

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, FEBRUARY 7, 2022

Present:

Selectboard members: Mike Dunham, Beth Foy, Nat Kinney, Eric Osgood, Eben Patch (via Zoom)

Others: Brian Story, Rosemary Audibert, Jason Whitehill, Lisa Crews, Diana Osborn, Kyle Nuse, Lois Frey, Charles Gallanter, Ken Tourangeau, Noel Dodge, Jessica Bickford, Jeff Bickford, Paul Warden, Steve Hatfield (via Zoom), Kim Cotnoir (via Zoom), Katie Orost (via Zoom), Kyle Hill (via Zoom), Casey Romero (via Zoom), Shayne Spence (via Zoom), Jackie Stanton (via Zoom), Doug Molde (via Zoom), Diane Lehouiller, 2 other community members

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric called the meeting to order at 6:51.

2. Additions, Changes to Agenda

Brian added discussion of a possible change of meeting date because the next regular meeting date falls on President's day.

3. Review Invoices and Orders

The board reviewed invoiced and orders.

4. Review and Approve Minutes of Meetings Past

Beth moved to approve the minutes of January 12, January 13, January 17, and January 24, 2022, Nat seconded and the motion was passed.

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

Rosemary showed the board a sample of what the postcard to be sent to voters will look like. She said ballots should be ready by Wednesday and town reports should come tomorrow and be sent out to everyone this week.

6. Review Planned Purchases

Brian had sent the board some quotes for a trailer and he provided some more that had come in later. There is a range of prices. Our cheapest options are trailers that are not weatherized and not likely to last as long. Jason said the galvanized trailer from Green Mountain Trailers is the least expensive of all except for the one that is not galvanized. But the dealer that offers that one said it wouldn't hold up as well as a galvanized trailer, which they also offer at a price that is higher than the Green Mountain Trailers price. Jason's recommendation is to buy the cheapest galvanized trailer, which is the one from Green Mountain trailers at a cost of \$17,515.

Beth asked how long the quote is good for. Jason said a short time. The dealer didn't know what prices would be like in the spring. He said when prices go up it is generally by 10%, so he also gave us a price that is 10% higher.

Mike moved to authorize purchasing a trailer from Green Mountain Trailers for \$17,515, Nat seconded and the motion was passed. (Jason left at 7:03.)

7. *Beautification Committee Grants*

Brian said this item was described incorrectly on the agenda. The Beautification Committee is not seeking grants. They want to start offering small-scale grants up to \$200 to local people who are willing to undertake a beautification project. It has to be a project that will be seen by members of the public. The committee will administer the grants themselves.

Kyle said when the Beautification Committee first started they considered doing this but didn't have the funding for it. Now they feel like they are in the position to do it. Brian said some of the things the Beautification Committee does, like putting flowers on bridges, require a lot of volunteer labor to maintain. For these grant-funded projects there is no expectation the town will be involved other than providing the grant. Maintenance is entirely up to the homeowner and it expands the area the Beautification Committee can affect by providing beautification on private property.

Kyle said the Beautification Committee has about \$1,600 in surplus, of which \$1000 will go to these grants. The rest will be used for purchasing soil, plants and planters for spring planting. They are trying to make the grant application process as easy as possible. The grants are open not just to home and business owners but to renters as well.

Eric asked, what is the contingency if one of the committee members applies? Kyle said they didn't talk about that. She would think the committee member would have to recuse themselves from voting. Eric said there should be some process to make sure that if a renter applies they have buy-in from their landlord. Kyle said that is a good point.

Beth suggested adding something like "and general vicinity" to the description of the area where people are eligible to apply because there are some side streets in the downtown area that are not covered by the existing language. She asked, is the Beautification Committee only about the village or all of Johnson? She would argue that there are ugly spots outside the village. Kyle said the Beautification Committee is not only about the village but they have concentrated there because that is where things are most seen. For the first round she thinks they will limit the area and if it goes well maybe they can expand outside the village next year. Outside the village it is more complicated because some properties are not easily seen by other people.

Lois Frey said she thinks it would be an ethical dilemma if a committee member applied for one of the grants. She thinks the committee would have to be careful about awarding a grant to a member. Beth said she thinks the ethical thing would be not to allow committee members to apply.

Nat moved to approve the Beautification Committee's grant proposal with criteria added that the grants are not open for Beautification Committee members to apply for and that the committee will take into consideration visibility and amount of traffic for the proposed projects. Beth seconded.

Kyle noted that the second of Nat's criteria is already included. She said she liked the suggestion about making sure the landlord has given permission.

Nat and Beth agreed to a friendly amendment: changing “downtown district” to “downtown area” and saying the area includes but is not limited to the list of roads included and a requirement to show approval of the landowner on the application form

Eben asked, what is the reasoning for not opening the grants up to the whole town? He would say it should be townwide. Kyle said the committee did discuss that. It is very important to them that what people do has a high visibility factor. That is easier to achieve in the village and because this is a new thing the committee is taking on it would be easier for them to administer if it is more village-based. If it goes well and they feel like they can handle more they will consider expanding it in the future but for the first round they felt like downtown is what they can handle. Eben said excluding some people just because it is easier doesn't make sense to him. Mike said he thinks the intent is to spruce up what people see. So he would support it.

The motion was passed in a roll call vote with Mike, Beth and Nat in favor and Eben opposed.

8. *Tree Board Seeking Grant*

Noel Dodge said the Tree Board is pursuing a Vermont Watershed Grant from the Fish & Wildlife Department for the arboretum property. The maximum grant amount is \$10,000. They would like to use the grant funds to control knotweed and invasive plants on the bank of the Gihon and to buy plantings to build flood resiliency and nutrient capture. They probably will ask for the full amount. There is no town match. The Tree Board is also working with Forests, Parks and Recreation on a shade tree preservation plan. They will soon have a draft to share with the board.

Mike moved and Beth seconded to authorize the tree board to apply for a Vermont Watershed Grant from the Fish & Wildlife Department for the arboretum property.

Nat said his experience is that knotweed is tough and it will take more than a year of keeping after it. What is the plan? Noel said they plan to hire a consultant to apply herbicide, the same as what they did at Journey's End. Whacking it down, letting it start to grow back and then applying herbicide is very effective if done professionally. Tree Board volunteers will keep up maintenance after the initial treatment. Nat asked how many times they have to do the treatment. Noel and Lois said it was done twice at Journey's End and the Beard Recreation Park. Nat asked if the knotweed is gone there. Lois and Noel said yes.

The motion was passed.

9. *Fundraiser for 6th Grade Class at Town Meeting Day*

Brian said the sixth grade class usually does fundraising activities at town meeting. Since we are not having town meeting they have requested to be able to do some fundraising during voting. They are willing to set up outside where they will not impede access to voting. They are planning on selling something. The board agreed that would be fine.

10. *Status of Cannabis Licenses*

Brian said we have been provided some guidance from the Cannabis Control Board about the structure and format for licensing. There is still a lot that isn't clear and has yet to be

determined. There are a couple of decisions we need to make about creating our own local cannabis control commission.

Jessica Bickford said the Cannabis Control Board has put together guidance which is still being processed by VLCT and town planners. We know local youth cannabis use is significant. That is always a factor. Healthy Lamoille Valley recommends moving forward with a local cannabis control board, which could be the selectboard. One reason for that is that a local board can suspend licenses as well as issue them. A local board can create a list of conditions under which licenses would be suspended, such as for using on site, selling after hours or selling to youth. The town might want to create ordinances related to public spaces and use. The Cannabis Control Board requires a 500 ft. buffer from schools. There is some discussion about whether towns may be able through ordinance to allow bigger safe zones.

Eric asked what the timeline is. Brian said he is hearing different things about when people can start applying but towards April is when they want to start issuing licenses. If we are forming our own cannabis control commission we will notify the state Cannabis Control Board. Exactly what controls our local board would have is unclear. It sounds like the Cannabis Control Board really only wants the local board to enforce zoning regulations. That wouldn't apply to us. But if we create a cannabis control commission then we have a foot in the door to deal with changes that may come in the future. He thinks it is good to have the selectboard serve as the cannabis control commission because we don't know what the authority is going to be and the selectboard already has experience with liquor control.

Eric asked, if we don't create a cannabis control commission now, can we do it later? If we create it now, can we later do away with it? If we have the selectboard serve as the cannabis control commission now, can we later have a separate board appointed? Brian said he believes the answer to all those questions is yes but the rules are still being written. One thing that is clear is that if we have a local cannabis control commission the first step in getting a license will be going before the local board. The local commission has to review and approve the application first.

Beth said she read through what the state board put out. Basically it is saying that we can't treat a cannabis establishment differently from other businesses. The only power the local board has is to issue or revoke licenses and we can't have rules that are different from those for licenses we issue to other businesses. She asked if that is Brian's understanding. Brian said he believes that is a correct reading but is unclear whether that is consistent with state statute. What they are telling us right now is that local zoning is all the local board can enforce. Beth said if we had an ordinance in place it would have to apply to any business, not specifically a cannabis business.

Jessica said the town could have a nuisance ordinance that could potentially apply to any business, for instance an ordinance that could relate to any adult industry business. In Weathersfield there is an example of a smoke shop that was moved away from a school because it was an adult industry and they referred to "adult industry" in their ordinance. Beth asked if that is the same category as a liquor store. Jessica said a liquor store is also a 21+

business. There would potentially be businesses grandfathered in, like Sterling Market. We can't have ordinances that fully ban cannabis businesses from the community if the town voted to opt in.

Jeff Bickford said part of his job at the university is to liaison with emergency services and law enforcement. He would feel better having someone local to talk to or at least knowing there is a local licensing authority. He would like to see the town establish a local cannabis control commission.

Nat moved to establish a cannabis control commission for Johnson, which will initially be the selectboard, and the motion was seconded and passed.

11. Trails on Town Property Update

Brian said we have been talking about getting multi-use trails on the old talc mill property. Some people are interested in getting movement on that effort again and we are confident that we will need an Act 250 amendment because the land is already under Act 250 jurisdiction. We want to make an Act 250 amendment application.

Eric asked if this has been run by the trustees yet. Lisa said she asked to be on their agenda also. Eben suggested it would be easier to handle this in a joint meeting with the trustees. Eric said the selectboard can approve it contingent on trustee approval. He thinks it can be done by the two boards separately.

Eben asked, is this for turning the snowmobile trail into a multiple use trail? Eric said no, it is for the rest of the property. Brian said the plan probably will include the existing snowmobile trail but the board is not being asked for approval of a specific plan. We just want to find out if the state would consider approving something like this in the future.

Beth moved to file a request for an Act 250 amendment with the intention of finding out if it is worth developing a plan for multi-use trails on the former Tatro property. Nat seconded.

Ken asked if the multi-use will also include ATVs. Lisa said currently we just want to file to see if we can do any type of trail development. The goal would be to serve all communities, including ATVs, snowmobiles, hikers, bikers, skiers and hunters.

Lois said she is here representing the Conservation Commission. She has a concern because this is the first the Conservation Commission has heard about this. If we are talking about a community project, the community should be involved. The Conservation Commission should be involved because they look out for the resources there. Lisa said this is picking up Walter Pomroy's idea that was previously discussed with the Conservation Commission. The Conservation Commission would help with management in the future. Lois said she thinks groups should work together on this type of project. That would be a lot more beneficial for everyone. Eric said he senses that the intent is for everyone to work together but we are just trying to find out if it makes sense to pursue this. Lois asked who has been meeting to discuss this so far. If there are meetings, someone from the Conservation Commission could sit in on them. Lisa said about four people met with Walter and asked him to fill them in and he told

them that without Act 250 there would be no sense in continuing to meet because we don't know if we can do anything there.

The motion was passed.

12. Review Class IV Road Policy

Brian said the Planning Commission has provided an updated draft of the Class IV road policy that addresses a lot of the concerns the board had about the last draft. He discussed some changes he would recommend to the draft. One sentence says that maintenance costs for Class IV roads are borne by local property tax. In recognition of property owners that are providing sometimes a significant amount of maintenance at their own expense he would like to change “maintenance costs” to “public maintenance costs.”

Where it says, “The statutes require Towns to provide maintenance to bridges and culverts on Class IV highways (though the statutes do not specifically require or identify any specific level of maintenance) and no maintenance at all on Legal Trails” he would like to add that towns are required to repair gully erosion on hydrologically connected road segments. This requirement is in the Municipal Roads General Permit.

He would like to change “Road Foreperson” to “Public Works Supervisor,” which is the title we use.

He doesn't know that he would recommend making it part of our policy that we will inspect all Class IV roads every year as this draft states. He thinks it is a good goal. He would like to start by having our public works supervisor assess Class IV roads more than we currently do. Beth suggested saying “regularly” rather than “annually.” Brian said he thinks that is a good compromise.

Beth suggested that the background data that is now included in the policy should perhaps be in an addendum instead.

Brian said the language saying that permits are not required for snow removal is reasonable but that differs from the model VLCT policy, which does require a permit to plow snow on Class IV roads. He doesn't think there is any problem with not requiring a permit except that this policy says any damage is the responsibility of the snow plow operator. How do we know who the operator is if we don't issue a permit? But presumably someone on the road will tell us who has been plowing. Eric noted that different people can plow the same road at different times. Paul Warden asked, does anyone get a permit now? Brian said no. Paul said so the town wouldn't know now who had plowed the road either. Beth said she is not in favor of requiring permits for snow removal. Does the benefit outweigh the potential loss of time spent issuing permits? Brian said he is not recommending issuing permits. He thinks a permit requirement would be difficult to enforce. We can have a pretty good idea who is plowing each of the roads.

Diana Osborn asked how damage to roads, bridges and culverts is handled now in a non snow plowing situation. Are we holding snow plow operators to a higher standard than anyone else? Brian said when there is any damage to any road we do our best to investigate

who caused it. Generally it has not been difficult for us to work that out and work with the offending party to restore the road. We have had to do that with sugaring operations and farming. He can't think of a time we have had problems with a snow plow. Jeff Bickford asked why we wouldn't say that damage from snow plowing is handled the same way as any other damage. Nat said for any other type of maintenance we require a permit, but for snow plowing we don't. We are stipulating that even though you don't need a permit you are still responsible for the damage you do.

Charles Gallanter said even though the town requires permits for maintenance work, people aren't getting them. If the town has an ordinance it is not enforcing, why have it? Eric said to the best of his knowledge anyone working on a road is getting a permit. Donna Griffiths said if Class IV roads are not being inspected even once a year it seems highly possible that there is unpermitted work being done that the town doesn't know about. Brian agreed. We haven't made inspecting Class IV roads a priority. We want to improve that.

Paul said the Planning Commission's concern with changing "annually" to "regularly" is just that. If inspecting roads is not a priority it won't happen and it needs to happen. They need to at least be inspected and there needs to be a list of things that need to be done to them. He would oppose that change. The Planning Commission said "annually" for a reason.

Charles said another reason for annual review is that the MRGP compliance of hydrologically connected road segments changes. The report from LCPC says a road segment complies with MRGP this year, but next year it might not.

Mike said he has to agree with that. Brian said he thinks "annually" is good. Nat said all the points made are excellent but he would want to know how many hours it would take to do that annual inspection. Brian said he doesn't think it would take too many hours but he doesn't know. Beth asked how many miles of Class IV road there are. Brian said because of the change in classification of Mine Road the actual mileage is a little higher than what is shown in the policy. He agreed with Beth that it is no more than 15 miles. It was agreed to leave the word "annually."

Brian said the Planning Commission took our feedback and improved the language in the disputed right of way section. The proposed language is "If the ROW is in dispute, it is the Town's responsibility to flag or otherwise mark their official ROW. If the dispute is unresolved, the burden of proof is on the complainant." He doesn't know that the proposed language is necessary in the policy. The standard for defining the right of way is that it exists a certain distance from the center of the road. Nat said the feedback we gave them was to take out the language that was there and they came back with a compromise. Paul said originally it stated that it was the town's obligation to prove where the right of way is. The selectboard's suggestion was to say that the assumption is that the town's map is correct. The current proposed language is a compromise. Brian said he doesn't know that it is necessary. Our right of way is defined in state statute as being from the center of the road. Charles said the dispute is over where the center of the road is. Nat said in previous conversation he thinks Doug Molde's point was that we might not want to change the language in our ordinance to establish something that is different from state statute. Brian said he doesn't think we are

giving anything up with the proposed language but he doesn't think it is necessary because these powers are already in state statute. But as a method for dealing with a dispute he thinks this is fine. Beth asked if the state statute talks about methods for dealing with a dispute. Brian said no. Beth said she thinks we should leave the language in then.

Diana said she is curious about how work done in the town right of way that infringes on private property should be addressed. An example is that on her road people have bulldozed trees, scraped soil and cut trees within the town right of way and also extending beyond the right of way onto her private property. Brian said no permit extends the power to work outside of the right of way. Diana would need to pursue that with the people who did the work but she would be within her rights to pursue remedy if they are encroaching on her private property. The town permits don't cover anything outside the right of way. What is done in the right of way should not impact the flow of water off the road. If Diana believes work is being done in violation of that, the town would like to know. Diana suggested maybe language should be added about appropriate recourse for property owners when a permittee damages their property. There has not been an advertisement of recourse. If people are getting permits she can't see that they are being held accountable. On her Class IV road a private individual has done such erosive damage that she and her husband noticed increased sedimentation in their pond. Eric asked if the work was done under a permit. Brian said he doesn't know. Eric said the town has no authority beyond its right of way. If someone does work outside the right of way, that is between the property owner and the person who does the work. Diana said most of the erosion was caused by work done in the right of way. Eric said in the past we have required deposits and if people have caused damage they have to return the road to its prior condition before they get their money back. Diana asked if that is in this policy. Eric said it is a practice we do now. Brian said it is covered under the Permission section of this policy and in another policy we have on work in the right of way which has a requirement to get a permit for any work in any town right of way. Beth asked if we should refer to the work in the right of way policy in the section on Right-of-Way access. Brian said that is probably a good idea.

Ken Tourangeau asked, there is a fee for a permit, right? That should cover the road foreman inspecting the work. It should be the practice every time to inspect what is done.

Charles asked where the town's policy on work in the right of way can be seen. He can't find it on the website. Brian said the one he sees on the website is older than the current one. He will put the most recent one on the website.

Donna said she thinks when the board was revising the policy on work in the right of way it may have been decided to exclude Class IV roads. Brian said he thinks it is worth reviewing that policy.

The draft policy has a section on penalties but Brian is not sure penalties are appropriate for a policy and not an ordinance. Eric said we need to have an ordinance if we are going to issue penalties. Paul asked about the distinction between a policy and an ordinance. Eric said policies can be changed at the whim of the board but changing an ordinance is a formal process and voters can petition for a vote on the change. Brian said a policy provides

clarification on how we are using our granted authority and an ordinance provides a definition of our authority. Eric asked if Brian can find out from VLCT whether it is appropriate to include penalties in our policy. Brian said he can. The VLCT model policy did not have a penalty section.

Diana said there is a factual error in the policy. It says that according to state statute the town only maintains culverts and bridges on Class IV roads. Eric said that is currently the state statute regarding the town obligations. The statute requires towns to provide maintenance for culverts and bridges. Diana said all the statute says is that the town can decide what maintenance to provide. VLCT says it is a common rural myth that towns only provide bridge and culvert maintenance on Class IV roads. The statute says towns can do maintenance on Class IV roads to the degree the town decides is necessary. Brian said he can follow up on that.

Beth asked if we have established speed limits for all Class IV roads. Brian said no.

Diana explained why the recommendation she saw for Prospect Rock Road did not make sense to her. Paul said he does not think the list of recommendations by road Brian included with the policy is the current one. Charles said the current recommendation for Prospect Rock Road is to upgrade a section of it to Class III at town expense. The town could use ARPA money for that. Paul said the Planning Commission ended up recommending classification changes for only four Class IV roads that have hydrologically connected segments.

Brian said LCPC got some funding to do additional inspections as follow-up to the road erosion inventory. He will be going out in the spring with Rob Moore and former highway foreman Steve Smith to do more inspections. He would be happy to take Planning Commission members and if there is a neighbor who is interested he could let them know when it will happen. They will be looking at road segments that LCPC had difficulty locating during the previous inventory.

13. Update and Agreement Letter for Ted Alexander Welcome Center

There is a proposed pledge contract between the town and Mark Alexander for completing more work on the Ted Alexander Welcome Center. Mark Alexander is offering \$14,500 for additional work. The funds would be paid in three installments based on need and work completed. Nat said he got a signed copy from Mark Alexander. Mark is happy with the contract in its current state.

Nat moved to authorize Eric to sign the pledge contract between the town and Mark Alexander.

Eben said he doesn't think this contract should be moved forward. It includes a \$5000 contribution from the town. That is not in line with his previous motion and doesn't keep the selectboard to its word. And it has already been shared with Mark Alexander. How will it look if we remove the \$5000 contribution now? Nat said we budgeted for a \$5000 contribution. Eben said during the budget conversation he said he felt we should not put that in the budget. Another board member agreed with him. Another said we should put it in the

budget but not plan to use it. Nat asked why we would budget it but not plan to use it. Eben said if there are price overages maybe they could be covered by the \$5000.

Eric suggested a friendly amendment to the motion, authorizing the vice chair to sign the contract, since he has taken the lead on this. Nat agreed.

Beth said she tends to agree with Eben. We put the \$5000 in the budget but that budget has not yet passed. It feels like we should not sign a contract to spend from a budget that has not been brought to the voters yet.

Mike said the contract states that if the voters do not approve the \$5000, citizens of the Town of Johnson have committed to undertake fundraising. His major issue is that we promised in the beginning to wholly fund this without any taxpayer contribution. Unfortunately COVID came and there was an increase in the cost of building materials and the cost went way above what we thought it would be. The \$5000 was put in our budget. He probably will not vote no on the motion but he might abstain because he did give a pledge not to have any charges to taxpayers and he thinks he has to be true to his word.

Beth seconded the motion. She said she seconded based on what Mike just said about fundraising. The Alexander family has given this town a lot of money and she doesn't think \$5000 is too much to fundraise and probably not too much to put in the budget. Eric said the Alexander's have given almost \$60,000 for this project. We are talking about a small commitment from taxpayers. He thinks if we spend \$5000 that is a good deal.

The motion was passed in a roll call vote with Beth, Nat and Eric in favor, Eben opposed and Mike abstaining.

14. Selectboard Candidate Requests Public Works Ride-Along

A candidate for the selectboard asked to ride along with public works employees. He has since withdrawn that request. Brian said he spoke to our insurance company and they said we would not be covered if anyone who is not an employee or town official was riding along in a town vehicle. They would recommend that we not allow anyone else to ride in our trucks.

Eric said if we did allow it for one candidate or citizen we would be setting a precedent.

Eben asked if there is a waiver our insurance company could give us in case at some point there is a need for a non-employee to be in a town vehicle. Brian said he could ask. He did ask about selectboard members and was told that while they would not be eligible to claim workers' compensation we would not be exposed in the same way as if a member of the public was in a truck. Eben said there could be scenarios where someone who is not a selectboard member or a town employee might need to ride in a truck. Brian said he can ask about an insurance waiver. Eric encouraged him to do that. Beth said if it takes Brian more than 5 minutes she feels it is not worth it. Eben said there could be scenarios when we need someone in those vehicles who is not in an employee, for instance because of COVID.

15. Discussion on Updates to ATV Policy

Eric said the ATV club asked the voters at town meeting a couple of years ago for access to the village. The voters approved it in a non-binding vote. It took a couple of years to get state

approval for ATVs to use Route 15. Last summer we were able to have a trial season with access to the village. The town had a public meeting and asked for input on ATVs in the village and the board heard it. We can leave the ATV ordinance as it stands or we can open the village to ATVs and change the ordinance. Or we can make other changes to the ordinance.

Ken Tourangeau said the trial went great. There were zero reports to the sheriff about the village. A couple of people contacted Eric who thought ATVs were slowing traffic down on Main Street, which is good. Ken said he thinks the board ought to consider changing the ordinance to allow this. If the change is not well received it is a simple process for someone to file a petition and get it reversed. He said it was a slow year. There was only half a trial season because the trial didn't start until around mid-July, but he thinks it went well. The selectboard already needs to amend the ATV ordinance because they allowed ATVs on Clay Hill and never changed the ordinance to reflect that. Eric said as he remembers it the ordinance does not identify specific highways, just classes of highways where ATVs are authorized. Ken said it says ATVs are allowed on Class IV roads and any unpaved Class III roads and the ATV club asked to amend it to allow access on Clay Hill.

Eric asked if the board wants to direct Brian to change the language in the ordinance and bring a draft to the next meeting for the board to vote on. Mike suggested just making the recent temporary changes permanent tonight.

Beth said a couple of months ago we talked about having an extended trial because the trial this past summer was not a real trial. To her that means we don't do anything now. Eric said we didn't make a decision on that. Beth said she thinks we did decide to extend the trial another year. Eric said he recalls that the board just listened but did not provide any direction. Paul said as a member of the public he would endorse an extended trial. We didn't get the full benefit of the trial. Jeff agreed more data is better. So far it looks good but more is better.

Ken said there were zero reports to the Lamoille County Sheriff's Department. Nat said that isn't true. Ken said there were about 25 calls but 18 were made by the same person on a road where ATVs are allowed. The board authorized an ATV sign to be installed there in about 2006. Nat said that is a paved Class III road.

Kyle said at the November 1 meeting Eric said there has to be a hearing if the board wants to change the ordinance. Eric agreed that is the case. Kyle said at the November 1 meeting Shannon Friedrich admitted several times that it was a quiet summer and not a true indication of what ATVs in the village would look like. Ken disagreed with that. Kyle read from the minutes some statements that Shannon Friedrich and Daryl West made at that meeting.

Mike said he wanted to make a motion to change the ATV ordinance to make the temporary changes permanent. Eric said he thinks that would be out of order for this meeting. Brian said he would recommend that the board not approve unwritten language but have a draft ordinance to approve. Beth noted that this is also listed as a discussion item, not an action item. Eben and Mike suggested that Brian present an amended ordinance to the board at the

next meeting. Beth said she doesn't understand why it is so urgent to make access to the village permanent rather than extending the trial.

Ken said he thinks the board ought to just amend the ordinance and if there is a problem someone can file a petition to reverse that. Eric said the voters cannot tell the selectboard to write an ordinance. After a change to the ordinance is adopted there is a time period when a voter can raise a petition and require a special town meeting to vote on the ordinance.

Paul said she thinks Beth has a good point. If there is any question about whether we had a true evaluation of access to the village, extending the trial another year makes sense. Riders will still have access to the village and we will get the benefit of additional experience.

Eric said in a month there will be a new selectboard. Should the decision go to them? Beth said she feels strongly that there is no harm in continuing the trial another year. She doesn't know yet what her position is on ATVs in the village. Mike and Eben both said they would like to see proposed language for an ordinance change at the next meeting. Eben said he said he would support the will of the voters and the article on ATVs was overwhelmingly passed. Beth said the article that passed was not to change the ordinance. Nat agreed. Nat said he feels any changes we set in motion tonight are likely to be changed by the new board. He feels we should not have Brian do anything but leave the ordinance as it is. Eric said he thinks because anything this board does can be undone by the next board any action should wait until March. Mike said it is a simple change. The board could vote on it at the next meeting. Eric said it wouldn't be so far along by the time the new board was in place that it couldn't be undone. Ken said the last vote was not about changing the ATV ordinance; it was about getting rid of the ATV ordinance. If we need to do a trial again, let's do it.

Eric said the board could decide tonight to have another trial. But the next board could undo it. Eben said if authorizing another trial period is what this board can do and that doesn't bind the next board and makes everyone comfortable, he would support that. It allows the ATV club to make plans for next season and get the roads on their maps. It was agreed that a decision on extending the trial will be an action item on the next agenda.

16. Consider Change of Meeting Date

The board discussed whether to change the date of the next meeting because it falls on the President's Day holiday. **Beth moved to schedule the next selectboard meeting for February 23 instead of February 21, Nat seconded and the motion was passed.**

17. Adjourn

The meeting was adjourned at 9:29.

Minutes submitted by Donna Griffiths