

JOHNSON SELECTBOARD MEETING MINUTES  
ALL PARTICIPATION BY ZOOM TELECONFERENCING  
MONDAY, MAY 3, 2021

**Present:**

Selectboard Members: Mike Dunham, Beth Foy, Nat Kinney, Eric Osgood, Eben Patch  
Others: Brian Story, Rosemary Audibert, Hugh Albright, BJ Putvain, Nadeau, Lois Frey, Joie Lehouillier, Kim Dunkley, Lotty Roozkrans, Diane Lehouiller, Lisa Crews, Paul Warden, Sheila, Kyle Nuse, Greg Tatro, Ken Tourangeau

**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 executive session to discuss labor negotiations. Eric added an update on the Law Enforcement Study Committee. At Lois Frey's request the board added a request from the Conservation Commission for endorsement of a grant application.

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

**Mike moved to approve the minutes of the April 19, 2021 selectboard meeting and the April 19, 2021 dog hearing, Beth seconded and the motion was passed.**

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

**Nat moved to authorize the chair to sign warrants on behalf of the board, Beth seconded and the motion was passed.**

**5. Discuss and Adopt Request to Modify Personnel Policy Regarding Overtime**

Brian said as previously discussed the highway crew is interested in changing to different work schedule – four 10-hour days. Under our personnel policy as written, employees receive overtime after 8 hours of continuous work. We will need to modify that. We have done that in the past to allow working four 10-hour days during the months of July, August and September. Hugh would like that extended to include May and June as well.

Mike said he thinks we should stick with the current policy as we are beginning union negotiations. Eric said he would tend to agree. He is hesitant to support making any changes to our personnel policy when we are just starting labor negotiations. The other board members agreed. Eric said this is not off the table permanently. The board will just not make the change now. It is still okay for employees to work four 10-hour days during July, August and September.

**6. Discuss and Adopt Request to Replace Public Works Truck Early**

Brian said the foreman's truck is not performing as well as Hugh would like and he would like to replace it a little early. It is used as a substitute salt truck and it is useful for taking care of roads in winter that are difficult for a larger truck to access. The truck was scheduled to be replaced next year and Hugh would like to replace it this upcoming year.

Eric asked what else is scheduled to be replaced this year. Brian said the salt truck, the smaller truck and one tandem. We will have a pretty good outlay in terms of total cost but we can manage it. We are saving a little money by purchasing a lighter duty salt truck than

originally planned. Replacing the foreman's truck this year will have a slight overall impact on the reserve fund.

Beth asked how much we saved on the salt truck. Brian showed Hugh's memo on the screen, which showed the savings for the salt truck and the expected trade-in value of the existing truck. He said we will need to take about \$15K from the capital fund for that truck instead of the \$33K we had earmarked to take out to pay for it next year. Ultimately we can afford it.

Eric said his concern is that when we defer from the plan it has a cumulative effect. If he remembers correctly, we had planned for a \$300K grader but graders are coming in at about \$500K. Because of that we need to put some time into redoing the table in the capital replacement plan. Brian agreed that the plan will need significant rework due to that. Hugh said the grader will not cost \$200K more than expected. It might be \$100K more. He is waiting to get hard numbers from salesmen. With the trade-in, the additional amount we will have to spend will only be about \$75K. Eric said that has a cumulative effect on the whole table. Before we jump to do anything out of cycle he thinks the board needs to look at the whole capital equipment plan.

Mike said he thinks we are starting to throw good money after bad. He thinks we should move forward with replacing the truck as Hugh requested.

Hugh said he is looking to spend \$16K this year to replace the truck. But we will keep that truck a year longer than originally planned. We will be saving \$15-17K in the long run because we will not spend \$33K next year.

Nat said he sees in Hugh's memo that we have spent \$3500 on this vehicle since February. To him that amount seems expected for a truck this age. He feels keeping the truck an extra year will put us further ahead than buying a replacement truck early and taking the depreciation from the early end of the truck's life cycle. He is not seeing the savings.

Mike said we won't just have up front savings. In the long run there will be savings because this truck will be more versatile and employees will accomplish more with it.

Beth said she agrees with Eric. If we are going to consider this request we need to consider the total capital impact. If we know the grader will cost more than predicted, what else falls in that category?

Eric said he is not saying this request is being shot down. He would like to see the numbers and the impact on the whole capital equipment fund. He thinks we need to dedicate a meeting to that.

Mike said he thinks we need to talk about leasing vehicles.

Hugh said the vehicle he is proposing to purchase will be able to take the abuse of plowing, etc. so we shouldn't be in this position four years from now. He has the money left in his budget to cover it because of the mild winter.

Beth said that is an interesting point. If we have the money in surplus why wouldn't we consider spending it on this request? Eric asked Rosemary how we stand on the whole budget. Rosemary said she thinks overall we will be fine. Eric asked, if we took this expense out of this year's budget, instead of taking it out of the capital equipment fund, knowing that the highway department underspent on its budget, does Rosemary think that would be fine? Rosemary said yes. Brian said he would suggest making the purchase out of the capital equipment fund and using surplus to make an additional contribution to that fund at the end of the year. For record-keeping purposes, equipment costs should come out of that fund.

Mike said we can't forget that Hugh saved us almost \$20K on the last truck. Eric said if we allocate money for this expense out of this year's budget, that means that much less for the part-time help Hugh was planning on. Hugh said he doesn't think so, because he was just going to take money that had been spent on one part-timer and use it for another instead.

Beth said she would like to see the financial impact on all areas. She can't tell what all the places are where we have saved or overspent on Hugh's budget. She doesn't see the bigger picture. She would like more clarity.

Eric suggested that the next work session meeting be dedicated to going through the capital equipment plan and deciding whether to make this purchase this year.

Mike asked, wasn't Beth supporting this purchase earlier? Beth said she was just asking why we should not discuss it, not necessarily saying we should do it.

Mike said the truck might no longer be available by the time we get done studying it. He thinks if we can pay for it out of this year's budget we should get it now.

Eben asked if Hugh has spoken to salespeople about potential price increases. Were Ford and GM out of our price range or did they not have trucks available? Hugh said GM offers no municipal discount. Ford didn't have anything we were looking for. All dealers' inventory seems low. He thinks that is why we will get a good trade-in. We have been offered \$30K for a truck we paid \$35K for. He thinks trade-in values will probably drop, but he is not sure when. Probably not by a month from now. He is more worried about the trade-in value dropping significantly than about losing a particular vehicle on the lot. But everyone he spoke to said that if we ordered a truck it would be 6 to 8 months out. We can afford this truck out of the highway department budget because it was a light winter. He has already stocked the sand pile. He has a surplus in salt and sand. Nat said the savings from the light winter could go a long way toward filling the \$75K gap for the planned grader purchase.

Mike said Hugh has made some good points about benefits of leasing. We may not even end up buying another grader. We may decide to lease the next grader. Hugh said we don't necessarily need to replace that grader. It is a solid machine. He is going to do research on options, including whether we need to replace it.

Eric said all those options should be brought before the board for the work session devoted to the capital equipment plan. Beth said it would be good if the results of Hugh's work could be shared 4-5 days ahead of time so she has time to think about them. Brian said for the work session meeting he will have end of year projections and the board can look at the capital equipment fund documents and the capital reserve fund balance sheet. He will have different scenarios to look at regarding the grader including delaying the purchase or leasing.

**7. *Discuss and Adopt Request Procurement Policy***

Brian said he included in the board packet advice from VLCT about a procurement policy and a draft procurement policy we might adopt, which is mostly the VLCT model policy with a formatting change. The policy states under what circumstances we will go through an RFP or similar process vs. just getting board approval or having a designated agent being able to purchase an item without prior approval. We have good processes around this, but we don't have an adopted policy. Brian is seeking a policy because it would make things easier when we receive funds from other entities, in particular from the federal government. They want to see our adopted procurement policy. We haven't been denied anything for not having a policy but it is always a conversation.

In his draft he listed people who are allowed to purchase items on behalf of the town: the town administrator, the public works supervisor, the rec coordinator, and the town clerk. For purchases of \$500 or less no prior approval is needed, but if we ever go over budget for anything, that warrants board discussion. For purchases over \$2K prior approval of the selectboard is required. For purchases from \$5-10K we have to get at least two qualified vendors to submit bids. For expenditures of \$10K or more we have to follow a sealed bid process.

The VLCT model policy called for bonding for any construction project, but Brian thinks that is burden and burdensome and will make everything very expensive so in his draft bonding is required only if the project cost exceeds \$500K.

The policy describes the bid process, which reflects what we already do. It discusses recurring purchases and situations where we need something highly specialized that not many people are qualified to do. In that case, we can go with a single vendor without getting multiple bids.

**Mike moved to adopt the procurement policy as presented.** Eben said he was going to suggest that we send it to our attorney first because that was the recommendation from VLCT. **Eben seconded.**

**Mike and Eben agreed to a friendly amendment: adding the library director as an authorized purchasing agent.**

Mike said he thinks this is probably been looked over by VLCT attorneys. Brian said VLCT always wants to make it clear that they are not giving us legal advice. It is always a good idea to consult our attorney but he thinks this is pretty low risk. Nat said because our language is not very different from that of the model VLCT policy and because this is a policy, not an ordinance, he feels attorney review is not necessary.

Beth suggested increasing the incidental purchase amount that does not need prior board approval from \$500 to \$800. Eric suggested \$1,000. **Mike and Eben agreed to a friendly amendment raising the incidental purchase amount that does not need prior board approval to \$1,000.**

Eben said after hearing the discussion he feels attorney review is not necessary.

Beth said in addition to price and quality we should also consider whether a bid meets our timeline. Anywhere the policy references best possible price and quality she suggests adding “while meeting timeline requirements.”

Beth said in Purchasing Authority the policy talks about having an allowance for vendors that are local. She would like that allowance to be for businesses that are owned by women or minorities or local businesses when their bids are within 15% of the lowest bid.

Eric asked if that means a local business or a woman or minority owned business could come in up to 15% higher than the lowest bid and still be accepted. Brian said that is how he would interpret it. The policy talks about how we have the ability to make other choices than the lowest bid. He interprets Beth’s suggestion as putting a number on a couple of those choices, so we don’t have local preference for any amount, only as long as it is within 15% of the lowest bid.

Mike asked why a local contractor couldn't read our policy and tack on extra for their bid. Brian said they wouldn't know what the other bids are. If they pad their bid and we believe they are padding it we don't have to choose them.

**Mike and Eben agreed to a friendly amendment to add “while meeting timeline requirements” in places where the policy references best possible price and quality and to add language allowing the board to give preference to local businesses or woman or minority owned businesses when the bid amount is within 15% of the lowest bid.**

Ken Tourangeau said he hopes the board will heavily favor any local contractor whether they cost more or not.

**The motion to adopt the procurement policy as amended was passed.**

8. ***Discuss and Adopt Local Emergency Operations Plan***

Brian said the Local Emergency Operations Plan has been updated for 2021. The biggest change is a supplemental contact list for other useful people who are not listed in the emergency plan, but that is not part of what has to be adopted by statute. The supplemental list might include landlords of rental properties over a certain size or a 24-hour contact number for a business that might be able to provide an essential item needed outside of business hours.

**Mike moved to adopt the Local Emergency Operations Plan for 2021, Nat seconded and the motion was passed.**

**9. Proposed "Red-Lined" Class IV Road Policy**

Brian said the Planning Commission was tasked with helping us update our Class 4 road policy, taking into consideration the obligations the town will have for increased maintenance of Class 4 roads to manage erosion under the Municipal Roads General Permit with no additional funding from the state. We are also concerned about the impact of turning Class 4 roads into trails, which would still maintain a public right of way but could have an impact on property values. The Planning Commission is going to look at their proposed policy again with regard to hydrologically connected road segments, which will be the ones that cost us more money. They had previously come up with a number of different suggestions and they were interested in having the selectboard review the entire document. He reviewed it and showed in red changes he would suggest making.

He reviewed his suggested changes. He has a couple of suggestions for wording changes for greater accuracy. He added some more language to make it very clear that the town is not going to provide any maintenance for Class 4 roads unless we have the money and the time and we feel it is serving the public good, not just the people who live there, and that any maintenance we do in no way obligates us to future maintenance.

The Planning Commission recommended that we create a line item in our highway budget for Class 4 road maintenance and start funding it. They recommended doing regular inspections of Class 4 roads and setting aside more funds for their maintenance than we do currently. Brian is not objecting to that as a practice or principle but he doesn't think it should be specified in policy. He thinks it should be left up to the selectboard's discretion.

There is some language stating that in the event of an emergency we may make reasonable attempts to help emergency vehicles get access to Class 4 roads. He would like that language reviewed by an attorney before we adopt it.

Brian feels that anything dealing with maintenance work by non-town employees should be in the right of way policy and not in this policy, so he cut that whole section.

He cut the overweight vehicle section because language about overweight vehicles is already included in the controls and protection section.

He would recommend cutting the section on disputed right of ways. Under the Planning Commission's version the town would have the burden of proof about where a right of way is. The typical practice, supported by state case law, is to go by where the road actually is under the assumption that the road is in the right place. He would not advise that the town give up that assumption.

The selectboard agreed to send the draft policy back to the Planning Commission with Brian's suggested changes.

Kim Dunkley said Brian had said some of the information he crossed out would be put in the right of way policy. She didn't see it there. Brian said there would need to be a separate discussion about amending the right of way policy. Kim said someone who is looking for a

home on a Class 4 road would want to know that they would need a permit to do maintenance on the road. If that is not in this policy there should be a reference to the policy that has that information. She also feels it is important that the town budget money for preventive maintenance. If roads are getting maintained that may prevent big expenses.

Paul Warden asked if Brian can send the Planning Commission a copy of the right of way policy so they can consider how their proposed language might fit in there. Regarding the budget for Class 4 road maintenance, the idea was to try to preserve the structure of the road so the town would have to spend less money in response to large amounts of damage. The Planning Commission felt that if money was budgeted and not spent it should be kept in a pot for Class 4 roads so it would be available in the future.

Beth said she thinks Kim's point about referencing the right of way policy is a good one. It was agreed that that reference should be added.

**10. Update on Ted Alexander Welcome Center**

Brian said work on the Ted Alexander Welcome Center is coming along well. The plan was to cut back some trees that are in the railroad right of way so permission from DOT was needed. We have been given permission. Brian went to the site with the tree warden to mark the trees which will come down. We have received approval to submit this as an administrative amendment to the original act 250 permit application for the trailhead building that was submitted years ago by Lea Kilvadyova. Once we have approval from the state the donors will release the first payments and we will purchase fill and lumber. The village has agreed to donate some labor.

Nat asked if we are on Brian Raulinaitis' schedule for construction. Brian said he hasn't checked with Howard on that.

Nat suggested that once the trees are cut down it would be good if the wood could be offered to the bread oven committee.

**11. Update on Community Project Funding through Representative Welch's Office**

Brian said we submitted three projects to Representative Welch's office for community project funding. Our projects were not selected, but Senator Sanders is going to have a similar opportunity and Brian believes Senator Leahy probably will as well. He has spoken to people in Sanders' office and they are interested in reviewing our projects. The light industrial park is also being submitted by the state as a priority project in cooperation with LEDC. We will also be considering funding available from ARPA as possible matching funds for the EDA grant we had previously targeted. We were shut out from that grant because they wanted a great deal of cash on hand in order to approve the project. We might be able to use the ARPA funds as cash on hand to obtain the grant. If we have enough cash to secure the grant we can use in-kind contributions to reduce our actual cost and then we might be able to use the ARPA funds again for something else. The guidance on how to use ARPA funds has not been released so we don't know yet if they can be used that way.

Beth suggested possibly improving our project proposals to make them more attractive. Brian said he thinks we can take another crack at writing the narrative. Greg suggested including a building for the food shelf at the industrial park might make it more attractive. Kim

suggested a daycare center is another thing that might make it the project more attractive. Nat said we have to think about the food shelf at some point. We have been donating space to them but it is a pretty inadequate space. Beth said daycare is a big need. Greg said there is a group trying to work on a daycare in town.

**12. *Selectboard Issues/Concerns***

Eric noted that there is a lamp out on the Pearl Street bridge. He asked Brian to pass that information on to Hugh.

**13. *Conservation Commission Request for Endorsement of Grant Application***

Brian said a number of years ago the Conservation Commission made a series of videos promoting awareness and ways to recognize and deal with the emerald ash borer. They have an opportunity to submit application for a grant to make a few updates to those videos. He showed the board the draft of the application.

Lois Frey said the Conservation Commission is not asking the town for any money. They are going to request a grant of \$600 through the Association of Conservation Commissions, which our town is a member of. The original videos they made were done in 2015 before the emerald ash borer had arrived in Vermont so updates are now needed. The Conservation Commission is looking for endorsement from the selectboard for the grant application. Nat said the videos were fabulous and he thinks they were effective. The message back then was "Don't move firewood." What is the message now? How has it changed? Lois said that is still the message. The existing videos say that emerald ash borer is coming but now it is actually here and the video has a map of where the ash borer was in 2015 but that map is not accurate now.

**Nat moved to endorse the Conservation Commission's application for a grant to update emerald ash borer videos, Beth seconded and the motion was passed.**

**14. *Law Enforcement Study Committee Update***

Eric gave an update on the committee that was looking at policing options. The two members from Johnson resigned. He learned from Susan Bartlett that Hyde Park currently has no representatives. Susan has been in contact with Wolcott. Wolcott is looking at all options, including Hardwick, Morristown and the sheriff's department. They are so far removed from the sheriff's department office that they feel they don't get the service they might get if they were using someone closer. Eric and Susan did not see value in reappointing new people to the committee and trying to carry on its work. Susan and Eric felt that Duncan's letter could be used as a guide and the selectboards could go forward with that. Based on discussions with Wolcott, Susan suggested having one or two selectboard members from each community meet to discuss what came out of Duncan's report and look at intermunicipal agreements. We would be in control of an intermunicipal police force, but also responsible for it. We currently have a contract with the sheriff and he manages hiring and firing and any lawsuits are against his office and we have no part in them. Hyde Park has already started outreach to LCPC about the possibility of them participating in setting up an intermunicipal agreement and Roger Marcoux has been looking at an intermunicipal agreement. This would take care of a problem the sheriff's office has with retaining officers. An intermunicipal force would be eligible for a municipal retirement plan. It would be the role of the group of selectboard members from each of the three towns to look at the options and what was in Duncan's letter and go forward, looking at the possibility of an intermunicipal agreement

versus using LCSD or the state police. The selectboard members would take over where the committee stopped. Susan was thinking she would be participating. She would be a good person to lead the effort.

Nat said he has interest in this. He has done a lot of work on it and he is happy to continue but he has some fairly strongly held beliefs which might be a liability. Eric suggested Nat and Beth could be the two representatives from the Johnson selectboard Beth said she is willing but she is a little concerned hearing that Susan appears to have a whole action plan already. She is looking for what the expectation is for the group. She thinks taking the information already gathered and creating a report is a good first step. It sounds like the leap to an intermunicipal agreement has already been taken, which is a red flag to her. Eric said Hyde Park has just started some of the legwork related to that. They are only looking at the possibility. In Susan's mind he thinks it probably comes down to two options. He doesn't think the state police would give us the service our communities expect. He doesn't think we could financially afford to have our own police department. Unless there is a hugely expanded Morristown police force he doesn't see using another town's force as an option. Probably the choices are either to continue with LCSD or develop an intermunicipal police force. One reason Susan may want to look at an intermunicipal force is that she realizes Roger is not going to be there forever. A new sheriff will be elected and a contract with our communities is not something they have to provide. Our contracts could go away in one election. Wolcott is interested in looking at that option. Eric thinks the cost probably will be no less than our current cost or even more.

Nat said that is what he is wondering about – where the cost savings are. Eric said the retirement benefits an intermunicipal force could offer would be a way to retain officers. A benefit of contracting with the sheriff's department is that the sheriff is able to channel some money from other sources into the patrol budget. Nat said potential reduction in services is another thing to look at – whether to continue 24-hour service.

It was agreed that Nat and Beth will represent the Johnson selectboard in looking at policing options.

***15. Executive Session to Discuss Public Works Contract Negotiations***

**Mike moved to go into executive session to discuss labor contract negotiations because premature public knowledge of the town's negotiation status and posture would disadvantage the town, Beth seconded, the motion was passed and the board entered executive session at 9:19.** The board came out of executive session at 10:06.

***16. Adjourn***

The meeting was adjourned at 10:06.

*Minutes submitted by Donna Griffiths*