

JOHNSON SELECTBOARD MEETING MINUTES
ALL PARTICIPATION BY ZOOM TELECONFERENCING
MONDAY, APRIL 19, 2021

Present:

Selectboard Members: Mike Dunham, Beth Foy, Nat Kinney, Eric Osgood, Eben Patch
Others: Brian Story, Rosemary Audibert, Hugh Albright, BJ Putvain, Darrell Wescom, Lois Frey, Marla Emery, Scott Meyer, Kim Dunkley, Sheila, Shayne Spence, Emily Rosenbaum, Kyley Hill, Ken Tourangeau, Louise Cross, David, Diane, Anne Mullings, Elizabeth Brackett, Jackie Stanton, Kirsten Owen, Margo Warden, Charles Gallanter, Athena Parke, Greg Tatro, Scotty, Hill, Paul Warden

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 reappointments to the CUD and an update on the local emergency operations plan we are required to submit annually.

3. Review and Approve Minutes of Meetings Past

Beth moved to approve the minutes of April 5, 2021, Eben seconded and the motion was passed.

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

Rosemary said expenditures to date are 60.4% of budget. She thinks overall we are in very good shape for this year. Current taxes are 79.85% collected, slightly ahead of the previous two years. We currently have almost \$48K uncollected in delinquent taxes for last year.

Downtown Pizzeria submitted an application for a liquor license for 2021. There are no changes from last year's application.

Eric explained to the new board members that we typically send a form letter with each liquor license reserving the right to suspend the license if the business is caught in violation of any liquor control laws. The state will usually give the business the option of a token fine or a 15-day suspension and stores usually pay the fine because they can make up the loss of revenue in a couple nights of sales. A suspension is more costly so we have always reserved the right to suspend.

Mike moved to approve the 2021 liquor license for Downtown Pizzeria with the usual letter to be sent and the motion was seconded. Nat said he doesn't believe he has ever seen the letter that we send. He asked if Rosemary or Brian could send a copy to him. Other board members said they would like to see it as well. **The motion was passed.**

Mike asked if we will have a normal tax sale shortly after the governor opens things up. Rosemary said yes.

Beth asked how often we reach out to try to collect delinquent taxes. Rosemary said we send statements every month until the account is turned over to the tax collector, then the tax collector sends them. The board approved not putting properties up for tax sale when the amount owed is less than \$600. Beth asked, we don't ever write off the uncollected amount? Rosemary said we do occasionally for trailers that have left Johnson.

5. Public Works Supervisor/Highway Foreman Report

Hugh said the project on Ober Hill and Plot Roads was completed within his projected budget of \$26K. We will let people travel on the roads for a couple of weeks then see if they need to be reshaped. Mike said he feels they did an outstanding job.

Hugh said mud season was pretty mild this year. There were no big issues. The crew is currently starting to grade roads. They have been given a couple of projects to assist the rec department with at Old Mill Park and the skatepark and they will be moving forward with those in the next month.

Hugh said summer is when his crew members are trying to use up their CTO time. Having people off leaves them at a disadvantage. It doesn't look like there is a week between Memorial Day and Labor Day when they will be fully staffed. He would like to bring on a part-timer as needed. He is hoping to hand pick someone who has their CDL and can operate machinery as needed.

Mike said he thinks that is a great idea. Beth asked what it would do to the budget. Hugh said he thinks we would use Alex Nadeau less on weekends if we had a part-timer working during the week. One thing that will increase the workload is that the rec department is hoping the public works crew can mow the rail trail more often – once or twice a month. That is a two-day job that really can't be done on weekends. Beth asked if the rec department has that in their budget. Hugh said no. Beth said if it is not in the rec department's budget and no one is asking for it we probably shouldn't spend money on it unless the rec department is balancing it in some other way. Hugh said he doesn't think it will affect the budget to bring on a part-time employee. We would use some of the money that last year was used for Alex working nights and weekends. Nat said mowing the rail trail is important but in theory it is the responsibility of the state and/or VAST. Eben said he agrees with Beth on the budget. Hugh can look for someone, but it would be good to know what the town would gain from it.

Hugh said when he looks at what the public works department failed to accomplish in the last couple of years he thinks the things not done were because of times during the summer when the crew was down to a couple of people. Especially when ditching is being done to the new state standards it hinders productivity if fewer people are working. He feels it would be advantageous to fill the periodic gaps.

Beth said she would like to know what deliverables and what stretch goals we are committing to without the extra hours and what the productivity increase would be with the additional hours.

Hugh said we probably won't need an increase in the budget because the expense will be offset by using Alex less on weekends.

Eben said with the lack of snow this winter the crew can't have used a lot of overtime compared to other winters. Eric asked how much overtime they used. Hugh said he doesn't have the number in front of him but they used very little.

Eric said a couple of years ago we added a fifth public works employee and the arguments in favor of that were all the arguments Hugh just made in favor of a part-time employee. Having a fifth employee was supposed to avoid this. He is struggling with how we would sell this to the voters.

Mike said the main trouble is all this time off. We should have been paying more overtime and had less time off. He feels what Hugh is asking is not a big deal.

Eric said his point is that we have not changed the amount of comp time employees can build up but we have a fairly new force who don't earn as much vacation time and we put a fifth employee on the payroll. We should be able to make it work with the employees we have. We justified hiring a fifth employee with the argument that it would mean we would not need part-time help.

Hugh said the case to be made to the voters is that each year we increase the amount of work expected from the highway department. The rec department projects are not things he forecasted. And if we talk about a merger, that will also affect what needs to be done. The town is starting to diversify the work to be done. It is not just a highway department but more of a public works department. But he doesn't think adding part-time help will change his budget.

Beth asked what the rec committee projects are. Hugh said he doesn't know a lot about the Old Mill Park project. It involves cutting trees and filling to prepare for a construction project. The skatepark project is basketball court prep. Brian said the Old Mill Park project is for the welcome center. We are committed to providing some in-kind work. The crew will be doing tree clearing and moving fill. Beth asked what the basketball court is. Brian said the skatepark committee wants to add a basketball court. They are getting close to having enough funding for the paving. We previously committed to match the money they raised with site work by the public works crew to level and pack the ground.

Beth asked what the priority is of all the things on the town's list and whether these things are on the top. Hugh said the crew has quite a few things to do with the state changing standards. There are dozens of miles of ditching and a bunch of culverts. Mike said he thinks roads need to be primary and some other things need to be secondary. Nat said we committed to the welcome center work. Eric said we need to have the welcome center project completed by August. The town received a donation of around \$40K for that project. That is not something we want to let go.

Eric said the amount of money the highway department has left for the rest of this fiscal year is known. After June 30 a new budget year will start and we had not budgeted for an extra part-timer. If we spend a lot of the budget for a part-timer in July and August that could short

us for next winter. He feels for the rest of this fiscal year Hugh can look at the budget and see if we can afford to hire someone part-time.

Hugh said as long as we budgeted for the amount of time we used Alex for in the past, about 500 hours, hiring a part-timer isn't going to change anything. Nat said he recalls that we allocated hours for Alex to do remediation work on the pit. Were we employing him for 500 hours a year before that? Brian said close to that. We didn't increase his hours by that much for the pit remediation. He thinks there was a small increase in hours and we rescheduled him from other tasks. He is not available during regular work hours and Hugh wants a part-time employee who is available with the rest of the crew.

Eben said he doesn't see why Hugh needs board consent on this if he is not going to go over his allotted budget. The board agreed that he could look for a part-time employee. Brian said normally the selectboard retains discretion for staffing decisions. Is the board okay with delegating that to Brian and Hugh? Board member said yes. Eric said if Hugh is going to incur budget increases he still needs to come to the selectboard.

Hugh said he is interested in changing the public works crew's schedule to four 10-hour days during summer, with Jason Whitehill continuing to work five 8-hour days. He feels there is an advantage to having someone at work on Fridays. Eben asked what the accountability is for the employee who will be there on Friday. Hugh said Jason is pretty self-sufficient. He will have 8 hours to do whatever Hugh tells him to do. He trusts all his crew by themselves. He polled all the crew members and all but Jason are willing to work 10-hour days.

Brian said our existing policy says either all crew members have to work four 10-hour days or none of them will, so that will need to be changed. Holidays are currently paid at 8 hours. If a holiday falls on a day when the crew would work a 10-hour day are they going to get paid for 10 hours or 8 hours? Mike said by working four 10-hour days they are being more efficient and doing better work for the town. He doesn't think it is too big a compromise to give them the full 10 hours. Eben asked if we want to do that for every town employee. Mike said only the public works employees are going to four tens.

Beth asked, if we are changing policy, don't we need to warn it? Eric said yes. We need to give it some thought because we are in the middle of negotiations with the union for public works employees. He suggested that Brian draft suggested changes to the policy for the next meeting. Anne Mullings said there are a lot of changes that need to be made to that policy.

Darrell Wescom asked, if there is one person working by himself is there any fear of something happening to him and no one knowing? Hugh said he thinks Jason will be in less danger than Alex was when he was working the pit by himself. Brian said he thinks the fact that he is working alone will affect the tasks he gets assigned.

6. *Lamoille Area Health and Human Services Response Command Center Community Resources*

Emily Rosenbaum said when the pandemic hit, the health and human services organizations in our area began working together to help communities. It became clear they would need a strong structure so they used an incident command structure. Twenty to 30 different

organizations are involved. They have five operational areas: shelter, food, medical, mental health/substance misuse, and employment. They have unified finance, administration and planning, which is helping them all pull in the same direction. She is the public information officer for all the organizations together. They have been sending out a newsletter each week. When they identify priority information to share then each organization can share with its own distribution lists. She showed the resources page they created on the United Way of Lamoille County website.

One example of what the group was able to accomplish was obtaining freezers for various organizations that needed them. Another example is the success they have had with substance misuse harm reduction packs. A lot of organizations collaborate to share information about the packs and several lives have been saved from overdose in this county due to the packs.

Beth asked about how people in the community can sign up for the newsletter emails. Emily said people can email her and ask to be added to the list. Her email address is on the United Way resource page. *(Emily left at 7:51.)*

7. Drew Fairbanks Town Sewer Service Area Wastewater Application

Brian said Drew Fairbanks is applying for sewer service on a different part of his property. When he wanted to hook up his house to the sewer there was a little challenge because it was not clear where the intended sewer service area was. Now he wants to hook up an area that is even farther from the road. It is difficult to see how it will work with our existing agreement with the village. Brian showed a map. His hookup is within the sewer service area but his house is not. He can run a line across his own property from the new area he wants to service and down to the sewer line on Sinclair Road and the hookup will be in the sewer service area, but the property it serves will not.

Eric said he thinks when we approved hooking up his house to the sewer it was because it was questionable whether or not the house was within the sewer area, but this part of the property is definitely not in it. Brian agreed.

Beth asked why he is extending the sewer service. Brian said he thinks he might sell the property and he would like to have sewer service because he thinks it will make the property more valuable.

Mike said at a joint meeting several years ago Walter Pomroy talked about how the village wants more customers and wants as big a sewer service area as possible. This would be the village's call, wouldn't it? We could give preliminary approval and they could make the final decision.

Eben asked if Brian knows how much is left of our allocation. Brian said we have quite a bit of the allocation that is reserved for the town left. Eben asked how much is set aside for the light industrial park. Brian said we haven't set aside any specific amount. Eric said some of the industrial park is within the village limits so it is automatically eligible for hookup and the rest is within the town sewer district.

Eric said there is no question that this part of Drew's property is outside the town sewer district. If we don't follow our own townwide sewer district it exposes us to other people wanting to hook up, perhaps in an area where we do not want to promote development.

Brian said this is an example of the kind of thing we wanted the Planning Commission to look at. We can make changes to the town sewer district map with the consent of the town and the village but it is better to have the changes planned than deciding on a case-by-case basis. It would be great to have criteria for when to expand, which would be a great job for the Planning Commission.

Beth asked if it is a subdivision of the parcel or part of the same parcel. Brian said it is part of the same parcel. Beth asked, he already has a sewer connection on the parcel? Brian said yes. Brian said the allocation request is not for a development that is already in place but for hypothetical future development. He doesn't have the final allocation number but Drew is proposing a house with two bathrooms.

Beth said she is uncomfortable with this for a number of reasons, the biggest of which is that it is setting a precedent.

Brian said his recommendation is that we have the Planning Commission work on this and make recommendations. Mike said the village said they would like more sewer hookups and we should be trying to find a way to work with them on this. The Planning Commission might be a good vehicle with which to approach this.

The selectboard (with the exception of Nat, who recused himself from the conversation) agreed to send this to the Planning Commission.

Ken Tourangeau said he owns the property right below this one. There are two wells within a thousand feet of the proposed house. He feels that should be a consideration. If Drew develops the other area and puts in a septic system he could contaminate wells. Brian said if he wants to put septic in the area he will have to get a state wastewater permit and they will measure the impact on drinking water before they issue it.

8. *Planning Commission Appointments*

Brian said the Planning Commission wants to have Shayne Spence and Charles Gallagher appointed. Paul Warden was elected chair.

Beth asked if both Shayne and Charlie were nominees directly from the Planning Commission. Paul Warden said yes. The Planning Commission met last week and voted unanimously to recommend that they both be appointed. Charlie has contributed substantially to past meetings and Shayne will bring new energy so he is excited to have both of them as new members.

Mike moved to appoint Charles Gallanter and Shayne Spence to the Planning Commission and the motion was seconded.

Nat asked about terms for Greg Tatro and Kyley Hill. Charles said there are three clear vacancies on the Planning Commission – one 2-year term and two 3-year terms. The 3-year terms are the ones vacated by Kim Dunkley and Phil Wilson and the 2-year term is the one he vacated. He requested a 3-year term. Shayne could get a 3-year or 2-year term. This would be a good time to appoint Kyley and Greg to 3-year terms expiring in 2023 as they each filled 3-year terms in 2020, replacing Eben Patch and Ben Waterman.

Mike and Eben agreed to the friendly amendment that both Charles and Shayne be appointed to 3-year terms.

Beth asked for clarification on how many seats there are on the Planning Commission. Charles said there are nine.

The motion was passed.

Beth moved and Mike seconded to appoint Kyley Hill and Greg Tatro each to fulfill the remainder of 3-terms expiring in 2023 as the intent in 2020 was to appoint them to 3-year terms but that was not done due to oversight. The motion was passed.

9. Proposed Memorandum of Understanding with Johnson Public Library

Brian said it was felt that we could lay out more clearly what are town responsibilities and what are library responsibilities. The library is a town library on town property but it has its own board of trustees. They write their own budget and submit it to us.

Eric said the first draft of the memorandum of understanding came to him as emergency management director and he suggested some changes. It went back to Jessica Bickford and has to come before the library trustees. It may change again after the trustees look at it and then this board will look at it again.

Brian said under the MOU most routine maintenance is going to be the responsibility of the library trustees. They won't need approval from the selectboard for routine maintenance, but anything resulting in a permanent change to the structure or grounds or anything that is very expensive should come before the selectboard. Large projects should be done in collaboration with the town. Most outdoor maintenance is the responsibility of the town. The library is covered in our mowing contract and our employees plow the parking lot. A new addition is the idea of an annual inspection to review the planned maintenance and the status of the building. One big area of concern is what to do during flooding. The library is the first town asset to receive flood waters in most flood events. It is a very important public asset and we will do our best to protect it but life and human safety is the first priority. To the extent we are able we will work with the library before and during the emergency event. We will designate someone on the emergency management team to be the point of contact with the library.

Eric said for the next meeting we will have a final draft from the library trustees and we may approve it. The intent is that we would approve an MOU like this annually because no one board can hold a future board to an agreement.

Beth asked if documents like this MOU draft can have a watermark on them to show that they are drafts so anyone looking at them has that context.

10. *Planning Grant Opportunity with Lamoille County Planning Commission and EPA Healthy Communities*

Brian said LCPC is interested in going out for an EPA Healthy Communities Grant. The grant would be used to improve flood modeling. We had a presentation a year or so ago about flood mitigation that could use undeveloped sites as preserved flood protection areas. With the grant funds LCPC would get into more detail on that and do more flood modeling. The grant will be administered by LCPC. It requires a 5% match. The expectation is that the match would be provided in the form of in-kind work of Brian's time working on this.

Beth asked how much time Brian will need to spend on it. Brian said he thinks probably 10 to 15 hours between now and October 1. He thinks it would be good to have this plan on the shelf for when we have money. The board agreed to apply with LCPC for an EPA Healthy Communities planning grant.

11. *Status of Law Enforcement Study Committee*

Brian said Johnson's two representatives to the Law Enforcement Study Committee have both resigned. The committee has a lot of prepared work but it doesn't look like they are quite ready to report out. He is not sure exactly how close they are with a report. It might be a good idea to see if we can get volunteers to represent Johnson to get this over the finish line.

Beth said she has read their minutes but she is not clear what their deliverable or their mission are. Brian said the committee was convened based on conversations with Roger Marcoux and the town's concerns over cost increases we are regularly seeing from the sheriff's department. The committee was to look at cost analysis of alternatives and trade-offs. For instance, we know we would pay less if we contracted with the state police but the assumption is that the coverage would not be as good. But how would the coverage be different? We could use more detail. Some communities are doing intermunicipal police agreements. There also was once a Johnson police department. There are options and the committee was to look at costs and benefits of possible solutions. It sounds like they are close to being able to report but they need help collating the data and submitting it. He would feel better if we had representation from Johnson until the end.

Eric said it would be nice to know how close they are to being finished. If we send someone now they will be behind the eight ball. Beth said we never accepted any resignations from the Johnson representatives. Brian agreed. We received letters of resignation but the board has not accepted them.

Nat said if we don't appoint new representatives he is not sure the committee's work will get finished. He feels the committee is floundering and could use strong leadership. He has the data the committee has collected and we could just use that to make decisions ourselves but we should also be working with the two other communities.

The board agreed to post the open positions on this committee as well as the open energy coordinator and solid waste management district representatives.

Beth asked, what is the expectation for the committee? Do they have a deadline? Eric said he thinks they have most of the data. It just needs to be summarized in a report. They do not have a deadline. Beth asked if we should talk with the other selectboards and suggest that they deliver small pieces of their work along the way rather than just one big report at the end. We hear about policing in many different realms of our world today. Do we have proper representation and are we seeking that out?

Eric asked if Brian has had discussion with Ron Rodjenski in Hyde Park about the committee. Brian said not recently. He thinks setting a deadline is good. He would like to appoint someone with the idea that they would not be going out to get new data but would provide the best report they can with what they have as soon as possible and then we can talk about future goals and what more we want out of the committee. There are larger questions about our values and needs and that is not really the charge the committee started with. He would be surprised if they would be prepared to address that.

Eric asked if we know who the new chair is. Brian said no, the former chair resigned. He doesn't believe they have a chair. Eric said we have no channel of communication with this committee now. Brian agreed there is no formal channel of communication. He will talk to the Hyde Park and Wolcott town administrators and see what they know about the committee chair and he will post the vacancies.

12. Discussion of Merger Vote by Town and Village Residents

Brian said both town and village residents voted that town and village should continue discussions related to a possible merger. The village trustee board is down a member and most of its board members are new. He suggests tabling this for a little while and maybe putting out to the village that we would like to have the discussion when they are ready.

Eben said he thinks we should meet with them in May and at least talk. He thinks we owe it to the voters to at least talk about next steps with the trustees. Beth said she thinks it is fair to talk to them about a timeline. Mike said we don't know how long it will take the trustees to fill the open board position. If they don't appoint someone they will have a special election. He does not think we will meet with them in May. Eric suggested that the board authorize the chair to work out with them a time to meet. If it takes a couple of years that will not have a big impact. There is no hurry. It was agreed that Eric should reach out to Will Jennison about when the two boards could meet.

Beth said she understands the point about the village trustees getting their footing and she supports that, but it could easily be perceived that individuals or boards dragged their feet because they don't want a merger to happen. She doesn't want that. Mike said it should be noted that the article was strictly advisory. Nat said our voters advised us to do this twice. We are ready to meet and talk about it. If the trustees need more time they can tell us but he doesn't think we should delay assuming that they are not ready.

13. Lamoille County Sheriff's Department Report for March 2021

The sheriff's department report was emailed to the board.

14. Appointment of CUD Representatives

Brian said the annual year for Communications Union District appointments runs from May 1 through April 30. Given everything that is happening with federal money and the CUD's

scheduled executive committee meeting in the first week of May it was asked if we could appoint CUD representatives for next year, at least returning members, before the end of their current appointments. Currently Charlotte Reber is our representative, with Doug Molde and Paul Warden as alternates. Doug is not interested in returning but Paul and Charlotte are. We can seek another alternate. **Nat moved to appoint Charlotte Reber as representative to the CUD board with Paul Warden as alternate.** The board agreed to post the opening for an alternate along with the other positions that will be posted. **The motion was passed.**

15. Annual Update to Emergency Operations Plan

Brian said we will be working to make the annual update to the emergency operations plan. It is not expected to have a lot of changes. The changes will mostly be to contact information. Brian agreed to provide board members with copies. Eric said the Covid team is going to go through the plan the next time they meet.

16. Executive Session to Discuss Purchase of New Gravel Pit

Mike moved to go into executive session to discuss purchase of a new gravel pit under 1 V.S.A. § 313(a)(1), inviting Brian and Hugh to remain, Beth seconded, the motion was passed and the board entered executive session at 9:07. The board came out of executive session at 9:41.

17. Executive Session to Discuss Public Works Contract Negotiations

It was moved and seconded to go into public works contract negotiations under 1 V.S.A. § 313(a)(1), inviting Brian and Hugh to remain, Beth seconded, the motion was passed and the board entered executive session at 9:42. The board came out of executive session at 10:03.

18. Adjourn

The meeting was adjourned at 10:03.

Minutes submitted by Donna Griffiths