved within a day or two of receiving a complaint. She thinks having conversations and working together would be the best thing. She doesn't think we should let our Vermont heritage go away. We should work together to come up with answers to problems some are experiencing.

Neal Shepard said he knows Kirsten tried to model her proposed articles after state statute and she got advice from lawyers. Her intention was that they be legal and functional. She and the board spent a lot of time last week revising the articles hoping to make them better. He would hate to see that time wasted. He hopes Articles 14, 15 and 16 will be considered. Noise and enforcement are big issues. ATVs have a two mile sound print. You can hear them when they are still a mile off and keep hearing them for a mile after they have passed. The noise issue is problematic. It contradicts the town's noise ordinance. He thinks enforcement is difficult. He appreciates that ATV riders want to police themselves but it doesn't work. Where he lives many ATV riders are going over the speed limit and not riding in single file. He knows mufflers on ATVs are not very functional. Listening to 90 to 100 decibels is like listening to a lawnmower. If you multiply that by 10 or 15 it's a big sound. He thinks Article 14, which suggesting that individual property owners have some recourse to talk to the selectboard and see if there is any way to resolve an issue, is very important. He hopes the board will consider including Articles 14, 15 and 16. He doesn't think the original petition was ever meant to be one question.

Kim said she hopes ATV people can be part of the solution by having talks with people who are having problems.

5. ***Review and Approve Town Meeting Warning and Informational Meeting Warnings***

Kyle moved to include Articles 14, 15 and 16 in the town meeting warning as written. The motion died for lack of a second.

Doug moved and Nat seconded to include Articles 15 and 16 in the town meeting warning.

Nat said regardless of which specific questions are included, the outcome will be the same. We need to have conversations about this as a community.

Doug agreed. He said it is clear that this discussion needs to take place. He likes the fact that these articles are advisory. He strongly suggests that the board revisit this issue, bring in both sides and perhaps set up another committee like the one the town had originally.

Eric asked, would Article 15 not get us to that place? Why include Article 16? Doug said he would include Article 16 because the petition listed 4 separate articles and how Article 16 is worded now is not a substantial deviation from what was submitted. He would respect it as submitted based on how we are supposed to operate.

Kyle said she would argue that the same applies to Article 14. We committed to allowing any articles that were not completely outlandish to be on our warning. Nat said he thinks whichever articles we agree to add, the outcome is the same. The topic of Article 14 will have to be included in the conversation.

Mike said he can just imagine what it would cost for the comprehensive evaluation of environmental impacts called for in Article 16. But these are strictly advisory articles. A Harley-Davidson probably makes more noise than an ATV. Are we going to ban those?

The motion was passed in a roll call vote with Nat, Kyle and Doug voting yes and Mike voting no.

Doug moved and Nat seconded to approve the town meeting warning as presented with Articles 13 and 14 deleted and Article 12 reworded as discussed.

Kyle said she really hopes that in the future we can help make the process as easy and clear as possible for people submitting petitions. Doug said he thinks people have all been speaking to the truth on these issues from where they come from. It will be a community effort working this out. Mike said, regarding how to write a proper petition, he thinks citizens would do well not to consult the town administrator or board members because those consulted in this case didn't do a good job of helping Kirsten out.

The motion was passed.

Eric asked if Brian had suggested dates for the informational meetings. Brian said we talked about trying to have one on a weekend and went on a weekday. Eric suggested February 27.

Rosemary said the board has yet to decide if we are going to mail ballots to all registered voters. They need to go out 20 days before town meeting day. Eric suggested that as an agenda item for next week.

The board discussed possible meeting dates. Doug asked if we can hold more than two meetings. Brian said we only have to hold one. The board had expressed interest in holding two. We could hold more. We could devote some time at each upcoming selectboard meeting

to town meeting information. Mike said he thinks that is a good idea. Eric said he thinks it is not.

Nat moved to hold informational meetings on February 23 at 7:00 p.m. and on February 27 at 2:00 p.m., Mike seconded and the motion was passed.

6. *Discussion on Public Works COVID-19 Exposure*

Brian said one of our public works employees has been exposed to COVID-19. The individual is isolated at home. He had a recent negative test. This coming Wednesday he will have been isolating for 7 days and he will get another test done. The recommendation from the state is that employees can return to work after 14 days or after 7 days with a negative test in low contact situations. Hugh has some ideas about moving to a low contact environment in the garage – sending people home earlier, deferring maintenance work for a while, and maybe sending trucks home with individuals so people spend less time in the garage in areas where they have contact with each other. He generally supports Hugh's ideas. Especially if we want to try to get our employee back earlier he thinks that is an essential step to take.

Doug asked if there are any insurance problems with vehicles going to a private residence. Brian said whenever we do anything out of the ordinary with our vehicles there is increased risk. Doug asked if our insurance will cover the vehicles. Brian said he doesn't have an answer from our insurance company. He knows we wouldn't be the only town doing that. Nat said Hugh probably takes a town truck home every night. Brian said yes, he does, for specific town business, to run the roads at night if needed. He would argue that if employees are taking vehicles home to reduce contact in the garage they should be covered. Doug would agree but he said he thinks Brian should make a phone call to check.

Brian said he will talk to VLCT and get a ruling and assuming the answer is positive about insurance, does the board agree to move ahead with Hugh working from home more and all public works employees taking trucks home at night? The board agreed to that.

7. *Discussion on Backup for Town Public Works Department*

Eric said we have had quite a few retirements in the past few years. Is the board willing to have the town reach out to people who retired in the last few years if they still have their CDL about being a reserve for us if the pandemic knocked out all our highway operators? These former employees know all the routes and routines and could probably hit the ground running. Mike said he thinks that is a great idea. Others agreed.

8. *Union Negotiations Update*

Brian said we received a union contract and are working on it. Eric said he and Mike are the board members designated to meet with the union.

9. *Values Mapping*

Kim Dunkley said there will be a meeting with facilitators from Fish and Wildlife who will help us map special places in Johnson that we use, enjoy and value. There is a Front Porch Forum post today with a link. The Zoom meeting is at 6:00 on Wednesday.

Doug said a lot of people tonight talked about what they value. They ought to participate in this meeting. Brian agreed. He would love for everyone on both sides of the ATV issue to participate in this.

10. Selectboard Issues/Concerns

Eric said he has spoken to Dave Williams, who will attend the informational meetings to moderate.

Doug asked if we can have on the agenda for the next meeting discussion about how we can get information on the budget, the Kent Gardiner report, etc. out to the public. Eric agreed.

11. Adjourn

The meeting was adjourned at 9:56.

Minutes submitted by Donna Griffiths

UNAPPROVED