

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, NOVEMBER 1, 2021

Present:

Selectboard members: Beth Foy, Nat Kinney, Eric Osgood, Eben Patch

Others: Brian Story, Rosemary Audibert, William Jennison, Darrell Wescom, Jennifer Burton, Kyle Nuse, Mark Woodward, Jeff Bickford, Katie Orost, Allen Audette, Kirstin Owen, Diane Lehouiller, Shannon Friedrich, Spencer Leggett, Sophia Berard (via Zoom), Margo Warden (via Zoom), Kent Stearns (via Zoom), Jackie Stanton (via Zoom)

Absent: Mike Dunham

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 6:45.

2. Additions, Changes to Agenda

No changes to the agenda were needed.

3. Review Invoices and Orders

Brian said we received a second resignation from the Racial Justice Committee in addition to the one listed on the agenda. Eric said discussion of Grow Cemetery will be added to the Evergreen Ledge agenda item. He would also like to discuss having a quorum for the next meeting.

4. Review and Approve Minutes of Meetings Past

Beth moved to approve the minutes of October 11, 2021 and October 18, 2021, Eben seconded and the motion was passed.

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

Rosemary said she had sent out an Excel spreadsheet with the budget status report through today.

The art gallery is having an opening on November 14 and would like a permit to serve beer and wine at an event from 2:00 to 4:00. **Nat moved to approve the event permit requested for November 14, Beth seconded and the motion was passed.**

6. Review Planned Purchases

Brian said before the next meeting the public works department plans to purchase plant mix for roads. An estimated 30 loads will be needed at a cost of \$8,000. We will get it from whoever has it in stock at a good price at the time it is needed.

Beth suggested getting multiple bids would be more in line with the town's procurement policy. Brian said to some degree this is time sensitive. He thinks the plant mix will be needed before the next meeting. But in the future when he brings something like this forward he can make sure he has price sheets from different vendors. The problem with us selecting which vendor the crew will go to is that it may be difficult for them to go to a specific place at the time when the plant mix is needed. But having more information about price differences at different locations wouldn't hurt. The board agreed to the purchase of the plant mix.

Brian said another upcoming expenditure is for salt. Cargill is asking \$75 per ton for salt delivery. We have a pretty good relationship with them and the trucking company they use. Hyde Park has switched providers to a company out of Canada with a cheaper price but we have not been able to contact them. If they are that hard to get hold of we may not want to deal with them. We will need an estimated 610 tons. Brian is not requesting any action on that tonight.

7. ***P3 Town of Johnson and Vermont Electric Coop Stormwater Planning***

The town of Johnson and Vermont Electric Coop were involved in a stormwater planning grant together as a Public Private Partnership (P3.) That provided up to 30% of the engineering and design work for a project to improve stormwater facilities at Vermont Electric Coop. That could benefit the town with stormwater runoff from the industrial park across the street. It would also help with runoff from the Jolley's gas station area. Right now LCPC is just gauging our interest in taking the project forward. He doesn't know if there would be any cost sharing. Typically these projects come with a 15 to 20% local share. LCPC is the driving force behind this. They have helped connect us and the electric coop.

Eric asked, the coop is on board? Brian said tentatively. Probably similar to us, they are interested but want to see the actual costs. Right now a lot of federal money is coming in for stormwater projects. The project would have benefits for the town regardless, but its biggest impact would be with development of the industrial park. We don't have any specific offer from the state at this time. LCPC is asking if we support them trying to take the project to the full design and construction stage.

Eben said he is having a tough time seeing where the town would really benefit. He doesn't see any provision for future extension, just manholes and pipe to a dry well, all on the coop's property. He doesn't see why we would cost share anything. Brian said it does primarily benefit the coop but there would be capacity in excess of the coop's needs.

Brian said taking this to the next stage would require perhaps 3 to 5 hours of his time to meet with Vermont Electric Coop and LCPC. After that the town would get information about costs and what the state and Vermont Electric Coop are willing to contribute. We are just authorizing LCPC to pursue getting grant funding to take this to the next stage. If they secure a grant we would still need to sign off for the project to proceed.

Beth said LCPC is doing a few things for us. She asked about the importance of this related to the other things they are working on. Brian said their stormwater specialist would be working on this. Different people are working on other projects for us so this would not be taking time away from our other projects.

Nat moved to support in concept continuing to work in partnership with Vermont Electric Coop to seek grant funding for improvements to stormwater facilities at Vermont Electric Coop, Beth seconded and the motion was passed.

8. ***Collecting Information on ATVs in Downtown Johnson***

Eric said the trial period has been concluded. If the board wants to continue allowing ATVs in the village we would need to change our ordinance. That would mean having a hearing

and then adopting a revised ordinance following the meeting. The ordinance would not go into effect until after a 45-day period during which any voter could raise a petition for a special town meeting to vote on the ordinance.

Will Jennison said he is a downtown business owner. He has only seen or heard two ATVs that seemed loud. He has observed most are driving slower than cars. The noise is less than the noise from 4-cylinder cars, tractor trailers using jake brakes or turbo diesels pulling out of Sterling Market. He heard a loud one on Clay Hill Road and texted Ken Tourangeau about it. Ken said he had spoken to the person already. The Green Mountain ATV group seems responsive and responsible.

Shannon Friedrich, former president of the Green Mountain ATV club, said he doesn't believe there have been any reported police incidents with ATVs. With any vehicle that passes through town there is a possibility of something going wrong and that will happen occasionally with ATVs. He believes the town was pretty quiet during the summer. He doesn't foresee an extensive amount of ATVs running through town. He thinks having ATVs in the village will be good for the town. There will be more opportunity for people to interact with the town and use stores and restaurants with minimal impact.

Katie Orost said she lives at the corner of Gould Hill and Drag Lot Roads. She was apprehensive but there have been no issues at all this summer. Her family has taken ATVs downtown a couple of times to get takeout. She feels ATV riders have been respectful.

Jeff Bickford said he lives just off Coddling Hollow Road. Sometimes larger groups of ATVs come through. The majority he sees are respectful and operate safely. If there is an ordinance change he would like to see something addressing group size. When 10 or more people are traveling together, that is loud.

Mark Woodward said he has a few concerns. Has there ever been any enforcement in Johnson? People drive fast down the road where he lives. He is concerned about the size of groups. He thinks the town could say that ATV use is fine for people who live in town but he thinks if we allow large groups from outside our town we are inviting chaos. He is also concerned about who is paying for upkeep of Class 4 roads. Hoag Road has degraded. Mine Road is slowly degrading. He would be more in favor of having ATVs on all roads in Johnson for Johnson citizens. He is concerned about the long-term effects for people living in the country.

Eric said we got a report from the sheriff's department that there were 22 ATV complaints during the summer. The majority of those were on two roads outside the village.

Kyle Nuse said she lives in the village and has a business on Main Street next to the village green. She was shocked by how few ATVs were in the village. We were told this was going to benefit us through people spending money at local businesses. She saw little to none of that activity. There was one larger group that ate at the food trucks one day but that was before ATVs were officially allowed in the village, which was unfortunate. Her question for the club is where all the ATVs were.

Shannon said the club did not promote the ability to go into the village heavily, knowing this was a trial year. They didn't want to pound the town during the first season and encourage everyone to come. They didn't want people to have concerns over too many ATVs in the village. There will be more in the future.

Kirsten Owen said she noticed decreased numbers on Hoag Road where she lives. She has had a lot of difficulty ATVs – a lot of traffic and noise. That decreased last summer. Were people told not to ride? Shannon said no. Kirsten said her personal experience is that about one in five riders are courteous and will go the speed limit. There is a lot of late night partying. A lot of riders are not courteous but she saw a decreased number this year.

Darrell Wescom said, as far as who maintains Class 4 roads, he maintains his. He thinks a lot of people didn't know that the village was open to ATVs. He has seen a lot of mud trucks on Hoag Road, so it is not just ATVs doing damage to that road. There are two turns for ATVs on Drag Lot road and he maintains both and doesn't have an erosion problem.

Jen Burton said she probably accounts for about half of those 22 calls to the sheriff's department about ATVs. When she first started seeing ATVs on Sinclair Road this summer she reached out to find out the rules. Someone passed her number on to Ken, who never got back to her. Someone else said she should call the sheriff's department every time she saw ATVs there. If ATVs are on Sinclair Road they must be coming from or going to 100C and they are not allowed on 100C. The sheriff's department was not sure if it was legal for ATVs to be on Sinclair Road. Her experience was that there was an increase in ATV traffic as well as illegal use of 100C. From what she is hearing, it seems like things were kept low key so there wouldn't be a big influx of ATVs, so she thinks this summer was not a good indicator of how it would be if ATVs were allowed in the village moving forward.

Diane said she saw an ATV on Route 100C and reported it to the sheriff's department. It seems like there weren't many ATVs in town. She thinks in order to understand how they will impact the village it would be reasonable to have another trial year rather than moving quickly into making the change permanent.

Margo Warden said she would like to hear the board's thoughts on extending the current trial for another season and then revisiting it. She thinks getting more information and being a little further out from COVID would be good. It seems too soon to make a decision now.

Kyle said Shannon confirmed what she was suspecting – that the ATV club was holding back on letting people know that they could go into the village. Given that, we haven't really had a trial. We haven't seen what the actual activity will be. We want to see the full potential because that is what we will be living with.

Shannon said, regarding the concern over Class 4 roads, Green Mountain ATV and VASA put down a lot of material and fixed water bars on Coddling Hollow and Hoag Roads. He thinks they are doing a fine job of keeping Class 4 roads they use in the best shape. Regarding traffic, he is a little confused about whether people want a lot of traffic or a little.

Everyone knows it is open. He feels it has been an average year with an average number of people. He doesn't see the point of having a longer trial period. He thinks this was a very average year.

Spencer Leggett, vice president of the Green Mountain ATV club, said in the last couple of years, with COVID, ATV sales and registrations have gone up significantly. If anything ATV riding has gotten busier since COVID. They did put information about the village being open on an app that he would say 85% of riders have. They also had a sign at the beginning of Gould Hill that said "village access." The club is not trying to hide it so that barely anyone comes into the village so people will say there are no problems. They posted on their Facebook page that the village is open.

Kyle said she can't say whether she wants ATV riders in the village or not because she didn't see any activity. It is hard for business owners and people who live in the village to know if this was a good year or a bad year. It does make strategic sense for the club to keep things mellow so the ordinance will change. What is the downside to doing another trial period and showing us the people that will come into the village so we can make an informed decision?

Darrell said he doesn't think Johnson will ever see an influx of ATVs because it is a dead end. Newport sees a lot of business because it is part of a loop. The only businesses that will ever see ATV riders buying things will be those selling gas and food. He doesn't think anyone on an ATV will buy art supplies. That is not their purpose for the day.

Shannon said one purpose of allowing village access was to bring business to town. Another was to bring people who want to ride from the other side of the trail system. The club can't force people to do anything. They put the village access on the map and people go or they don't. Is there going to be a big influx? Who knows?

Jeff Bickford said he thinks the ordinance needs to be very clear and specific about where ATVs are allowed.

Kirsten Owen said a lot of engine idling happens. Can we do something about that in the ordinance? It is loud for people who live around the area. *(Most meeting attendees left at 7:45.)*

9. *Brownfields Committee Appointments*

Eric said Doug Molde is willing to serve on the Brownfields Committee again as Johnson's representative and Brian is willing to serve as alternate. **Eben moved and Beth seconded to appoint Doug Molde to the Brownfields Committee.**

Diane said the village trustees are going to discuss the brownfields report at their next meeting. She thinks it would be important for someone from the selectboard to come to the next meeting if possible to talk about it. It would be helpful to have someone there who knows the report well since the trustees are all new members.

Eric said the selectboard representative to the Brownfields Committee was Doug. If he is at the trustee meeting the trustees will have the most knowledgeable person there. Kyle said she

was on the subcommittee that did the brownfields planning. She understands someone from LCPC will be at the trustee board meeting to talk about funding. If Johnson moved forward with a brownfields project, that would be a joint town and village decision. Diane said the trustees will also talk about the garages, which are jointly owned. Nat said he will try to be at that meeting.

Beth asked if the village also has a representative on the Brownfields Committee. Diane said no. Brian said he doesn't believe the village gets to appoint someone to serve on the Brownfields Committee. Meredith did serve on it but he thinks that was not a village appointment but was perhaps through the electric utility.

The motion was passed.

Nat said if the village is going to be putting a significant amount of money into rebuilding or rehabilitating the village garage, the town and village should probably formalize an agreement about the garages, putting in writing an understanding about whether the village garage is the village's asset, who has liability, etc. Diane, Kyle and Eric agreed. Eric said since the garages are jointly owned he thinks town and village each have responsibility and benefit but there has always been a handshake agreement that the village and town will each maintain one garage and bear the cost of maintenance for that garage. Maybe there should be a memorandum of understanding.

Diane said the merger is another thing that has to be discussed. She thinks it would be great if someone from the selectboard and Doug could be at the next trustee board meeting. Eben suggested that the trustees could also request time at the next selectboard meeting.

Diane said there is an unbelievable amount of money out there to be had. She would love for the selectboard and the village to hire someone to look into grants. Eric said the village trustees are operating at a disadvantage without a full-time administrator. In the past a lot of these discussions would happen between Meredith and Brian and they would bring information to each board, but it is more difficult without that capacity. Probably we should have some more joint meetings. Diane said she thinks we really need to talk about hiring someone to write grants.

10. Evergreen Ledge Cemetery Deed / Grow Cemetery Discussion

Brian said Donald Perkins and Margaret Gebhard plan to purchase a single plot at Evergreen Ledge and be cremated. We allow up to three cremated remains per lot. They have inspected the location and are fine with it. **Nat moved to approve and sign the deed for the sale of one plot in Evergreen Ledge Cemetery to Donald Perkins and Margaret Gebhard, Eben seconded and the motion was passed.**

Brian said we received a complaint last week that we are not maintaining the fencing and borders around Grow Cemetery. He will be meeting with one of the neighbors to try to come up with an agreement about where the fence should be so we can avoid the expense of a surveyor. Nat said there is information in the report that stones are being damaged because no border is being maintained. Because there is damage, that increases the priority of this for

him. Eric noted that if the town comes to an agreement with the neighbor about the property boundary and it is recorded in the town records, that is as good as a deed.

11. Racial Justice Committee Resignations

Brian said Portia Foss and Eric Hutchins have resigned from the Racial Justice Committee. **Eben moved and Beth seconded to accept Portia Foss' and Eric Hutchins' resignations from the Racial Justice Committee. The motion was passed.**

Eric said he would like to see us post just one open position. That would allow us to get down to an odd number on the committee. He thinks there is value in a committee having an odd number. Beth said she sees the value in that and supports it but she thinks the decision should be warned and we should give the committee an opportunity to weigh in if they wish. Ebon agreed that we should warn it at our next meeting but he is supportive of going to five members. Eric asked if the board would like to get committee input before posting the position. Beth said we can post and then make a decision on how many to appoint based on the candidates. Jeff said he can bring this up with the Racial Justice Committee at its next meeting.

12. School Merger Vote Process and Article Language

Eric said Walter Pomroy was a proponent of a vote on the merged school district. Eric has talked to him and to school board chair Mark Nielsen. Walter suggested that as this requires an Australian ballot vote it should be part of town meeting day. Eric thinks that makes sense. We would have to have a public hearing within 10 days of the vote, which would be an opportunity for public input or feedback. The selectboard would not have a position on this issue. Walter and Mark would be the ones to field questions. Walter is the one who was a big advocate for unmerging and he is knowledgeable about the process. Anyone else from the public could also speak for or against unmerging. Nat said Walter does not have an official position as the spokesperson on this. Eric said he would suggest that we run the wording of the article by the town attorney.

13. Record Retention Policy

Brian said he has updated the record retention policy. The only records currently addressed by it are routine security recordings, which do not have a required retention period, and security recordings that we pull for closer examination, which become reports and are maintained for 3 years. We would add language on many other types of records over time but the currently proposed language would get us started with a record retention policy. He thinks it is ready to adopt.

Nat moved to adopt the proposed record retention policy. Eben said he doesn't have a problem with the policy but he thinks that because the town and village have shared employees both should be on the same page regarding records retention. Brian agreed but said our security camera footage only belongs to the town. We don't have any shared security footage. **Beth seconded.** She noted a couple of typos to be corrected.

Beth asked if we have a process or workflow already defined so we aren't losing time trying to decide what to do for new types of documents that are not described in the policy. Brian said he doesn't think we do. Beth said she is now thinking we should not adopt this policy. She thinks we should have something set up logistically to support it before we adopt it.

Otherwise if new record types come in, people may not know what to do to make sure we are compliant with the policy.

Brian said we don't currently have any system in place for video files. We retain all documents right now, many well beyond the statutory requirement, because we don't have a policy in place.

Nat withdrew his motion and Beth withdrew her second.

Brian said the security cameras continuously record over existing data. Unless we request some footage it is not safe from being overwritten. We are currently losing video data without a policy about how that data should be treated. That is why he wanted to address it. It was agreed that Brian will bring something back at the next meeting.

14. Manchester Stormwater Infrastructure

Eben asked if the village is aware that the town foreman handled the visit to the Manchester site all by himself. Brian said the town and village foremen didn't travel to the site together but he understands that Troy did go to the site himself. But our foreman had to do his own inspection and draw the map. Troy's belief is that nothing there is village business.

Eric said he has many concerns with all of this. One of the more important ones is that the town does not typically deal with stormwater drains. There are four stormwater drains at the site. The collection side is outside the town right of way. They go across the road with a culvert and dump into the river beyond our right of way. He doesn't know if what we are doing is even legal. He feels we should not touch the infrastructure that is outside our right of way. Our insurance would not cover us outside the right of way and as we understand it we did not put any of these in. Brian said we may have installed culverts across the road at some time in the past. He has been led to believe that at one time the road was a lot higher than the surrounding property, but now the mill side of the river is too high to accommodate a cross culvert. Jason inspected at least one of the structures and has a lot of concerns about its condition.

Eric said he recalls one time when we worked outside the road right of way and we had an agreement signed with the landowner with the understanding that we would never have any more responsibility for what was outside of our right away or do any work to it. We would need something like that if we were to work on infrastructure outside our right of way in this case.

Nat asked what our legal options are. Eric said that is a good question. Brian said he thinks it might be another joint meeting discussion. Eric said he doesn't see how that will lead to anything. The way the town would normally handle this would be to dig a ditch for drainage that would lead to another ditch or drain into a field. CJ Manchester should have gone to the village and asked about this. Nat said we can't force the village to take responsibility for something they don't feel is their responsibility. Eric said it appears that one catch basin is half in the village and half out and one is completely out of the village.

Brian suggested we could try to coordinate with CJ Manchester. He could hire someone to do work on his property and we could do work on ours. Eric said we would need an agreement drawn up outlining responsibilities and liability.

Brian said he would recommend that we make it clear to the village that this is stormwater infrastructure that is part of their purview and we expect them to participate if they want any input. Nat and Eric said they don't think the village has any desire to participate. Beth said she feels there is a clear line between the town and the village. We should take care of what is in our part and the rest is not our problem (until the road washes out.)

Eben asked if we should have a memorandum of understanding. Eric said the town owns the culvert from one side of the right of way to the other. Typically we have not allowed any homeowner to have a catch basin that hooks onto our property. The right way to handle drainage that fits with existing town practices would be to have a ditch on either side of the road and culverts going across. Brian said he will do some investigating on the cost of ditching.

15. Update on Salt Shed Improvements

Brian said he and Jason decided not to engage with the vendor discussed last time for salt shed improvements. The current plan is to do some testing on our own to determine where water can get in and fill those spots with epoxy or expanding foam and see how effective it is.

16. Selectboard Issues/Concerns

Eben asked where we stand on the issues of water getting into the town garage and boiler replacement for the garage. Brian said there has been no real progress on the issue of water in the building. We are starting to get quotes on a boiler and heating system improvements. The break room and office are walled off from the rest of the building but have no roof other than the 25 ft tall building roof. If we roofed over those rooms and put in a door that would probably retain heat much better in the area where it is most needed. Only a minimal level of heat is needed in the garage area.

Diane asked if there is any mold in the town garage. Eben and Beth said they did not see any when they visited. Brian said the bathroom has some water damage and there probably is some mold related to that but there is not mold throughout the building that we are aware of.

Diane asked if the town and village garages were built at the same time. Brian said he doesn't know. Eric said Tatro built them.

17. Quorum for Next Meeting

Eric noted that he will not be at the next meeting and he doesn't anticipate that Mike will be back, so all three remaining members will need to be present to have a quorum and all will have to agree on any actionable items.

18. Other Business

Kyle said some committee chairs are a little frustrated by communication with the town. She is wondering how this should be addressed. Perhaps there should be some good protocols in place that if committee chairs email or call they can expect a reply within a certain amount of time. There was one time when her committee had a meeting scheduled but had to cancel it because she wasn't able to get information she needed about using Zoom. Eric said he knows

Brian has a lot on his plate. Chairs can always cc him or another board member and between them they can make sure there is follow-up.

19. Executive Session to Discuss Hiring a New Public Works Operator

Eben moved to find that due to the ongoing union negotiations and possible negotiations with any prospective employee, premature disclosure of the town's position would place the town at a substantial disadvantage, Beth seconded and the motion was passed.

Eben moved to go into executive session to discuss filling the position of Public Works Operator as allowed under 1 V.S.A. § 313(a)(1), Beth seconded and the motion was passed at 8:42. The board came out of executive session at 9:40.

Eben moved to repost the Public Works Equipment Operator position, Nat seconded and the motion was passed.

20. Adjourn

The meeting was adjourned at 9:41.

Minutes submitted by Donna Griffiths

UNAPPROVED