

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, SEPTEMBER 7, 2021

Present:

Selectboard members: Mike Dunham, Beth Foy, Nat Kinney, Eric Osgood, Eben Patch (via Zoom)
Others: Brian Story, Rosemary Audibert, Jasmine Yuris

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

Mike added discussion of public works vehicles and grinding down roads. Brian added a letter from the Lamoille County Sheriff's Department about an upcoming meeting.

3. Review and Approve Minutes of Meetings Past

Mike moved to approve the minutes of August 30, 2021, Beth seconded and the motion was passed.

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

Mike moved to sign the Highway Equipment Borrowing Resolution, the note and the tax certificate necessary to take out a loan for the new salt truck, Nat seconded and the motion was passed.

Rosemary said in the third week of September she and Susan will go to the Municipal Clerks' and Treasurers' Association conference in Lake Morey for two days.

5. Procurement Policy Updates

Brian said he made a couple of updates to the procurement policy. He changed the dollar amounts to be a little higher before they trigger additional oversight to make it a little more manageable. And rather than giving our committees purchasing power, which we don't want to do, he changed the language to allow people we designate as purchasing agents to have oversight over purchases of less than \$1,000 that are within the budget of the organization. (Eben joined via Zoom at 7:06.)

Brian said the dollar amounts are in line with a lot of other procurement policies he has seen. In some other procurement policies he has seen an exception for public works equipment. He doesn't think we need that.

Brian said Beth had suggested adding language to our purpose to indicate that this also provides accountability for those with purchasing power.

Nat asked what committee members do if they want to buy something. Do they buy it and get reimbursed? Brian said we really want to discourage how much we are reimbursing people. It is difficult to monitor and it could be a point of abuse in the future. This policy makes it so that not every purchase has to be brought before the selectboard. Purchases less than \$1000 can be approved by anyone who has purchasing authority. For most committees that would be him or Rosemary. They should seek approval in advance of the purchase. Nat asked that the next time

someone from a committee submits receipts for reimbursement they get an explanation of the new way of handling purchases.

Nat asked, should we discourage people from charging things at Johnson Farm and Garden? Rosemary said the store has a list of people who have been approved to charge things. It includes the highway crew, the water and light crew, etc. (*Jasmine Yuris arrived at 7:12.*) Nat said he would like anyone who is not on the procurement list to be taken off the list of people who are approved to charge things.

Beth said we don't necessarily want every purchasing agent to be the one who has the authority to tell a committee it is okay to get what they want. The Rec Committee shouldn't go to Lisa Crews for approval, for example. Maybe we should clarify that. Brian suggested we might create a separate designation for him and Rosemary to have granting power for purchases that are less than \$1000 and within a committee's budget. For larger purchases the committee will have to talk to the selectboard. Mike said it would be a good idea for every committee to have their own designated purchasing agent. Nat and Beth agreed that would be a good idea. Nat mentioned that the Tuesday Night Live committee buys expensive speaker equipment. People who are not on the list were making commitments for the Ted Alexander Welcome Center. In the future they would have to go through the process in this policy.

Eric asked, if we implemented a purchase order system, how would that work with this? Brian said it would depend on how we implemented it but he doesn't see that it would be incompatible.

Eric asked, under a purchase order system, a purchase could not be made until someone signs off to give approval? Beth said that means nothing could be paid for outside of that process. Mike said a purchase order system is the best process to have. Brian said it is the best from a security standpoint, but he is not sure it is the best fit for us. It is worth investigating. This policy won't interfere with implementing a purchase order system.

Eric asked, could purchase orders be required only for purchases over a certain threshold like \$1000? Beth said she thinks most purchases made by those other than the listed people and many purchases made by the listed people will be under \$1000. She just wants to make sure that if we are talking about a purchase order system we are talking about it for the right reasons.

Eric asked, anyone on the highway department is an agent and can stop and pick up an item at Johnson Farm and Garden? Brian said they aren't all agents; only the supervisor is. Johnson Farm and Garden and a number of other businesses bill us. If a more expensive item is purchased usually the supervisor has ordered it and someone on the crew goes to pick it up. Eric asked, the one who places the order will be a pre-approved agent? Brian said yes.

Brian said he thinks no changes to the policy are needed if we want to use a purchase order system. Mike said he thinks language about a purchase order system should be inserted somewhere in the policy. Nat suggested approving this policy and then considering a purchase order process.

Eben said it seems like a lot of what is in the policy is already being done. He understands that there is a push for this because it is needed for grants. He doesn't see anything wrong with it. Brian agreed that there is no huge change to our practices. This policy is codifying our practices and incorporating some feedback from the first draft. The board and some volunteers felt it created too much burden so he added the language about smaller purchases not needing to go to the board. Eben asked, smaller purchases already don't come to the board, but are still in the warrants, right? Rosemary said that is right.

Beth moved to approve adopt the Procurement Policy as presented, with one addition to the Purpose section: adding “to provide accountability to all purchasing agents” in the last sentence.

Mike asked if we are going to add anything about purchase orders. Beth said Brian recommended doing that as a separate policy. Mike said he thinks it should be inserted into this one. Brian said he recommends first doing more work on what we are going to decide about a purchase order system. Mike said we could approve the policy tonight as Beth moved and then revisit it at the next meeting.

Mike seconded and the motion was passed.

6. *Municipal Building Sidewalk Paving*

Brian said he got more information from Troy Dolan about the proposal for work on the sidewalk at the municipal building. Troy has been in contact with Dale Tatro. The scope of work includes the sidewalk from the parking lot and up to the side door. Dale thinks some of the cracks and off kilter pieces are due to frost heaves caused by poor seating for the cement slabs when they were originally set. He wants to redo the foundation and reseal the slabs.

Mike said the cost is in excess of \$5000. The total cost for town and village is \$5,800 and we only have one bid so we are already in violation of the policy that was just approved.

Eric said the way Troy explained it the village was going to have Tatro in town to do other work anyway. They have a two week window where they can get it done; otherwise it will have to wait until next year.

Mike said we are being forced into this. We are given one bid at the eleventh hour and told that we have to do it now. He will not approve this.

Eric said there was no one taking the lead on getting the project done earlier in the year. We had a complaint from some seniors about the tripping hazard with the existing sidewalk.

Mike said he doesn't like being forced into a corner to approve a project without two bids. He doesn't think that is being responsible with the town's money.

Eric said the problem is that now it is a recognized liability. We acknowledge that there is a hazard and if we don't do something about it there could potentially be a lawsuit if someone got hurt.

Mike said he had talked to Will Jennison, who said he would get another bid. Did he talk to Eric? Eric said no.

Nat said he understands what Mike is saying. On the other hand, sidewalks are more the expertise of the village. The village has come to us with this proposal. He trusts their expertise. There is a small window of time to do the project. It is tough to get things done in this environment.

Nat moved and Beth seconded to approve spending \$2,900 for the town's share of work on the sidewalk at the municipal building. Beth said she seconded reluctantly because of the potential for liability. She tends to agree with Mike in principle. Eben said he doesn't think the village is doing due diligence. The cost seems high for that amount of work. **The motion was passed in a roll call vote with Beth, Nat, and Eric voting in favor and Eben and Mike opposed.**

7. *Miscellaneous Town Paving Projects*

Brian said we received a bid for miscellaneous paving projects around town, including the library parking lot, the trench on River Road East and the pavement around the manhole and sewer access that were repaired on Railroad Street. We sought bids from multiple contractors but only All Things Asphalt was interested in bidding.

Mike said according to the new procurement policy for projects over \$10K we should get sealed bids. Brian said we did not put out an RFP as the policy says we should. Mike said this bid seems like a lot of money for the paving we are getting. He would vote no. He would like to put out an RFP. Beth agreed.

Eric asked if there is enough time before the end of the season. Brian said he believes so. We might give a shorter deadline for submitting bids than we sometimes do. He suggested making the deadline 5:00 pm next Monday so the board can approve a bid at the next meeting.

Nat said he thinks it could be easily argued that this is a sole source purchase. Nat moved to approve the bid from All Things Asphalt. The motion was not seconded.

It was agreed to put out an RFP for the paving work.

Jasmine said the library had discussed with Hugh Albright paving a walking path along the side of the library where there is currently pavement in rough shape that was not meant to be a walking path but is being used as one. Brian said that is included in the proposal that was just discussed. (*Jasmine left at 7:45.*)

8. *Historical Society Planning for Holcomb House*

Brian said the Historical Society is looking for formal authorization from the selectboard to evaluate options for occupying the entire Holcomb House building. They are looking for a commitment from us that we want them to pursue an option that will ideally be revenue neutral for them to take over the whole building.

Eben said the selectboard has already appointed him to a committee to look at that. What do they want that we haven't already given them? Eric said he had the same question. Apparently

they want the board to take a formal vote. He thinks they want a “belt and suspenders” approach. Brian said he thinks that is a good analogy.

Eben moved to authorize the Historical Society committee to come up with a plan that will not cost the taxpayers any money for the Historical Society to occupy the second floor of the Holcomb House, Nat seconded and the motion was passed.

9. *Holcomb House Repairs*

Brian said Dana McKnight has done a preliminary inspection of the Holcomb House and he gave suggestions for improvements to the roof that would not necessarily require tearing it all off and starting over to reduce the leaking we have seen. Brian would like to pursue having Dana do repairs and insulation. Eric asked if he indicated he could do it this year. Brian said that is up in the air.

Mike said the procurement policy indicates we should get a price from at least two qualified vendors. He wants to go out for an RFP. Brian said he would recommend seeking multiple bids but not putting out an RFP. Mike said that would be okay with him. Brian said he will get multiple quotes. If it looks like the cost will be over \$10K he will put out an RFP but he doesn't anticipate that being the case.

10. *Cemetery Maintenance*

Brian said Duncan Hastings is willing to continue cemetery maintenance for another year. It has been a while since we got multiple bids but if he is not changing his rate and he had the winning bid last time Brian doesn't anticipate any change. He doesn't have a formal offer from Duncan this year. He believes we have allocated up to \$8K for cemetery maintenance. Duncan is good about determining how much we want to spend and doing that much work.

Nat said Duncan is doing a Wet & Forget treatment which is a lot less expensive and quicker. Others were treating fewer stones and taking longer. **Nat moved to hire Duncan Hastings to do cemetery maintenance for another year, Beth seconded and the motion was passed in a roll call vote with Nat, Beth, and Eben voting in favor and Mike opposed.**

11. *Tractor Parade*

Brian said Tom Carney has proposed a tractor parade on October 2 from the Manchester property on River Road East to Legion Field. To run on Route 15 he will need a state parade permit, which the town will need to request for him. **Nat moved to request a state parade permit for a tractor parade on October 2, 2021 from River Road East to Legion Field, Beth seconded and the motion was passed.**

12. *Review Speed Limit Ordinance*

Brian said we do not have a speed limit set on Hogback Road and we don't yet have a speed study completed for it. He has been in touch with LCPC about that and hopes we will have results soon. In the meantime we could send the draft speed limit ordinance out for legal review. He doesn't think that will be expensive. The policy is based on the model policy provided by the state, but it is always a good idea to go for legal review for anything with a fine attached to it.

Beth asked which speed limits have changed since the last time the board saw the draft policy. Brian said none. Beth asked which have changed from the old version. Brian said the old version is more difficult to read. It is not as detailed about which sections of which roads have speed limits. Sheriff Roger Marcoux has complained that it is difficult to enforce. There is one speed limit change. Sinclair Road currently has a speed limit of 35 mph for its whole length. In

this policy this speed limit changes to 25 from 100C to Rocky Road. A speed study for Sinclair Road found that the 85th percentile was 25 mph or less. The recommendation is to set a speed limit equal to the 85th percentile.

Eric asked if speed studies were done for all our roads that have speed limits of 25 mph. Brian said we don't have evidence one way or the other about that. That is one reason it is good to have legal review. He believes that since we haven't changed any speed limits in a very long time we should be able to enforce all the speed limits based on prior practice. If any speed limit is inappropriate it should have been brought to our attention by now. Eric said it doesn't seem like there is any rhyme or reason why some roads have speed limits of 25 and some have speed limits of 35.

Mike said he thinks legal review is a waste of time. Eben said it seems like there is not a requirement to change the policy. It is just making it easier for the sheriff's department. Brian said he thinks the purpose of the change is to make our speed limits enforceable. Eric asked if the draft has been passed to Roger Marcoux to see if it is enforceable. Brian said he sent it to him but he is not sure if he got a response. He would have to check. Mike asked, if the ordinance wasn't enforceable before, why would it be now? Eric said he believes there are also requirements regarding signs. Brian said he believes that is also part of the problem.

Nat said he feels like he needs to recuse himself from any vote on this since the only speed limit changing is the one on his road. He wouldn't want any perception of conflict of interest.

Eben said he thinks if this is to make the sheriff's job easier, they could pay for the legal review. Beth said we have some ownership over this. It is our ordinance. Eric said typically when we write an ordinance we send it to our attorney. This ordinance is a major change from the previous one, it is just the speed limits that are not changing much. He doesn't believe the sheriff's department was enforcing it. Brian said with a better ordinance we will be able to collect more revenue from speeding tickets. Mike asked, if the template is from VTrans why do we need legal review? Brian said he thinks it is best practice. Eric said we probably should run it by Roger Marcoux to make sure he thinks it is enforceable. Mike suggested running the ordinance by Roger and then when the Hogback Road speed study is done bringing it back to the board. Brian agreed.

13. *Financial Security Review*

Brian had printed out for the board some suggestions from VLCT about recommended financial policies. They point out that not all will be applicable or useful in small communities. They strongly encourage that we think about our goals with the policies we adopt so we can weigh the increase in difficulty versus our goals to evaluate what we want to adopt.

Eric said one suggestion is review of the town's internal controls. Who would do that review? Brian said ideally we would seek an outside perspective. VLCT could probably help us find someone. Eric asked if we have a ballpark figure for the cost. Brian said no.

Beth said she thinks we should not only have a review of policies and practices but also an audit that is not a standard audit. She feels that would be an important investment. Eric asked when the last time was that we had one. Rosemary said it has been several years. She would recommend doing it every year.

Beth said she is in favor of both a review and an audit. Eben said he thinks we need to know what it will cost first. Mike said he thinks it is important. We will need to put it out to bid. Beth said she thinks we should have an RFP and we should all agree with what is in the RFP. Mike agreed. Eric asked if Brian and Rosemary can bring something forward. Brian said they will try to bring a draft RFP to the next meeting. Between now and then he encourages the board to think about needs and priorities so we can start to discuss them next time.

Beth asked if the picnic table in the warrants is for the Rec Committee or the welcome center. Rosemary said it is for outside the municipal building. Brian said we just had Lisa arrange for the purchase. Rosemary said currently it is at the welcome center but it will come to the municipal building.

Beth noted there was an invoice from Mike Patch with a penciled in additional amount for a culvert. Are we confident that we have whatever that is for? It is odd that it is penciled in. Brian said he thinks it is appropriate for us to ask about that. He has a vague recollection of that conversation but not enough information to answer.

Beth asked what the invoices from RL Vallee are for. Rosemary said for gas from Maplefields.

14. Public Works Department Trucks

Mike said recently the board signed director's orders in excess of \$900 for artwork for the side of a new public works department truck. He doesn't see any reason the town needs to spend that much money. He proposes a simple decal saying Public Works Department – Johnson, Vermont. Maybe he can have a drawing for the next meeting. He doesn't think we need to go to Great Big Graphics. He thinks we can inexpensively get enough stickers to last for many years. The board agreed that he should bring a drawing and then decals could be ordered.

15. Pavement Grinding

Mike said there are some roads that have had a buildup of pavement over the years leading to water going toward houses. If we have enough money in the near future he thinks we ought to look into grinding some roads down and getting them back to the level they used to be at. Eric said we don't do that with every paving job because of the added expense. The board agreed to keep that in mind when doing paving jobs.

16. Letter from Lamoille County Sheriff's Department

Brian said we got a letter from the Lamoille County Sheriff's Department inviting us to a meeting at 6:30 on September 16 at GMTCC in Hyde Park to discuss long-term community needs for law enforcement.

Nat said there is another town that is interested in contracting with the Lamoille County Sheriff's Department. That was the impetus to start a larger conversation with other communities in the area about their needs and how they might be served by the Lamoille County Sheriff's Department or possibly an intermunicipal contract, which might be beneficial to us for multiple reasons. There could be some opportunities for better coverage.

17. Adjourn

The meeting was adjourned at 8:37.