

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MAY 2, 2022

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

Others present in person: Brian Story, Rosemary Audibert, Spencer Leggett, Kyle Nuse, Jen Burton, Neil Shepard, Margo Warden, Jackie Stanton, Dick Simays, Lois Frey, Kirsten Owen, Jan Gearhart

Others present via Zoom: Ken Tourangeau, Casey Romero, Tina Bidwell, Shona Sladyk, Diane Lehouiller

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 / Selectboard Issues & Concerns

Eric said he would like to add discussion about the economic development coordinator position to the agenda.

Duncan said he thinks we owe Frank and Giselle Eldred some response to their email. Beth said she has responded. Duncan suggested that she tell the board about her response. He may have additional comments based on what the response was. (*Mark arrived at 6:35.*)

Duncan said he thinks the emails received from residents about ATV signs should be responded to by someone. Mark said he would agree. Brian said he would be happy to respond to them. He thinks it would be appropriate to ask the public works crew as they are going around town to make a more complete inventory of signs the ATV club has put up and make sure they are in compliance with our ordinance. Duncan said one of the pictures sent looks like it is on an electric utility pole. It is a violation of state law to put signs on a utility pole. Brian said we will fix the signs we have been alerted to that are out of compliance and keep an eye out for others and he will respond to the people who informed us about incorrect signs.

Mark asked if we know who put the signs up. Brian said he believes most have been put up by the ATV club. We might need to reevaluate the practice of letting them post signs. It appears that a number have been incorrectly posted. Mark said it seems to him that we would want to tell the club when we take their signs down so they don't put them up again in the same places. Brian said we will be in touch with them, and the signs belong to them so we will return them to the club. (*Spencer Leggett arrived at 6:45.*)

3. Review Invoices and Orders

The board reviewed and discussed invoices and orders.

4. Review and Approve Minutes of Meetings Past

Duncan said in the minutes of April 18 Dick Simays' name should be replaced with Dean West, Tom Carney and Donnie Garrett should be listed as present, and Mark's comment about \$10 million in ARPA funds should be removed as he was not serious. (*Jen Burton*

arrived at 6:49.) **Duncan moved to approve the minutes of April 1 and April 18 with the suggested changes, Eben seconded and the motion was passed.**

5. ***Treasurer's Report / Review and Approve Bills, Warrants, , Licenses / Any Action Items***
Rosemary said Minema Gallery has applied to serve alcohol at an event on May 13 from 5:00 pm to 7:00 pm. **Duncan moved to approve the license for Minema Gallery to serve alcohol on May 13 from 5:00 pm to 7:00 pm with no conditions and the motion was seconded and passed.**

Brian said we received a few bills recently totaling about \$10,000 from CAI Technologies, the software company that handles our GIS mapping system. That is considerably more than we normally pay annually. The last few years we have been paying less than in the past. It appears that some maintenance work wasn't happening and we weren't being charged and now we are being charged for it all at once. He and Rosemary will review our contract with them and get more details about why the maintenance work wasn't done and why we are being charged so much now. He doesn't think they are back charging for work that was previously done. He thinks they are doing work now that should have been done previously and charging us for it now. Duncan asked, they didn't communicate about it, they just did the work and billed us? Brian said yes. (*Kyle Nuse arrived at 6:53.*) Beth said we budgeted \$2,500 for payments to them. Brian said he will look into it and get back to the board. (*Neil Shepard arrived at 6:57. Margo Warden arrived at 6:58.*) Duncan said if nothing else we should be able to spread the payments over this fiscal year and the next fiscal year. It bothers him that they did not let us know of their plans. We might have directed them to do the work in a different fiscal year. Eric said the unexpected charge for this is concerning given that last month we heard about an overrun in gravel costs for mud season.

6. ***Review Planned Purchases***

Brian said no purchases in excess of \$1K are planned for the next two weeks.

7. ***Purchase of Surplus Salt***

Brian said the board already approved a spending allotment for salt so he did not feel the need to count that as an additional new purchase. We are going to finish out the contract we have with our salt supplier, which was for 600-some tons at a given rate. The prices for salt and shipping are going up and we did not buy the whole allotment of salt due to the mild winter, changes to the salt spreader and the use of brine. We plan to get the rest of the amount allotted and have a surplus of salt in stock. The cost will be about \$18,000.

Eben brought up the repairs needed to the salt shed to keep water out of it. Brian said those repairs are going to be done. Eben and Brian agreed it is important to get those repairs done in order to mitigate loss of salt as much as possible.

Eben asked where the \$68K we spent for material for mud season is coming from. Brian said even including that cost we should still have a surplus at the end of the year. Beth asked, the projected surplus for the end of the year is \$28K? Brian said yes. Beth said with the bills from CAI it is more like \$18K. Duncan asked if the estimated amount includes an amount to be applied to taxes in the upcoming year. Brian said he believes that is already taken out. Rosemary agreed. Duncan asked if any of the surplus funds are allocated to other areas. Brian said we agreed to put money in the capital equipment fund, the tax anticipation reserve fund and the reappraisal fund and to use some to reduce taxes. (*Jackie Stanton arrived at*

7:08.) Most of the funds we planned to dedicate to those purposes come from the prior year surplus so they are settled funds. He believes we are in good shape for all our projected reserves. Beth said we probably won't be able to put as much as anticipated into the capital equipment reserve fund at the end of the year. We should look at the effect of that on the capital equipment plan.

Duncan said he thinks it would be legitimate for us to consider whether we want to spend \$18K on salt. If that impacts reserve funds, that could cost us money in the long term. Beth said we already made the decision to go ahead with the salt purchase. Duncan said he doesn't think we approved it. He thinks Brian was given direction to look at the overall budget, not just that line item. Brian agreed. That is what he has done. The overall budget still looks pretty healthy. Beth asked if we want to hold off on the salt purchase or discuss it further. Duncan said if Brian is correct that we are in good shape he would say we should go ahead with it. Other board members agreed that we should go ahead with the salt purchase. (*Dick Simays arrived at 7:15.*)

Duncan suggested that it might make sense for him and Mark, as new board members, to meet with Brian to review the budget.

8. *Planning for Public Input on Use of American Rescue Plan Act Funds*

Brian said we filed our ARPA report and requested the standard deduction. We are receiving our whole allotment as revenue replacement. It will go into our budget. The big component we have not yet tackled is working with the public on the best possible uses for these funds. It is a recommendation of the federal and state government and the advice we have to get public input. We have to figure out how to solicit that input. Have a dedicated meeting? Take time for it at regular meetings? A suggestion box in the lobby? He suggests identifying some highest priority items and doing some surveys to try to narrow it down to the best possible use. He thinks starting to brainstorm at selectboard meetings would be a good way to set the stage for what our options are.

Mark said people don't tend to come to special meetings. He is in favor of rolling this discussion into regular selectboard meetings. Beth said he thinks should also do an electronic survey and verify that respondents are residents and probably have a box in the office with a paper survey form as well. Mark said he thinks we could put a notice on Front Porch Forum with a link to the survey. Eric said the money will come into the current year's budget and our proposals to spend it will be in the proposed budget for next year. At the point that budget is being approved we will hear from people that are different from what is in our proposed budget. (*Kirsten Owen arrived at 7:22.*)

Brian asked if we should discuss possible uses at our meetings and then use that information to make a survey or do both at once.

Duncan said the standard budget process would be as Eric described. A surplus would go into the next year's budget and voters passing the budget would be approval of the proposed spending. But he talked to Katie Buckley, the VLCT coordinator on ARPA, and she had a different take on that process. Her opinion is that the selectboard ultimately has authority on how those funds are spent. It does not need to be treated as voter-approved surplus. Beth

asked, so we could have a different ARPA budget? Duncan said she said that it is different because the funds were not raised by taxpayers. He thinks we should have Brian further investigate the nuances. Brian said there are some accounting questions he still has, including how this is different from a cash surplus. Beth asked if there is any way we need to handle it from an accounting perspective. Rosemary said she currently has it in a separate fund.

Beth suggested planning to discuss uses of ARPA funds at one of our June meetings and possibly having a second discussion in August or September. She thinks we could get a survey out and advertise it once a month until the last meeting where we seek input. Brian said we could make an electronic survey that is open-ended and start with it now. Eben said he thinks anyone who is passionate about spending in certain areas will make time to come to one of our meetings. With an electronic survey someone could log on and fill it out multiple times. He doesn't think it directs the board in a good way. Beth said she disagrees. Eben said anyone in the community can connect with every board member. Brian said he thinks an electronic survey will be an essential part of public input. It accesses a different audience. His preference is to brainstorm and come up with ideas at meetings and use the survey to help refine the ideas rather than start the discussion with a survey.

9. *ATV Law Enforcement Updates and Potential Options*

Brian said at the last meeting a lot of people talked about wanting to see enforcement of the ATV ordinance. The Green Mountain ATV club has expressed support for using the constable for enforcement. Their preference would be to pay for enforcement time and equipment for the person and to have the board hire and train the person, rather than them paying for the training. They are concerned about paying to train someone when the board makes decisions about the person's employment status. We could let them go and then ask the club to pay for the next person to be trained. (*Jan Gearhart arrived at 7:34.*)

We had also discussed what the law enforcement options were for our constable. The constable position was changed at the 1996 town meeting from elected to appointed. Brian could not find any evidence of the town voting to restrict the law enforcement authority of the constable. That seems to be a practice that the town adopted at about the same time the position changed to being appointed. It appears that this was something we chose to do but were not required to do so we are not bound by that limitation.

Eric said when it was an elected position as soon as someone was elected they came in with all their arresting powers. Once we changed it to appointed they could only have those powers after attending the police academy. We wrote up a job description that excluded any arresting powers or any powers not given by statute. The position became mostly an animal control officer.

Brian said for the constable to have law enforcement authority we have to grant it to them and they have to get training at the academy. That does appear to be an option for us. He has not been able to locate the job description for the constable position. Beth said it is an option provided the person has law enforcement training and certification. Brian agreed. He said VLCT has some advice on language our ATV ordinance should include if our primary enforcement mechanism is expected to be the local constable.

Duncan said it is not clear whether the VLCT attorney was fully cognizant of the fact that the voters authorized appointing rather than electing a constable. He believes once the board is authorized to appoint someone the board is also authorized to create a job description. The job description we have had for 30 years would limit the constable's authorization to do law enforcement. He feels that in addition to having to receive minimum training to exercise law enforcement abilities the board would also be required to modify the job description. Beth said a job description sets expectations but doesn't inhibit or prohibit your ability to serve in specific ways. She doesn't think anyone's job description fully describes the job they do. She doesn't think a job description would be restrictive in the way he is saying. Duncan said he thinks for that reason, whether or not we want to use the constable for law enforcement, we probably should get VLCT's opinion about whether the constable can have law enforcement power if the voters did not restrict or rescind it. He thinks the theory a prior board operated under was that making that an appointed position allowed the board to set forth the job requirements in which they restricted the constable's duties. Beth may be right that state statute supersedes that. He thinks the question should get answered one way or the other. He feels there have been too many cowboys in towns with constables with law enforcement ability. It opens up the town to a lot of potential liability.

Eben said it would be nice to have some idea what it would cost the town for training and insurance. Brian said we will work on answering those financial questions. He has a question out to VLCT about how law enforcement ability ties in with the vote on making the position appointed versus elected. He will probably have a couple more conversations with them about our options. In practice, to have law enforcement authority our constable would have to have training. We don't send our constables to the training so they do not have law enforcement powers.

Beth questioned whether it is worth Brian's time to look into this further if the board does not have an appetite for giving the constable law enforcement authority. Eben said he is not hearing that there is not an appetite. Beth asked if the board has an appetite to have Brian look into the cost of training for the constable. Eben said he does, because we need to know what that option would cost. We have to research options for getting law enforcement for ATVs. This is one option and his appetite is to get all the answers. Duncan said he suspects it won't take Brian long to find out the cost of training so he is not opposed to him getting it. Eric agreed. Brian said finding that out and finding out the cost of insurance would probably be easy. We might have to discuss different rates of compensation because the constable position is not set up for patrol.

Beth asked if constable training is the same thing as law enforcement certification. Brian said it is a particular type of law enforcement certification. It is not the same as what a law enforcement officer with the sheriff's department would receive but it is related and there is some overlap.

Eric asked if they would be limited to ATV enforcement. Brian said he wants to find out how strict our job description can be. Can we tell them they can enforce only certain things and not others? He doesn't have a good answer yet. Beth said she doesn't feel like a job

description is good enough. She personally thinks we would need some sort of ordinance to make the boundaries of the constable truly enforceable.

Duncan said years ago when he worked for the Town of Georgia, the constable paid for his own training, bought his own gun, car, radar equipment and bubble and started enforcing state traffic regulations in the town. It was not a pretty sight.

Spencer Leggett said he spoke with VASA. They are willing to pay for the constable's time doing ATV enforcement. VASA has reached out to the Essex County Sheriff's Department and they are looking to put together a contract for patrol for ATVs. It sounds like they would start with six weekend patrols. Each would be 4 to 6 hours on a Saturday or Sunday. VASA asked the Green Mountain ATV club what trouble spots we have and the club gave them a list. He does not think the constable should get law enforcement training just to patrol ATVs. But if they are able to do law enforcement VASA is willing to pay for them to do ATV patrol.

Eric asked if the 6 weekend patrol times would be all in Johnson or in Lamoille County. Spencer said the trouble areas they gave them are mostly in Johnson. Some are in Hyde Park. If ATV riders start seeing law enforcement, word gets out and hopefully that will keep people in check better.

Mark said the sheriff's department has basically said that they will not enforce the ATV ordinance. Beth said from what she understands if there is a law blatantly being broken they will stop and have a conversation with an ATV rider and cite them, but they won't patrol for ATV violations and they will often not respond to ATV complaints. Mark said we are paying them and we should have some input into what they do. Beth agreed.

Beth said she has had one or two responses indicating interest in a group to look further into law enforcement for ATVs. She thinks we should explore all options. If anyone is interested in being part of that group she asks them to please reach out to her.

Jackie Stanton said the committee that formed years ago encompassed multiple issues. She wonders if this one should have the narrow scope of just law enforcement. A lot of people took the time to come to this meeting tonight. It is a huge time commitment if there are separate committees to stay in communication with and attend meetings of. She proposes a committee that looks at all aspects of ATV use.

Beth said we have an ordinance in place now and she thinks we have some things we need to work through on that. Most of the emails she gets are about enforcement. She thinks that is impacting us and she would like to narrowly focus on that and get some action on it. She would be open to discussion about a different group exploring other things further.

Margo Warden said she agrees with Jackie. She asked, what will be enforced is the 2006 ordinance? Beth said yes. Margo asked what it would look like if the constable was doing law enforcement. Over the years Roger Marcoux has commented that it is unsafe to chase after ATVs. In the Craftsbury area they are saying the same thing – that it is difficult and

maybe unsafe to do it. She doesn't understand what the person enforcing the ATV ordinance in Johnson will do if the top law enforcement officials say enforcement is unsafe and limited.

Eben said the Lamoille County Sheriff's Department has said they won't do ATV enforcement and that it is unsafe, but adjoining communities have found a way to do it. There are other counties that have a model so he thinks what we are hearing is excuses more than that it really can't be done. Margo asked which other counties do it. Eben said Essex, Orleans, Franklin and he thinks Washington.

Duncan said he thinks one of the reasons Roger Marcoux and the state police are hesitant to do enforcement is that some years ago there was a death resulting from a vehicle chase of an ATV user. The ATV user was killed. He gets what Roger is saying about using a cruiser to chase an ATV not being smart. But he thinks other counties have looked at a model more like what is done with snowmobiles. He thinks they may be using ATVs to do the patrols.

Neil Shepherd said Roger Marcoux has also said his department doesn't have ATVs to pursue ATV riders. Community members who have called the sheriff's office have often been told that they don't want to spend time on it. Since the sheriff's department is not doing enforcement he was happy to hear discussion about how the ATV club is going to provide equipment and the board will be responsible for finding an enforcement person. He thinks that is a good division between the parties, rather than having the ATV club patrol itself. He likes the idea of the board being responsible for the constable, looking at their performance, setting parameters and continuing with constable enforcement or not depending on how they perform. He thinks it can't be the ATV club policing itself. He hopes whoever is doing enforcement will be able to issue fines and even impound ATVs for multiple offenses. He would be happy to be part of the committee looking at how the ATV ordinance is enforced. He is happy that it will be up to the town to hire someone for enforcement and keep a record of how many complaints there are. He doesn't think the ATV club would do that. It is good to have that record to know how big a problem there is.

Jan Gearhart asked if board members know how the rule of no ATVs on the rail trail is enforced. Board members said they did not know. Eben said he doesn't think they do anything about it. Jan noted that she saw an ATV on the rail trail yesterday.

Jackie asked if a roster exists with names, registration information, VASA plates, insurance certificates, helmet make and model, etc. of ATV riders. That information would help citizens who see ATVs on roads where ATV use is not permitted. Spencer said when ATV riders purchase VASA stickers they have to give that information. If someone can get a picture of a plate they are more than welcome to send it to him. Beth said when people register with the state we would not have access to that information. Jackie asked if there is a roster. Spencer said his club doesn't have one. VASA has that information. If someone got information on a plate he could send it to VASA and they would know what ATV that plate was registered to. Jackie asked, are you saying VASA wouldn't give the town a roster? Beth said we are not law enforcement. Jackie asked, what if we had a constable? Beth said she assumes then that person would have access to law enforcement records.

10. Local Emergency Management Plan Adoption

Brian reviewed the 2022 Local Emergency Management Plan. **Eben moved to authorize the chair and Eric Osgood to sign the 2022 Local Emergency Management Plan with the adoption date changed to May 2, 2022 and Point of Contact 2 name and information updated to reflect that Eben Patch is the Point of Contact 2, Mark seconded and the motion was passed.**

11. Review of Cemetery Maintenance Request for Proposals

Brian said he and Duncan discussed the RFP for cemetery and gravestone maintenance. They added more details about what we are expecting as far as repair methods. The RFP says that the contractor will identify with the selectboard the priorities for cleaning and repairs and that Whiting Hill Cemetery repairs are likely to be the priority in the first year. That gives them an idea where the priority is likely to be without restricting the board and allows us to use the same RFP for a multiple year contract.

Duncan says his hope would be that we could focus on finishing Whiting Hill Cemetery and then reprioritize as a board. Does the board want to focus on that? That cemetery has been the focus of many years of efforts. It is over half done and all the stones have been cleaned. He thinks there are 54 stones that are leaning, four or five that are on the ground or need to be repaired and three or four that are broken. He is pretty confident the work to be done there will take more than one year. He thinks if we focus on that this year we won't have any problems spending the money we have allocated. Eric said it is the most visible cemetery. Duncan agreed. He noted that the stones in Plot Cemetery will be cleaned because the board authorized that. He thinks the systematic approach will be the most cost effective. No one objected to focusing on Whiting Hill Cemetery. Brian said the RFP will be posted and circulated.

12. Historical Society Letter on Appointments and Procedures

Brian said the board received a letter from Dick Simays about appointments of Historical Society members and procedures for the Historical Society to report to the selectboard. Dick Simays said he is not sure the Historical Society board is clear on where they stand on active members. It was their understanding that Eben resigned and since this letter was sent they had a resignation from Duncan. At the Historical Society board's last meeting there was a vote to change their bylaws to eliminate the requirement for a standing member of their committee to be a selectboard member or designee. They don't know the selectboard's philosophy on making appointments. Historically, appointments have been made with input from the Historical Society. The board advertises the opening and gives the Historical Society names and the Historical Society also tries to reach interested people and invite them to come to meetings and put in an application.

Beth said that would still be the process. We will post the opening and the Historical Society can solicit people to apply and the selectboard will likely take the Historical Society's recommendation in appointing someone to the committee. Is the Historical Society asking the selectboard to post two open positions on the Historical Society board? Dick said yes. Beth asked, and the Historical Society is asking to be involved in the appointment? Dick said yes.

Eric asked if the Historical Society is asking the selectboard to sign off on its bylaw changes. Dick said in his letter he said that the selectboard had declined to do so, but he doesn't know if the board declined or just didn't get around to it. Lois Frey said she thinks they declined. Beth said she also thinks the board declined because they thought the Historical Society had autonomy to make its own bylaws. She asked if the other board members think the Historical Society does have that autonomy. Eric said other committees have their own bylaws. Do we approve them? Beth said the Rec Committee created its own mission statement and provided it to the selectboard for information.

Eben said he is fine with the Historical Society changing its bylaws as long as that doesn't affect the agreement between the Historical Society and the town. Duncan said it would not affect that agreement. Long ago the selectboard did want committees to run bylaws by the selectboard for approval before adopting them. He thinks that is why the Historical Society submitted its proposed bylaw change. His opinion is that committees should submit bylaw changes to the selectboard. He doesn't care if the selectboard approves them or just signs off that we reviewed them. Beth agreed. She said she thinks visibility to the board is important.

Duncan said part of the reason he resigned from the Historical Society board is that Dean West, a long time valued member, stated at a Historical Society board meeting that it was important to for the selectboard to follow its policy for appointments. His resignation is to give this board a chance to go through the process. He has valued his work on the Historical Society and would love to be able to continue to work with them, but there was an expression of concern about a selectboard member being on the Historical Society board. A person who is on the selectboard and another board could vote on any issues that come before the selectboard that affect the other board. He thinks he personally would know when it was right to recuse himself from voting and would do so but he doesn't want to go against the consensus of the board. He is looking for guidance. If people feel it is okay for him to be on both boards he might throw his hat in the ring again.

Eben said he doesn't see a problem with a selectboard member serving on other boards but it is a conflict of interest when it comes to monetary items. Eric said he somewhat disagrees with Eben. He thinks it would be a definite conflict of interest if someone were voting to allocate money if they personally were going to gain. That is what a conflict of interest is. He doesn't see a board member or committee member personally gaining from money being allocated to the board or committee. He would support board members being able to serve on other boards or committees. We have had selectboard members on other committees in the past. Mark said he is on the community oven committee. He feels it is fine for someone on the selectboard to serve on another board. Even if someone lobbies hard for an organization they are on, they are still only one of five selectboard members. And board members would all know that they served on that committee. Beth said she feels we all have biases and our board is very well balanced now. She would support anyone on the selectboard being on any committee. If there is any question about a conversation the selectboard is having we should feel free to challenge each other. Duncan said he would hope any selectboard member would challenge him if they had concerns.

It was agreed that Brian would post the Historical Society openings.

Beth asked if selectboard members had any concerns with the Historical Society bylaws. No one had any concerns.

Dick said the Historical Society had a question about whether a Historical Society report is a standing item at board meetings. It was previously said that the Historical Society report could be every other month. He thinks that is confusing. Beth said she puts agendas together with Brian and occasionally Eben. Rather than having a standing Historical Society item, she would like to hear from him if the Historical Society has something they want on the agenda and contact him if the selectboard has something they want on the agenda. Dick agreed that would be fine. He noted that it might be better to have the Historical Society come to the second meeting of the month because the first meeting of the month falls before their monthly meeting.

13. Review and Selection of Auditing Services

Brian said we received one bid for auditing services. We can recirculate the RFP or go with that bidder. Beth asked if there are any concerns about the bidder. Eric and Eben noted that it looks like they have a lot of experience. Brian said they submitted what looks like a good proposal. We are going to want to talk to Sarah Macy at VLCT about possibly bringing her in for assistance in getting ready for an audit. She might be better able to judge the proposal. Duncan said he would like to hear Rosemary's thoughts.

Rosemary asked if the company has any personnel that are from Vermont. Brian said they do a lot of work in Vermont. Eben and Eric said their proposal lists an employee in Hinesburg and one in Middlebury. Beth said their price includes travel, out of pocket expenses and client communications. It seems pretty inclusive. Their price is \$9500 for the next 3 years. Beth suggested getting Rosemary's opinion on the proposal and having Rosemary speak to Sarah Macy to see if it seems like she would be helpful to us. Rosemary said the price seems very reasonable. Eric and Duncan suggested Rosemary might be able to talk to a town clerk or treasurer in a Vermont town that has dealt with them.

Duncan asked, this is for annual audits? Brian said he believes the RFP was for a 3-year commitment with an option to extend an additional 2 years. Duncan said doing an annual audit would allow us to change the way we do the budget process in a significant way that would be a huge improvement. If we had an annual audit we could use known budget surpluses rather than the complex process we do now of trying to estimate year-end expenses.

The board agreed to seek more information on the bidder and consider approving a contract at the next meeting. Beth suggested relying heavily on Rosemary in making a decision.

14. Economic Development Coordinator

Brian said the selectboard voted to raise \$40K for economic development activities. We had anticipated being able to share costs with the village for a full-time or near full-time economic development coordinator position. The village was not able to raise matching funds, so we have \$40K total to spend. We could pursue a part-time employee. It might be a good opportunity to share someone with another community. Or we could contract the work project by project.

Eric said if we are going to bring someone in we need to start working on a job description. We probably can work from Lea Kilvadyova's job description. It would require changing Brian's job description to remove that element. We will have the money July 1. That leaves 2 months to develop a job description, post the opening, interview and hire. He thinks if we started tonight it would probably be August before we had someone on board. He doesn't think it is too soon to start. If we had someone in that position, that could be the point person focusing on ARPA funds, the Jewett property and opportunities he feels we are missing out on. He encourages the board to get started.

Duncan said he thinks we could devote the better part of a work session on that soon. We need to figure out what we want the person to focus on, how many hours we can get for \$40K and what the hourly rate will be and discuss aspects of the job description.

Brian said he thinks it would be great to go for a part-time position rather than contracting with someone for project-based work. He thinks one of the big values we got out of Lea's work was long-term planning, which is difficult with a contract position. But if we can identify a project a contractor could be very effective. We do have the light industrial park project. Beth said she would challenge the idea that a person who is a contract hire can't work on a long-term vision. She doesn't feel we should limit ourselves. She worries that when we talk about long-term vision that the scope is very large and that allows for a lot of noise. However we spend this money, she thinks we need to be very clear about focus and expected outcome and we have to make sure we protect the resource from that noise if we want to get bang for our buck. Duncan said he thinks that is a valid point. He thinks Lea's job description had a lot of detail about setting priorities.

Eben said he doesn't think we have enough money to hire a part-time employee. We would very quickly get to the scenario where they were working 23 hours a week and we needed to add \$8K for health insurance for them. He thinks we can get more bang for the buck from focused contract service. Duncan suggested that maybe to start with we would not have them go over 20 hours a week. Beth said if we hire someone to work on a specific project we can let them work as many hours as they want.

Beth agreed that having a work session meeting to discuss this would be a good idea.

15. Update on Northern Borders Regional Commission Grant Application

Beth said during the project planning meeting Brian mentioned that he would start work on a letter of intent to apply for a Northern Borders grant. Then the discussion moved quickly to ARPA. She understands from talking to Brian that Northern Borders changed their deadline. They changed their letter of intent requirement. A letter of intent was required this year and in the past it hasn't been. We missed the deadline for submitting a letter of intent and we will not be able to submit an application this year. There is an opportunity in following years although there are some concerns about our likelihood to get awarded grants in the future. We had talked previously about using some of our ARPA money as match funding for a Northern Borders grant and that still could be the case if we were awarded a Northern Borders grant next year. Brian said there are other developing grant opportunities but that was a big one and we were a good fit.

Eric asked, how can we be sure this doesn't happen again? We brought Seth on board to chase these things and keep on top of them. How can we be sure that the next time we are ready? Brian said he doesn't have a good answer. He thinks that discussion is better suited for executive session. Beth asked about Seth's role. Brian said we have engaged with LCPC and Seth Jensen in particular to provide assistance in pursuing grant opportunities for the light industrial park. Duncan said he agrees this discussion is best had as an executive session item. He is disappointed to lose this opportunity.

16. *Email Concerning Dickson Property on River Road East*

The board received an email about the Dickson property on River Road East. Brian said we are coordinating with our health officers to try to have a more regular presence at the property to ensure cleanup. We have also been working on coordinating with State DEC employees. It is necessary for us to ramp up our enforcement in the near term. We can't do a rental housing health inspection unless we are invited in by either the property owner or the tenant. We are limited to investigating public health concerns. But given the conditions on the property there may be public health concerns. We are also pursuing concerns about improper disposal of solid waste.

Eric asked, why do we think we will be any more successful this time? Brian said he thinks we will run into the same problems we had last time but there is a new property owner now so he wants to step up enforcement so the new owner doesn't settle into the same patterns. He thinks we will make little progress. We will write fines that get thrown out. It will be slow and frustrating.

Duncan said he agrees that we should step up the enforcement. He agrees with Eric that it is not likely to be very successful but he thinks we should at least try. He thinks there is no way the conditions on the property could not be considered in violation of our solid waste ordinance. The violations should be recorded in the land records. That will be a cloud on the title and it will make it harder for the owner to get bank loans, which could be an impetus for them to clean up. He agrees about the health concerns but that is probably not a hugely successful avenue. He also wonders about the dilapidated building ordinance. He has received some concerns from residents about properties on 100C and he wonders if we should pursue those. Beth said she has tentatively planned a review of the dilapidated buildings ordinance for July.

17. *Executive Session to Discuss Communications from Attorney Regarding Tax Appeal*

Brian said we have communications from our attorney regarding the tax appeal by Michael Lazar, owner of AG Self Storage

Eben moved to find that premature public disclosure of information regarding Michael Lazar's tax appeal may substantially disadvantage the town and that the board enter executive session to communications from the attorney regarding the tax appeal as allowed by 1 V.S.A. § 313(a)(1), Duncan seconded and the motion was passed at 9:13.

The board came out of executive session at 9:32 with no action taken.

18. Executive Session for Employee Evaluation

Duncan moved to go into executive session for employee evaluation as allowed by 1 V.S.A. § 313(a)(3), Eric seconded and the motion was passed at 9:33. The board came out of executive session at 10:11 with no action taken.

19. Other Business

Brian gave out a set of letters he had received for the board about ATVs. He stated that the letters were received by him, mostly all at once and in print, with the request that they be given to the board at the next meeting where they discussed ATVs. The packet did not include any emails or letters that had been previously sent to the board.

20. Adjourn

The meeting was adjourned at 10:11.

Minutes submitted by Donna Griffiths

UNAPPROVED