

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, JUNE 6, 2022

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

Others present in person: Brian Story, Rosemary Audibert, Lisa Crews, Lois Frey, Dean Locke, Casey Romero, Scott Griswold, Kyle Nuse, Kirsten Owen, Kim Dunkley

Others present via Zoom: Steve Hatfield, Tina Bidwell

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

**1. Call to Order**

Beth called the meeting to order at 6:30.

**2. Additions, Changes to Agenda**

Eric added an executive session to discuss correspondence from the town attorney regarding stormwater drainage. Duncan asked for an update on the Historical Society tenants' interest in possibly getting an extension and an update on Frank and Giselle Eldridge's complaint.

**3. Selectboard Issues & Concerns**

No selectboard members brought up any issues.

**4. Review Invoices and Orders**

The board reviewed invoices and orders. Eric asked about a payment of over \$700 made to Kyle Nuse individually. Rosemary said that was for reimbursement for Beautification Committee purchases made from multiple places. Duncan asked if Kyle paid tax and we reimbursed her for the tax. Rosemary said yes. Duncan said he would prefer if possible that people being reimbursed purchase items in a way that does not result in their paying tax. Beth asked Rosemary to follow up with Kyle and asked her when possible to use a town account. Rosemary said a lot of the purchases were from Big Lots, where the town does not have an account. Duncan said she could have filled out a one-time tax-exempt form, right? Rosemary said yes.

Mark asked how long the board is going to keep reviewing invoices and orders at meetings. Beth asked if board members would like to discontinue it. Eric said he would like to discuss how we look at all our purchases. If we could do that then he would be in favor of stopping this procedure. Eben said he would like to continue with it. Duncan said he would be a lot more inclined to stop doing this if the town had other fiscal policies in place, like a purchase order policy, but for now it does not take a lot of time and he can live with it. (*Lisa Crews arrived at 6:41.*)

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

**Eric moved and Mark seconded to approve the minutes of May 16, 2022.**

Brian described some changes Casey Romero suggested. One was to correct the sentence "Brian said our policy at the skatepark does prevent use of alcohol." It should say "Brian said our policy at the skatepark does not prevent use of alcohol." Eric asked if the changes are corrections reflecting what was actually said or if they are what Casey wishes had been said. (*Casey arrived.*) Brian said most are clarifications, but the change from "does prevent" to

“does not prevent” is important. Eric suggested a friendly amendment to just add the word “not” as long as the other suggestions are just clarification. Brian said he doesn't believe the other suggested changes change the meaning of what was written. **Mark agreed to the friendly amendment suggested by Eric to add the word “not” as requested. The motion was passed.**

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

Rosemary said current year taxes to date are 98.22% collected, which is better than the previous two years. We will be having our introductory audit meeting this week. We met with a representative from VLCT who will help us with fixed assets and the management discussion. The office will be closed Thursday afternoon because the state is giving us new tabulators and staff need to attend training on using them.

Duncan asked if the upcoming meeting will include the people who are doing the audit. Rosemary said yes. Duncan asked if Rosemary thinks the VLCT representative would be a good person to help with a broader discussion about financial policies and maybe something as specific as a purchase order module. Rosemary said she could be. Brian said we have not had extensive discussion with this person, Sarah Macy, about other financial controls, but she is happy to help us with any additional financial controls. Rosemary said the auditors will have opinions too.

**7. *Review Planned Purchases***

Brian said we can rent a boom mower for \$2,000 per week. For \$6,000 we can cover a significant number of roads. Jason has spoken to the Tree Board and worked with Noel Dodge on identifying the more vulnerable, critical areas where we don't want to use the boom mower. The proposal is to rent a boom mower from Pete's Equipment Sales & Rentals in Morrisville.

Eben noted that the cost was \$300 more last year. He also noted that \$6K is the full amount budgeted for roadside mowing. He hopes the time when we have the rental is used well. Brian said Jason is scheduling leave and vacation time around it to make sure we can get the best use of the mower. Eric asked if we use the rented boom mower on the rail trail. Brian said no; we use our own there.

Mark asked if we rent the mower by the hour. Brian said we rent it by the week. Mark asked if that means we can use it 24 hours a day. He thinks renting it for a week probably means renting it for 40 hours. Duncan said he doesn't think they care if we use it 10 hours a day. Eben said it depends on the company. (*Scott Griswold arrived at 6:54.*) Brian said he doesn't know if the number of hours is limited. Mark said he expects it is.

Beth asked how much it costs per hour to hire someone to do mowing. Could we get someone else to do the work for the same price? She thinks we should know much it would cost to hire someone so that we would not have to use our own labor. We don't have a fifth public works employee now. If our crew feels it might be a relief to have someone else do that work and it is the same cost, why wouldn't we have someone else do it? Eben said he would be impressed if the cost was the same. Duncan said he is sure we can get \$6,000 worth of contracted work, but the question is whether we would get as many linear feet for that

amount. Brian said if we contracted with someone we would get fewer linear feet for the \$6,000 but we could still get the most important things done.

Brian said it would be convenient to stock up on winter sand over the next month and a half, using next year's winter sand budget to fill up before the rush starts. It is convenient timing for the public works department. We won't be billed until after July 1. The plan is to buy \$40,000 of sand from Manosh. Percy's (formerly Nadeau's) is not set up yet for us to haul sand. Manosh's per ton cost is lower but it is further away, so the overall cost works out to be about the same. *(Kyle Nuse arrived at 7:01.)*

Duncan asked how much of an issue the construction on Route 15 will be. Does it make sense to take a truck back and forth to Morrisville right now? Brian said it is not ideal for the employees to spend a lot of time stuck in traffic but for other scheduling purposes this is a convenient time. It is a good activity for times when people are out for vacation and other purposes.

**Eben moved to approve the proposed purchases, Duncan seconded and the motion was passed.**

Duncan said for the budget discussion he is interested in finding out how much it would cost to purchase a boom mower. If we are spending \$6,000 a year, doesn't make sense to own one? Eben said they were \$115,000 last year.

8. ***NEMS Annual Contract***

Scott Griswold said the verbiage in the contract is the same as in the previous year. Only the sum has changed. He understands that the amount was approved at town meeting. **Duncan moved and Eric seconded to approve the NEMS contract as presented and to authorize the chair to sign it.**

Eben asked why Johnson pays the lion's share of the contract. Scott said it is based on population. It changes every 10 years after the census. Johnson's percentage went down slightly after the most recent census. Duncan asked if it is based strictly on population or on population and grand list. Scott said strictly on population.

**The motion was passed.**

Mark thanked NEMS for the COVID testing and vaccination work they did. Scott said it was good for their budget. It allowed them to pay off their building 3 years early and put a new roof on it.

Eric asked how NEMS' staffing is. Scott said he thinks they are short two people in Johnson and three in Newport. Staffing is always a problem. They are trying to work with local high schools to promote EMS work as a great local job. Mark asked what the training costs. Scott said to be an advanced EMT probably costs \$400 to \$500. It can be expensive to become a paramedic and that process takes a couple of years.

Duncan asked how much issue there is now with NEMS providing backup for other communities when they don't have someone available. Scott said it hasn't been a problem. NEMS has a great relationship with Morristown. Morristown is helping NEMS more now than NEMS is helping them. Everyone in District 4 seems happy with how things are now. Especially at night, NEMS may have to go on transfers and they can end up needing help from other towns but they track that monthly. They have good communication with other towns. It used to be that NEMS provided more mutual aid than they received but now they are receiving slightly more than they are giving. (*Kirsten Owen arrived at 7:12.*)

#### **9. Sheriff's Annual Contract**

Brian said we received proposed sheriff's department contracts for patrol and for communications. Both are for the amount we budgeted.

Duncan said at the last meeting Brian and Jason talked about the necessity to have speed limit signs at a particular distance from each other and the comment made was that the sheriff was concerned about issuing tickets on our ordinance if we do not have proper signage. Brian researched the issue and if Duncan understands correctly, the guidance is clearly in favor of speed limit signs at the recommended intervals but it is not specifically stated in law as a requirement. If Roger Marcoux is saying the sheriff's department can't or won't enforce our speed ordinance, why? Has any court overturned a ticket because signs were not at the recommended intervals? If the sheriff's contract says he is going to enforce ordinances, he needs to enforce ordinances. He asked if Brian got any more definitive answer. Brian said not yet. He hasn't found anything definitive to say why this is the recommendation for signs and what cases were overturned because we didn't follow the recommendation.

Beth said the contract states that the sheriff's department will enforce our ordinance and that is what we need it to say. If that is not happening, we should ask why. Eric asked if Brian could get information from Roger Marcoux before the next meeting about whether any court has tested our ordinance. He suggested we could wait until then to approve the contract. Beth asked, if Roger says any ticket issued was overturned because our ordinance wasn't in order, would that change the contract? She doesn't see that it would. Eric said it won't change but we have a little clout now because Roger is interested in us signing the contract. He thinks it is a good time to pose the question. It gives Roger the idea what our expectation is. Duncan said he suspects that if we polled Johnson residents, the majority would say that the main thing they want from the sheriff's department is to slow down traffic and issue tickets. Beth said we will put off signing the patrol contract until the next meeting.

**Eric moved to sign the sheriff's department contract for communications (dispatching services), Duncan seconded and the motion was passed.**

#### **10. Tax Penalty Abatement Request**

Brian said Tim Hayes paid his taxes a little less than a week after the due date. His household has regularly paid taxes but this year they were sick with COVID during the period taxes were due so the payment was delayed a little. He is asking the town to abate the penalty. He was not able to attend tonight due to a prior commitment out of town.

Beth asked what we put in place regarding penalties when we were under the emergency order. Eric said when the office was not open to the public we waived late fees. Brian and Rosemary said that was just for the first year of COVID.

Eric said historically we have not approved these requests for any reason. We have heard many excuses over the years but people receive their bills in August. They know for 9 months when their bill will be due.

Beth asked what day Tim Hayes paid. Rosemary said she thinks he has not paid yet.

Eric said penalties and interest were set by the voters. Duncan said the selectboard doesn't have the legal authority to abate penalties. The tax bill is very clear. Rosemary said something like this happens every year. Duncan agreed. Every year some well-meaning person has a problem that prevents them from paying on time and the board has not been lenient in the past.

The board declined to take any action on the request. Beth suggested that Brian respond and explain the formal appeal process.

#### ***11. Grants-in-Aid Letter of Intent***

Brian said the state Grants-in-Aid program was implemented along with the Municipal Roads General Permit, which regulates stormwater on all public roads. The state gave more money to stormwater related grant programs. We intend to participate. We worked on part of Fox Lot Road last year and we intend to do the rest this year. We have done preliminary design work with Rob Moore at LCPC. We plan to rent an excavator and use it for that project and for other projects in town. **Eric moved to approve the letter of intent to participate in the VTrans Municipal Roads Grants-in-Aid Program as presented and to authorize the chair to sign it, Eben seconded and the motion was passed.** (*Kim Dunkley arrived at 7:29.*)

#### ***12. Mowing Request for Proposals Response***

Brian said Robert and Sons is willing to continue working for the town at their current rate until their new proposal is approved. They are having some staffing issues and not getting as much done.

**Eben moved and Mark seconded to approve the mowing contract with Robert and Sons, contingent on the village approving their portion.**

Mark asked about the frequency of mowing. Brian said it is once a week.

Brian said we don't have a written contract with them and without some coordination with the village he was not able to list every place they mow. For the purposes of comparing bids we came up with a set of sites that we asked all bidders to submit a proposal for, with the understanding that the contractor chosen would have to mow all the sites that need mowing in the town and village. Duncan asked how we split the cost between the town and village if we don't have a list of all the sites that are mowed. Brian said the benefit of only receiving a bid from Robert and Sons is that they have been working for us, so they know which sites to bill the village for. We don't have to tell them what to do for the village.

Beth asked, the only additional place this year is Beard Park? Brian said he believes so. They do not need to mow all of it, just a path. Eben asked if Grow Cemetery will be taken care of. Brian said yes. Lois Frey asked who mows at the library. Brian said Robert and Sons does that. Lois said the Conservation Commission is keeping the path clear at Beard Park with a weed whacker so that does not have to be on the list.

Kim Dunkley said if possible it would be great to make mowing the arboretum a priority to keep the knotweed from growing back. Brian said as he understands it, if Robert and Sons misses sites one week, those sites are first the next time they come through.

Beth suggested a friendly amendment to add that mowing is to be done once a week and said we should also specify the unit of measure where the estimate lists a quantity of 1. Duncan asked if the RFP specified mowing once a week. Brian said yes. Duncan suggested the motion could be to approve the contract according to the specifications of the RFP. Beth said the RFP doesn't have all our locations listed. Eric asked if we get a contract. Brian said we have never had one in the past. We can ask for one. It would be helpful in a lot of ways to have a contract, especially if we could get the village to participate and list all the village locations that are mowed by Robert and Sons.

Duncan said we should not sign a contract that commits Robert and Sons to mow village properties. Eben said his motion was to approve the contract contingent on the village trustees approving paying their portion. They could say no and then the contract would not be approved.

**Eben and Mark agreed to a friendly amendment to add that mowing is to be done once a week.**

Lisa Crews said Robert and Sons are very nice and well-intentioned but they are doing a terrible job this year. It should be stated somewhere that we are not paying if they do not come. We should not be paying them if they are not coming. Every property has to be listed and someone has to see that all the properties are mowed.

Duncan said we don't have to accept this bid. We could go back out for other bids. How well was it advertised? Brian said it could be advertised better but he does not think we should go out to bid again unless we get village cooperation.

**The motion was passed with Duncan opposed.**

### ***13. Discussion of Roads Allowed and Not Allowed by Existing ATV Ordinance***

The board reviewed the list of roads that are open or closed to ATVs that was provided by Brian. Eben said there are a lot of roads listed as being open just on the unpaved portion, but that is not how the current ordinance is written. It refers to entire roads, not segments of roads. It says ATVs are not allowed on paved Class III roads. Whitcomb Island Road has a small apron but it is not a paved Class III road. The ordinance says ATVs are allowed on Class IV roads and unpaved Class III roads. It doesn't say unpaved segments of Class III roads. Upper French Hill is not paved but it has a long paved apron. Duncan said he would

argue that the intent was not to have ATVs on the paved portions of those roads. Eben said aprons have grown since the ordinance was put in place. Duncan said he doesn't know that too many have grown.

Beth read from the ordinance. It says ATVs may be operated on any unpaved Class III town highway and on Class IV town highways as identified on the Official Town Highway Map. It also says "The Selectboard may list specific unpaved Class III and Class IV roads where ATV's may be operated or not operated, by an Annual Posting and Public Notice of roads open to ATV use as per this Ordinance." Eric said we could use this list as our annual posting. Duncan said if we do that we should say for roads that have paved and unpaved sections that the unpaved segment of the road is what is open. Beth asked if the board would be interested in using this list as a posting. Eben said if we do, we would have to include all the town's Class IV and Class III roads, which this list does not. Beth asked if the board would like to use this list as a foundation and add to it.

Eben asked, what is the harm in allowing ATVs on a short paved apron of an otherwise unpaved road? Eric said he thinks the town highway map would show those roads as unpaved whether they have an apron or not. Beth said the map shows Collins Hill as unpaved but we know that a large section of it is paved. Eben said he doesn't see an issue with accessing an otherwise unpaved road via a paved apron.

Eben asked if the 25 mph ATV signs are town signs. Brian said they are Green Mountain ATV Club signs. Eben said it would be nice to have them removed from Class II roads since under the current ordinance ATVs are not allowed on those roads. We should make sure signage is in accordance with the ordinance. And we should notify the ATV club of what roads they are allowed to use under the current ordinance. He knows they are showing Plot Road on their map. Mark said he has noticed signs on roads that are partially paved like Sinclair Road saying ATVs are not allowed on the paved section. Beth said she thinks the one on Sinclair Road is the only one she has seen.

Eben asked if having Brian spend time creating the list and having the board spend time talking about it is a good use of time. Beth said she would say yes, considering how frequently she gets contacted about ATV usage. Eben said we are also talking about making changes to the ordinance. Beth said we can create this list more quickly. Duncan said after the board agreed on an ordinance change there would be 60 days before the ordinance could be implemented, so we are months away from having a new ordinance.

Eric suggested that maybe the list could just say that all Class IV roads are open rather than listing them. Duncan asked, wouldn't it be sufficient just to reiterate what our ordinance says? Beth said she thinks there is confusion about which roads are Class III. Eric said there is definitely confusion. Part of it comes from the board authorizing and unauthorizing access on certain roads. Beth said right now we are in the middle of the current ATV season. She thinks we need to address the issues that we have now. We should clean up signs that are in places they should not be. Personally she feels that it is important to publish which roads are accessible and if roads are not on the list they are not accessible. We should distribute it to specific people like the ATV club and post it publicly.

Duncan suggested including town highway numbers as well as names. Brian said he can do that, but names and numbers don't match up 100%. For instance, Town Highway #7 consists of part of Clay Hill Road and Plot Road.

Beth said if the board approves the list of roads that are open she will read it out at the next meeting for the minutes and we should publish it. Brian should put it on Front Porch Forum and Facebook. Brian said he will put it on the front page of the website and circulate the link. He will put it on the bulletin board.

Eric asked if we have seen Waterville's ATV ordinance. Brian said he would have to check if that is one of the ones he got. Eric said he is wondering if the Waterville end of Plot Road is open to ATVs. That could be why ATV traffic is coming up Plot Road.

Kirsten Owen asked who in town government has the authority to designate which roads are open and which ones are not. What is the process and the procedure and who has the authority to take away access privileges? And who paid for the Class IV section of Hoag Road to be upgraded, VASA or the town? She noted that Route 100C is a state highway with heavy traffic. Does the town have permission from the state to allow ATVs to travel on 100C from Rocky Road to Hoag Road, as opposed to simply crossing it?

Beth said updating access for roads falls under the ordinance that is in place. If we were to change the ordinance, the board would have to come to agreement on the change and after the board approved the ordinance change there would have to be a public meeting for feedback and then a period before the ordinance became effective. The board would be the ones to initiate that. From what she understands, the ATV club upgraded Hoag Road and paid for it. The town did not. Regarding usage of the state highway, we cannot authorize usage. From what she gathers, ATVs can cross the state highway but not ride down it without state permission. Brian said the ATV club got state permission to ride on 100C between Rocky Road and Hoag Road. They asked for our endorsement but the selectboard declined to provide an endorsement. The state subsequently approved it.

Kim Dunkley asked what recourse a person has if their road is on the list as open for ATVs and they are being impacted. Beth said if laws are being broken she would encourage calling the sheriff's department. People can also come to the board with their concerns and the board can consider them when they look at changing the ordinance.

Kim said there is a sign at the end of Hoag Road where it meets Clay Hill Road that says something like "This is for ATVs." That alienates people who might want to walk on the road. The road should be open to the public. Eric said it is. Kirsten said the sign indicates VASA club members only are allowed. Kim and Kirsten agreed that the language makes it sound as if other people are not allowed. Kirsten said the road is so muddy now due to ATVs that it is not useful for walking. Beth asked if Brian could look at those signs. Mark asked Brian to find out whether VASA has authority to say only VASA members can be on our roads. Brian said that is in our ordinance. Duncan said it is also in state law. Brian and Beth



said the intention of the signs must be to say that only VASA members can ride ATVs there, not that the roads are only open to people on ATVs. Brian said he will follow up.

Kyle Nuse said she is happy to hear discussion around getting clear communication out to the public. As the season goes on, bad habits are being created. It is hard to get people to comply if they are not being told what they can do. If the board can commit to getting information out very soon, that would be great.

Lois said the list says that the unpaved portion of Clay Hill is open to ATVs. There has been a long history of people coming up Gould Hill then taking the paved part of Clay Hill to Plot Road or the dirt part of Clay Hill. This says that is not allowed. There probably will be a lot of feedback about it. She feels it is an accident waiting to happen. Mark said he thinks there is a sign right at the junction that says no ATVs are allowed past this point. Kim agreed.

It was agreed that Brian should update the list and send it out to board members for review.

#### ***14. Planning for Assessor Replacement***

Brian said we have been having conversations with our current assessor, Terri Sabens, about providing assessor services. She has talked about stepping back and providing a replacement whom she would train to work with multiple towns in the area. Duncan sent her some questions and his questions and her responses were distributed to the board. Duncan said some of these are not his questions but ones submitted by other board members. Brian said not as many people are doing the job anymore. When we went out to bid to hire Terri we did have one other candidate. One thing we liked about her initial proposal was that she mentioned developing future candidates.

Eric said a priority for him is a rolling reappraisal. He thought there was value in that. When the board questioned Terri at the previous meeting he got the impression she could do rolling reappraisals and would consider that, but in her answer here it looks like she is saying no and that we should hire someone to do a full reappraisal every 10 years. Her answer is not clear. Brian said incorporating rolling reappraisal into the position is not something she is currently proposing. He doesn't believe she has plans to incorporate it into her proposal. What we had previously was not truly a rolling reappraisal. He is not clear what the difference is between what we did and a rolling reappraisal but the assessors have always corrected him that we did not have a true rolling reappraisal. Beth asked if Terri in her proposal is willing to give us what we had before. Brian said no. Duncan asked if what we had before satisfied the purposes of the state for reappraisal. Rosemary said the state questioned it when we had it done. They had not advised us that we needed to reappraise. *(Kim and Kirsten left at 8:20.)*

Beth asked if Terri's answers negate our interest in her proposal. Duncan said Hyde Park town administrator Rod Rodjenski sounded like he was definitely interested in a rolling reappraisal. Duncan's idea was to have it as an option. He thinks it is important to know what level of appraiser we would be getting. There are levels one through three or master appraiser. He thinks the concept of a rolling reappraisal is a good one. Terri has a proposal for a memorandum of understanding. If we don't like it we can go out to bid and try to get something different. We could talk about a position shared between a couple of towns. He is in favor of having more options. He thinks what she is offering us is the minimum in

assessing services, which will require us, when the state tells us we need a reappraisal, to pay \$150-200K to have the whole town reappraised. His opinion is that she is not offering what we want or need.

Beth said she has a hard time talking about a commitment when we don't know who the person is who would provide the services. We should be interviewing that person. Brian said he thinks Terri has a person in mind and it would be reasonable to say we want to meet with the person before signing.

Beth said she thinks it is a big enough service that we should be going out to bid.

Eric said he is struggling with the idea that the person would work one day a week in Johnson. NEMRC would not continue and Robin would not continue assessing for us because we do not have zoning so the assessor cannot know what has been done without going out and checking. That is a springtime activity. When we had the listers it was a full-time job for them for two or three months. They went to every single home to look for improvements. How is one person working one day a week going to fulfill that obligation? Eben said his understanding was that the Terri knew all the places where there was construction and she would visit them all over one or two days. It wasn't a three-month long process; it was a day or two. Maybe that is why she is seeing one day a week as sufficient. Eric said she is not local so she is not really going to know what is going on in the community. Rose was local and knew about any construction that was taking place. Duncan said Rose did not go to every property, just where she thought improvements were taking place. Rosemary said she thinks she at least drove by every property. Duncan said the listers had a schedule. Rose went away every winter. He thinks some of the work could be spread out over the year on a different schedule.

Duncan asked if Brian has definitely heard that Terri has no interest in making a rolling reappraisal possible. Brian would not say she has been definitive on that point. He will press her on that and get a clear answer. Duncan said if Terri said we could work toward a rolling reappraisal 3 years from now when the new person will be trained he would be more comfortable signing the MOU.

Beth asked if there is interest in talking to other towns about this. Eric said he thinks we should at least sit down with Hyde Park and Wolcott. We haven't met with those boards in years. We could also talk about the sheriff's contract. He suggested that the chairs of the boards meet. Beth suggested that we talk to the other towns about what the towns' needs are, not about Terri's proposal. The board agreed. Beth asked if Duncan is interested in being part of the conversation. Duncan said yes. Beth asked if Rosemary or Brian would be interested in participating. Rosemary said she would. Brian said he is fine with Duncan and Rosemary and Beth representing the town. Beth said she will initiate that conversation.

#### ***15. Economic Development Next Steps***

Brian presented the board an updated draft job description for an economic development coordinator that he thinks reflects the last board discussion. The board has not decided if we want a contractor or part-time position.

Duncan said he thinks we should dedicate at least part of a work session meeting to discussing what we want. He could go with either a part-time employee or a contract. He thinks there is potential for a shared position and in that case he would be more inclined to go with a part-time employee. But LCPC has the ability to do service agreements and they could provide a circuit rider position. Eben said he thinks we should have contracted service for this year. If we could find another town to share a part-time employee with or if we could quickly find a retired person to work part-time that would be great, but he doesn't think we can depend on that this year. Eric said he prefers an employee for the long term but with the amount of money we have he thinks we have to look at contracting. Mark said he thinks we will have to do a contract. Beth said she is in favor of a contractor for the first year.

Casey Romero said if there is a chance the village trustees would entertain putting the question of money for an economic development position before the voters, and if it passed, that would affect the amount of money available. Would that tie into the length of the contract? Beth said our money is specifically for the fiscal year from July 1, 2022 to June 30, 2023. Her guess is that because the trustees don't have their annual meeting until next April any money they budget for this would not fall into the same fiscal calendar. Duncan said the trustees decided to cancel the special village meeting since there was only one candidate for the board and they also decided not to ask the voters the question about the economic development coordinator. They have decided not to revisit that question.

Beth said now that we know board members are in favor of a contract we would be able to put out an RFP.

Duncan recommended reaching out to the Lamoille County Planning Commission. They may have some capacity. In the past the town used LCPC to apply for and administer grants. They have a lot of talent. Beth asked if they have people who do design and visionary work also. Duncan said they are the Planning Commission; of course they do. Beth asked if they have people who specialize in industrial parks. Duncan said they have people with experience in that regard and they may know of others.

Duncan said he has heard that Morristown has an Act 250 permit application in for an industrial park. That is not good news for us. We do have a plan prepared by Ruggiano for the industrial park property but we don't have a final plan with updated cost estimates and we don't have permits in place. He thinks it would be appropriate to have Brian investigate whether we can use ARPA funds to update the plan and get an Act 250 permit.

Beth said the job description talks about identifying promising goals and opportunities. She feels like maybe we already know what these are. And we are going to be having the public ARPA discussion. So asking the person for visionary information is not what we need right now.

Mark said there was a notice on Front Porch Forum about the ARPA meeting but you had to click on it to see the details. He thinks we should put out a better notice about that meeting. Beth said she thinks we should all push out the message about the meeting to get a wide audience. Lois said there has been very little information about the ARPA funds. Mark

earlier mentioned 3/4 of a million dollars. That is the first she has heard of the amount of money. She hasn't heard about the categories that ARPA money can be spent on. Lisa suggested calling WVLB to get them to publicize the ARPA meeting. Brian said he will do that.

Duncan said he is a little concerned about the open-endedness of the framework for discussion. He thinks we will have a lot of people come in and throw out ideas of things that won't happen. He thinks it would have been better for us to sketch out our ideas for priorities and have people react to those. Beth said it depends what you value in that discussion. If it is really about brainstorming, then all things are on the table. She doesn't think we should dismiss any idea. We will put out the things that are on our priority list.

Beth suggested getting rid of most of the second paragraph in the job description. She said she thinks we need to talk about things like experience with Act 250 permitting and other infrastructure and town planning projects. Brian said he can make those changes. Brian said he will talk to LCPC before the next meeting to see if they have interest or capacity to be directly involved or maybe just to help us identify candidates.

#### **16. Recreation Coordinator Resignation and New Search**

Brian said Lisa Crews has resigned as rec coordinator. She has offered to stay on to assist in the transition, provided we are making good progress toward transition. Lisa said she would do that at her current pay. Brian showed the board the rec coordinator job description and the draft of an ad for the position. The board reviewed them and noted some things that should be changed. Beth said she thinks it is more important to put out the job advertisement as soon as possible. Then we can work on the job description. We should put in the inclusivity language that we have used for other recent postings.

Duncan asked how many hours Lisa works per week. Lisa said 24 on average. Duncan asked about the idea of a combined rec coordinator and economic development person. Beth said those are different skill sets and the rec coordinator works a lot of hours that are not normal hours, like going to sports activities at night.

Lisa suggested a wording change to the job posting. It says "help committees organize recreational and skatepark programs and activities." She would take out the word "committees."

Lisa said regarding the job, something needs to be done about the personal vehicle use. It is a problem. And the pay for holidays is listed as days you work, but you usually work a bit every day of the week. Maybe holiday pay should be prorated to 24/40. She also suggests that the board consider the potential for a cell phone plan for the person in this position. She pays for her own phone plan and she gets texts at 8:00 a.m. on Sunday morning about recreation. She also suggested calling the position "parks and recreation" since maintaining fields is part of it.

Brian said he will post the notice as soon as possible. He will remove the word "committees" and replace the equal opportunity statement with our more modern language. He will write a

shorter version to post and link it to a longer version, since we pay by the word. Beth said she would like to see the shorter version before it is posted.

Lisa asked if she can keep working until the person is hired, and then can the board consider her helping to train the person for a fee? Beth said the board will think about that. Duncan said he is in favor of her continuing to work until we hire someone.

Duncan said regarding holiday pay, it is part of the personnel policy so he doesn't think we can offer an employee something that is inconsistent with the personnel policy. The board can consider a change if they are looking at revising the personnel policy.

**Duncan moved to accept Lisa Crews' resignation with strong regret and to offer her thanks for her work, Eric seconded and the motion was passed.** (*Casey and Lisa left at 9:06.*)

#### ***17. Employee Review Process Discussion***

Brian said the board had some feedback at a previous meeting on the employee review process. He handed out drafts of a proposed peer questionnaire and a self-evaluation form.

Eric said he likes having peer input and a self-evaluation. Quite often employees are harder on themselves than their supervisor is. What he thinks is missing from this is a supervisor's review. Maybe the supervisor's review does not need to be as comprehensive as what we have been using but he thinks there needs to be some supervisor input. The supervisor needs to sit down with the employee and talk about how they are performing and where they can make improvements and reinforce that with the feedback that is coming in from peers. Peer input can be helpful if the supervisor's impression of the employee is off. Getting feedback from peers could make the supervisor question their biases.

Beth said what we did was more of a 360 than a peer review. Brian said he collected input of other employees, worked in his own feedback for the individual and used that in addition to their self-evaluation. He thinks Eric is saying that having a supervisor's report separate from the reports of other co-workers would be valuable.

Beth said she would ultimately like to see everyone have goals for the year that would be different from what is in their job description and their performance would be measured against their goals for the year. Duncan asked who would set the goals. Beth said the employee with their supervisor.

Duncan said he would like to see some connection between the self-evaluation and what is expected in the job description. If something that is in the job description is not happening then we need to change the job description or the person needs to start doing the work.

Eric suggested shortening the evaluation we have used in the past for supervisor review. Brian said he thinks we could come up with a shorter version. He doesn't know what extent it would be based on the old form. That one was multiple choice and we want to turn it into something more like essay questions. He thinks there could be essay questions related to the same material.

Mark asked how many town employees there are. Beth said there are four on the road crew as well as Lydia, Brian and Lisa. Duncan said Jason is supposed to evaluate the highway employees.

Mark asked, the board would not look at the 360 reviews, would they? Beth said we would for Lisa, Jason or Brian.

Eric asked if Brian could have a supervisor form ready for Jason to use for the next evaluation that is due, which is for one of the public works employees. Brian said yes.

Lois said for public servants she thinks it could be helpful to get feedback from constituents, maybe every 5 years. That gives a broader picture.

Brian will work on updating the forms and bring them back to the board.

**18. Vacant Public Works Operator Position**

Brian said a fifth public works employee is in the current year's budget and next year's budget. Without a fifth employee we have very little capacity to absorb unexpected absences or challenges. The crew is not as resilient.

Beth asked if there is anything about employee pay that is not budgeted for the next fiscal year. Brian said the annual increase for next year could be bigger than what we expected when we budgeted. That happened this year. We budgeted for an expected 3% increase and the increase decided on was more than that. Duncan asked what the budgeted amount for the employee's benefit plan was based on – a family plan? Brian said he would have to check. He believes it was based on a two-person plan. Duncan said if what the employee gets is different, that could put us over budget.

Eben said when the fifth employee was originally sold to the voters the idea was that we would no longer need part-time help. Duncan said it was also suggested that it could reduce overtime hours. Brian said it was pretty successful in that but we never completely eliminated a part-time employee. We didn't go over budget on the part-time employee and we reduced their hours, but we never eliminated part-time work.

Mark asked if employees are counting on overtime as part of their income. Eric and Brian said yes. Mark asked if a fifth employee would reduce overtime and result in less than the expected income for the other employees. Eric said the hope was that it would reduce our overtime but he doesn't think it really materialized that way. Brian said he thinks it did reduce it.

Duncan said having another employee could allow employees to take turns having a day off when they are not on call. Brian said that worked and was successful when we had five employees. When winter ended, employees had less comp time accumulated and were more well rested and had already had some breaks.

Eben said we could contract out hauling sand for \$100 an hour. Was that ever discussed with the public works crew? He can understand having five employees because if someone gets sick in winter there is much less stress with an additional employee. But we could keep part-time employees to alleviate that strain and use the money for contracted services. What are employees' thoughts on that? Brian said he hasn't discussed the possibilities with them in that much detail. Eben said there are different routes we could take to make their lives better. If we go the route of hiring a fifth employee, then the part-time employee's hours need to be reduced. If they understand that filling this position means the part-time help is going, that might make them think differently. Being able to use contracted services for some of the work could change their summer. Beth said she thinks using contracted services might save us money because we would not be paying for benefits.

Mark asked how many big plow trucks we have. Eben and Beth said we have three tandems and a salt truck. Brian said we also have a pickup truck.

Eric said we haven't even started working on our next budget yet. We have the highest inflation since 1980 and a fuel crisis. Who knows what our fuel bills for trucks will be? We still have to go through negotiations with the union. He thinks it would be wise to hold off for a while and not post for a fifth position yet. Until just a few years ago we ran the highway department with four people on the crew.

Eben said he wants the employees to understand the options regarding a fifth employee, contracted work, etc.

Duncan said one reason hiring a fifth employee was considered essential was that the town employees were spending a lot of time putting up sand and gravel from the gravel pit. If that is not being done or is being done less than in the past, does that change the dynamic? Eben said he thinks there are more projects that go on now than there used to be. He likes having five employees because we have an employee that will retire soon. He wants to get feedback from the employees. Duncan said he agrees with him on part-time employees. Having five full-time employees was sold to the public as a way to eliminate part-time help. If we have five full-time employees he doesn't see the need for a part-time person.

Beth suggested that the whole public works crew should be invited to participate in the discussion. Brian suggested that he and Jason meet with the crew and discuss options and then they can report back to the board. Beth said the employees need to understand that the board will make the final decision.

It was agreed not to advertise for the fifth position yet.

**19. Purchase of Fencing for Grow Cemetery**

Brian said it was hard to get an estimate for fencing for Grow Cemetery. This would be a large enough expense to be considered a major purchase which should go out to bid. But we could not get more than one company to even give an estimate. Eben asked, this could fall under the sole source exception, right? Brian said he thinks it should qualify because while there are other fencing contractors, no others returned our calls. We got two estimates, one for split rail and one for vinyl.

Duncan said if we pay for this fence the cost is high enough that it means no stone work for 3 years. He is wondering if we can just do part of the fence. If we fence the entire thing with split rail it would cost almost \$16,000 and if we went with vinyl the cost for fencing the entire cemetery would be \$26,200. Eben asked if we could just put rocks around it. Brian said he doesn't know if that would meet the requirements. Duncan said the state statute regarding fencing for cemeteries was written at a time when it was important to keep livestock out of cemeteries. Brian said Evergreen Ledge Cemetery has a vinyl fence at the front and wire fence around the rest. We could do something like that. Duncan said we don't have money in the budget for this. And he has a hard time thinking of spending almost \$16,000 on fencing. There are always ads on Front Porch Forum from strong young people looking for work. If we provided materials could we get someone like that to put up a fence? Brian said if they were not insured we would have to hire them and have them work under our insurance. Duncan said he would be okay with that.

Eben asked if we could chip away at this project. We could put fence around the most southerly portion and the roadside portion for not too much above budget. Beth and Eric suggested the vendor might not keep the same price per foot if we bought less fence. Brian said he thinks we could either do that or we could use two different materials like white vinyl on the road side and wire around the rest. He said he will come back to the board with options for using mixed materials or the cost for just doing two sides this year.

#### **20. Eldridge Complaint Update**

Brian said the Eldridges submitted another complaint about their neighbor's property. Tracy Myers visited there this past weekend but he hasn't gotten her report yet. There have been some issues with locating the property owner, who is not currently on the property.

Duncan said he imagines the sheriff's department could locate him. If need be he would suggest having the sheriff's department serve him with a health order or ordinance violation. Beth said it sounds like we need the health officer's report first. Eric asked the goal for having the health officer visit the site. Brian said the primary goal was to check on the health and well-being of the person who was living on the property, who may not still be there. If she is still there conditions may warrant an emergency health order. Dean Locke said the health officer's role is to look at whether the situation is going to lead to a safety or health risk for neighbors or for the person living there. The health officer needs to consider whether emergency vehicles can get onto the property, whether water is working, whether there are excessive combustibles, etc.

Duncan said he is more concerned about the trash outside, which is attractive to rodents. He feels a health order could be written. If he were the Eldridges he would be angry. He would not want to live next to that. He thinks we should try to do something. Eric said we have been dealing with this for a decade. We have issued health orders and gotten the state involved but the state pretty much threw up their hands. Dean said we can write an emergency health order but it should go to the landowner and we have to know where he is. And if the landowner does not have the means for complying, the situation will continue. Duncan said he does not disagree but if a health order is issued it can be recorded with the land records. Then if the owner wants to sell, to get a clear title the violation has to be cured. At a



minimum we should do that much. If we have to go to court to enforce the health order he thinks we have an obligation to do that. If the court rules in our favor but nothing happens then he thinks we should consider spending town funds to clean the place up and evict the occupants.

**21. *Holcomb House Tenant Update***

Duncan asked if the Holcomb House tenants ever reached out to Brian about a possible extension. Brian said yes. He told them that the selectboard had declined to give them an extension. Duncan asked, so they are supposed to be gone around July 1? Brian said yes. He has received reference checks from them so he knows they are looking for a new place.

**22. *Executive Session to Discuss Employee Evaluation and Compensation***

**Eben moved to enter executive session to discuss employee evaluation and compensation as allowed by 1 V.S.A. § 313(a)(3), Eric seconded, the motion was passed and the board entered executive session at 10:03.** The board came out of executive session at 10:13.

**Eric moved to increase the public works supervisor's salary to \$73,000, retroactive to his evaluation date, Eben seconded and the motion was passed.**

**23. *Executive Session to Discuss Current and Future Gravel Pit Options***

**Eben moved to find that premature public disclosure of the board's position on a future gravel pit may substantially disadvantage the town leading up to negotiations and therefore an executive session would be warranted as allowed by 1 V.S.A. § 313(a)(1), Eric seconded and the motion was passed.**

**Eben moved to enter into executive session to discuss the town's negotiating positions as allowed by 1 V.S.A. § 313(a)(1), Duncan seconded, the motion was passed and the board entered executive session at 10:17.** The board came out of executive session at 10:33 with no action taken.

**24. *Executive Session to Discuss Attorney Correspondence Regarding Stormwater Drainage***

**Eben moved to go into executive session to discuss confidential attorney-client communications as allowed by 1 V.S.A. § 313(a)(1), Eric seconded, the motion was passed and the board entered executive session at 10:35.** The board came out of executive session at 10:54.

It was agreed to follow up with the attorney.

***Adjourn***

The meeting was adjourned at 10:54.

*Minutes submitted by Donna Griffiths*