

**Selectboard Agenda
Johnson Municipal Offices
293 Lower Main West**

Date: Monday, February 7, 2022

Agenda:

CALL TO ORDER

REVIEW OF AGENDA AND ANY ADJUSTMENTS, CHANGES AND ADDITIONS

6:45 p.m. Review Invoices and Orders

7:00 p.m. Review and approve minutes of meetings past January 12th, 13th, 17th, and 24th 2021

7:05 p.m. Treasurer's Report and review and approve bills, warrants, licenses, and any action items.

7:10 p.m. Review Planned Purchases

7:15 p.m. Administrator's Report, Action items, signature required items.

Members of the Public:

None Scheduled

ADMINISTRATOR'S REPORT: (D) Discussion (I) Information (A) Action

1. (D, A) Beautification Committee Seeking Grants (10 minutes)
2. (D, A) Tree Board Seeking Grants (10 minutes)
3. (D, A) Fundraiser for 6th Grade Class at Town Meeting Day (5 minutes)
4. (D, A) Status of Cannabis Licenses (20 minutes)
5. (D, A) Bike Trails on Town Property Update (20 minutes)
6. (D, A) Review Class IV Road Policy (45 minutes)
7. (D, A) Update and Agreement Letter for Ted Alexander Welcome Center (10 minutes)
8. (D, A) Selectboard Candidate Requests Public Works Ride-Along (5 minutes)
9. (D, I) Discussion on Updates to ATV Policy (5 minutes)

Selectboard issues/concerns, Executive Session (if needed) Adjourn

Join Meeting via Zoom

<https://us02web.zoom.us/j/3446522544?pwd=VkNZZE5tMW5PaEhidVpnUjRxSkxGdz09>

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 344 652 2544

Passcode: 15531

Town Administrator's Report

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ADMINISTRATOR'S REPORT: (D) Discussion (I) Information (A) Action

1. (D, A) Beautification Committee Seeking Grants (10 minutes)
2. (D, A) Tree Board Seeking Grants (10 minutes)
3. (D, A) Fundraiser for 6th Grade Class at Town Meeting Day (5 minutes)

The 6th Grade Class would like to sell food to go outside the Municipal Offices during voting.

4. (D, A) Status of Cannabis Licenses (20 minutes)

The rules for cannabis licenses have been updated and there is now guidance available for municipalities regarding our role in the process of businesses who wish to obtain a license. Local businesses have asked for clarity from the Town on our position on the rules.

5. (D, A) Bike Trails on Town Property Update (20 minutes)

Multi-Use trails on the former talc mill property have been long considered. There has been some recent progress and we believe that there is going to have to be an Act 250 amendment request filed.

6. (D, A) Review Class IV Road Policy (45 minutes)

The Planning Commission has provided an updated draft policy for Class IV roads and some reclassification recommendations. The Selectboard may consider the draft policy and recommendations.

7. (D, A) Update and Agreement Letter for Ted Alexander Welcome Center (10 minutes)

We are continuing to make ourselves ready to begin and complete the Phase 2 portion of the Ted Alexander Welcome Center. We have the draft agreement for Mark Alexander to transfer a portion of the funds required to complete the work ready for the board to review.

8. (D, A) Selectboard Candidate Requests Public Works Ride-Along (5 minutes)

We have sought advice from our insurance provider about providing ride-alongs to any nonemployees. Their position is that any members of the public who went on a ride-along would not be covered by our insurance and that we would open ourselves to a possible lawsuit if any injuries or damages took place.

9. (D, I) Discussion on Updates to ATV Policy (5 minutes)

VASA has requested an update on our plans for the ATV policy.

GENERAL INFORMATION ITEMS

Information Items:

- 1. Rural Solutions: Toolkit**

Budget Items:

Legal Issues:

VLCT: PACIF

- 1. Pacif Member benefits**

State/Federal Issues:

- 1. Response to speed reduction study on Vermont Route 100C**
- 2. Highway and Bridge Restriction Filings**

Administrator's Correspondence:

Workshops:

Newsletters:

Brochures & Ads:

Selectboard issues/concerns:

Executive Session:

Other Business:

Adjourn

Item	Department/Use	Cost	Code	Quotes
Dump Trailer	Public Works	\$11,850 to \$22,500	50-8-50-53.00 Small Equipment	See attached

Invoice # 148018
DL#
DL#



2239 AUBURN ROAD
TURNER, ME 04282
{207} 224-8444

BUYERS Town of Johnson				PHONE NUMBER(s)				DATE SOLD 01-20-2022	
ADDRESS				CITY JOHNSON		COUNTY LAMOILLE		STATE VT	ZIP 05656
SALESPERSON Colin Girouard		DELIVERY DATE 01-20-2022		HULL MATERIAL		DELIVERY INSTRUCTIONS			
UNIT #1: MAKE N & N	NN028959	YEAR 2022	SIZE	MODEL HD82168G16K	COLOR GALVANIZED	ODOMETER 0	VIN 2NEB214B6NN028959	NEW USED	X 18,999.00
UNIT #2: MAKE		YEAR	SIZE	MODEL	COLOR	ODOMETER	VIN	NEW USED	
UNIT #3: MAKE		YEAR	SIZE	MODEL	COLOR	ODOMETER	VIN	NEW USED	
UNIT #4: MAKE		YEAR	SIZE	MODEL	COLOR	ODOMETER	VIN	NEW USED	

OPTIONAL EQUIPMENT AND ACCESSORIES		TOTAL PURCHASE	
		Cash Price of ALL Units	18,999.00
		Optional Equipment and Accessories	N/A
		Freight and Prep	N/A
		Extended Service Policy	N/A
		Pre-Paid Maintenance	N/A
		GAP Coverage	N/A
		Theft Coverage	N/A
		DOC/Admin Fees / Tariff Surcharge	1.00
		Sales Tax	1,044.95
		Sub-Total	20,044.95
		Cash Down	N/A
		Trade Allowance	N/A
		Less Total Down Payment	N/A
		Net Sale	20,044.95
		Trade Payoff	N/A
			N/A
		License/Registration/Title Fees	N/A
Unlisted Accessories		N/A	Total Other Fees N/A
Labor / Installation		N/A	Unpaid Balance 20,044.95
OPTIONAL EQUIPMENT CARRIED FORWARD		N/A	

Lienholder:

DESCRIPTION OF TRADE-IN			
MAKE	YEAR	SIZE	MODEL / VEHICLE TYPE
SERIAL NO.			
MAKE	YEAR	SIZE	MODEL / VEHICLE TYPE
SERIAL NO.			
MAKE	YEAR	SIZE	MODEL / VEHICLE TYPE
SERIAL NO.			
AMOUNT OWING	TO WHOM OWED		

TOTAL TRADE-IN ALLOWANCE N/A

DEBT BUYER OWES ON TRADE-IN TO BE PAID BY: DEALER BUYER

NOT VALID UNLESS SIGNED AND ACCEPTED BY AN OFFICER OF THE COMPANY

BY: APPROVED, SUBJECT TO ACCEPTANCE OF FINANCING BY BANK OR FINANCE CO.

READ ALL PAGES OF THIS AGREEMENT BEFORE SIGNING THIS DOCUMENT

This purchase is made with no warranty implied, and is sold 'AS-IS' (unless otherwise stated). Buyer acknowledges that this agreement includes all of the terms and conditions pertaining to this purchase and no other agreement or promise of any kind (verbal or written) will be recognized. Upon failure or refusal of the Buyer to complete this agreement, all or part of the cash deposit may be retained as liquidated damages. The Buyer certifies he/she is of legal age and acknowledges herewith receipt of a copy of this agreement. Not valid unless accepted by Authorized Representative of Chambers Leasing dba Scott's Recreation.

WHEN THIS BOX IS CHECKED, BUYER(S) UNDERSTAND THAT THE UNIT BUYER(S) IS/ARE BUYING FROM DEALER DESCRIBED ABOVE IS BEING SOLD TO BUYER(S) 'AS-IS' AND BUYER(S) ACCEPT THE ENTIRE RISK AS TO THE QUALITY AND PERFORMANCE OF THIS UNIT AND THAT BUYER(S) DID USE BUYER(S) OWN JUDGEMENT AND INSPECTION.

BUYER(S) ALSO AGREE THAT THE BALANCE WILL BE PAID BY CASH, BANK DRAFT, CERTIFIED CHECK, OR BY THE EXECUTION OF A RETAIL INSTALLMENT CONTRACT, OR A SECURITY AGREEMENT AND ITS ACCEPTANCE BY A FINANCING AGENCY.

Buyer Sign **X**
Co-Buyer Sign **X**

Invoice # 148018
DL#
DL#



2239 AUBURN ROAD TURNER, ME 04282 {207} 224-8444
--

BUYERS Town of Johnson			PHONE NUMBER(s)			DATE SOLD 01-20-2022	
ADDRESS			CITY JOHNSON		COUNTY LAMOILLE		STATE VT
SALESPERSON Colin Girouard			DELIVERY DATE 01-20-2022		HULL MATERIAL		
UNIT #1: MAKE N & N			YEAR 2022		SIZE		MODEL HD82192G14K
UNIT #2: MAKE			YEAR		SIZE		MODEL
UNIT #3: MAKE			YEAR		SIZE		MODEL
UNIT #4: MAKE			YEAR		SIZE		MODEL
COLOR GALVANIZED			ODOMETER 0		VIN 2NEB216B7NN029048		NEW USED X
DELIVERY INSTRUCTIONS							17,999.00

OPTIONAL EQUIPMENT AND ACCESSORIES	TOTAL PURCHASE
	Cash Price of ALL Units 17,999.00
	Optional Equipment and Accessories N/A
	Freight and Prep N/A
	Extended Service Policy N/A
	Pre-Paid Maintenance N/A
	GAP Coverage N/A
	Theft Coverage N/A
	DOC/Admin Fees / Tariff Surcharge 1.00
	Sales Tax 989.95
	Sub-Total 18,989.95
	Cash Down N/A
	Trade Allowance N/A
	Less Total Down Payment N/A
	Net Sale 18,989.95
	Trade Payoff N/A
	N/A
	License/Registration/Title Fees N/A
Unlisted Accessories	N/A
Labor / Installation	N/A
OPTIONAL EQUIPMENT CARRIED FORWARD	N/A
	Total Other Fees N/A
	Unpaid Balance 18,989.95

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TOTAL TRADE-IN ALLOWANCE N/A

DEBT BUYER OWES ON TRADE-IN TO BE PAID BY: DEALER BUYER

NOT VALID UNLESS SIGNED AND ACCEPTED BY AN OFFICER OF THE COMPANY

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Buyer Sign **X**

Co-Buyer Sign **X**

Kingdom Trailers

659 Wightman Rd
Danville VT 05828

Estimate

Date	Estimate #
1/18/2022	08182021

Name / Address
Town of Johnson

			Project
Description	Qty	Rate	Total
2022 N&N REM DOMPEUR RD82/168 GALVANIZED 7X14 14K GVW DUMP TRAILER WITH ROLLER TARP, REAR STABILIZER LEGS AND RAMPS This price is based on our last load of trailers. Our next load is not due in until May and I do not know what the steel surcharge will be at that point.	1	18,500.01	18,500.01
		Subtotal	\$18,500.01
		Sales Tax (0.0%)	\$0.00
		Total	\$18,500.01

Jason Whitehill

From: john@perfectiontrailers.com <johnpt@gmavt.net>
Sent: Wednesday, January 19, 2022 1:07 PM
To: Jason Whitehill
Subject: trailer info

Jason,

Good speaking with you.

Here's a breakdown of options/pricing:

- Sure-Trac, 82" x 14', 14k powder coated dump trailer-black. \$11,850 (in stock)
- Fox Trail, 82" x 14', 14k epoxy coated dump trailer-black. \$13,680 (in stock)
- Felling, 82"x14', 14k galvanized dump trailer. \$20,825 (if we had this in stock. These are arriving May (ish?) this year) The price could be \$22,500 depending on materials/shipping at the time.

All these trailers come with equipment ramps, full tarp system, and drop legs in the back.

Thank you,
John

John Beeman
Perfection Motorsports and Trailer Sales
Richmond VT
802-434-2239



CANNABIS CONTROL BOARD

89 Main Street Montpelier, VT 05602 | ccb.vermont.gov

GUIDANCE FOR MUNICIPALITIES

JANUARY 2022

**JAMES PEPPER, CHAIR
JULIE HULBURD, COMMISSIONER
KYLE HARRIS, COMMISSIONER**

BRYNN HARE, EXECUTIVE DIRECTOR

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I. Introduction

This guidance is provided to assist municipalities working with individuals and businesses seeking to establish a cannabis business pursuant to 7 V.S.A. chapter 33.

This guidance is not legal advice. If municipalities have questions regarding their legal responsibilities, they are encouraged to consult municipal counsel.

II. The Cannabis Control Board

This section provides a brief overview of the Cannabis Control Board (“CCB” or “the Board”) and the types of cannabis businesses that state law allows the Board to license.

A. The Cannabis Control Board

The Cannabis Control Board was created by [Act 164 in 2020](#). In 2021, the legislature clarified and expanded the CCB’s responsibilities in [Act 62](#). As outlined in [7 V.S.A. § 843](#), the mission of the CCB is *"to safely, equitably, and effectively implement and administer the laws enabling adult use and medical use of cannabis in Vermont."*

There are three full-time members of the Board. The inaugural members are James Pepper, who serves as Chair, Kyle Harris, and Julie Hulburd. You can learn more about the Board and its staff at: <https://ccb.vermont.gov/>.

B. Cannabis Control Board Authority

The Legislature has tasked the Board *with "safely, equitably, and effectively implementing and administering the laws enabling adult use and medical use cannabis in Vermont"* [7 V.S.A. § 843](#).

The role of the Board includes implementing the laws governing the adult-use cannabis program, crafting all rules pertaining to the licensing and oversight of cannabis businesses, and overseeing compliance and enforcement of the program.

The proposed CCB rules are in the process of becoming final rules with legal force and effect. These rules can be found on the CCB website: <https://ccb.vermont.gov/>. The proposed rules will be updated on the website as they are amended during the rulemaking process. Final rules will be prominently displayed.

The CCB has also assumed responsibility for administering the medical cannabis program, formerly housed within the Department of Public Safety. This program oversees and administers Vermont’s therapeutic cannabis program, including dispensaries and the patient and caregiver registry.

III. Cannabis Establishments

A. Types of Cannabis Establishments

7 V.S.A. chapter 33 creates different types of adult-use cannabis businesses, which the law calls “cannabis establishments.” People or entities that hold a cannabis establishment license may engage in the commercial cannabis activity (such as cultivating cannabis) that is allowed by the type of license. The Board has sole authority to issue these licenses.

The different types of licenses, and the activities the licensees are allowed to engage in, are as follows:

1. Cultivator License

Cultivator licensees may grow cannabis plants, either outdoors or indoors. [7 V.S.A. § 904](#).

2. Manufacturer License

Manufacturer licensees may produce cannabis products from cannabis plants, including edibles, oils, and other such products. [7 V.S.A. § 906](#).

3. Wholesaler License

Wholesaler licensees may purchase cannabis and cannabis products from other licensees and sell them to licensees. [7 V.S.A. § 905](#).

4. Testing Laboratory License

Testing Laboratory licensees may test cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public. [7 V.S.A. § 908](#).

5. Retailer License

Retailer licensees may sell cannabis and cannabis products to the general public. [7 V.S.A. § 907](#). No other license type may sell to the general public.

6. Integrated License

Integrated Licensees may engage in the activities of each of the license types listed above, but these licenses are only available to "an applicant and its affiliates that hold a dispensary registration on April 1, 2022." [7 V.S.A. § 909](#).

B. Tiered License Types

Cultivator, Manufacturer, and Retailer license types each have tiers relating to the size or the kind of operation. More information about these tiers can be found in Board Rule 1, which is available on the CCB’s website: <https://ccb.vermont.gov/>.

C. Key Parameters of Cannabis Establishment Licenses

1. A licensee may hold multiple licenses, but they may hold only one of each type of license. [7 V.S.A. § 901](#).

2. Each license allows for only one location of the cannabis establishment. [7 V.S.A. § 901](#).
3. Multiple licensees may operate at the same location, subject to limitations established by the Board, except that multiple retail operations may not operate at the same location.
4. All cannabis establishments are subject to comprehensive state regulations and inspections by CCB staff.

IV. Municipal Authority and Cannabis Establishments

This section provides an overview of municipal authority to regulate cannabis establishments.

A. Opt-in Provision

A municipality must opt in to host a retail cannabis establishment by majority vote. But the opt-in vote requirement applies only to retailer licenses and the retail portion of integrated licenses. It has no impact on the ability of other license types to operate in a particular municipality. These other license types include cultivators, wholesalers, manufacturers, and testing laboratories, none of which require an opt-in vote to operate in a municipality. [7 V.S.A. § 863\(a\)\(1\)](#).

A municipality can opt in at any time.

A municipality may vote to opt out from allowing retail cannabis establishments, but such a vote will not apply to any retail establishment operating in the municipality at the time of the opt-out vote. [7 V.S.A. § 863\(a\)\(2\)](#).

B. Municipal Regulatory Authority

General rule:

- Cannabis establishments are subject to the same zoning rules and municipal ordinances that apply to any business. Beyond municipalities' general authority to create and enforce zoning rules or ordinances that apply to all businesses, they do not have the power to create special rules for cannabis establishments.

A municipality may:

- Regulate cannabis establishments to the same extent they may regulate any other business under their authority to create zoning bylaws in [24 V.S.A. § 4414](#) and their authority to regulate signs or public nuisances in [24 V.S.A. § 2291](#). Municipalities may regulate any cannabis establishment license type in this manner. [7 V.S.A. § 863\(b\)](#).

A municipality may not:

- Regulate cannabis establishments to any greater extent than they could any other business. [7 V.S.A. § 863\(d\)](#).

- Place conditions on the operation of cannabis establishments, or create special rules for them, that is not within their zoning authority under [24 V.S.A. § 4414](#) or their authority to regulate signs or public nuisances under [24 V.S.A. § 2291](#), [7 V.S.A. § 863\(d\)\(2\)](#).
- Use their zoning power under [24 V.S.A. § 4414](#) or their ordinance power under [24 V.S.A. § 2291](#) in a way that will have the effect of prohibiting the operation of cannabis establishments. [7 V.S.A. § 863\(d\)\(1\)](#).

C. Local Cannabis Control Commissions

Municipalities may create a local cannabis control commission, but they are not required to. Municipalities must give notice to the Cannabis Control Board if they have formed a local cannabis control commission.

The local commission may issue and administer local control licenses and may condition licenses on compliance with zoning bylaws under [24 V.S.A. § 4414](#) and ordinances regulating signs or public nuisances under [24 V.S.A. § 2291](#). The local commission may also deny, suspend, or revoke a local control license if it violates conditions placed on the license. Local commissions must inform the Board of such actions.

If a local control commission requires a license, a cannabis establishment must obtain one before being licensed by the Cannabis Control Board. A local control commission must promptly consider license applications and may not indefinitely delay consideration.

The conditions that local control commissions can place on a license are limited to compliance with zoning bylaws under [24 V.S.A. § 4414](#) and compliance with ordinances regulating signs or public nuisances under [24 V.S.A. § 2291](#). As explained further in subsection B of this section IV, placing additional conditions on a local license, or suspending or revoking licenses for any reason other than the allowable conditions, is a violation of state law.

The local commissioners may be members of the municipality’s legislative body.

If a municipality has not formed a local control commission, no local licensing approval will be required before the Board approves a license to operate.

Even without a local cannabis control commission a municipality may still regulate cannabis establishments in accordance with their general authority to regulate businesses. For more information on a municipality’s regulatory power with respect to cannabis businesses please see subsection B of this section IV.

D. No State-Mandated Zoning Designations for Cannabis Businesses

There is no provision in state law or the Board’s rules that requires a particular zoning designation for any cannabis establishment.

A municipality’s zoning rules may require a certain type of cannabis establishment to operate within a particular zoning designation, but that will be determined on a town-by-town and business-by-business basis.

For example, there is nothing in state law requiring cannabis establishments to operate within a commercial zoning designation. A town’s zoning bylaws may require a particular cannabis establishment to be within a commercially zoned district, but that will result solely from the application of the town’s bylaws and not from any requirement in state law.

Nowhere does Vermont law state that cannabis is a “commercial product,” and nowhere does the law require that cannabis businesses operate within designated commercial zones.

E. Agricultural Product Provisions Do Not Effect Zoning

State law provides that cannabis cultivators will not be regulated as farming and cannabis will not be considered an agricultural product or crop. [7 V.S.A. § 869](#). As a result, cannabis and cannabis cultivators will not receive certain tax and regulatory benefits that farms and agricultural products are eligible to receive.

These provisions are not relevant to zoning laws and have no effect on zoning. A municipality’s zoning rules may require a certain type of cannabis establishment to operate within a particular zoning designation, but that will be determined on a town-by-town and business-by-business basis. State cannabis law does not determine any zoning designation.

F. Buffer Zones

Under Board rules, a retail cannabis establishment cannot operate in any location where it would be a violation of the drug-free school zone law to sell a regulated drug. This means cannabis retailers cannot operate if the store would be on a property that abuts a school property and if the retail operations would occur within 500 feet of the school property.

The Board’s buffer zone requirement applies only to retail cannabis establishments and not to any other type of cannabis establishment license.

A municipality may regulate the location of cannabis establishments to the same extent it may regulate the placement of any other business under its zoning powers, but a municipality does not have authority to go beyond its general zoning power under [24 V.S.A. § 4414](#) in creating buffer zones that could apply to cannabis establishments.

For more information on a municipality’s regulatory power with respect to cannabis businesses please see subsection B of this section IV.

G. Social Equity Criteria

The Board has prioritized the processing of social equity applications at the state level and is working with partners and affected communities to establish programs that will provide additional support for social equity applicants.

Municipalities may not condition local license decisions upon social equity criteria, though towns are encouraged to support social equity applicants. For example, they may choose to hold local workshops or informational sessions to assist local applicants in moving through the local permitting and license process.

For more information on a municipality’s regulatory power with respect to cannabis businesses please see subsection B of this section IV.

H. Provisional Licenses

If an applicant has received a provisional license from the Board, it means the applicant has submitted an initial application and is provisionally approved for a license. A provisional license does not allow an applicant to begin operations, nor does it guarantee that an applicant will receive a final license to operate a cannabis establishment. Not all provisional licenses will result in a final license.

The Board will not require local control commission approval to grant a provisional license.

I. Environmental Regulations

Cannabis establishments must abide by all generally applicable environmental regulations, whether state or municipal.

The Board will require some additional environmental standards, as provided in Board Rule 2, available at the [CCB’s website](#). For example, larger cultivators who operate on municipal water will be required to obtain a notice that the municipal water authority has capacity to serve the cultivation operation.

Municipalities do not have authority to implement special environmental rules for cannabis establishments, beyond their authority to create zoning bylaws with general effect. For more information on a municipality’s regulatory power with respect to cannabis businesses please see subsection B of this section IV.

V. Taxes and Fees

The legislature has the power to set taxes and fees and is considering relevant rates during the 2022 legislative session. This section will be updated after the legislature has made additional decisions on these matters.

A. Excise Taxes

The excise tax on cannabis products will be 14%. Under current law, municipalities do not receive a portion of the cannabis excise tax. [In its October 15, 2021 report to the legislature](#) the Board recommended that municipalities get a portion of the excise tax.

B. Local Fees

The legislature has not approved specific local cannabis fee rates. The CCB has recommended that the legislature approve a local fee of up to \$500 or, alternatively, allow municipalities to use the Uniform Fee Schedule set forth in 1 VSA 316(d) to charge applicants a variable fee based on the actual amount of time spent processing an application.

The process for collecting local fees is under consideration during the 2022 legislative session. Under Act 162 of 2020, the CCB would collect local license fees at the time an applicant applies or renews their application with the CCB and would pay them on a quarterly basis to the municipality in which the fees were collected. [7 V.S.A. § 846](#). This guidance will be updated with any process changes that may be legislated in 2022.

C. Local Option Taxes

The Vermont Sales and Use Tax will apply to the retail sale of cannabis products in Vermont. Municipalities that have such a tax will receive local option tax revenue on retail sales of cannabis. The sales and use tax applies to all cannabis products.

Municipalities cannot add a local option sales tax solely for cannabis products. Municipalities that have a local option sales tax cannot exempt cannabis products from that tax. Municipalities must tax cannabis products as they would as any other good.

D. Meals and Rooms Taxes

Meals and Rooms taxes do not apply to cannabis products, nor do they apply to edible cannabis products. Therefore, a local option tax on meals would not apply to the retail sale of any cannabis products.

VI. Public Health, Education, and Advertising

A. Public Health and Education

The CCB has developed detailed regulations to ensure that cannabis and cannabis products that are being sold at retail establishments are tested and free from harmful adulterants. The CCB has broad authority to stop sales and recall harmful products if identified.

All cannabis and cannabis products will be sold in opaque, child-resistant packaging that will be labeled with standard health warnings and symbols approved by the Vermont Department of Health.

The CCB will require retailers to provide customers an educational flyer at the point of sale that includes health and safety information. This flyer will be developed by the Department of Health and contain current, evidence-based information on the health effects of cannabis. Additionally, the Department of Health will have access to 30% of the cannabis excise tax (capped at \$10,000,000 annually) to fund substance misuse prevention programming throughout the state.

While the CCB does not have the authority to require additional trainings related to cannabis consumption for local police, fire, and rescue forces, the CCB will require training for employees for cannabis establishments that includes identifying signs of overconsumption.

B. Advertising

Vermont's cannabis advertising laws are among the most restrictive in the country, and all advertisements will require CCB approval prior to publication.

Cannabis establishments may not advertise their products via any medium where more than 15 percent of the audience will be under 21 years of age. [7 V.S.A. § 864](#). More information about advertising regulations is available in Board Rule 2, available at [the Board's website](#).

VII. Public Safety, Compliance, and Enforcement

A. Cannabis Establishment Security

The Board has security requirements for all cannabis businesses, though the requirements vary depending on license type. License holders are required to report to the Board any issues of theft, property damage or loss. The Board will notify appropriate law enforcement and local officials as appropriate.

More information about the Board's security requirements can be found in Board Rule 2, available at [the Board's website](#).

The CCB does not intend to regulate maximum occupancy at cannabis establishments, however all establishments will be subject to all relevant fire and building safety codes.

B. Cannabis Age and Possession Limits and Retail Establishments

A person 21 years of age or older may purchase up to one ounce of cannabis per transaction at a cannabis retail establishment and possess up to one ounce of cannabis on their person. [18 V.S.A. § 4230a](#). It is a civil violation for a person under 21 years of age to possess any amount of cannabis. [18 V.S.A. § 4230b](#).

No person under 21 will be permitted in a cannabis establishment. The Board has the power to enforce this rule with severe sanctions and civil penalties, up to and including revocation of an operating license.

C. Transportation of Cannabis Between Licensees

If cannabis is being transported by vehicle between licensees, it needs to be done in an unmarked car to avoid unnecessary attention and threats of theft or diversion. Cannabis must be entered and tracked in inventory tracking software that indicates a transfer between license holders. Every time cannabis is transported, a manifest must be generated containing detailed information such as approximate time of departure, destination, estimated time of arrival, the transportation vehicle's make, model, and license plate number, and signature of an employee of the cannabis establishment receiving the product. Information about transports will not be shared with law enforcement each time a transfer happens. If there is an issue in transport, the Board must be notified within 24 hours, and the Board will contact officials as appropriate.

State and local police will not have authority to stop a driver who is lawfully transporting cannabis or cannabis products pursuant to the laws and rules of the regulated market unless the driver has committed a moving violation or some other offense. Cannabis establishment employees who are transporting cannabis must always have documentation on them demonstrating their lawful employment with a cannabis establishment.

D. Tracking Cannabis Products

The CCB will require each license holder to maintain tracking software that will track each cannabis plant from seed to sale. The Board will be able to remotely access all tracking data in real time. This will be a check on illegal diversion and inversion, and if there are inconsistencies in a license holder's operation the Board will investigate and take action as appropriate.

E. Complaints About Cannabis Establishments

The Board will have a system in place to receive reports from anyone, including municipal officials, regarding suspected issues and violations of a license holder. The Board will investigate and inform local officials as necessary of any violations and enforcement actions.

Municipalities retain authority to enforce ordinances regarding "public nuisances" under [24 V.S.A. § 2291](#). For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of section IV.

F. Investigations of Cannabis Establishments

The Board will have enforcement personnel who can investigate complaints about the operations of any cannabis establishment and recommend sanctions to the Board, if appropriate.

G. Sanctioning Cannabis Establishments

The Board has authority to prescribe administrative and civil penalties to a license holder or other person who violates the rules or laws regulating the legal cannabis market. These penalties could range from a fine to a suspension or revocation of a license, depending on the type and severity of violation. The Board will inform a municipality of a suspension or revocation of a license after it has reached a final judgment.

More information about the Board's enforcement processes can be found in Board Rule 4, available at [the Board's website](#).

H. Lawful Locations for Cannabis Consumption

Under state law, cannabis consumption is prohibited in any public place, meaning any street, alley, park, sidewalk, public building other than individual dwellings, any place of public accommodation, and any place where the use or possession of a lighted tobacco product, tobacco product, or tobacco substitute is prohibited by law. Places of public accommodation can include restaurants, stores, or other facilities at which services, facilities, goods, privileges, advantages, benefits, or accommodations are offered to the general public. [18 V.S.A. § 4230a](#).

Public consumption of cannabis in any form is prohibited and is subject to civil penalties capped at \$100 for a first offense, \$200 for a second offense, and \$500 for a third or subsequent offense. [18 V.S.A. § 4230a](#).

Cannabis consumption on private property that is not a place of public accommodation is not prohibited by state law.

I. Commercial Driver's Licenses

The requirements for getting and keeping a Commercial Driver's License are not impacted by the legalization of cannabis in Vermont. Any substance that was prohibited for use by CDL holders prior to cannabis legalization in Vermont is still prohibited.

J. Online Sales and Delivery to Consumers

Online ordering is currently prohibited. The legislature may consider it in the future.

Delivery to consumers is currently prohibited. The legislature may consider it in the future.

K. Cannabis Product Manufacturing

The Vermont Fire and Building Safety Code, as promulgated by the Department of Public Safety, will apply to all cannabis manufacturing operations. Towns may regulate cannabis manufacturing operations to the same extent they may regulate any business pursuant to their zoning authority, but may not place special conditions upon manufacturing operations beyond their general zoning authority.

For more information on a municipality's regulatory power with respect to cannabis businesses please see subsection B of section IV.

L. Changes of Ownership and Control of Cannabis Establishments

Cannabis establishments are required to notify the Board of changes of ownership and control. Information about ownership will be public.

M. Highway Safety

The Vermont Criminal Justice Council added Advanced Roadside Impaired Driving Enforcement (ARIDE) to the mandatory curriculum at the Vermont Police Academy in 2015, meaning all law enforcement officers who have graduated since 2015 are trained to detect drivers impaired by any substance, including cannabis. The Vermont Criminal Justice Training Council is currently working to train all remaining law enforcement officers that are involved in highway safety on ARIDE standards.

In addition to ARIDE-trained officers, Vermont utilizes approximately 45-55 trained Drug Recognition Experts (DRE) that are geographically dispersed around the state. DREs are specialized law enforcement officers that have completed a 40-hour course and field certification designed to detect not only impairment but also the impairing substance(s) a driver has consumed.

N. Novel Cannabinoids

Currently, many intoxicating cannabinoids, including Delta-8 and synthetic Delta-9, exist in a regulatory grey area. The CCB has asked the legislature to grant it the authority to regulate all intoxicating cannabinoids to ensure that they are only sold to those authorized to purchase them, and that they are safe for consumers and patients. If granted the authority, the CCB intends to create a product registration process so that any new product containing a novel intoxicating

cannabinoid will be reviewed, including its packaging, labeling, ingredients, and health effects, before being released to the public.

CLASS 4 TOWN ROADS LIST
JPC Recommendations

- #6. Coding Hollow Change to Legal Trail at last driveway
- #7. Basin Road Change to Legal Trail, Discontinue portion on State property
- #9. Riding Stable Rd No change
- #12. "Poshpeck" Rd Change to Legal Trail
- #16. Marvin Road No change
- #17. Upper Clay Hill No change
- #21. Mine Road Change to Legal Trail
- #22. Mine Road Change to Legal Trail
- #23. ? Off Mine Rd Change to Legal Trail
- #31. Patch Road Change to Legal Trail at last driveway
- #32. Hoag Road Change to Legal Trail at last driveway
- #35. Sinclair Road Change to Legal Trail at last driveway
- #38. Drag Lot Road Change to Legal Trail at last driveway
- #40. Prospect Rock Change to Legal Trail at last driveway. Discontinue portion on State property.
- #41. Lamb Road Change to Legal Trail
- #44. Lendway Lane Change to Legal Trail
- #46. River Rd East Change to Legal Trail at last driveway
- #47. ????? Change to Legal Trail
- #48. Grow Road Change to Legal Trail at last driveway
- #49. Reservoir Rd Maintain as Class 4 Road. Discontinue portion on State property.

#50." Adams Drive" Change to Legal Trail

Town of Johnson, Vermont
Policy Regarding Class IV Highways & Trails

Background Data:

The Town has the following miles of road by Classification as of January 1st, 2013:

Class II	13.13
Class III	36.41
Class IV	12.36
Total all miles	61.9

Commented [PW1]: Info and date reference need to be updated

Total Miles maintained by the Town, Class II and III = 49.54
% of Class IV miles to Class II & III = 25%

State Aid to Highways payment to Town (data from 2012)

Class II rate	\$3,973.95/mi	x 13.13 mi=	\$52,178.00
Class III rate	\$1,464.80/mi	x 36.41 mi=	\$53,333.00
Class IV rate	\$0	x 12.36 mi=	\$0
Total			\$105,511.00

Commented [PW2]: Update

Total Highway Budget \$851,395.00 (data from 2012)

% of town highway budget received as State Aid 12.4%

Commented [PW3]: Update

Basis for Establishment of Policy:

The Class IV highways in Johnson vary in condition from being passable with a car to being little more than tracks through the woods. Class IV highways and trails receive no state aid to highways contributions, and have very limited eligibility for FEMA reimbursements in event of loss or damage in a federally declared disaster. Therefore, all maintenance costs are borne by the local property tax.

Class IV highways and legal trails do provide public rights of way as well as access to private land and therefore do provide a public benefit.

State statute provides some guidance on the use and maintenance of Class IV highways and legal trails, which has been subject to interpretation and legal challenge over the years. 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.

The Courts have opined that a clearly written policy applied uniformly is highly desirable. Given these factors, this policy is adopted to provide standards of maintenance provided by the Town, maintenance by others, process for reclassification, permit process for work within the right of way, control and protection of highways and general guidance to those seeking to use Class IV highways and/or legal trails for access, recreation, development, or improvements.

1. Definitions

Class IV Highway: Class IV highways are all other highways not falling under definitions of Class I, II, and III highways. Class I, II, and III are defined in Vermont Statutes for the purpose of receiving state aid and are passable by a pleasure vehicle on a year-round basis.

Class IV Roads are herein further described as follows:

Class IV highways currently provide access for a range of land uses from full time permanent residences, part time or seasonal residence and structures, farming and forestry activities and recreational uses. The condition of these roads also ranges from relatively good condition to little more than barely identifiable as roads. The use and condition of roads may be considered by the Selectboard when determining maintenance to be performed.

Trail: Trail means a public right-of-way which is not a highway and which:

- (A) previously was a designated highway and having the same width as the designated town highway, or a lesser width if so designated, or
- (B) a new public right-of-way laid out as a trail by the Selectboard for the purpose of providing access to abutting properties or for recreational use.

2. Change in Classification

It is the general policy of the Selectboard not to reclassify Class IV highways or trails unless there is a demonstrated public benefit to doing so. However, it is the right of an abutting landowner to request changes in highway status. The Selectboard, if so petitioned, will follow the procedures set out in 19 VSA §708-716.

Under Vermont Statutes, Class IV highways may be reclassified to trail status, discontinued, or upgraded to Class III or higher status. Trails may be discontinued or upgraded to Class IV or higher status. Reclassification will be done in accordance with 19 VSA §708-716 and upon findings by the Selectboard that such reclassification is in the public good.

The full costs (including any surveys and legal costs) of upgrading a trail to a Class IV highway, or a Class IV highway to a Class III highway for the purpose of reclassification, shall be the sole responsibility of the petitioners. Any reclassification to Class III shall conform to the Town Codes and Standards and Development Road Policy as then currently in effect.

At a minimum, any road structure or subsurface work performed on or within the right of ways of a Class IV highway or trail for reclassification or any other reason requires a Right of Way Permit from the Town as per 19 VSA §1111.

3. Town Policy

It is the policy of the Selectboard to retain Class IV highways and trails for the public good, including multiple recreational uses, and retention of the right of way for potential future development.

Further, while Town is not obligated to maintain Class IV roads (other than bridges and culverts) or trails, it is the policy of the Town to have the Road Foreperson survey the Class IV roads and trails annually to objectively determine the extent of work required, if any, to maintain the structural integrity of these conveyances for the necessity of the Town and the public good. The Town will make every effort to perform such work.

Commented [PW4]: The JPC feels strongly that this SHOULD be the policy of the Town and an annual goal. Class IV roads are a Town asset and we should be doing our best to take care of them.

4. Maintenance by the Town

A. Trails

1. The Town shall not provide any summer or winter maintenance, or upkeep on trails.
2. The Town shall not be liable for construction, maintenance, repair, or safety of trails.

B. Class IV Highways

Requirements of **Statute 19 VSA §310. Highways, bridges and trails (b):**

Class 4 highways may be maintained to the extent required by the necessity of the Town, the public good and the convenience of the inhabitants of the Town or may be reclassified using the same procedure as for laying out highways and meeting standards set forth in §302 of this article.

1. The Town shall not provide any regular summer or winter maintenance of Class IV highways except to the extent required by necessity and the public good and

convenience of the inhabitants of the Town and when staff and financial resources allow (see Section 3). Such work will in no way obligate the Town to perform any additional maintenance or repairs of any nature.

2. Snow plowing (snow removal by any usual means) by of Class IV roads by abutting landowners, tenants and/or their contracted help is allowed without a permit. Any damage done to the road, bridges, culverts, etc. is the responsibility of the snowplow operator. Any winter plowing of a class4 highway granted by the Selectboard to parties other than a municipality shall not nullify the snowmobiling privileges under 23 V.S.A. § 3206(b)(2).

Commented [PW5]: The JPC feels this is what actually occurs currently and seems to work; should be recognized.

3. Emergency Access

In the event of an emergency such as a fire or medical emergency and if requested, the Town may make reasonable attempts to assist emergency vehicles to access properties located on Class IV roads but shall accept no responsibility for the inability of emergency vehicles to access such properties due to road conditions, weather conditions or any other factors.

4. Maintenance Work by Others

NOTE: It is recommended that any subsurface road or ditch work be preceded by notification to DigSafe (Call 811 or 888-DIG-SAFE or see <http://www.digsafe.com>).

See the Town's Work in the Right of Way policy for all questions related to work done in the road or the town's right of way adjacent to the road.

5. Control and Protection

The Selectboard shall strive to preserve the integrity of Class IV highways and trails as public rights-of-way by means which may include, but are not limited to, the following:

- A. Establishment of vehicle weight limits.
- B. Prohibition or restriction of wheeled vehicle use during mud and snow season; signs and barricades may be utilized to accomplish this purpose.
- C. Requirements for temporary permits for heavy equipment access may be imposed and the stipulation included that any highway damaged will be repaired by or at the expense of the user; posting of bond or other security to guarantee that repairs are made, may be required as a condition of any permits.
- D. Establishment of speed limits.

6. Permission

Permission for repair, maintenance, improvement or restoration, which does not adversely affect the highway or trail, will not be unreasonably withheld by the Town. The highway shall be left in as good or better condition as existed prior to beginning any such work.

7. Right-of-Way Access

The Selectboard shall control access into the highway right-of way for the installation or repair of utilities and for access of driveways, entrances, and approaches through the Highway and Right of Access Permit process as defined in 19 VSA §1111.

Notwithstanding the above, nothing herein shall be deemed to negate or repeal permit requirements for working in or adjacent to highway rights-of-way.

8. Posting and Gating of Highway

No highway of any Class may be intentionally closed by a gate or other obstruction except upon approval of the Selectboard (see: 19 VSA §§304 and 1105). The Selectboard may post a highway in accordance with 19 VSA §1110. The Selectboard may post a highway for the purposes of preserving the integrity of the road (see 19 VSA §304).

9. Disputed Right of Way Situation

It is recommended that any person(s) or entity(s) considering any road work requiring a Town Permit first consult with the Town regarding the Right of Way (ROW) location. **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.**

Commented [PW6]: JPC feels this is a reasonable balance of responsibility and rights.

10. Penalties for Non-compliance

If any person(s) or entity(s) are found to be in non-compliance with the Class IV Highway and/or Trail policies of the Town of Johnson within the legal Right of Way (ROW), whether they have a permit or not, then:

- A. It is the Selectboard's responsibility to identify and notify the responsible parties that they have 30 days from the date of notification to correct the non-compliance.
- B. At its discretion, the Selectboard may instead set a mutually agreeable date for resolution.
- C. The notification should state clearly what the non-compliance is and what the

Selectboard considers an acceptable resolution.

- D. The notified parties have the right to propose an alternative resolution for the Selectboard's consideration. (Note: Returning the ROW to its original condition must be considered an acceptable resolution.)
- E. If the original or extended time period expires without resolution of the issue, the Selectboard has the right to use whatever means necessary to complete the recommended solution.
 - a. If the Selectboard takes such action at the Town's expense, the person(s) responsible will be charged two times the cost born by the Town.
 - b. Anything built, erected or placed within the Town's ROW, above or below the ground, without a permit from the Selectboard and not resolved by the above process, may be claimed as the property of the Town if the Selectboard so chooses.

11. Compliance with other Regulations

This policy is written to establish and clarify standards of construction and the authority of the Selectboard and its authorized representatives.

All other policies and regulations adopted by the Town of Johnson shall remain in full force and effect.

(end)

Pledge Contract

Mark Alexander is making a substantial gift to the Town of Johnson for the purpose of completing the construction of the Ted Alexander Welcome Center, the Town of Johnson's connection to the Lamoille Valley Rail Trail. The gift will provide funding for the creation and installation on the existing structure of a photographic tromp l'oeil by Howard Romero, in accordance with his proposal for the same, primary and secondary electrical service to the Welcome Center, a bike repair station, picnic tables for the bays of the Welcome Center, installation of historical information displays on the Welcome Center by the Johnson Historical Society, garbage cans for the collection of refuse from the users of the Welcome Center and Landscaping. Deborah Alexander provided previous funding for the Ted Alexander Welcome Center, as an expression her interest in recognizing her husband Edward Ryckman Alexander (Ted). As a consequence of Deborah's gift, the Trail Head structure and its facilities were named for Ted Alexander. This is a fitting tribute to recognize Ted Alexander's interest and long residence in Johnson, his usage of the Rail Trail and prior contributions to institutions in Johnson.

The Phase 2 Work to be completed is:

- Landscaping
- Electrical Service
- Secondary Electrical
- Bike Repair Station
- Picnic Tables
- Information Displays
- Garbage Cans
- Tromp L'oeil

In consideration of the gift from Mark Alexander the Town of Johnson will contribute to the cost of the above the sum of \$5,000.00. The Town has placed this sum in its proposed budget to be voted on by the Town of Johnson at March Town meeting. If the voters do not approve the budget request, citizens of the Town of Johnson have committed to undertake fund raising for the purpose of securing the \$5,000.00.

Pledge Schedule:

\$14,500 in three installments, respectively of \$4,833.34 due on the execution by both parties to this agreement, \$4,833.33 due on, 2022 and \$4,833.33 due upon completion of the project which is anticipated to be on or before July 1, 2022.

It is anticipated that work and/or the purchase of materials and supplies shall commence on March 1st, 2022.

The Town of Johnson will confirm with Mark Alexander the milestones and Mark Alexander will then transfer the respective gift within fifteen (15) days following written confirmation of each milestone's completion.

Recognition:

The philanthropy of the family of Ted Alexander funded the recent structural additions to the Trail Head building, enlarged the Trail Head, provided new facilities and information to the users of the Lamoille Valley Rail Trail to enhance the user's enjoyment of the trail. Mark Alexander is making a supplemental contribution for the purpose of completing the facility with needed utilities, fixtures, picnic tables etc. for the benefit of the public. The Town of Johnson is deeply grateful to Mark Alexander for his most generous gift, in the circumstances where the consequences of the Covid 19 pandemic prevented its prior completion. The undersigned hereby attest and agree to the terms and conditions as stated in this legally binding Pledge Contract.

Signature Page:

Date

Mark Alexander

Date

Signature

Name and Title