

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MARCH 21, 2022

Present: Selectboard members: Beth Foy, Duncan Hastings, Eric Osgood (remote), Eben Patch, Mark Woodward

Others: Brian Story, Rosemary Audibert, Jason Whitehill, Nadeau (remote), Marla Emery (remote), Kyle Nuse, Noel Dodge, Denise Ashman, Lois Frey, Dean Locke, Sabrina Rossi, Scott Meyer, Sue Lovering, Jasmine Yuris, Jackie Stanton, Kim Dunkley (remote), Diane Lehouiller (remote), Ken Tourangeau (remote)

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Beth called the meeting to order at 6:33.

2. Additions, Changes to Agenda

Brian added approval of the annual Certificate of Highway Mileage.

3. Selectboard Issues and Concerns

Eben said overweight trucks on back roads are an issue for taxpayers and a concern to residents. It is tough to enforce weight restrictions but it would be nice if we had a plan for next year. Mark asked if he is referring to sap trucks. Eben said yes. Most of the profit from those businesses goes out of town. Beth said heating fuel trucks can also be a problem. Eben said what he sees driving past his house is sap trucks. He suggested maybe next year we could have a plan in place with DMV or AOT. Duncan said it would be useful to know who can enforce weight restrictions and what we can actually do. Eben said the problem is more than just damage to the roads. It is also an issue that roads are not passable. That could prevent an ambulance or fire truck from getting to a house where it is needed. Brian said DMV enforces weight restrictions. He can ask if they could come for a presentation during the off season. Duncan said they are only going to enforce on state highways. Brian said he believes the same enforcement mechanism is used for town roads but he could be wrong. Mark said he would be curious to know if anything related to sugaring falls under agriculture exemptions.

4. Review Invoices and Orders

The board reviewed and discussed invoices and orders. Rosemary noted we probably will be over budget for heating fuel.

5. Review and Approve Minutes of Meetings Past

Eben moved to approve the minutes of March 3 and March 7, 2022 with the header for Item 14 corrected to "Brownfield Committee Alternate Appointment," Eric seconded and the motion was passed.

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

Rosemary said to date we have spent 58% of budget. We have received the first installment from Mark Alexander for the second phase of the trailhead building. We will not have to have a tax abatement hearing because the state paid the taxes of the person in question with a grant program from VHFA. Duncan said it looks like revenue is at 95% of budget. Rosemary said yes, because that figure includes taxes billed even if they have not been collected.

Eric said we budgeted about \$3K for buildings and grounds maintenance and spent about \$6K. Do we know what the overrun was? (*Sabrina Rossi arrived at 6:50.*) Rosemary said we had some plumbing issues and got new toilets. Brian mentioned the unplanned sidewalk replacement at the municipal building.

7. *Public Works Supervisor / Highway Foreman Report*

Jason said in the past month the town crew worked with the village crew to patch potholes in town. He kept track of the time put in by the village crew because they usually pay for their salt by letting the town use their equipment or working with the town crew. Jason has been working with AGC in Barre on meeting MSHA requirements to reopen the town gravel pit. Currently the crew is dealing with mud season.

Beth asked how mud season is going. Jason said pretty good. There are six roads that still need to have material put down on them. The crew has hauled 150 loads of material – some from our stockpile, most from Nadeau's. It will take around 35 loads to finish up.

Jason said two part-time employees are close to the hours they are allowed. We budget 600 hours for part-time employees.

Duncan said Jason's action list mentioned taking down more ash trees. Are those trees that are already infected or damaged? Jason said no, they are trees in the right of way that the crew is trying to take down before they are infected.

The board thanked the road crew for the extra time they are putting in.

8. *Racial Justice and Social Equity Committee Report*

Brian read the written report submitted by the Racial Justice and Social Equity Committee. They were unable to report in person tonight as the majority of the committee is attending the open rehearsal of Hair at NVU. They were approached by director Isaac Eddy to be involved with the production from a community engagement perspective, working together to ensure the production lands successfully within the community and there is healthy dialog around the issues of sexism, racism and power dynamics. Through their meeting with Isaac, committee members were introduced to Jae Basiliere, director of the Center for Teaching and Learning at NVU, who has a background in anti-racist education. The RJSE voted to work with Jae to bring an anti-racist story time to Johnson. The committee plans on working with the Johnson Public Library to bring this story time into fruition in the warmer weather, which would complete another facet of the committee's Rapid Response grant.

9. *Review Planned Purchases*

Brian said 3 separate projects are planned at Old Mill Park – repairing damage done to the soccer fields at the end of last year, work on the ring trail and prepping the site for the new playground. Since all the projects are in one area and the total for all three is a little more than \$1K (\$1,215) he felt more comfortable bringing it to the board. So far only one person has given a quote – Greg Fatigate, who has done a lot of work at the skatepark. We may get another quote if we can. It is within the rec committee's budget to pay for this work, but it was unplanned.

Another planned purchase is a bike repair station for the welcome center (\$1,520.) It is within the welcome center budget. Eben said he would like to see an updated overall plan of

expenditures for the welcome center. Brian said we are working from a budgeted plan. Eben said he hasn't seen the plan. Are we sticking with \$14,400 or did it get stretched to \$20K with the \$5K approved by the voters? Beth said the additional \$5K approved is for the next fiscal year, starting July 1. Eben asked if we are planning on spending that or just going with the original budget, with the \$5K hopefully able to cover overages. Brian said we are working from the original roughly \$15K figure. So far the quotes we have gotten are in line with the budget. The bike repair station is coming in a little under budget. Duncan asked how much the first installment received from Mark Alexander was. Rosemary said \$4,333. (*Scott Meyer arrived at 7:07.*)

Another planned purchase is culverts for stock (\$14,802.) Brian said we normally keep a good stock of plastic culverts on hand. That has been helpful in the past because we have been able to deploy them at a moment's notice and assist neighboring towns. We only have prices from Johnson Farm and Garden. We will check to see if we are missing out on a better price but we will spend no more than the current estimate. Eben said the quote is within \$200 of the budgeted amount. Jason said some of these are for the upcoming season's projects. He wants to buy them early because the price will be going up May 1. We will be reimbursed for 8 of them because they will be used for grant-funded projects.

We plan to buy plant mix (\$5000) and $\frac{3}{4}$ stone (\$15,000) to be used for mud abatement and other work. Eben asked if this purchase will cover all we need for mud season. Jason said no, this is just to replace what we have in stock. Prices will be going up by 50 cents to \$2 per ton May 1.

We have an estimate from the village to put in the primary electric service for the Ted Alexander Welcome Center (\$2,230.) They are not charging us for the labor, just materials. Before doing the work, the village wants us to have a permit from the state for crossing the state right of way. Brian is working with the state on that. Our belief is that we shouldn't need a permit if we are crossing over our road right of way.

Beth asked, we are buying the materials, but what if for some reason we were unable to install the pole? Brian said he would imagine that the village would buy the pole back from us at the same cost. He doesn't think we would have a problem working with the village if we had to cancel this project. Duncan said normally they would take a pole out of their stock and not bill us until the work is done. Brian said there may be some miscommunication because a bill from the village was in the orders tonight. He doesn't believe we are paying up front. Duncan said he wouldn't authorize paying the bill until the work is done. Beth asked if Rosemary was asked to request payment. Rosemary said village policy is that they will not do any work until they receive payment.

Jason said in November the board approved buying a power washer. The cost was going to be about \$4300. The vendor still does not have an ETA on the one we planned to buy. Johnson Farm and Garden can provide one from another vendor that costs \$4687.77 and could be here in a month. Eben asked if it has a use in the summer or if we could wait to buy it and save \$300. Jason said they usually use it to clean salt off vehicles in spring. Duncan asked if we have an operational one now. Jason said no; it has been broken since November.

Eben moved to approve the requested purchases at prices equal to or lower than the estimates presented, Duncan seconded and the motion was passed.

10. Annual Certificate of Highway Mileage

Brian said the board needs to sign the annual mileage certification listing the number of miles of Class 2, Class 3 and Class 4 roads in the town. There are no changes from the previous year. **Eben moved to approve the Certificate of Highway Mileage, Duncan seconded and the motion was passed.**

11. Paving Projects

Brian said he will have an RFP for the board to review soon. The most likely targets for paving projects this year are Clay Hill Road and River Road West. We did repave Clay Hill relatively recently but it is not holding up very well. We think the best way to protect our investment is to make repairs quickly to keep the damage from getting worse. The pavement on River Road West is in bad shape. A little bit at the end is unpaved, which is inconvenient for plowing and sanding. The intention is to pave that part as well.

Beth asked what the cycle is for paving roads. Brian said we have a set amount of money we dedicate for paving. Every 2 years we are eligible for a Class 2 paving grant. We usually assess annually what is most needed in any given year. We keep track of road conditions throughout the town.

Jason said the contractors did a nice job on the Clay Hill sub base. A couple of years later an overlay was done and the overlay is delaminated. He wants some taken off with a milling machine so the overlay adheres and lasts.

Scott said he lives on Clay Hill. (*Sue Lovering arrived at 7:25.*) The pavement has been increasing in height over the years. His house floods whenever it rains now. The crown was cut on a section near his house when the road was repaved. He is not sure why. Rain comes into his driveway. The town put a berm by his driveway to try to keep water from coming in, but over the years snowplows have reduced it and paving has increased in height. If Clay Hill is going to be paved again he would love to meet up with the town crew and the contractor and fix this issue. There could be a swale dug on the shoulder to catch water and maybe the road could be crowned properly this time. He thanked Jason and his crew for helping mitigate the flooding this winter.

Duncan said Clay Hill is a Class 2 road. When are we next due for a Class 2 paving grant? Brian said he would like to apply this year for next year's paving season. His first choice would probably be Railroad St. We received a paving grant for Plot Road last year.

Duncan said the town used to keep a paving list that showed the last time each road was paved. For years we have underbudgeted the amount we need to maintain pavement on roads we have, to say nothing about adding new pavement. Jason said we do have a list. One reason he wants to jump ahead on Clay Hill is to avoid losing the sub base. He thinks a Class 2 paving grant would be more beneficial on Railroad St., with the amount of work involved there. Duncan said he doesn't think it makes a lot of sense to pave Railroad St. unless the storm drains are dealt with and that is a village issue. Jason said he and Brian talked about it

and agreed that it doesn't make sense to do it if it will need to be torn up for infrastructure work. Eric said if we are going to look at that, it should be a coordinated effort with the village because of the storm drains. That is a cement road and removing all the cement will be a big expense. Brian agreed. Beth said we should probably add paving when we talk about priorities. It would be great to have Jason at that meeting.

Scott said UVM students were doing a drainage study on Clay Hill. Is there any understanding of what needs to be done to fix drainage and culverts there? Brian said we usually do incorporate culvert replacements when we do a paving project. He expects that if they need replacement we would be doing that. (*Jackie Stanton arrived at 7:34.*) The UVM students made all the recommended changes to one culvert and no changes to another one so they could compare the two in order to look at the impact of the recommended best practices. He would have to go back and look at the results of that study.

Brian said if the board is good with the suggested paving locations the next step is for him to draw up an RFP.

Eben said it would be great to do River Road East at some point in the future.

12. *Library Memorandum of Understanding*

Brian said with changes on the selectboard and the library trustee board some of the designees on the MOU with the library need to be updated. Duncan asked if this is an existing MOU. Brian said yes. Eben said it needs to be approved again each year by the new board.

Duncan said on p. 2 of the MOU it says, "Larger projects will be budgeted for in the town's building reserve fund." That seems to commit the town to use the building reserve fund as a means of funding those projects. He would be more comfortable with replacing that with "normal budget process" or words to that effect. On p. 3 it says, "At this time it will be determined which projects will fall under the library's annual budget and which will be included as capital expenses under the town's budget." He suggests changing that to "capital or annual expenses under the town's budget."

Beth asked Sabrina Rossi how she feels about those changes. Sabrina said she feels the language should be based on how the town wants to handle it. She is comfortable with the changes. Jasmine Yuris said she is also. Sabrina said the changes don't change who has responsibility, which was the greater intent of the document.

Mark moved and Duncan seconded to approve the library MOU as presented with the changes Duncan suggested and to authorize the chair to sign it.

Scott asked if the board could briefly go over the changes. Beth said instead of calling out a specific reserve fund we are changing it to say it falls under our board spending practices and we are also changing it to refer to paying either out of the annual budget or out of a reserve fund instead of being more specific. Brian suggested approving the updates to the designated contacts as part of the motion. Eben said this motion includes those changes.

The motion was passed.

Sabrina said previously Nat Kinney was the selectboard liaison to the library. The library would like to have a selectboard member to communicate with. Beth asked if anyone was interested in being trustee liaison. Mark Woodward volunteered. Brian said he and Mark will work on scheduling a time for a walk-through of the library.

13. *ATV Agreement*

Brian said there is a VASA trails document, a resolution of commitment from the municipality, that was signed by former road foreman Hugh Albright. He has a number of questions about it. He would like the board's permission to consult with our attorney about it. The board agreed.

14. *Update on ATV Ordinance and Scheduling a Dedicated Meeting*

Brian said our attorney has weighed in on the question we asked about our current ATV ordinance and the permissions granted by prior boards for paved sections of Class 3 and Class 2 roads. The attorney's recommendation is that the board take action to assert that those permissions are not in line with the ordinance and are repealed. In the future, changes should be made by updating or amending the ordinance.

Beth proposed a dedicated special meeting to discuss the ATV ordinance on April 1. The board agreed to schedule a meeting for 7:00 on April 1.

Duncan asked if we should take the action tonight to codify that the ordinance, rather than any previous approvals, controls ATV use. Eben said he thinks it can wait until April 1.

Mark asked if Beth thinks the April 1 meeting will be for action or just informative. Beth said she could see the board potentially taking action to do as Duncan suggests, as well as moving into discussion around how we want to proceed with making adjustments to the existing ordinance.

There was discussion about whether ATVs are allowed on roads at this time of year. Brian said there is no seasonal prohibition. They are not common during the off season but use is not limited to certain times of year.

Eric said he doesn't see why the board can't take the action tonight of removing access not allowed by the ordinance. **Duncan moved and Mark seconded to formally state, in accordance with the town attorney's opinion, that the ATV ordinance controls ATV access to town roads.**

Scott said he is a little concerned about the board taking action on this because it is not clearly detailed on the agenda. The agenda actually indicates a desire to have a future meeting on ATV use. He doesn't think the board can take action unless it was on the agenda. He knows there are town residents who would like to comment on this and are not here. Beth said while there is not a lot of detail on the agenda, the ATV item is listed as an actionable item. Eben said every item on the agenda is listed as actionable and we don't act on the majority of them. Scott said he feels the way the item is described on the agenda is a little misleading. Mark said he thinks passing the motion tonight will make the next meeting more

efficient. Eben said he doesn't think it was warned and plenty of people would have been here on both sides if it was warned. Eric said we do have a legal opinion. He thinks we should follow the attorney's advice. Duncan said we requested advice on this topic at the last meeting. He is still comfortable with the motion. He feels there is enough on the agenda to cover it. Eben said regarding closing the roads, he understands what the attorney is saying, but he hasn't heard anyone from the ATV club saying the road access was for people from out of town. They have said they want to connect one side of Johnson to the other and now we are ripping that ability out of their hands.

The motion was passed in a roll call vote with Eric, Mark and Duncan in favor and Eben opposed.

15. Shade Tree Preservation Plan

Brian said the Johnson Tree Board has developed a Shade Tree Preservation Plan. The chief function of the plan is to help define the role and scope of the tree warden. Statute says the tree warden has authority over shade trees without giving a clear definition of shade trees. This plan will help define what they are and our planning for them.

Sue Lovering said the state changed the tree warden statute last November to clarify it and made it worse. They decided to get 10 towns to work with them to write preservation plans. They are going to use those to develop one boilerplate plan towns can use. The Tree Board has finished a plan. It basically restores the duties of the tree warden to what they used to be. The trees on municipal properties and in rights of way are protected by the tree warden and permission and a hearing are needed to take a tree down.

Eben asked, so property owners can't do what they want with their property? They would need permission from the tree warden to do what they want on property they pay taxes on? Sue said within the 25-ft. right of way. Eben asked, what about the road crew? Can they only cut a tree if it is dangerous?

Sue said that has been the law all along. Up until last November anyone who cut a tree in the right of way had to ask the tree warden. Duncan said he didn't interpret the old law that way. Sue said the old law was vague. Noel Dodge said that is why they changed it. Brian said it referred to "shade trees" with no definition of what they were. Some legal interpretations read that as all trees. There have been a number of court cases and he thinks they have not been definitive about the definition of a shade tree. The law has changed and now there is an opportunity to have a shade tree preservation plan where we define what shade trees are. Sue said one reason three specific roads were named in the plan is because of the iconic quality of those roads, where trees come right to the road edge and hang over the road. It is a really beautiful look.

Eben said keeping that look is costly and work prohibitive for employees and property owners. Noel asked him to explain why he says it is costly. Eben said he would rather see more sun and breeze on certain sections of roads so the town doesn't have to spend too much money. And he is concerned that the road crew could be working at 2:00 am and cut down a tree they feel is a hazard and then the tree warden could come to the selectboard and say it

was a shade tree and not a hazard. He also doesn't believe we should restrict rights of property owners.

Noel said he would hope the road crew wouldn't be removing hazard trees at 2:00 am when they can't see the whole thing. If a tree is hanging over the road, that is a whole different situation. He thinks this is not as limiting as Eben might think. The plan states that the tree warden will go for a ride with the road foreman every year to identify hazard trees. That way it doesn't have to be done on an on-call basis. He thinks the process can be streamlined. But he is happy to be on call whenever. As far as landowner issues, the Tree Board plans to have a public meeting to solicit input. They are asking the selectboard to hold a hearing, probably just prior to the April 18 meeting. This is a draft plan.

Duncan said his personal opinion is that this isn't ready for a public hearing yet. He thinks the selectboard needs more discussion with the Tree Board. The draft plan says the designation does not include municipal forest land, including town forests, but then it lists the Prindle lot and the Gomo lot. He doesn't know what the scenic area on Route 15 west of town is that is listed. Is that a town-owned property? Noel said it is the picnic area on Route 15 on the way out of town. Duncan said the town doesn't own that. Noel said he used the town parcel map to identify all the areas that are town or village owned.

Duncan said the plan talks about village owned property. He would think we would want to have the trustees weigh in. It also talks about Route 15, which was part of the tree planting process for the Main Street project. He knows statute prohibits implementing a shade tree preservation plan on state highways. He knows the stipulation in the Main Street project dealt with the planting. He is pretty sure there was specific language where AOT required the village to develop a plan to maintain those plantings, including replacing them if they died. He wonders if that needs to be in the plan because it is already covered in the agreement between the village and VTrans. Like Eben, he has some concern over listing all trees on the 3 named highways as shade trees. What about a little maple whip? Does that count as a tree?

Eben said the plan prohibits brush hogging. That is maintenance. Sue said the plan doesn't refer to brush hogging on the ground.

Beth asked if it makes sense for board members to send their feedback individually. Noel said that is probably the easiest. Beth suggested putting this back on the agenda for the next meeting. The selectboard can hear the Tree Board's thoughts on the feedback and we can follow up with scheduling a public meeting. Noel said feedback should be sent to him with "Shade Tree Preservation Plan" in the subject line.

16. Request for Conservation Commission Email Address

Brian said the Conservation Commission is requesting a townofjohnson.com email address. They are not free. He thinks the cost is \$5/month. **Duncan moved to authorize establishment of a town email address for the Conservation Commission, Eben seconded and the motion was passed.**

17. Conservation Commission Mission Update

Brian said the Conservation Commission has updated its mission statement and would like the board's comments and feedback. He read the updated mission statement:

The mission of the Conservation Commission is stewardship of public lands; advocating for the protection of all of Johnson's natural resources for present and future generations. We endeavor to strengthen relationships between the people of Johnson and our natural environment, to instill a shared responsibility and awareness within the community for the protection and preservation of the environment, and to achieve a balance with present and future responsible growth. The Commission's charge is to advise the Select Board, Planning Commission, Trustees, special interest groups, and individuals on matters concerning Johnson's lands and natural resources.

Beth suggested changing “all of Johnson’s” to just “Johnson’s.”

Lois Frey explained that the original mission statement was much shorter. They built in clarification because it seemed like some of the community didn’t have an understanding of what the Conservation Commission was about. This was written by all 9 members. They are also asking the selectboard to make it their policy that formal comment from the Conservation Commission be a required component of any development idea or proposal on town property.

The board agreed that the mission statement seems fine.

Beth said it sounds like the Conservation Commission is requesting a new policy. Or is that a loose use of “policy?” Lois said it could be either. Duncan said he thinks the Conservation Commission is strongly encouraging the board to think of the Conservation Commission if there is a project involving municipal lands or natural resources. Lois said if people have questions the Conservation Commission has all kinds of resources and can answer a lot of questions. When there is a proposed project they would like the selectboard to check with the Conservation Commission. Eben said the word “policy” is strong. He thinks communication is great. We can’t necessarily hold up every project to get formal comment from the Conservation Commission. Some are time sensitive. Mark said he would want this to be policy of the board. There is not much that is more important to him than conservation of natural resources. He would agree that it should be a formal process and they should be involved. Eben said we could say consulting the Conservation Commission was a best practice but if we have a formal policy requiring it that could be a problem if we have a time sensitive opportunity to apply for a grant. Brian said a good example would be last year when we had an opportunity to apply for congressional earmarks. We only had about 2 weeks to deliver a proposal. Beth said if the request is simply to think about the Conservation Commission, she thinks board members all agree with and support that. If the request is something more than that, we should talk about it. Is it more than just keeping the Conservation Commission in mind and informing them?

Denise Ashman said she thinks the Conservation Commission is asking for a formal process. Even if a project had a short window she feels confident they would be able to communicate quickly and respond. Dean Locke said the Conservation Commission doesn’t want to hinder projects. They want to be part of the process, not getting involved after the process has already started, but being part of the front end and in the know.

Scott said the Planning Commission is often left out of conversations. Is there a similar policy to notify the Planning Commission if something comes up that is related to planning? We have a lot of commissions and it would be helpful for clarity to have the same language about notifying all of them.

Sabrina said the library has done a lot of little projects like expanding its parking area. Does the Conservation Commission want to be notified about every little project?

Beth said it would be helpful if the Conservation Commission could define what they want to be notified about. There has to be a line somewhere. She would like to hear more about this and apply it to more of our volunteers.

Sue Lovering asked what happens when two committees go head to head. Recreation wants to put in miles and miles of trails and wants ATVs on town trails and a bridge across the Lamoille River that the town would be impacted by. The Conservation Commission was blindsided by the request to talk to Act 250 about that project. Things like that really bother them.

Duncan asked if the Conservation Commission might be able to submit a draft policy to begin the conversation. If the Conservation Commission wants something more formal, what would the process or the policy look like?

Denise said they have thought carefully and with consideration about their priorities. They would look at proposals through that lens and identify what the most sensitive issues would be environmentally. Lois said she thinks of it as ecologically informed decision making.

18. *Municipal Mowing*

Brian said we have contracted with Robert and Sons for mowing for quite a few years. They have maintained their same cost for a long time but they are increasing their price by about 10% for the upcoming year. Because of that and because it has been a long time since we got bids, it is worth pursuing another bid process. He drafted an RFP. We share services with the village.

Beth asked why we share services with the village. Brian said we could just have a contract for town and shared property and leave the village to contract for the rest on their own. But they need to sign off on the shared property anyway. Eric said the intent was to include more properties on one contract in the hope of getting a better rate. He thinks we should involve the village.

Eben moved to approve circulation of an RFP for mowing upon approval of the village trustees. Brian noted that the library is not currently listed on the draft RFP but it should be. **Mark seconded and the motion was passed.** Brian said there is some language he wants to add to the draft before sending it out.

19. *ARPA Rules Review*

Brian said there are a number of uses we could dedicate ARPA funds for but one of the provisions in the final rules is that we can claim a standard amount of up to \$10 million of

lost revenue. If we claim money as lost revenue we can bring it into the general fund and use it like general fund money. That would increase the flexibility we have and open up a lot of doors about how we spend the money. It would allow us to use it as matching funds for pursuing other grants. That is one of our options. We should pursue public input about how to invest this money. Beth said discussing use of ARPA funds should be a primary purpose of our planning and prioritization meeting. Brian agreed.

Beth asked for clarification on the standard allowance of up to \$10 million. Brian said as long as the loss we are claiming is less than that it will be accepted. Duncan said we are entitled to a certain amount based on the census and that is what we can claim. Brian said we can't claim more money than what is allocated to us but we can claim our total ARPA funds or \$10 million, whichever is less. In our case, our total is a lot less than \$10 million.

Mark asked if Brian strongly recommends that we move the ARPA funds into the general fund. Brian said yes. Even if we decide on a project that would be an approved use of ARPA funds, the process of claiming it as lost revenue and then spending it is much easier than the process of keeping it as dedicated ARPA funds.

Mark asked, there is no chance they will audit us to make us prove we lost as much as we are claiming? Brian said no.

Beth said she would like to know if the cost of the overhead is worth it if we will get a contract employee to handle the administrative function. Brian said he can do more digging on that. Beth said she isn't saying what Brian suggests isn't the way to go, but how do we know if we haven't run the formula? Brian said the formula is just a different way of claiming lost revenue. We don't need to use it because the maximum we can claim is definitely less than \$10 million. Mark asked, we are getting the same amount whichever path we take? Brian said he thinks so. But it is not worth us worrying about the formula because our maximum amount is definitely less than \$10 million. Eric agreed. Duncan said we would have to demonstrate our losses to use the formula and he doesn't think we can. What Brian is suggesting is using the ARPA funds as offset for the budget, which will give us a year end surplus roughly equivalent to what we are eligible for. If we don't do that we can apply the money to a specific project but it has to be applied for by 2024 and spent by 2026. So there is a big advantage to claiming it as lost revenue. Brian said it is less work to recover the money as lost revenue and then do the project.

20. Cannabis Licenses

Brian said there has been action at the state level on prequalification. People who are interested in getting a cannabis license of any type can go to the state and apply for prequalification. The biggest part is a background check and making sure they meet state criteria. There is no local component to prequalification. The way local cannabis control boards will give feedback in the future about licensing has not yet been specified. We don't know what the local process will be when we are involved. Beth said someone can now apply for prequalification. What happens after that? Brian said they have to apply for a license and part of that process will include local approval. People do not need to do prequalification. The assumption is that there are going to be enough people asking for licenses when the opportunity is first opened that they want a prequalification process so they

can process some applications faster. Prequalification probably will just make your license application go faster but it is not a requirement to the best of his knowledge. Dean Locke said he thinks prequalification is also a way to assess how many people are going to apply.

21. Review and Update Procedures for Reviewing Orders

Brian said we have talked about changing the way we review orders. Eben said he thinks there is value in doing it the way we do it. The time spent equates to only 6 ½ hours a year. Beth she feels it is very important that Rosemary and Brian are not the last people to see the invoices, not because we don't trust them but because we don't know who will be in their positions 10 years from now. Brian said if the board appointed one person to review orders that person presumably would have an opportunity to report to the board if they saw anything they thought was worthy of comment. Eben said what seemed important to one board member might not seem important to another. Brian said possible changes to the process for reviewing orders would not change the board's role in reviewing planned purchases. Eric said as a selectboard one of our biggest responsibilities is managing the people's money. He thinks we need to do due diligence.

Mark said the current process feels like micromanaging people who we pay a lot of money to do a good job. He has never been on a board that looks at details this small. He is in favor of having one person on the board do it or not doing it at all. Duncan said he doesn't think we have the choice to not do it at all. Statute requires us to do something. He is okay with the process now. He thinks ultimately our concern is preventing fraud or theft of public money. He thinks implementing something like a purchase order policy would go a long way toward preventing fraud and is something we should think about. If we had a system like that he would be more inclined to have a single delegated selectboard member work with Brian and Rosemary, but absent that, he thinks it is 15 minutes of our time well spent. Beth said she has the same opinion on a purchase order system. We wouldn't pay out anything over a certain amount if there was not a purchase order. Eben said it is not that hard to get around that. Where there is a will there is a way. Duncan agreed that if someone is determined to steal it is hard to implement a process that will absolutely prevent it. Mark said that is true even with the board reviewing orders. Duncan said he thinks a purchase order policy at a minimum would give an employee a lot of pause. If they knew they had to get a purchase order preapproved it would make them think twice about attempting fraud.

Eben said one thing he likes about the process is what happened tonight, when the salt invoice was discussed and Duncan suggested maybe we should purchase salt ahead of time. That would not have happened if it had not been mentioned tonight. Duncan said Brian and Jason could have come to the same conclusion. They probably already had.

Duncan said he would say we should keep the process as is until we have other financial controls in place. The board agreed to continue with the current process.

22. Food Shelf Bathroom Upgrade

Brian said the food shelf bathroom has a bathtub in it that is filled with empty boxes. They would like to take it out and have more room for storage. Eben asked how they are paying for this. Brian said they have not asked for money. He assumes volunteers will do it. The board agreed to allow removal of the bathtub as long as whoever does the work has liability

insurance. Brian said the food shelf will also be asking the trustees for permission because it is a jointly owned building.

23. Marvin Award Nominations

Brian said the Marvin Awards are coming up. Do we have any candidates for the individual or project categories? Beth looked up the deadline for nominations. It is April 29. She suggested that people think about it and submit ideas to her and Brian.

24. Liquor License Approvals

Rosemary said Downtown Pizzeria has applied for second class and third class liquor licenses. They have not yet submitted an application for outside consumption. **Eben moved to approve second and third class liquor licenses for Downtown Pizzeria with the standard letter to be sent, Eric seconded and the motion was passed.**

25. Adjourn

The meeting was adjourned at 9:17.

Minutes submitted by Donna Griffiths

UNAPPROVED