

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, JUNE 20, 2022

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

Others present in person: Brian Story, Rosemary Audibert, Jason Whitehill, Nat Kinney, Gordon Horner, Adam McPadden, Dean Locke, Kyle Nuse, Howard Romero, Casey Romero, Blair Watson, Kim Dunkley, Scott Meyer

Others present via Zoom: Kyle Hill, Molly Zapp, Tina Bidwell, Cynthia Hennard, Jodi Horner

**Note: All votes taken are unanimous unless otherwise noted.**

**1. Call to Order**

Beth called the meeting to order at 6:31.

**2. Additions, Changes to Agenda**

No changes to the agenda were needed.

**3. Selectboard Issues & Concerns**

No selectboard members brought up any issues.

**4. Review Invoices and Orders**

The board reviewed invoices and orders. (*Nat Kinney arrived at 6:37.*)

**5. Review Approve Minutes of Meetings Past**

**Eric moved and Eben seconded to approve the minutes of June 6 and June 8, 2022 as presented.** Duncan noted that in the June 6 minutes “Rod Rodjenski” should be corrected to “Ron Rodjenski.” **The motion to approve the minutes with that change was passed.**

**6. Selectboard Issues/Concerns**

Eric said he wanted to publicly acknowledge Rosemary's Jim Marvin Award for lifetime achievement. Beth said it was well deserved.

Beth noted that today is Juneteenth, which is now a national holiday. She also mentioned that there was a spot on Channel 5 about the Town of Johnson which was very nice. Others who had seen it agreed that it was very nice.

Duncan encouraged people to look at the video by Elias Gillen on the Historical Society website.

Eric noted that the rail trail trailhead building won a Marvin Award for project design.

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

Rosemary said to date we have spent almost 84% of budget. A major item not included is transfers to the reserve funds, which will happen at the end of the year. The amount still owed in delinquent taxes for this year is \$77,500. Last year at this time the amount owed was \$105,000 and 2 years ago it was \$127,000.

We have received a cannabis license approval from the state for VT Green Castle Reserve, LLC. Brian said there is a little guidance from the state for local cannabis control commissions. In Johnson, the selectboard acts as the cannabis control commission. Our

ability to regulate cannabis is pretty limited. It is restricted to zoning ordinances. Beth said it includes other types of ordinances as well, but the ordinance has to apply to any business type, not just cannabis. Brian said the local cannabis control commission is informed of any license that the state Cannabis Control Board would approve. In this case the license application has been reviewed and found to be complete and acceptable. (*Dean Locke arrived at 6:49.*) Then the state gives the local board the information and we let them know whether we have reason to believe that the license would violate local ordinances.

Eric asked, we have no additional powers to take action if there are violations, unlike the liquor control board? Brian said he does not know what the state rules are about suspending licenses for violations. Beth asked if we know the process for reporting violations to the state board. Brian said he doesn't believe there is a process in place yet.

Duncan said with liquor licenses there is a written application. Is there no written application in this case? Brian said the applicant sent a written application to the state. Duncan asked, but there is nothing for this board to sign? Brian said no. There is no form created yet, but they are asking for our input. Eric asked how we give our input. Brian said he doesn't think there is anything systematized. We can call or email our contacts on the state Cannabis Control Board and inform them.

Duncan said in the case of liquor and tobacco there are state inspectors. (*Kyle Nuse arrived at 6:52.*) The state inspectors issue citations if a business is not following the law. Is there any such thing now or might something similar come into existence for cannabis control? Brian said he is not aware of anything currently. Based on minutes from the state Cannabis Control Board meetings, they are aware of their responsibility to regulate licenses but he doesn't believe they have anything in place at this time.

Adam McPadden said he is one of the people associated with VT Green Castle Reserve. He understands that the state is planning to have an inspection arm and an enforcement arm.

Beth said she thinks we need to be told how our local board approves these and how we state whether or not we have concerns.

Eric said the state did not grant any authority to municipalities, nor are they sharing any revenue, but we have responsibility for police enforcement of any issues.

Beth said she feels we should respond to this request by asking what the process is for the selectboard to formally tell the state Cannabis Control Board that we approve the application, who is authorized to sign and, if there is a form, where we find it. Eben said another question we have is about local revocation of licenses. Brian said he is confident that currently there is no provision for a local municipality to revoke a license. Beth said she thinks we need to ask all these questions before we can act.

Eben asked if there is a plan to redistribute revenue to municipalities for law enforcement. Eric said the Vermont League of Cities and Towns was adamant that there should be revenue sharing because municipalities would be bearing the cost, but the state was not interested.

Rosemary said we get a small fee associated with approved licenses – \$100 a year. (*Howard Romero arrived at 6:58.*) Mark asked if we get income from liquor licenses. Rosemary said yes; there is an annual fee of \$70 or \$115 that we get. Eric said we also have the authority to revoke liquor licenses.

Gary Horner, another person associated with VT Green Castle Reserve, said their understanding at this point is that there is no formal documentation, that the state is looking for an email saying that the selectboard approves the application. He thinks the state is developing a process as they go.

Duncan said he hates to leave the business owners hanging due to inaction on the part of the state. (*Blair Watson arrived at 7:01.*) Eric asked, if the selectboard approves the application tonight, what other hoops do the business owners have to jump through? Gary and Adam said this is the last. It would be valuable to them to know that the board intends to approve the application. Eric asked how the business will be informed of the approval. Will they be given a license? Jodi Horner said they got an email from the state saying that they were pre-qualified, followed up by a letter in the mail. They will get an official license that they have to display in the business. Duncan asked, but they will not get that unless the selectboard issues approval to the state, right? Jodi said the state will not issue the license without approval from the municipality. She would be happy to provide anything the town might need. They had to have a business plan, operational plan, security plan, different types of insurance, etc. This is a big investment and they can't pay their bills until they start to get a return on the investment. Even a two week delay would be a burden. Duncan said he agrees with the concern expressed about the lack of anything concrete to act on and he is in support of the selectboard trying to get more information from the state so the process is easier for the next person but he will move to approve the issuance of the license.

**Duncan moved and Mark seconded to approve issuance by the state of a cultivator license for Vermont Green Castle Reserve LLC.**

Mark said he assumes the business is outside the village. Gary and Adam said it is beside Buggy Man Antiques on Route 15. Mark noted that is outside the village.

Eric said he will vote against the motion. He understands the burden being put on the business owners but the state really dropped the ball. It shouldn't be that difficult for them to come up with a form to send for the selectboard to sign. He would like to put pressure on them to get a form to us to approve in 2 weeks. Jodi Horner said only two towns in the state have their own cannabis board so the state has not given that any consideration because they are busy with the 400+ license applications they are sorting through. She doesn't think they will come through with more in the next few months because there is no demand.

**The motion was passed in a roll call vote with Duncan, Mark and Beth voting in favor and Eben and Eric opposed.** Beth said her rationale for voting yes is that she does not think we have any control anyway. She said she will respond to the state.

**8. Public Works Supervisor/Highway Foreman Report**

Jason said the MSHA training for the year is done. All the winter salt has been purchased. We are getting our last load of chloride for the 2022 budget this week. Eighty-five percent of roads are chlorided so far. The crew has hauled \$28K worth of sand and they have \$12K left to haul. He wants to ask the board to allow taking some money out of the salt budget and moving it to the sand budget in order to purchase a little more sand. We have a surplus of salt due to switching to brine last year.

Eben asked how much more sand we need. Jason said we have a little more than half of what we need. There is \$12K more budgeted for sand and he was going to ask for approval to take \$10K out of the salt budget and put it into sand. Eben asked if it would be possible to use some of the budgeted money to get some sand out of our own pit. Jason said there are quite a few small things that have to be addressed for us to be in compliance before we can start using the pit again. For instance, we will need to have a stretcher secured to the screen, some trees need to be taken down that are on adjoining land but overhanging the pit, he needs to order a couple of speed limit signs for the pit area, and there is a spot with standing water that he wants to try to drain because if we have standing water we have to have a life preserver and a sign. Eben asked if the discussion about shifting some of the salt budget to sand could wait until the next meeting. Jason said yes.

Eben asked about the mention in the written report of the crew installing proper speed limit signs on town roads. (*Casey Romero arrived at 7:16.*) Jason said the selectboard said not to install all the recommended signs at once so the crew has been putting them up when they have free time. They have not installed a lot. Brian said they are just being put up on problem roads so far.

Jason said we got approval for grant funds to work on Lendway Lane, Fox Lot Road and Ober Hill Road. The crew has been doing some ditching on Collins Hill and Maple Hill.

Duncan asked when the crew might get to mowing on the rail trail. Jason said rail trail mowing will start this week if that is all right with the board. Our part-timer was not able to start on it last week. For safety reasons it works well to do the mowing when it is raining so fewer people are on the trail. Eben asked if Jason is planning on mowing the rail trail twice this year. Jason said he was going to ask about that. There was talk about the state mowing the trail. Brian said we would like the state to mow it but he doesn't think they have any intent to do so.

Eben asked if the state is paying for our insurance while we are mowing on the rail trail. We could accidentally kill someone. We are incurring liability for property that doesn't belong to us. We don't have to mow it. We don't mow Route 15 or Route 100C. Mark asked what other towns are doing. Beth said we know other towns are mowing along the rail trail. Brian said he doesn't know of any town that the rail trail goes through that is not mowing. Cambridge has volunteers that do at least some of the mowing so they are able to do it more often. Duncan said Eben brings up a good point with regard to liability and insurance. He thinks we should find out whether the state will indemnify and hold us harmless for mowing on the rail trail and what our insurance company thinks about us mowing an asset that doesn't belong to

us. Eben said the rail trail is predominantly used by people who are walking and biking. Mowing in their vicinity is dangerous. Jason said the person mowing has to be constantly watching for people. That is why they like to do it when it is raining. Eben said he thinks we should get answers about our liability before the crew mows it. Eric agreed that would be wise. Duncan and Mark agreed. Duncan said he can't imagine we would have much of an increase in our insurance payment if we had to pay to cover ourselves for this activity, but we should find out. Dean Locke said he has seen signs on another section of the rail trail warning that mowing is going on. That might be one way to increase safety. Jason said the crew does put mowing signs up.

**9. Review Planned Purchases**

Brian said we got two quotes for secondary electric work at the Ted Alexander Welcome center – one from Gould and one from Emerson. The quote from Emerson is quite a bit lower because Emerson would be taking advantage of volunteer assistance for parts of the job that do not require a certified electrician. Eben said the Emerson quote reflects an estimated \$2200 worth of material provided by the town. Who estimated that? Nat Kinney said Emerson quoted based on an estimate he got from Howard Romero of the cost for parts we would purchase through Johnson Farm and Garden. Howard said he had been under the impression that the village was going to supply parts at cost for the primary end and they apparently have not. He has been told that we are to provide the meter socket and breaker panel and the pipe from the meter socket to the weatherhead and the village crew will install it, which came as a surprise to him. Eben said that is standard nowadays. Howard said since Emerson submitted his quote it has been decided that we are going to have a 100 amp service, not 200 amp.

Beth said one quote includes materials and one doesn't and both reference a 200 amp service. Did the trustees vote to give us materials at cost? Nat said they did but he believes the parts Howard mentioned are not in their quote. Duncan said the quote from Troy specifically says the meter socket, riser and wire will be the responsibility of the customer. They did not intend to provide that as part of the materials they supply. Beth said it sounds like we need to get revised quotes.

Howard said 150 ft. of trench needs to be dug. Greg Fatigate gave Lisa Crews a quote for that work. He has done work at the skatepark in the past. He thinks the quote was about \$660. Eben said we budgeted \$750 for that.

Beth said it sounds like we should ask for revised quotes and ask the contractors to break out materials and labor. Nat said Howard should get the quotes. Howard said it will be a little while before he can do it because he is busy with Tuesday Night Live. Jason said he had Dig Safe come out. We have 30 days from the date of their visit to start the work. If we don't have a contractor there within 30 days he will have to ask for an extension. Beth asked if Howard has a timeline for completion of the whole project. She wants to make sure we have time to approve purchases and get materials so the project can be completed on time. Howard said he will speak with Emerson tomorrow and get him to price his part of it. He will do more research into the prices of materials that the town will purchase and he will factor in a little volunteer time. He will have to have people help him with things like backfilling the trench. Duncan said he can dig it and backfill it with his little backhoe.

Duncan said we should bear in mind that the village needs to have the meter socket, the riser and the weatherhead installed before they will run their wire over to the pole. If we have those parts, Nate will install all of them for us and then run the wire over from the other pole and make a connection. That should be the first step we accomplish. Howard agreed. Eben suggested the board could approve just those expenditures.

**Duncan moved to authorize expenditure of up to \$2,000 for the parts needed to install the meter socket and riser on the pole for the welcome center building.** Eben asked if the conduit for the trench is part of the motion. Duncan said it could be. He doesn't know the cost for that. Howard said the cost for the meter socket, breaker, riser, weatherhead and wire comes to not quite \$1000. **Eben seconded.**

Nat asked if this motion means we are going with Emerson. Beth said no. Brian said Gould had planned on supplying materials. Eben said they have to refresh their quote anyway because it was only good until January. Brian said he can contact Gould.

**The motion was passed.** (*Nat left at 7:41.*)

#### ***10. Beautification: Mural on Town Garage***

Brian said the portion of the town garage that faces the rail trail is cheap beige corrugated metal. It is a good location for a beautification activity. The Beautification Committee is willing to do the work to put a mural on the building and has the money to pay for it.

Eben said he would prefer it if the murals were painted on something and fixed to the building rather than painted on the building, in case we have to do work on the building in the future. He also would like to see examples.

Kyle Nuse showed the board what the proposed murals would look like. The person who would paint them is an NVU graduate who came up with three sketches for the Beautification Committee to look at. The committee decided on one that they want to start with. It will be on four 4 ft. by 12 ft. sheets of plywood that will be put together to make one mural. The committee gave the artist some suggestions for modifications and the artist sent another sketch. Kyle showed the board the modified sketch. The mural has a theme of environmental justice and how it relates to the community. The Beautification Committee will use \$1000 from its budget toward the project and will fundraise for the other \$1500. They are hoping the public works department will help to install the mural. They have two more sketches that could be painted in future years so eventually the whole facade will be filled with art.

Mark said he thinks the proposed mural looks great. Eben asked if having the mural changes anything for the public works department. Jason said no, but he noted that the supports inside the building are spread out enough that we might have to figure out what else to put inside the building to hold the mural up.

**Eric moved to authorize that the proposed mural be attached to the public works building. Duncan seconded and proposed a friendly amendment, which Eric accepted.**

**that the town give a courtesy notification to the village trustees since the building is jointly owned.** Eben asked if the intention is that the town's approval be pending village approval or if the notification is just for courtesy. Eric and Duncan said it is just for courtesy. **The motion was passed.**

Kyle said the mural should be up in September.

***11. Skatepark and Healthy Lamoille Valley Agreement***

Brian said Healthy Lamoille Valley is offering to help fund the skatepark's efforts to improve conditions and get a handle on activities there. (*Blair Watson left at 7:50.*) Casey Romero said the money is primarily tobacco fund money. Brian said the proposed agreement between Healthy Lamoille Valley and the town has some requirements the town will have to complete but they are all activities the skatepark is interested in completing anyway. Beth asked if the skatepark will take responsibility for all the things that the agreement says the Town of Johnson agrees to. Casey said yes. There is one thing that is different from the written agreement sent out to the board that she verbally discussed with Healthy Lamoille Valley and got their okay on. The skatepark committee decided other projects are more relevant than the fence for this grant. The committee does want the fence but Casey found another grant for that. Beth asked if Healthy Lamoille Valley is okay with us removing that bullet item from the document we sign. Casey said she is sure it is fine.

**Eben moved and Eric seconded to authorize the chair to sign the agreement between the Town of Johnson and Healthy Lamoille Valley with the amendment discussed.**

Duncan suggested also changing on the form who will sign to authorize, making it the selectboard chair instead of the town administrator. Casey said Healthy Lamoille Valley will not care who signed it. It was agreed to make that change. **The motion was passed.**

***12. Historical Society Member Appointment and Resignation of Tom Carney***

Brian said Tom Carney has resigned from the Historical Society board and the Historical Society board recommends appointing Dennis Richards. **Eben moved to regretfully accept Tom Carney's resignation from the Historical Society board and the motion was seconded and passed.** (*Howard and Casey left at 7:54.*) Brian said there were two open seats and with this resignation there is one more. **Eben moved to appoint Dennis Richards to the Johnson Historical Society board, Duncan seconded and the motion was passed.**

Brian said he will post the vacancies again. He asked if the board wants the notice put in the News & Citizen. Eben asked if that is free. Brian said no. Eben said in that case, no. Beth said if the Historical Society wants to use their budget to post the vacancy in the News & Citizen they can. Duncan suggested multiple postings on Front Porch Forum. He also asked that Brian clarify in the wording of the ad that the Historical Society is seeking trustees, not members.

***13. Potential Fifth Road Crew Employee***

Brian said he and Jason spoke to the public works crew. They are in support of having a fifth employee on the crew. There was a lot of concern from employees about completely eliminating part-time support. With a fifth employee we would expect not to use part-time help as much, but it has been very helpful at times to have part-time help. Beth said there is a difference between part-time help and on-call help. Filling in as needed on an on-call basis is not part-time. Brian said currently we do not pay the part-time employee to be on call.

Beth asked Jason if he would be interested in having a fifth employee and not having a part-time person. Jason said for 3 years we have had five employees and part-time help and last July the fifth employee was taken away. The workload has increased. He feels that getting a fifth employee and taking part-time help away would be a step back. All the people on the public works crew would prefer to keep the part-time employee and have a fifth person, mainly because we are unlikely ever to find another part-time person that will be able to do what our current part-time employee can do. He is very helpful in the winter months, especially if we are trying to get back to employees being able to take time off in winter so they can use some of their CTO time then. Jason said Brian feels the same way the public works employees do. We will not be able to find another part-time employee like the one we have. No one will be looking to do the kind of work he does. It would be hard to replace him. He would hate to give up the part-time employee we have now to get the fifth employee. Brian said he and Jason brought up with the board what we had discussed about having more money available for contract labor and other part-time occasional help, but they felt better about having someone on staff rather than having the option of bringing in contracted help.

Beth asked if we budgeted for having a fifth employee and a part-time employee. Brian said yes. Eben said we only budgeted for 3% raises, though, and inflation is higher than that.

Eric said he was a huge advocate for a fifth employee. When we sold it to the voters we indicated we thought it would reduce the amount of overtime as well as virtually eliminate the need for a part-timer. The reality was that it did not reduce a lot of overtime and we still needed a part-timer. He still thinks there is a need for fifth employee but he doesn't want to jump into it yet because of the economy. Inflation is high. Gas prices are going up. He would rather see us hold off for now. We only budgeted for a 3% increase. There are a lot of unknowns. He would not be supportive of hiring a fifth employee now.

Jason said when he was an employee but not the public works supervisor, employees were asked if they were willing to give up 50 hours of overtime each to go from 300 to 250 hours of overtime, and employees said yes. This winter everyone was well within their hours. He would ask the board to understand how much work the public works crew is doing now. People are putting off vacations. He has time he would like to take off. He has to use 60 hours before July 1. He thinks there is a need for a fifth employee or for expectations of certain work not getting done.

Beth said her view is that employees should never plan vacation around the work schedule unless there is a true reason the work has to get done. She thinks using PTO is really important. She hopes Jason feels that way. Jason said in winter no one took time off. There are 6 months of the year when employees are not able to take time off and there are grant-funded projects that can only be done in the warmer 6 months. There is no possible way not to plan vacations around the work. Beth said a lot of the work, like maintaining roads, isn't grant-funded.

Mark agreed that taking vacation is a really good thing to do. He asked, if we decided we needed a fifth employee, what are the chances we would find one? A lot of towns that are



paying more than us are trying to recruit. He assumes we need someone with a CDL. Brian said that is something worth discussing. Beth said we are not advertising the job yet and we have already gotten an application. Brian said the last time we advertised for a public works position we asked only for people with a CDL but we got few applicants so we discussed whether we should consider opening it up to people without a CDL. He thinks that is still worth considering. The applicant we got so far does not have a CDL.

Eben said having a fifth employee does tie into the question he asked Jason earlier about getting gravel out of our own pit, which could save money. Our part-time employee is trained in that field and could save the taxpayers money but he thinks that would need to be a priority for that person. That could save us \$60K.

Eric said with a fifth employee we could get into the gravel pit but that will cause another problem. We have a very limited supply of gravel left. We have been mixing gravel from our pit with purchased gravel. He thinks we only have two or three years worth of gravel left if we take all our gravel out of the pit.

Eben said he would like to post for applications. Duncan said he thinks we need the fifth employee. As Eric pointed out, we did originally try to sell the position to taxpayers by saying it would save on overtime and part-time. He is okay with waiting another month before posting. Mark agreed. He said he is not ready to pull the trigger. Beth said we will put this on our September list and determine if we want to reassess at that point.

#### ***14. Interview Planning for Recreation Coordinator***

Brian said he would prefer not to be the only one interviewing candidates for the rec coordinator position. He suggests having a person from the skatepark committee, a person from the rec committee and a selectboard member. Eben suggested Beth would be a great representative because recreation is important to her. Beth said she would like to be involved and the board agreed she should be the selectboard member to participate. Brian said he thinks it is unlikely that there will be a candidate for the board to review by the July 6 meeting but later in July he thinks we are likely to have one. We already have some good applications.

#### ***15. Paving Bids***

Brian said we got bids from Pike and Whitcomb for paving Clay Hill, River Road West and a section of Pearl Street. Eben asked if the plan is to pave all of River Road West. Jason said yes, the plan is to repave everywhere there is pavement now and also add pavement to a section about 150 ft. long at the end that is dirt now. Eben asked if the resurfacing on Clay Hill will be from Plot Road all the way down. Jason said no, it will be on a section from just below the college turnoff to the crosswalk right before the Studio Center. Eben asked if the work planned will solve the water problem Scott Meyer has been having. Jason described what will be done and why he thinks it will solve the problem.

Duncan asked if the Clay Hill and River Road West paving jobs are both shim and pave or if there is some grinding involved. Jason said on Clay Hill there will be some milling to take off 2 inches and then an inch and a half will be put back. The other job is a total reclamation and 6 to 8 in of plant mix will be added on top for strength and stability before the road is

reclaimed. Duncan asked how much it will elevate the total road surface. Jason said maybe three to four inches. Clay Hill will be half an inch lower than it is now.

Beth asked what our grant amount is. Brian said there is no grant money for this project. Rosemary said we have some paving reserve money. Brian said it is not a reserve fund, but money dedicated to highway expenses doesn't have to be returned the same way other unspent funds do. We have enough to do this work in FY23.

Pike's bid was \$208,495. Whitcomb's bid was \$194,085.50. Brian said Pike estimated using almost 400 tons more material than Whitcomb. Jason said when he got quotes he asked both contractors if they would like the town to do grading and compacting. Whitcomb said they would prefer that we do that and Pike said they like to do it themselves. One reason Whitcomb's bid is a little lower is that we would be doing the grading and compacting, while Pike would be doing that themselves. Jason would like to go with Pike because he felt the person he talked to from Pike understood what he was talking about as far as water coming across the road and because the town crew would not have to set aside time to grade or compact. He noted that both companies are pretty booked. He would rather see the work done when temperatures are warmer because the pavement bonds better, even if that means putting it off until next year. Neither contractor could tell him the exact time they would be available to do the work but both sounded pretty busy. His fear is that they would not have time until late fall. If we chose one then we could get on their schedule and if they couldn't do it when the temperature was right this year we could schedule it for next year. Both contractors agreed that the problem we are seeing with Clay Hill now is because the previous paving was done too late in the season.

Duncan said we don't have money enough to do both Clay Hill and River Road West. Beth said we have remaining money from FY21 and we have \$95K budgeted for FY22 and \$100K in FY23. Duncan asked, we potentially have \$195K available? Brian said a little in excess of that. Rosemary said we have \$30-45K in reserve also. Beth said we have enough for either of the bids starting July 1.

**Eric moved and Eben seconded to accept Pike's paving bid of \$208,495 with a completion date of October 15, weather permitting.**

Mark asked if board members really feel we should go with Pike when their quote is higher. Eric said the quote is higher because Whitcomb is expecting the town to do some work and also because Pike estimated 400 yards more of material. If the crew is not committed to helping with this project it frees them up for other work. Duncan asked what it is that the town would do. Jason said grading and compacting. Duncan said we don't have a compactor. Jason said we would have to rent one or Whitcomb would rent one to us. Duncan said any contractor is giving a quote based on an estimated number of tons. It is not unusual to have one contractor estimate more tonnage than another but the bill will be based on the number of tons they actually lay. Jason said that is correct. Duncan said they are both reputable pavers. He would not mind going with Whitcomb for less. Mark asked if we have a guarantee they will lay the amount they estimate. Brian and Jason said no. Brian said it will probably not be the same amount they estimated. The per unit pricing is useful. Whitcomb's per ton price

\$130 and Pike's is \$115. Mark said both could come in with drastically less tonnage than they estimated. Brian said he would be surprised if it was drastically less but he could virtually guarantee that they will not come in with the exact amount they estimated. It probably will be pretty close. Jason said they usually all add 10 to 15%. (*Kim Dunkley arrived at 8:38.*)

Kim Dunkley asked who paved Clay Hill last time and how we know that the contractor will crown the road correctly so it will not drain into people's driveways. Beth said Jason had conversations about drainage with the contractors, specifically addressing Kim's property. (*Scott Meyer arrived at 8:39.*) Duncan said SD Ireland did the paving last time.

**The motion was passed in a roll call vote with Eric, Eben and Beth voting in favor and Mark and Duncan opposed.** (*Jason left at 8:41.*)

**16. Economic Development Proposal Draft**

The board reviewed a first draft of the RFP for economic development. Eric suggested adding something specifically referring to the industrial park and Brian agreed to do that. Duncan asked if we need to give examples of the work to be done or if it is enough to simply say that tasks and priorities will be set by the selectboard. Brian said he thinks that is technically enough but it can help steer applicants if we list a few examples. Beth said she thinks the bullet points should be taken from the priority list we have discussed. Duncan said under Evaluation Criteria it says cost will not be the primary factor. He would suggest saying "may not" rather than "will not." Beth said she doesn't think we should have that sentence at all. Eben agreed. Brian said he is fine with changing it to "may not" but he would like to keep the sentence because he thinks it helps us if we decide not to go with the low bid. Beth said as part of the criteria she would like to see a portfolio of work. Duncan said the last paragraph pretty much says that we have the right to select or reject any proposal. The board agreed to strike the sentence about cost not being the primary evaluation factor.

Duncan asked if Brian found out whether the Lamoille County Planning Commission (LCPC) has any capacity to provide these services. If they do, maybe we don't even need to put out an RFP. Brian said he did not have any discussion with them along those lines. If the board does not want to go out to bid we do not have to, but he has been assuming we would go out for bid.

Beth suggested referring to the number of staff but not the payroll amount. Brian agreed to change that.

Duncan said he feels LCPC should be contacted to see if they have capacity. In the past LCPC has provided really good services in terms of administering grants or programs. If they had the capacity to provide services he might not even be as interested in putting out an RFP. Beth said she would like to throw the net out widely and not limit ourselves. Eric said he likes the idea of an RFP to see what is out there but if nothing materializes within our budget range he thinks then we would go to LCPC to see what they can provide. They do good work. Mark said he agrees with Beth and Eric. He thinks we need to go with a contracted person and we should put an RFP out there. We can run the proposal by LCPC and get feedback but he thinks we should see what is out there. There have to be people out there that

could do this part-time. Brian said he has every intention of inviting LCPC to submit a proposal.

Beth suggested that Brian make the changes discussed, get feedback from LCPC and show the RFP to the board one more time, then it can be published.

Kyle Nuse asked if the board sees this as a remote position or if the person would have office space here. Brian said we don't have a lot of office space but we have a couple of people who are only using desks part-time so we could probably host the person in the office at least part-time. But he doesn't think remote work would be precluded.

The board agreed not to have any bullet points that are not in the board's list of priorities.

**17. *Signing Audit Contract with RHR Smith & Company***

**Eben moved to authorize the chair to sign the documents necessary to engage RHR Smith & Company for audit services, Eric seconded and the motion was passed.** (*Kyle left at 8:55.*)

**18. *Signing Sheriff's Contract***

Brian said the sheriff's department stands by the recommendation we received about speed limit signs but they confirmed that they are not aware of losing any cases over speed limit signs not being spaced in accordance with the recommendations. **Eric moved and Eben seconded to sign the contract with the sheriff's department for patrol.**

Scott said Diana Osborn, who used to be on the law enforcement study committee, recently posted on Front Porch Forum about some concerns she had. Has anyone read her concerns? Beth said yes. She shares some of her concerns. We need a new contract but we don't have time to develop an updated one now.

Scott said there was discussion a few meetings ago of concern about the lopsided ratio of tickets to warnings. There are speeding issues on Clay Hill Road and he never sees anyone doing radar checks there. The same is true on Railroad Street. This was brought up previously and the board is marching forward with the contract and he doesn't see anything from the sheriff's department about what they are planning to do to deal with speeding in this community. Kim said a neighbor recently stopped by and talked about some things that had happened in the community. There were several fires that all happened around the same time. This person has a family and does not feel safe. She thinks either the selectboard or the sheriff's department should be calling people together to talk about how they are making Johnson a safer place. If that person doesn't feel safe, there must be others. Beth said she thinks she spoke to the same person. She thinks safety is critically important. She feels we need to update the sheriff's contract. Scott asked what her take is on the selectboard getting ready to sign over \$500K to the sheriff's department when there is so much speeding. Beth said she has a lot of the same concerns and she thinks a dedicated effort needs to be put toward our contract. The other contract towns also want to work on it. But do we choose not to sign the contract now and go without law enforcement? Kim asked, once it is signed is there a way to amend it or do we need to wait a whole year? Beth said the contract would be for a year, but she is confident that any contract negotiations will not be quick.

Dean Locke asked if there is any way for the selectboard to organize a public forum for the sheriff's department and the public so the public can air their concerns and feel heard. There are plenty of ways to make the public feel better other than changing lines on a contract. Beth said she is sure Roger Marcoux would be open to a public forum. She thinks the board agrees that we need a new contract and she thinks an important part of that is bringing people from the sheriff's department in for conversation.

**The motion was passed.** (Kim and Scott left at 9:03.)

**19. Atlas Contract for Water Testing Management**

The board reviewed the proposed contract for water testing. Rosemary said we pay 50% of the cost. Brian said it has historically been split with the village. This contract only has a place for the town representative to sign but the testing is being done on the jointly owned talc mill property.

**Eben moved and Eric seconded to authorize the town administrator to sign the contract with Atlas for water testing services.**

Rosemary said we should make the village aware of this. Brian said previous contracts were signed by him and by the village manager. He would like to go back to Atlas and ask them to change the contract to include the village. Duncan agreed that that should be done and he said a copy should be made available to the trustees for their approval too. **Eric suggested a friendly amendment, which was agreed to, that the contract should also be submitted to the village for approval. The motion was passed.**

**20. Propane/Heating/Fuel RFP**

Brian said he developed a very rough first draft of a request for propane bids. We currently split the cost of all fuel with the village. We need to involve the village in this discussion. Eben said we need to discuss with the village if they want to go out to bid for shared fuel, but we could go out to bid for town sites without them. Eric said if we go out for a bigger amount we will get a better rate. Beth said we should schedule a joint meeting with the trustees with this as a topic. It was agreed that Rosemary will put together a list of locations where we get fuel delivered and amounts at each location and that that information will be sent to the trustees prior to the joint meeting.

**21. Discuss Communications from Town's Attorney Regarding Litigation to Which the Town May Be a Party**

**Eben moved to find that premature disclosure of the town attorney's communications regarding litigation to which the town may be a party may put the town at substantial disadvantage, Eric seconded and the motion was passed.**

**Eben moved to enter executive session to discuss attorney-client privileged communications as allowed by 1 V.S.A. § 313(a)(1), Eric seconded and the motion was passed at 9:12.** The board came out of executive session at 9:18.

**Eric moved to reject the Ag Self Storage proposal and instruct the town's attorney to inform AG Self Storage of the board's decision, Duncan seconded and the motion was passed.**

**22. Discuss Communications from Town's Attorney Regarding Storm Water Issues**

**Duncan moved to find that premature discussion of attorney communications would put the town at a disadvantage per 1 VSA 313(a)(1), Eric seconded and the motion was passed.**

**Duncan moved that since the board believes that is the case, the board enter into executive session to discuss communications as allowed by 1 VSA 313(a)(1) and the motion was seconded and passed. The board entered executive session at 9:26pm.** The board came out of executive session at 9:40 with no action taken.

**23. Adjourn**

The meeting was adjourned at 9:40.

*Minutes submitted by Donna Griffiths*

UNAPPROVED