

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
THURSDAY, SEPTEMBER 19, 2022

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

Others: Brian Story, Rosemary Audibert, Jason Whitehill, Dean Locke, Jeff Bickford, Lisa Crews, Lois Frey (remote), Howard Romero (remote), Tina Bidwell (remote), Ken (remote), Kirsten Owen (remote)

**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**

Brian said the noise ordinance request can be removed from the agenda and we should add appointment of someone to the rec coordinator position. Duncan added an assessor status update.

**3. Review Invoices and Orders**

The board reviewed and discussed invoices and orders.

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

**Eben moved and Mark seconded to approve the minutes of September 6, 2022. They agreed to a friendly amendment to correct the minutes to reflect that Eric was not present. The motion was passed with Eric abstaining.**

**5. Selectboard Issues/Concerns**

Duncan said he would like to see us look more seriously at a purchase order system. What do we need to do to make that happen? Beth said she thinks we need to prioritize it against the other projects on our list. She thinks it was on our list but not highly prioritized. She will put reviewing the priority list and we can talk about this item as part of that discussion.

Beth thanked Duncan for his recent work on resetting cemetery stones. They look really good. Mark agreed.

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

Rosemary said we are at 50% of budget for expenditures. We got our first quarter of highway money from the state. The town got about \$4,000 in donations for the mural project.

The board packet included a summary of cash on hand at the end of the year (\$205K after following the recommendations the board approved last year), along with Rosemary's and Brian's recommendations on what to do with it.

Eben asked how large the tax anticipation fund needs to be to cover costs for the first quarter. Rosemary said probably \$250,000. She thinks the voters authorized putting up to 10% of the yearly tax bill in the fund. Eben asked if we really need to put in another \$40,000 over what we believe we will need, as Rosemary and Brian had suggested. Duncan noted that once we put money into a reserve fund it can only be used for what that fund is for.

Duncan suggested adding more money to the reappraisal fund.

Beth asked if the amounts in the tax anticipation fund and the emergency fund are adequate. Rosemary said she feels there is not enough in the emergency fund. Beth said she wonders if we should have a plan to build that fund. Rosemary feels we should.

There was discussion about adding money to the reappraisal fund. Duncan asked what our current CLA is. Rosemary said 97%. We will be ordered to do a reappraisal if it falls to 85%. Eric said the CLA is a 3-year rolling average and doesn't fully take into account the sharp rise in home values recently. Last year it was over 100. If it has dropped that much in a year, then we will be in trouble next year. Eben agreed that when 2022 is added and 2019 is dropped the figure could move quite a bit.

Duncan said if the reappraisal will cost between \$150,000 and \$200,000 and we currently have around \$60,000 in the reappraisal fund, even if a reappraisal is 3 years out we need to put more money in the fund.

Eben suggested taking the \$40,000 that had been suggested to put into the tax anticipation fund and instead putting \$10,000 of that in the tax anticipation fund, \$15,000 in the reappraisal reserve fund and \$15,000 in the emergency fund. Beth said she likes that idea in theory but she would like to know where we are with the highway capital fund. Brian said it is in good shape throughout its life, contingent on selling the old grader. He believes there is a low point in FY25. Beth said she would like to see the highway capital reserve fund spreadsheet updated with some different options. Eben said the current projections for that fund do not include moving up replacement of the mower. Mark said they do not take into account the current inflation rate. Brian said the \$40,000 he suggests adding is mostly to offset increased costs. Having enough money in that fund does rely on successfully selling the grader at the anticipated price. Duncan said the highway capital reserve fund spreadsheet used to have an annual increase factor that he thinks was 3%. What is it now? Beth said she thinks to be accurate it would need to be 8% or 9%. Brian said he thinks it still has 3%.

It was agreed to discuss this further at the next meeting. Brian will provide an updated spreadsheet. Beth said we should make sure to consider the sheriff's department. Eben asked Rosemary if she is comfortable if we put less in the tax anticipation fund then she and Brian had suggested. Rosemary said yes.

Rosemary said taxes are 39.36% collected for the year, slightly better than the last 2 years. There is currently \$58,000 in delinquent taxes. She thinks that is a little less than the previous year.

Rosemary said several years ago the state stopped sending tobacco licenses for local boards to sign. But they realized that that practice was contrary to state statute. They are going back to a system where local tobacco control boards will approve the licenses before they are sent to the state. Beth asked if the selectboard is the tobacco control board by default if there is no tobacco control board. Rosemary said yes.

#### **7. *Public Works Supervisor/Highway Foreman Report***

Jason said the public works crew has finished work on Collins Hill Road. They have been grading back roads. They have three roads left for roadside mowing. Sand is all stocked for

winter. They will start the Fox Lot project next Monday. The Lendway Lane project is almost done. Duncan said the ditching on Collins Hill looks good.

Eben asked if the public works crew got any material hauled for the skatepark. Jason said yes. It is not all hauled yet.

Mark asked if we have much poison parsnip. Jason said we have more on the rail trail than on the roadsides.

Jason said in mid to late October the public works crew is going to put in a pathway in the arboretum as well as a roadway for the Tree Board to bring in wood chips. The cost should be about \$1,400 for labor and materials.

Jason said our new grader is all built and should be shipped in a few days. Shipping usually takes about 2 weeks and it should be about a month overall until we get it.

Eric said if we are confident the grader is going to be here in a month we should put out a request for bids for the old grader. Beth said she will put that on the agenda for next time. Brian can bring a draft.

Jason said he got a quote from Milton Cat for a 7-year lease-to-own arrangement for an excavator. Over the 7-year lease period it would cost us \$2,500 more per year than what we spend now on excavator rentals. Duncan said we would need to buy a trailer to transport it. Eben said not necessarily. Beth suggested getting more numbers to the board for the next report.

Duncan asked if Jason talked to Milton Cat about rubber tires vs. tread. Jason said the previous road foreman rented an excavator with rubber tires and it did not work very well for stability and what we do. It would work well on paved roads and wider roads. The excavator he got a quote for is comparable in size to our backhoe, a size that works well for keeping one lane open. He can give more information on price and his thoughts at another meeting. Duncan said he believes the backhoe is shared with the village. Jason said it is 80% town and 20%.

Beth said it would be nice to know what our actual costs have been over the past 7 years. At the end of the 7 years of leasing, what happens? Jason said we would own it. Beth asked, without paying anything additional? Jason said that is right.

#### **8. *Review Planned Purchases***

Brian said one planned purchase is spending \$10,000 for stone for our two in-progress grant projects, Lendway Lane and Fox Lot Road – \$500 worth for Lendway Lane and \$7,500 worth for Fox Lot Road. Duncan asked if the stone would be transported with town trucks. Jason said yes.

Another planned purchase is culverts. Eben asked if they are for grant projects. Brian said yes. Beth asked if we get multiple quotes for culverts. Jason said we normally just get them from Johnson Farm and Garden, as does almost every town in the area, because of their accessibility and their quantities. Beth said she wonders if we should check prices from other sellers. Duncan said he suspects Farm and Garden is giving us a reasonable price but he agrees we should at least check others. Mark suggested it would be a good idea to join with other towns like Hyde

Park to make purchases. Duncan said the Transportation Advisory Committee (TAC) was trying to get together multiple town group purchasing. Has there been more discussion on that? Brian said not lately, but he could bring it up again. Jason said we looked into it in the past and there is a large shipping cost if we get bigger quantities of culverts at a time. Brian said he will look into it.

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

Duncan asked if Jason is the alternate to the Transportation Advisory Committee. Brian said yes. Duncan asked if Jason ever goes to the meetings. Jason said he has hasn't yet. Duncan said he would recommend it. The TAC was trying to get a road foreman group together. Brian said pre-COVID that was pretty successful. He doesn't know if they have done it post COVID. He said he will bring Jason with him when he goes to the next meeting.

**9. *Community Development Block Grant for Jenna's Promise Update***

Brian said the board needs to certify that we have adopted various policies and codes in areas such as equal employment and fair housing. As he understands it, we don't need a policy in each of these areas but we need to abide by, for instance, fair housing standards. Beth said we need to make sure that none of our policies conflict with these policies. These are things we are agreeing to do as terms of a contract. We need to make sure these are all contractual terms we can abide by. The town is signing to get grant funds and the funds are going to Jenna's Promise. Is Jenna's Promise signing an exact replica of this? Brian said they have their own contract. He doesn't know if it is an exact replica of this. Beth said we shouldn't sign unless we know that they have agreed to the same terms.

Beth suggested that we could change the text at the top of the form where it says the town "has adopted the following policies and codes" by striking out "has adopted" and replacing it with "agrees to" and we could initial it and see if it is accepted.

Brian said this is connected with the change from Jenna's Promise to Jenna's House. We signed this agreement for this grant previously; we just have to sign it again now because of the change.

**Beth moved and Eben seconded to sign Municipal Policies and Codes (Form MP-1), replacing "has adopted the following policies and codes" with "agrees to the following polices and codes."** Duncan said he will vote in favor but he feels it will not be accepted. **The motion was passed.** (Rosemary left at 7:52.)

**10. *Rec Coordinator Position***

Brian said the board had authorized him to go to Dean Locke with certain proposed conditions of employment. Dean has expressed interest in accepting those conditions in writing. Does the board wish to accept?

**Duncan moved and Eric seconded to make a written offer of employment to Dean Locke for the position of Recreation Coordinator as per draft letter of Brian Story, with the following modifications and additions:**

- 1) Paragraph 1: strike the second sentence (the Job Description states the hire reports to SB under supervision of TA)

- 2) **Paragraph 2: add to end of sentence, "as per attached Job Description".**
- 3) **Paragraph 3: add a statement that employment is based on a maximum of 1248 hours annually, but that hours may be flexible from one week to the next, as required by program needs.**
- 4) **Paragraph 4: make it very clear that any information as to town contributions to benefits are estimates and actual benefits will be based on pro rata costs and contributions, as set annually by the Selectboard. Pro rata cost for Health Insurance is based on a ratio of 24 hours to 30 hours and for Dental Insurance a ratio of 24 hours to 40 hours.**
- 5) **Paragraph 5: change "company" to "Town". Add statement to the effect that adjustments in salary may be made by the SB at their sole discretion as part of normal annual budgetary process.**
- 6) **Paragraph 6: Change wording slightly. Employees are subject to and benefit from the adopted Personnel Policy. A copy is attached. Please sign and return the last page, acknowledging receipt.**
- 7) **Add a paragraph about VMERS to indicate mandatory participation. Identify the Defined Benefit Plan (Plan B) and the employer and employee contribution rates (employee 5.875% of pay and employer 6.5% of pay). State that the employee may also choose the Defined Contribution Plan. Indicate that paperwork will be part of the offer package.**
- 8) **Add a paragraph about the IRS Section 125 "Cafeteria Plan" currently offered by the town.**
- 9) **Add a paragraph about the Long Term Disability Plan currently offered by the town.**
- 10) **Add a paragraph about voluntary benefits the employee may want to avail themselves of (AFLAC Vision Plan, Supplemental Retirement Plan offered through VMERS).**
- 11) **Offer of employment is subject to background checks.**

Eric said he would not support adding all this language to the offer letter. He would just support adding references to the personnel policy and the job description. If signed by both parties the letter is a binding contract and then the town would not be able to change things like the employer contribution to health insurance.

Mark said we must do this every time we hire an employee. They must have a contract that has all this in it. Brian said we don't have contracts. Most of these things are handled by Rosemary when she signs people up for benefits. He noted that Dean passed a background check recently because he is a health officer so Brian does not recommend doing another one. The checks are not free.

Beth said she does not think all details of benefits need to be listed in the offer letter. Those can be explained to the employee as part of the onboarding process. She was hired at a new job in April and she did not have every detail of her benefits outlined in her offer letter. A list of benefits was emailed or texted to her. Duncan said that is not how he has dealt with employment offers in the past. He said he doesn't believe the estimates for benefits are correct. He doesn't believe the dental estimate is even in the right ballpark.

**Eric moved and Mark seconded to amend the motion to make the written offer of employment to Dean Locke based on the draft letter Brian had sent with the following modifications:**

- Delete the last two sentences of the first paragraph.
- Add “See job description” to the second paragraph
- Delete the last sentence of the third paragraph and all of the fourth paragraph and replace with “See personnel policy.”
- Replace “company” with “town in the fifth paragraph.

**The motion to amend failed with Eric and Mark voting in favor and Duncan, Eben and Beth opposed.**

**The original motion failed with Duncan and Eric voting in favor and Mark, Eben and Beth opposed.**

Duncan said his original motion at the last board meeting, as he recalls, was to make an offer of employment based on a wage of \$19.50 for a 24-hour work week with any deviations from the personnel policy identified and for that proposal to be brought back to the board for review and approval. He understands Brian took that to mean that he could send a written offer to Dean and Dean could sign it but he doesn't think that comports with the motion he made. Eric said according to the unapproved minutes of the last meeting, Duncan's motion was “to authorize Brian to negotiate and bring back a written offer of employment letter to Dean Locke based on 24 hours per week and the town's duly adopted personnel policy at \$19.50 per hour with a 6-month probationary period.”

**Eben moved and Mark seconded to approve the returned offer letter signed by Dean Locke on September 19, 2022. The motion was passed with Duncan opposed.**

***11. Assessor Update***

Duncan said Ron Rodjenski has been doing most of the legwork on this but he has been on vacation. Hyde Park, Johnson and Wolcott are interested in a shared assessor position. As far as he knows Vergennes is still interested. That is all he knows at this point.

***12. Discussion of Status of Fifth Public Works Position***

Brian said this agenda item is intended to assess what the board needs in order to make a decision on filling the fifth public works position. We have the position in our budget but we know employee costs have gone up so it is a little underfunded in the current budget. But we also would not be starting from the beginning of the year. The person would work for a few months less than a total year. If we hire someone in October or November we have a little more freedom about the type of person we hire because they will not be thrown right into the most difficult parts of the job, such as snow plowing.

Beth asked for a rough estimate of how underfunded the position is. Brian said he thinks we are in a good spot right now because we haven't spent any money on the position for the first few months of the year. Duncan suggested that when we continue our discussion about how to use the remaining end of year surplus we do not have to reserve every dollar. We could leave some available to offset costs of another employee. Mark agreed. Eben said we are asking Brian to

pinpoint how much money we will need for the position but we are still in ongoing union contract negotiations.

Eric said when we built the current budget a year ago we didn't know that January 1 health insurance will be going up 15%. We still don't have numbers for the negotiated increase. Eben said we did also budget for 600 hours of part-time work and that money could be shifted to pay for this position.

Mark asked about interest in the position. Brian said we have gotten one application and we have heard that a couple of other people might be interested.

Board members expressed support for filling the position. Beth said she thinks she is in favor but she doesn't want to say she fully supports it at this point. She would like specific questions answered about how much is in the budget for this position. There also was an idea mentioned recently about having someone come in as a part-time fifth employee but she can't recall the details. She felt when it was discussed like it would be a win-win.

Brian said for next time he will bring back details on how much is currently budgeted for the position. Eben said he should also bring back how much is budgeted and spent for part-time work.

Duncan said when the fifth employee was first proposed it was supposed to help reduce overtime and eliminate the need for part-time work. But the part-timer continued. If we're going to do this he needs to be able to justify it to voters and say it will provide better coverage in winter and better road maintenance – that it is not going to save money but that it will be cost effective. Brian said we did reduce the number of overtime hours after adding a fifth employee.

Jason said having only four people makes it difficult to work in the pit.

Duncan said it would be useful for him to see how many employees communities of similar population and grand list have, if it is not too difficult to get that information. Others said we should compare to communities with similar road mileage as well. Eben said we have to take into account the MRGP requirements. Duncan said also whether we want to own and operate a gravel pit.

Beth asked if Jason keeps track of where the crew spends their time. It would be interesting to see what types of work everyone on the crew spends time on. Jason said he has it written in a planner. Brian said we are going to add more detail to the time sheets.

### **13. Review Proposed Public Works Operator Evaluation Form**

Brian had included in the packet a new draft of the performance review form to be used for public works operators. Eben suggested reducing the number of areas rated to 10. Brian suggested that #1 and #4 are very similar and could be combined. It was agreed to do that. Beth said she thinks someone besides the public works supervisor and town administrator should be included in #7 (“Brings personnel problems to the attention of the Public Works Supervisor or Town Administrator as appropriate.”) Brian said he can expand it. (*Dean Locke left at 8:46.*) Eben suggested adding some bullet points at the end to be answered yes or no (e.g. “Do you

understand that we have a whistleblower policy?") It was agreed that Eben and Brian should work on that.

The board agreed to approve the proposed performance review format for public works operators with Items #1 and #3 merged. Duncan said he feels the bullet points Eben and Brian will work on don't need to be part of the review. (*Jason left at 8:48.*)

**14. Review Proposals and Candidates for Economic Development Services**

Beth asked if the board would be okay with pushing off the economic development services discussion until the first meeting in October. Duncan said yes, but he thinks there is urgency. Beth and Mark agreed. Beth said we got some really interesting resumes late and there may be more that trickle in if we wait. Duncan said he would be willing to have a special meeting just to talk about this because he thinks it is that important.

**15. Review Status of Plot Cemetery Maintenance**

Duncan said he needs to know if the board is willing to cover the cost of epoxy and grout for stone repairs he would like to do. The cost could be around \$45 to \$50. **Eben moved and Beth second to authorize purchase of epoxy and grout for cemetery stone repairs and the motion was passed with Duncan abstaining.**

**16. Compensation for Limited Interim Recreation Services**

Brian said we have had a couple of tasks that he needed to bring Lisa Crews in to help with. David Ellerbee is finishing up his two weeks but his availability is very limited right now and Lisa has been kind enough to volunteer her time with the understanding that Brian did not have the authority to approve paying her for it. She has worked for 9.5 hours and when Dean starts he would like to use more of Lisa's time for training. He thinks 30 hours would cover it. **Mark moved and Eben seconded to authorize up to 40 hours of compensation for Lisa Crews at her former rate. The motion was passed.**

Lisa said she used her car for recreation for 3 years and she recently got it cleaned. She is asking to be reimbursed for the cost, which was slightly under \$200. As recreation coordinator she was expected to use her personal vehicle for town work with no compensation. **Mark moved and Eric seconded to authorize reimbursing Lisa Crews for the cost of cleaning her car.** Duncan said according to the personnel policy she should have been submitting for mileage and we should have paid for it. The next person in that position should submit for mileage. The standard mileage reimbursement rate is intended to cover things like cleaning. **The motion was passed with Duncan opposed.** Duncan said he would have been happy to pay 50% of the cost. He questions how much of the car cleaning was needed due to personal use and how much was due to use for town recreation.

**17. Review of Fire Department Contract**

Brian asked if there are any changes to the fire department contract that the board wants to explore. Eben said he would like a yearly report like the ones we get for other emergency services. He also thinks it would be advantageous if we were billed quarterly rather than paying one lump sum. Eric said he thinks we should invite the fire chief in to speak to the board. The fire department was approved to spend \$20,000 and the village is not going to be asked to contribute anything to cover that cost, but the towns are. The Town of Johnson will be expected to pay about \$15,000 of that cost for a new repeater. He would like to question whether the fire department looked at any other options. They are admitting that the new repeater will not provide 100% coverage, just better coverage than what the fire department has now. The Johnson fire department will not get prime placement on that tower because it is already being



used by others. That repeater will not help NEMS and they have the same dead spots as the fire department. He feels we need a longer conversation about this. Eben said the village trustees said in their minutes that they would pass on the cost for this repeater to their contracted services. We are 7/8 of that. Eric said at one time the village and the town were equal contributors to the fire department budget and then the village stopped increasing their budget and any fire department budget increases were only passed on to the towns. Eben said in addition to requesting an annual report he would like to request that the village give us a projected fire department budget amount no later than November. Beth said she also likes the idea of quarterly payments. Duncan said he doesn't see any disadvantage to the village of getting quarterly payments. The board discussed some possible issues with quarterly payments. Duncan said he would like the fire chief to explain why the cost of the repeater is being proposed to be spread among contract towns but not the village. Brian said he will invite the fire department to give a presentation and will tell them the topics we want to discuss: a budget report, a budget estimate in October/November, the possibility of quarterly payments and more information on their decision on the repeater. Beth said she thinks we should ask what their budget is like for the upcoming year, including any discussion on repeater cost.

**18. *Adopt Local Hazard Mitigation Plan***

Brian said we proposed adopting this Local Hazard Mitigation Plan. We draft the plan with the regional planning commission. After we come up with a plan we want to adopt we submit it to FEMA for final approval. They returned this plan approved for adoption. Beth asked if they made any changes that Brian is aware of. Brian said no. **Eben moved to adopt the Local Hazard Mitigation Plan, Mark seconded and the motion was passed.**

**Eric moved to approve the Resolution Approving the Johnson Local Hazard Mitigation Plan, Duncan seconded and the motion was passed.** Brian noted that the village also has to adopt it.

**19. *Review Attorney's Advice for Dilapidated Building Ordinance Enforcement***

Brian said our attorney's advice was that the dilapidated buildings ordinance is enforceable as written. Duncan asked if the attorney had any recommendations about whether we can take dual tracks on enforcement or if we have to do one or the other. Brian said he doesn't think the attorney recommends one or the other track but we could pursue different options for the same events. Brian said he has approval from the board on a recording form to be used when pursuing an action under the ordinance so he and the health officers will try working through one case together

**20. *Planning for Continued ATV Discussions***

Beth asked if board members want to pursue changes to the ATV ordinance. There was agreement that we should. Beth said we will get this back on the agenda but the last time we talked about it she asked for volunteers and no members of the audience or board members were interested in getting together a small group to explore law enforcement for ATVs. She thinks if we are going to explore the ordinance further we need some dedication to that topic.

Mark said the ATV club is showing some roads on their map that should not be shown as open to ATVs. Duncan said there are some speed signs for ATVs on roads that ATVs should not be using, such as Mine Road. Beth said the public works crew took down many of those signs. They may have missed one. Duncan asked if we should put up a sign saying that no ATVs are allowed on the Class 2 portion of Mine Road or on Wilson Road.

**21. Review Onboard Procedure for New Hires**

Brian said Duncan's proposed amendment covers a number of good talking points to make sure we cover during onboarding. Eben asked if there is a checklist for onboarding. Brian said Rosemary takes care of legal and benefits and he takes care of the job description and technology. Eben asked if there have been complaints about the onboarding procedure. Brian said no, but he has thought for a while that we could improve it. We could do a better job of teaching new employees the expectations about working for a municipality. Most employees do not sign a contract. Eben asked if Brian is proposing changes or just letting the board know that he will think about some. Brian said he has some ideas but he does not think it would be a good use of time to discuss them tonight because he thinks it could turn into a very open ended discussion. He may ask Beth, since she has HR experience, if she has time to talk with him about ways to improve the process.

**22. Discuss Employee Review**

**Eric moved to go into executive session for employee review as allowed by 1 V.S.A. § 313(a)(3), inviting Brian to remain, Mark seconded and the motion was passed at 9:33.** The board consented out of executive session at 10:11 and took no action.

**23. Other Business**

Eben asked if there was a date for the joint meeting with the village and Beth replied that she had offered October 12<sup>th</sup> and 19<sup>th</sup> to Steve Hatfield and had not yet heard back.

**24. Adjourn**

The meeting was adjourned at 10:15.

*Minutes submitted by Donna Griffiths*