

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

**Date: Monday, March 21, 2022**

**Agenda:**

**CALL TO ORDER**

**REVIEW OF AGENDA AND ANY ADJUSTMENTS, CHANGES AND ADDITIONS**

6:30 p.m. Selectboard issues/concerns

6:35 p.m. Review Invoices and Orders

6:50 p.m. Review and approve minutes of meetings past March 3<sup>rd</sup> and 7<sup>th</sup>, 2022

6:55 p.m. Treasurer's Report and review and approve bills, warrants, licenses and any action items.

7:00 p.m. Public Works Supervisor/Highway Foreman Report

7:15 p.m. Racial and Social Justice Committee Report

7:25 p.m. Review Planned Purchases

7:35 p.m. Administrator's Report, Action items, signature required items.

**Members of the Public:**

None

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

1. (D, A) Paving Projects (15 minutes)
2. (D, A) Library Memorandum of Understanding (5 minutes)
3. (D, A) ATV Agreement (10 minutes)
4. (D, A) Update on ATV Ordinance and Scheduling a Dedicated Meeting (5 minutes)
5. (D, A) Shade Tree Preservation Plan (15 minutes)
6. (D, A) Request for Conservation Commission Email Address (5 minutes)
7. (D, A) Conservation Commission Mission Update (15 minutes)
8. (D, A) Municipal Mowing (15 minutes)
9. (D, A) ARPA Rules Review (15 minutes)
10. (D, A) Cannabis Licenses (15 minutes)
11. (D, A) Review and Update Procedures for Reviewing Orders (10 minutes)
12. (D, A) Food Shelf Bathroom Upgrade (5 minutes)
13. (D, A) Marvin Award Nominations (10 minutes)

Executive Session (if needed), and Adjourn

## Town Administrator's Report

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7:35 p.m. Administrator's Report, Action items, signature required items.

**Members of the Public:**

None

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

1. (D, A) Paving Projects (15 minutes)

We need to select priority locations for paving. Likely candidates are Clay Hill and River Road West.

2. (D, A) Library Memorandum of Understanding (5 minutes)

With changes on the Selectboard and Library Trustees we need to update the designees on the MOU with the Library.

3. (D, A) ATV Agreement (10 minutes)

We have an agreement signed by our former Public Works Supervisor on behalf of the Town and VASA that the board needs to review.

4. (D, A) Update on ATV Ordinance and Scheduling a Dedicated Meeting (5 minutes)

Our attorney has weighed in on the question of how to resolve our current ordinance and the permissions granted by prior boards. They're recommend that the board takes action to assert that permissions that are not in line with the ordinance are repealed. Changes should be made by an updated ordinance or by amendments to the current ordinance.

There has also been a desire to schedule a dedicated meeting to work on the ordinance.

5. (D, A) Shade Tree Preservation Plan (15 minutes)

The Johnson Tree Board has prepared a Shade Tree Preservation Plan. This plan will help define the role and responsibility of the Tree Warden, and help provide future planning for tree management.

6. (D, A) Request for Conservation Commission Email Address (5 minutes)

The Conservation Commission would like to have a townofjohnson.com email address.

7. (D, A) Conservation Commission Mission Update (15 minutes)

The Conservation Commission has an updated on their mission statement.

8. (D, A) Municipal Mowing (15 minutes)

We are due to pursue a competitive bid process for mowing on town properties.

9. (D, A) ARPA Rules Review (15 minutes)

A review of the rules for using ARPA funds in advance of our planning meeting.

10. (D, A) Cannabis Licenses (15 minutes)

A review of the status of the cannabis licensing system.

11. (D, A) Review and Update Procedures for Reviewing Orders (10 minutes)

Would the board like to consider appointing an board member to review and report on invoices and orders?

12. (D, A) Food Shelf Bathroom Upgrade (5 minutes)

The Food Shelf would like to remove a bathtub in their bathroom in the Old Mill House. This would free up some space for additional storage.

13. (D, A) Marvin Award Nominations (10 minutes)

Are there candidates for individuals and/or projects that we'd like to nominate for the Marvin Awards this year?

## **GENERAL INFORMATION ITEMS**

### **Information Items:**

1. Sheehey Furlong & Behm: Petition of GMP for CPG for Lowell Substation
2. Rescom: Section 106 Invitation per National Historic Preservation Act and National Environmental Policy Act to the Certified Local Government
3. Business Radio Licensing Renewal

### **Budget Items:**

### **Legal Issues:**

### **VLCT: PACIF**

### **State/Federal Issues:**

### **Administrator's Correspondence:**

**Workshops:**

**Newsletters:**

**Brochures & Ads:**

**Old Business:**

1. ATV Ordinance
2. Class IV Road Policy

Adjourn

**Town of Johnson Highway/Public Works Department  
Monthly Progress Report, March 2022**

**Recent Accomplishments**

- Equipment repair and maintenance.
- Snow plowing/sanding.
- Salt truck is all calibrated and finished.
- Posted all Johnson town roads for upcoming mud season.
- Worked with Village Department on patching pot holes in the pavement.

**Current projects**

- Getting quotes for culverts and materials that we will need for the upcoming season.
- Working on trainings for doing are jobs safer.
- Working with AGC of America to get MSHA up to date and to get people trained/certifications.
- We are dealing with mud season.

**Upcoming Tasks and Projects**

- Winter road maintenance.
- Equipment maintenance.
- Take more Ash trees down.
- Trainings to Attend:  
Flagging , First Aid      J.W., R.S., M.L.,J.E

**Discuss with Select Board**

- Stocking up on gray plastic culverts and other materials that the prices are going up on.

Report by Jason Whitehill, Town of Johnson Highway Department/Public Works Foreman

Item	Department/Use	Cost	Code	Quotes
Old Mill Park Repairs and Improvements	Recreation	\$1,215	50-7-75-50.00	Facilities Maintenair See attached
Bike Repair Station for TAWC	Recreation	\$1,520	50-7-10-65.06	Trailhead Building G See attached
Culverts for Stock	Public Works	\$14,802	50-8-45-57.01	Culverts
Plant Mix	Public Works		50-8-40-57.08	Mud Abatement
3/4 Stone	Public Works		50-8-40-57.08	Mud Abatement

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made and entered into October 18, 2021.

**BETWEEN:** Johnson Public Library and the Town of Johnson, Vermont.

**PURPOSE AND SCOPE:** The purpose of this MOU is to clearly identify the roles and responsibilities of each party as they relate to the oversight, care, and maintenance of the Johnson Public Library facility. Specifically, this MOU describes the way in which the parties will collaborate in the care of the library.

**BACKGROUND:** The Johnson Public Library was started in 1895, with a nucleus of a few old books left from a former circulating library and \$100 worth of books donated by the State of Vermont in accordance with an act of the Legislature of 1894. The citizens of Johnson voted to support the library with a contribution of \$50 annually at the 1895 Town Meeting. By 1899 this collection was being managed by a group of eighteen women who comprised the Oread Literary Club.

It was the Oread Literary Club who raised the funds to build the current brick building on the lot on Railroad Street which was donated by Mr. and Mrs. Charles Stearns in 1909. In 1941, the club doubled the size of the building, adding a reading room, a kitchen and a cloak room. The Oread Literary Club transferred ownership of the library building to the Town of Johnson on January 17, 1983.

Furthermore, it is recognized that beginning in the late nineties the Johnson taxpayers began making financial contribution to the operation and maintenance of the Johnson Public Library. That support continues today.

### **UNDERSTANDINGS:**

It is mutually understood and agreed by the parties of the Johnson Public Library Trustees (Trustees) and the Town of Johnson Select board (Town) that: The Johnson Public Library is a town building and shall be maintained and respected as such.

- Primary Contacts
  - The Town will be responsible to designate a primary point of contact listed below.
  - The Trustees will designate a primary facilities liaison as well as list the Trustee Chair listed below.
- Operation
  - The Trustees will be responsible for an annual submission of an operating budget to the Selectboard by no later than the last business day of November of each year.
  - The Selectboard will review the Trustee budget, final authorization for incorporation into the Town submitted budget is reserved to the Selectboard.

- Building Maintenance
  - The **Trustees** shall be responsible for smaller internal items and day to day maintenance including such things as lightbulb changing, trash removal, small plumbing projects (ie. clogged sink/toilet) or projects under \$1,000 (and within the allocated annual budget).
  - Larger Projects will be budgeted for in the town's building reserve fund.
  - While the Town will take responsibility for the expense of larger projects (internal or external) all planning should be done **in collaboration** with the Library Director and Trustees to ensure the safety of library patrons and staff and that the projects meet the overall vision of the Trustees (ie. Historical building and specific use).
  - Maintenance shall not be understood to include structural changes to the interior or exterior of the library or grounds.
  - **Trustees** will be required to gain prior consent from the Selectboard before entering or negotiating any contracts for the purpose of internal structural changes of the library, any exterior changes of the building, or of the grounds owned by the Town.
  
- Cleaning
  - The **Trustees** will be responsible to ensure that the library is cleaned regularly. This may include, but is not limited to: hiring a contractor, including the duties in a willing staff member's regular duties, or working with the **Town** to include in an overall cleaning contract.
  
- Grounds
  - The **Town** shall be responsible for mowing in the Town's ground's contract.
  - The **Town** shall be responsible for plowing, clearing the parking lots, and clearing the end of the ramp.
  - The **Trustees** will be responsible for ensuring that the ramp is shoveled/sanded.
  - The **Town** shall be responsible for maintaining the driveway, grounds, and parking areas to create safe passage for patrons (ie. potholes to avoid turned ankles, sinkholes, etc.)
  - The **Town** shall be responsible for any external flood cleanup.
  - The **Trustees** shall be responsible for planting any flowers/shrubs within the berm and ramp area.
  
- Annual Inspection:



- An Annual Inspection Committee including 2 Trustees, the Library Director, the Town Administrator (and/or a designee) shall inspect the building annually at a minimum or when deemed necessary by the Selectboard.
  - A five-year maintenance plan will be created and updated within 45 days of the annual inspection. This plan will be prepared and updated by the Trustees annually and signed by all members of the Inspection Committee.
  - This plan will be presented to the Town Selectboard, by the Trustees, no later than 90 days after inspection.
  - The Selectboard will review and vote on renewing this MOU upon receiving the inspection report.
  - 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.
- Flooding
    - During anticipated floods the **Library Trustees and Staff** are responsible to take all internal measures to mitigate damage to the extent possible. Examples include - ensuring all property is above 3 feet, ensuring the sump pump is working and barring the back door.
    - At the direction of the **Town Administrator** or the **Emergency Management Director** the **Town's Public Works** will be responsible for coordinating any outside preparation including providing and installing sandbags.
    - The **Town's Emergency Management Director or Designated Team Member** shall designate someone to communicate and lend assistance in the event of flooding.
    - The **Town's Emergency Management Director** shall direct staff (public works or fire) to assist in the protection of public property at the library. This could include assistance with directing or removing water from the building. The library property is recognized as important public infrastructure, and it is acknowledged that it falls below the protection of life and safety. The Town Emergency Management Director will retain sole discretion for the direction of resources, while recognizing the value and importance of the Public Library to the community.
    - The **Emergency Management Director** may direct the Fire Department or other designees, to assist in clearing the basement of floodwater.
    - The Trustees will work with the Town to assess the cleanup and hire professional sanitizing/cleaning services as necessary beyond the current contracted cleaning service.

Designated Contacts:

Sabrina Rossi, Library Trustee Chair – 605-645-6890 (cell)

Jasmine Yuris, Facilities Liaison - 860-608-4673,

Jeanne Engel: Library Director - 635-2150,

Town Administrator  
Emergency Management Director  
Emergency Management Team Member  
Selectboard Designee

Approved:

_____	_____
Town Administrator	Date
_____	_____
Emergency Management Director	Date
_____	_____
Selectboard Chair	Date
_____	_____
Library Director	Date
_____	_____
Library Trustee Chair	Date

Approved by the JPL Trustees at the 3\_9\_22meeting.

**VASA TRAILS PROGRAM PROJECT RESOLUTION OF COMMITMENT FROM  
MUNICIPALITY**

*for projects involving Class IV Town Highways*

Whereas: The VASA Trails Program, administered by the Vermont ATV Sportsman's Association provides resources to non-profit trail organizations and municipalities for eligible recreational trail improvement projects.

Whereas: Eligibility for trail project resources is limited to recreational trails only and such resources shall not be used for road projects that result in roads suitable for travel by regular passenger vehicles.

Whereas: The recreational investment represented by a VASA Trails Program resources must be protected for the useful life of the investment.

Whereas: The project sponsor, has proposed a recreational trail project described generally as (title of project/trail name) on Class IV Town Highway (TH#) (name of Class IV Highway road) of the Town of *Johnson Vt*

BE IT RESOLVED THAT the Town of as represented by the Select Board is in full support of the project referred to herein; agrees to continually allow the referenced recreational activity to occur on the town highway for the useful life of the investment, (number of years) from the date of the agreement; and VASA commits to maintaining the funded recreational improvements in useful repair for their useful life as defined above.

BE IT FURTHER RESOLVED THAT if the Town should allow additional improvement to the affected length of highway to accommodate uses other than the referenced recreational activity, those uses shall not preclude the intended recreational activity for the stated useful life of the recreational investment.

BE IT FURTHER RESOLVED THAT the Town understands that failure to fulfill the stated commitments may result in having to return VASA funds used on the project.

*Hog Rd + Coddin Hollow Rd*  
CERTIFICATION

I (authorized person of the municipality) hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted by:

X  *7/26/21*

Authorized Signature of the Municipality

*Hugh Albright Road foreman*  
Printed Name & Title of the Authorized Official and Date of Signature

# Shade Tree Preservation Plan

Town of Johnson

DRAFT – March 17, 2022

The Town of Johnson, Vermont recognizes the amendments to the Vermont tree warden statutes as made effective on Nov. 1, 2020. [Bill H.673](#) passed in the house and the senate as Act 171 in September of 2020 and was signed into law on Oct. 8, 2020. The bill amended [24 V.S.A. § 871](#), [24 V.S.A. chapter 67](#) and [19 V.S.A chapter 9](#), § 901-904. A [summary of the act](#) prepared by the Office of Legislative Counsel is available for the convenience of the public.

For consistency and clarity, the Town of Johnson Shade Tree Preservation Plan references legal definitions as provided in [24 V.S.A. §2501](#) and referenced below:

- 1) "Public place" means municipal property, including a municipal park, a recreation area, or a municipal building. "Public place" shall not include any municipal forestland or property that is subject to any ownership interest held by the Agency of Transportation.
- 2) "Public way" means a right-of-way held by a municipality, including a town highway.
- 3) "Shade tree" means a shade or ornamental tree located in whole or in part within the limits of a public way or public place, provided that the tree:
  - A. was planted by the municipality; or
  - B. is designated as a shade tree pursuant to a municipal shade tree preservation plan pursuant to section 2502 of this title. (Added 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

The Shade Tree Preservation Plan as follow is pursuant to [24 V.S.A. §2502](#) and allows for designation of shade trees beyond those planted by the municipality by individual tree or zone. The Town of Johnson includes all municipally planted trees in public ways and places as shade trees, as outlined above and in [24 V.S.A. §2501](#). Additionally, the Town of Johnson designates two other zones to include shade trees:

- A) all trees on municipally-owned property as shade trees, regardless of their planting history. These trees provide a public good to all residents; protecting their health and longevity supports the investment the municipality has made in these locations. As specified in [24 V.S.A. §2501a](#) , such designation does not include municipal forestland, including the town forest. For clarity, all trees on the following municipally-owned properties are designated as shade trees by virtue of this document:

Parcels in the Town of Johnson: Town Garage, Prindle Lot, Journey's End, Holcomb House, Mill Park, Gravel pit off River Road East, Arboretum, Strip of land along Lamoille just downstream of RR Street bridge, Gomo Town Forest, the Transfer station land on Wilson Road, corner piece at intersection of Mackey Road and Ben Ober Rd. (formerly the school site), Legion Field, Johnson Public Library, 0.22 ac lot on Wilson Rd, Johnson Skate Park, picnic area on Rt 15 west of town, light industrial park (Jewett), McCuin Island, Beard Recreation Park.

15 parcels in the Village of Johnson Village: Johnson Municipal offices, Town green, corner lot including NW corner of Elementary school, 0.2 ac filter on Upper French Hill, artesian well lot across Rt 15 from Nadeau Gravel, inholding on Smith Brook, Reservoir Property, Reservoir Property inholding, Clay Hill building, Cold Spring, Water tank on Clay Hill, Power House lot on banks of Gihon River, Village garage property (talc mill), Wastewater treatment plant (and fire station), municipal water plant off Wescom Road.

- B) all trees in the municipal 3-rod (49.5 feet) right-of-way along Swamp Road, Ben Ober Road, and Upper French Hill Road from Waterman Road southeast to the town line. These trees provide important aesthetic, scenic, and cultural values on the rural roads of Johnson to the resident and commuters who use them.
- C) all trees planted in the 5-rod (82.5 feet) State right-of-way of Lower Main Street East and Lower Main Street West, also called Route 15 in Johnson Village, as described in Amendment #5 to the Cooperative Agreement Johnson STP 030-2(21) & STP EH05(36); STEP 030-2(25) – Contract No. CA0159, dated June 8, 2011
- D) All trees planted in the 5-rod (82.5 feet) State right-of-way along Rte. 100C between Main Street and School Street at the Power House Covered Bridge.

The Shade Tree Preservation Plan as follows is pursuant to [24 V.S.A. §2502](#) and is composed of five required elements (1) through (5) below.

(1) Programs for the planting of new trees and shrubs.

The Tree Board will meet in the spring to create or review an annual tree planting plan. Residents interested in recommending a new municipal tree planting locations are invited to attend. Any proposed planting by a landowner in the right-of-way will be reviewed by the tree warden at this time.

Any tree planting will be preceded by a site visit from DigSafe to mark underground utilities.

(2) Programs for the maintenance of shade trees.

Annually, the tree warden and tree board will review the yearly shade tree maintenance needs on municipally-owned land. The Tree Board will prune, weed, and mulch municipal shade trees to the extent of their abilities and the equipment at hand. If shade tree maintenance cannot be performed by the tree board (for example, the maintenance requires tree climbing, use of a bucket truck, or use of other specialized tools used in arboriculture), the tree board will work with the Village & Town to hire a qualified arborist to perform the maintenance in accordance with municipal procedures for hiring contractors. All shade tree maintenance will endeavor to meet American National Standards Institute ([ANSI A300](#)) tree care specifications.

Furthermore, no mechanical trimming with brush hogs should be used to trim or cut any roadside trees within the municipal right-of-way or on municipal property.

Maintenance needs for shade trees in the municipal right-of-way Swamp Road, Ben Ober Road, and Upper French Hill Road from Waterman southeast to the town line will be reviewed annually by both the tree warden and the Town Highway foreman by visual inspection.

Trees, shrubs, or plants identified as [invasive or noxious weeds](#) in the State of Vermont plants may be removed as part of shade tree maintenance initiatives.

(3) Apportionment of costs for tree warden services provided to other municipal corporations.

The Town of Johnson does not anticipate that it will provide the services of its volunteer tree warden to other municipal corporations. Should the situation arise, the hourly rate for the tree warden's services would be commensurate with the rate for a professional arborist.

(4) Approval requirements for tree maintenance or removal on specific municipal property as granted by municipal officers or legislative bodies other than the tree warden.

Several municipal entities govern locations in Johnson that host municipal shade trees. Approval for maintenance or removal of shade trees in the following specific locations must be granted by both the tree warden and:

- the Village of Johnson Electric (or "Village Electric") manager when municipal shade trees are within 10 feet of overhead utility lines within municipal rights-of-way managed by Village of Johnson Electric;
- the Lamoille View Cemetery Board chair when municipal shade trees are within the boundaries of the Lamoille View Cemetery;
- the Johnson Skate Park Committee chair when municipal shade trees are within the Johnson Skate Park.

Shade tree management will be reviewed yearly by the tree warden, the tree board, and these entities. Any money invested in shade trees will be communicated to the entities listed above.

(5) Processes, not inconsistent with [24 V.S.A. chapter 67](#), for removal of:

(A) diseased, dying, or dead shade trees

(B) any shade trees that create a hazard to public safety, impact a disease or insect control program, or must be removed to comply with State or federal law or permitting requirements.

In addition to all procedures outline in [24 V.S.A chapter 67](#), The Town of Johnson requires that removal of a shade tree be authorized by written approval of the tree warden.



## JOHNSON CONSERVATION COMMISSION

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.

Request for process: We request that the Selectboard make it their policy that formal comment from the Conservation Commission be a required component of any development idea or proposal on town property.



# Request for Proposals Groundskeeping Services for Town of Johnson

The Town of Johnson requests proposals from qualified groundskeeping contractors to provide mowing and groundskeeping services for the town properties.

Contractors submitting a proposal will be expected to be able to:

- Mow and trim all listed sites on a regular fixed schedule to the standard of approval by the Town;
- Maintain General Liability Insurance, Workers Compensation Insurance, and business equipment insurance, and furnish proof of such policies to the Town of Johnson;

Current municipal groundskeeping sites:

Municipal Offices

Public Works Facilities

Legion Field

Johnson Arboretum (Duba Field)

Beard Park Recreation

SkatePark

Old Mill Park

Evergreen Ledge Cemetery

Whiting Cemetery

Plot Cemetery

Village Green

Fire Department

Cold Spring

Any contractor who submits a proposal must be willing and able to fulfill the assigned requirements of this contract and shall follow all Town of Johnson standards for equal-opportunity employment and non-discrimination practices.

## Proposal Submittal

If the submitting contractor has not already been employed by the Town of Johnson, the proposal must include a minimum of three professional references.

Please direct any questions regarding proposal submission to the Johnson Town Clerk's Office.

Completed proposals must be received no later than April 29th at 4pm and delivered by email or in person to:

Brian Story

293 Lower Main West

Johnson, VT 05656, or

[tojadministrator@townofjohnson.com](mailto:tojadministrator@townofjohnson.com)

and be clearly marked “Lawn Mowing and Landscaping Services”

NOTE: The Town reserves the right to reject any and all proposals. Proposals received after this deadline may be refused and deemed ineligible for consideration.

### Selection of Contractor

The Town of Johnson reserves the right to accept a proposal and enter into an agreement as a result of the initial proposals received, or alternatively, it may elect to conduct negotiations with those Bidders as determined by the Town, to be within an acceptable competitive range, or alternatively, to negotiate separately with any Bidders when it is determined to be in the best interest of the Town. In addition, the Town may request that Bidders provide a best and final offer. The Town may negotiate any proposal or best and final offer at any time after the deadline for the submission of proposals.

### Proposal Requirements and Examination of Work to be Performed

The contractor is required to thoroughly examine the request for proposal requirements and the work contemplated, and it will be assumed that the contractor has investigated and is satisfied as to the requirements. It is mutually agreed that submission of a request for proposal shall be considered evidence that the contractor has made such examination.

Before submitting the request for proposal, the contractor shall examine the scope of work and visit the site of the work to become familiar with the working conditions and the exact nature and extent of the work taking into account any special or unusual features peculiar to this project. By submitting a proposal, the contractor, if selected for award, shall be deemed to have accepted the terms of this RFP.

### Scope of Work

#### 1. GENERAL PRACTICE GUIDELINES FOR MATERIALS AND EXECUTION

- a. Contractor shall furnish all labor, equipment, and materials necessary to complete the maintenance of sites, as specified herein. It is the intent of the Town that these sites be maintained in a resource-efficient, sustainable, and cost-effective manner.
- b. Maintenance shall consist of spring turf clean-up, pruning, mowing, weed-control, and any other procedures consistent with good mowing landscaping practice necessary to ensure normal, vigorous, and healthy growth of turf and plantings.
- c. All turf shall be mowed with professional quality turf-mowing equipment.

d. Contractor shall visually inspect all landscape areas monthly from April through September to identify potential area problems, including pests, rot, re-seeding, and mulching and will provide a record to the Town of any site management recommendations.

## 2. MATERIALS AND EXECUTION – TURF MAINTENANCE

a. All turf will be mowed with professional quality turf mower equipment. Pricing assumes that the reasonable removal of clippings and debris is included in the bid estimate.

b. Prior to each mowing, remove all litter and debris from lawn areas. Formal turf areas shall be mowed per the schedule agreed upon with contract acceptance.

c. Alternate mowing direction where feasible every mowing. Maintain a uniform lawn height free from scalping.

d. The Town and the Contractor will evaluate and determine any areas that require excessive removal of clippings or debris on a regular year-round basis.

e. Contractor is responsible for any damage incurred as a result of mower damage to trees and shrubs and must repair or replace any such damage at no cost to the Town.

## 3. TURF EDGING AND TRIMMING

a. Mechanically trim all landscape edges as needed. Edges include all fencing perimeters, stone walls, cemetery stones, and tree wells in lawn areas.

b. Trim all formal lawn areas that cannot be reached by a mower after each mowing. Areas to be trimmed include any lawn adjacent to poles, signs, bollards, trees, walls and all other obstacles. Perform trimming to the same height as mowing. Clean debris from hardscapes and non-turf landscape areas, remove larger debris.

c. Contractor is responsible for any damage incurred as a result of trimmer or edger damage to trees and shrubs and must repair or replace any such damage at no cost to the Town.



# VLCT Summary and Analysis of the Coronavirus State and Local Fiscal Recovery Fund (ARPA) FINAL RULE

The U.S. Treasury's [Coronavirus State and Local Fiscal Recovery Fund Final Rule](#) (issued in January, 2022) is a 437-page document that adopts and amends the Interim Final Rule (issued in May, 2021). In January, 2022, Treasury also published its 44-page [Overview of the Final Rule](#).

VLCT here presents a concise digest for our busy members. The information shown in regular text under each heading is our summary and review of the most relevant sections of the Final Rule, and ***the blue italicized text below each section is our analysis.***

***Please Note:*** *This analysis should not be considered legal advice, nor should it be considered authoritative expertise on how ARPA (American Rescue Plan Act) funds may be used. The Vermont League of Cities and Towns (VLCT) is providing its members with this analysis based on our understanding of the law, the final rule, and input from our state and federal partners.*

- ***The Final Rule.*** The final rule takes effect April 1, 2022. Until then, the interim final rule remains in effect. However, recipients can choose to follow the final rule instead with no penalty.

***Towns, cities, and villages may choose to follow the final rule from this point forward, since it is allowed by Treasury with no penalty and provides far greater flexibility in uses of funds.***

- ***Final Rule Changes.*** Treasury is now permitting recipients to determine the amount of revenue lost due to the pandemic **either** according to a formula **or by claiming a standard allowance of up to \$10 million** (for the entire performance period). Treasury **presumes** that up to \$10 million in revenue has been lost due to the public health emergency. Therefore, recipients are permitted to use that amount (not to exceed the award amount) to fund "government services."

Government services can include, but are not limited to, maintenance of infrastructure or pay-go spending for building new infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; environmental remediation; and the provision of police, fire, and other public safety services.

*VLCT's analysis suggests that any municipality that received less than \$10 million in ARPA funding may choose to use their entire award to replace lost revenue ([Expenditure Category 6.1 Provision of Government Services](#)). A municipality does not need to demonstrate the loss (it is "presumed" by Treasury). This approach provides the most flexibility in spending and streamlined reporting requirements.*

- **Reporting to Treasury.** The first Project and Expenditure Report for Non-Entitlement Units of government (NEUs) and South Burlington will be due to Treasury by **April 30, 2022**, covering the period from March 3, 2021 to March 31, 2022. Based on the information in the [Project and Expenditure Report User Guide](#), recipients will have the option to make a **one-time irrevocable decision** to elect the "Standard Allowance" of up to \$10 million, not to exceed the award allocation, to spend on government services throughout the period of performance.

*VLCT's analysis suggests that towns, cities, and villages might benefit from not spending any of their ARPA funds until after March 31, 2022 (the end of the first reporting period), if possible. This will provide the time to see if additional clarification (through an updated Treasury FAQ) and/or guidance will be released by Treasury.*

*For municipalities wishing to spend prior to March 31, 2022, or who have already spent funds, electing the standard allowance will provide the most amount of flexibility now and going forward. Electing the standard allowance will create the least amount of administrative burden on the reporting side.*

*VLCT has hired a new Government Finance Specialist, who is an expert in Vermont municipal finance, to join its team. VLCT will be working internally and with its external government finance partners to draft additional guidance and best practices for accounting for your ARPA award in your general ledgers, given the new standard allowance for revenue loss.*

- **Community engagement.** Although there is no change in the requirement to carry out community engagement for your ARPA award, like the Interim Final Rule, it is implicit throughout the Final Rule.

*VLCT's analysis suggests that the intent of this funding is tied directly to the impacts of the pandemic. Communities may wish to therefore conduct engagement activities that identify the best way to respond to the pandemic and plan for long-term recovery. Communities with well documented and planned capital needs assessments and/or capital plans in place may have a clear roadmap of how to spend additional funds. However, a community may wish to ask whether the pandemic and the pandemic response were considered before such capital needs assessments or capital plans were created and reevaluate them using this new perspective.*

*Since there is now such broad discretion on how ARPA funds can be spent, given the standard allowance for revenue loss, educating your residents and inviting them to join local ARPA conversations becomes more important than ever. VLCT has seen*

*communities hold dedicated selectboard meetings aimed at seeking community input, issue community surveys, and form ARPA advisory committees of interested citizens.*

*Should your community choose to form an ARPA advisory committee to help with gathering feedback to advance the prioritization planning/process for your community, VLCT is creating an ARPA Advisory Committee formation toolkit to help you. It will be available on [our ARPA webpage](#) in February 2022.*

*If municipalities demonstrate best practices in deciding how to spend this funding, responsibly spend this funding, and properly account for the spending, it may increase the likelihood of future federal-local funding partnerships.*

- **Continue to be patient.** Aside from the new flexibility and simplicity provided for smaller communities in the Final Rule, not much else has changed. Prioritize good governance. Leverage your ARPA aid. Invest in best uses for long-term recovery.

*VLCT recommends you continue to take time to be thoughtful and strategic in planning how you will put this unprecedented funding to work in your community. Your decisions should prepare your community for the next disaster, position future generations for success, and, whenever possible, help grow your Grand List.*

*As you make plans to spend your ARPA award, you might consider:*

- *Opportunities to leverage your ARPA award – **save some of your ARPA award** to serve as match that will be necessary for other grant programs (both forthcoming new ones and existing ones) to achieve community goals*
- *Goals identified in your **Town Plan** to help prioritize your spending*
- *If carrying out infrastructure projects with your ARPA funds, what future planning can be incorporated into the project concept and design to **achieve multiple priorities** – like laying conduit for fiber, sidewalks, considerations for a future public water or sewer system, etc.*

*Based on the hundreds of municipal inquiries VLCT has received to date regarding local ARPA funding, below is a non-exhaustive list of items that many communities throughout Vermont are considering in their spending plans:*

- **Investments to improve municipal business operations:**
  - *Implement cybersecurity measures*
  - *Purchase hybrid meeting equipment*
  - *Connect public buildings to broadband, as appropriate*
  - *Digitize land records*
  - *Make capital improvements to municipal buildings: ventilation, weatherization, fire safety (as appropriate - sprinklers, centrally monitored alarm systems),*

*code upgrades including ADA compliance and measures to ensure continuity of operations during future disasters*

- *Implement software changes to streamline operations and enable remote work*
  - *Create or enhance official town websites to strengthen communications with residents*
  - *Create a formal Capital Plan*
  - *Seed a town administrator position to source grant opportunities to help fund projects in your community and coordinate efforts between local officials for deep efficiency and impact*
- ***Investments that revitalize a community, making it a better and safer place to live for existing residents and to help in attracting new ones:***
- *Outdoor recreation (trails, parks, green spaces, recreational facilities, etc.)*
  - *Diversity, equity, inclusion (DEI) measures to make a community more welcoming so everyone feels like they belong*
  - *High-quality affordable childcare to support working residents*
  - *Landbanking and other measures to support housing development to grow the tax base*
  - *Acquisition and rehabilitation of abandoned properties or greening them*
  - *Improvements to bike and pedestrian safety*
  - *Improvements to community gathering spaces*
  - *Support for local non-profits doing excellent work that benefit residents*

As always, please do not hesitate to email [ARPA@vlct.org](mailto:ARPA@vlct.org) to ask questions or seek additional guidance.

*Remember that this analysis should not be considered legal advice, nor should it be considered authoritative expertise on how ARPA (American Rescue Plan Act) funds may be used. The Vermont League of Cities and Towns (VLCT) is providing its members with this analysis based on our understanding of the law, the final rule, and input from our state and federal partners.*





# Jim Marvin Awards

## Criteria

The Lamoille County Planning Commission is seeking nominations for its annual Jim Marvin Awards for “Excellence in Project Design” and “Excellence in Community Service.”

### **EXCELLENCE IN PROJECT DESIGN: projects that contribute to the community and/or the built or natural landscape.**

#### **Eligibility Criteria:**

- must be located in Lamoille County
- must have been completed within the past calendar year
- must be in compliance with all state and local permits
- may be either publicly or privately owned
- may be a physical building, park, easement, etc.

#### **Judging Criteria:**

- overall project design
- appropriate use of site
- landscaping
- compatibility with surrounding land uses
- environmental protection considerations
- contribution to the community

#### **Examples:**

- library addition
- community recreational path
- conservation of local forest

### **EXCELLENCE IN COMMUNITY SERVICE**

#### **Eligibility Criteria:**

- Individuals, groups or organizations can be nominated for contributions to the community or to a particular project.
- must live or be located in Lamoille County
- must be completed, must be currently in operation, or must be currently involved in community service.

**Judging Criteria:** this is a broad category and individuals in social services, agriculture, natural resource stewardship, development and many other categories are all eligible for nomination. Nominees will be judged on their overall regional and/or community benefit.