

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, DECEMBER 19, 2022

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

**Others:** Brian Story, Rosemary Audibert, Jason Whitehill, Stacey Waterman, Jessica Bickford, Jeff Bickford, Casey Romero, Lois Frey (via Zoom), Jan Chotalal (Zoom)

**Absent:** Eric Osgood

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

**1. Call to Order**

Beth called the meeting to order at 6:00.

**2. Additions, Changes to Agenda / Selectboard Issues & Concerns**

Brian added a request for an appointment to the Historical Society.

**3. Review FY24 Town of Johnson Budget**

Duncan said he thinks the estimated amount to be raised by taxes for FY23 was incorrect on the document Brian sent out. He believes it should be \$2,024,120.30, which is the amount we actually set the tax rate based on. Brian said he has already changed it but he hasn't had a chance to check with Rosemary to be sure that is the correct number.

Brian said he has some suggested changes to capital reserve expenditures: eliminating the mower for the Kubota tractor, the compressor and the screener. Those do not need to be replaced. Beth asked, the replacements are not pushed out to a later date, just eliminated entirely? Duncan said it doesn't make sense that we would not replace the mower at some point.

Eben said the board had authorized him to work with Brian and Jason on proposed changes to the capital equipment plan. He met with Jason. They discussed the compressor. There is a backup one and it is not used nearly as much as it used to be due to the increase in use of battery powered tools. They also discussed that since the ditches are different now the mower we have is not really adequate for the job and we might be better off renting a boom mower instead of replacing the existing mower. Jason said they also discussed purchasing a brush hog for things like the skatepark fields, the Beard Park and intersections. The current mower was on a 6-year replacement schedule. Steve Smith told him it is probably 10 to 12 years old. It is doing very well.

Eben said the revised capital equipment plan has the backhoe replacement pushed out another 5 years. Jason said he has gotten a couple of quotes for an excavator and is still waiting for a couple more. He feels the backhoe really can't be pushed off unless we get an excavator. Eben said the discussion was that if we got an excavator there would be less need for a backhoe so its replacement could be pushed back. The board has not made any decision on an excavator yet, though. Duncan asked if the backhoe is shared by town and village. Brian said yes – 80% town, 20% village. Duncan asked if the cost figure reflects only the town's portion of the backhoe. Brian said yes.

Brian said for now he does not need a final decision about replacing the items discussed, just a decision about whether we are replacing them this coming year. The reserve fund is healthy either way. We can afford the replacements but he and Jason don't think they are necessary.

Duncan asked how many hours we have on the backhoe. Jason said about 2800. Duncan asked about the breakdown in use between town and village. Jason said in the last few years it has probably been more like 95% town and 5% village. Duncan asked if the village has been consulted about replacing the backhoe. Brian said he wanted to check with the selectboard first. Jason said pushing out backhoe replacement has always been discussed in the context of making it possible to buy an excavator. Eben said it also had been discussed because there was a year when the capital reserve fund was going to be dipping low under the existing plan.

Beth said she is okay with pushing replacement of these things out. She just doesn't want it so everything has to be replaced all at once later. She would be curious to know how much it would cost if we rented every piece of equipment we don't use for more than about 2 months out of the year. She wonders if it is really worth owning all the equipment we have.

After some discussion it was agreed to remove the mower, the compressor and the screener from the replacement schedule for now and to move replacement of the backhoe to FY25. Jason said he feels a little left in the dark. When he and Eben talked they discussed that backhoe replacement would not be pushed off unless money was allocated toward an excavator. Eben said in his mind if we decided to get an excavator the backhoe replacement would definitely be pushed off. If we are not getting an excavator we might want to talk about replacing the backhoe on schedule. Beth asked if we need the backhoe this year. Jason said we will if we use it as much as we have in the last year and a half. We ditched a lot with it this year, though it is not made for that. Beth asked, we have another big ditching effort next year and then we will be in good shape with regard to ditching? Jason said no, there will still be a lot of ditching left to do. Beth said it sounds like we shouldn't push the backhoe out at this point. Duncan said unless we rent an excavator for a longer period than we have in the past. Jason said renting an excavator costs \$5,600 a month. The annual cost for leasing to own an excavator is \$19K to 23K, depending on whether we get a mower on it. And after the lease period it is ours. If we had a mower on an excavator then we would not have to rent a boom mower and tractor every year. Duncan said if we lease purchased an excavator we would have to look into a trailer too. Jason said we could also pay to have it moved. It doesn't have to be moved that much. The board reviewed the capital equipment plan and planned contributions to it. After further discussion, Beth said she feels like we should budget for backhoe replacement in FY24 as originally planned.

The board reviewed highway department expenses. Eben said we had talked about budgeting to have a company come in and mow early in the season before things go to seed. Do we want to get an estimate for that? Jason said he knows of someone who used to do mowing at \$80 to \$100 an hour. Eben asked if there is potential to target problem areas instead of doing the whole town. Beth asked if this would just be one additional mowing cycle. Eben said he is thinking of one additional mowing cycle early in the season before plants go to seed in addition to the one we do now. He would like to know what that would cost. Jason said he can get a quote. Duncan asked if we are doing mowing with our own crew. Jason said we

have been. A contractor we used to use wasn't able to come until late fall. Jason asked if the rail trail mowing is being taken over. Brian said the state is going to mow it at least once. We don't have a lot of details about when. Eben said he is talking about doing an earlier mowing in June on town roads before plants go to seed. It was agreed to leave the budget for tree and brush removal and mowing where it is now and come back to it later when we have more information.

Brian said we are increasing what is budgeted for winter sand. We expect to use a lower volume of salt than in the past but with the increased cost he is estimating we will spend about the same. He is increasing the amount budgeted for culverts because the price has gone up significantly.

Beth asked why we are not putting money into the bridge and culvert reserve fund. Brian said it is pretty healthy right now. We have enough money to pay for the projects we are scheduling.

As the budget discussion was coming to an end, Stacey Waterman and Jessica Bickford said that at the last meeting they were told this meeting would start with them answering questions about their budgets. Beth invited them to speak.

Stacey said she had sent a new estimated year-end figure. Brian said he is not sure if the whole board got it. Stacey said for some reason the estimated year end the library had sent previously was last year's budget copied over but she sent new numbers and she adjusted the salary figure for the library to reflect what the town is doing for town employees. She thinks Brian is working on the insurance number. Brian said what he sent out does not reflect the changes Stacey made.

Jessica asked if next time committee members can get a specific time slot for the discussion of their budgets. Beth said discussion of committee budgets will be at the start of the meeting. Likely that will be at the first meeting in January. The board will be discussing the date of that meeting later tonight. She will have Lydia reach out to all committee chairs. (Stacey left.)

Casey Romero said last summer she wanted to apply for a pedestrian/bike grant for a scoping study for a pedestrian bridge over the Lamoille River but the required match was too big. At that time the selectboard suggested considering that expense for the FY24 budget. It is not in the budget, so she wanted to bring it up. She thinks the match would be \$25K to \$30K. It could also be part of the ARPA discussion.

Eben asked Jeff Bickford if the Racial Justice and Social Equity committee is going to provide a budget breakdown similar to what they provided last year. Jeff said yes.

**4. Review Invoices and Orders**

The board reviewed invoices and orders.

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

**Duncan moved to approve the minutes of December 5 and December 13, 2022 with the sentence "Rosemary said the village trustees voted to budget \$787 for the Beautification**

**Committee” in the December 13 minutes corrected by replacing “Beautification Committee” with “Tree Board.” Eben seconded and the motion was passed.**

**6. *Selectboard Issues/Concerns***

Duncan said he thinks it would be appropriate for us, prior to the budget development process, to come up with budget targets and make that available to committees. Beth said she likes that idea. We could add that to the October time frame. Mark asked if Duncan is talking about percentages or numbers. Duncan said percentages.

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

Rosemary said we are at 57% spent of budget. The state did a true up on ARPA money and sent a small additional payment.

Jan Chotalal has purchased the Downtown Pizzeria business and has applied for a first class restaurant license and a third class spirits license. **Mark moved to approve the liquor license applications from Jan Chotalal, Duncan seconded and the motion was passed.**

**Duncan moved to approve annual holiday pay of \$100 for each town employee, Eben seconded and the motion was passed.**

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

Jason said the dealer gave him a 10-day window from today to December 29 when the new grader should arrive in Richmond. He was very confident it would be there by December 29.

Jason said he and Rob Moore met last week. They visited a lot of Class IV roads and discussed areas that are not in compliance with the Municipal Roads General Permit. There are sections of road that are no longer accessible. If the road is not accessible there is no data on it and if there is no data it counts as not being in compliance. For instance, there are two hydrologically connected segments on Town Highway 12 from Plot Road to Clay Hill that count against us. The town can change a Class IV highway to a legal trail and that eliminates our obligation to comply with MRGP. We can still turn it back into a Class IV road in the future. Other roads they discussed are Town Highway 47, Town Highway 41 and Reservoir Road. The state has a gate on Reservoir Road and we have three segments that are past the gate. On Prospect Rock Road we own 700 ft. past a gate. Steve Smith said that gate has been there 15+ years. The road is posted with signs that say no trespassing. Donna Griffiths just mentioned to him some sap lines across a Class IV road. Donna said that is Town Highway 23, off Mine Road. It is posted with “Private Property, No Trespassing” signs and has sap lines running across it.

Eben said this is a big discussion. Beth agreed. Eben said the Planning Commission gave some recommendations on Class IV roads. Jason said they did recommend reclassifying some of them. Beth asked, if the road ends, is there a reason to keep the part that no longer visibly exists as a town road? Eben said it is a potential future right of way.

Jason said one road he would recommend reclassifying would be Codding Hollow Road. Technically we are obligated to fix it. There are a number of Class IV roads we are obligated to fix under MRGP and that would cost the town taxpayers a good deal of money. By turning those roads into legal trails it puts them into a different category and relieves us of that obligation.

Duncan said we need to continue with the Class IV road discussion. Eben said there are Class III roads that could potentially be reclassified as Class II roads. And there are multiple Class III roads with a single resident. Is that best for the town?

Jason said we don't get paid anything for mileage for Class IV roads. So if we reclassify a Class IV road to a trail, that won't affect our revenue, except that we will save money because we will not have to bring the road up to standards.

Beth said she thinks we need to put this on a future agenda and probably discuss it with the Planning Commission too. Brian said he thinks we can target a handful of roads. He thinks the Planning Commission's focus was on roads that did not have residents. Jason is focused on hydrologically connected segments. Some roads are both and should be easy ones to give up. Jason said the section of Coddington Hollow Road past the last residence is the biggest road section that is counting against us. It would need substantial work to comply. Beth said she will put this on the agenda for February.

Jason said he got quotes from two uniform companies. Brian said we are dissatisfied with our current uniform company. They are not returning things on time and not repairing damaged uniforms. We can change to a different company with better service for less money. The board agreed to go with the lowest quote. Duncan asked, our current contract is up for renewal? Brian said yes.

The board approved purchasing 15 road signs, posts and anchors as proposed. Jason said the cost of signs has gone up significantly. We had talked about replacing speed limit signs as the crew was working on roads since according to the sheriff's department we did not have the number of speed limit signs we should have, but with the current cost we might want to dial back on the rate at which we add new signs.

Duncan said a few meetings ago we talked about signs to direct people to parking for the rail trail on Railroad Street and Mark talked about a new sign for the Powerhouse Bridge. Has anything been done for either of those? He believes a motion was made to purchase a directional sign and the motion also included replacing the Powerhouse Bridge sign. Eben and Mark agreed. Duncan said when this was discussed before Eben had asked whether the bike rental business had tried putting up signs asking people not to park on their property. Beth got an email from the owner saying they have two signs up saying not to park there. Beth said we should look up the motion that was made regarding signs. Brian said he will review the minutes.

Beth asked if there are any new candidates for the public works position. Brian said no. Beth asked if the position has been posted. Brian said no. Beth asked him to post it.

Jason said one of the public works employees is going on leave in a couple of weeks.

Jason said we have a policy about plowing snow out into the road. There are property owners on Hogback Road who have a history of repeatedly blowing snow onto the road at a corner. Other people have called and complained about it. Beth suggested calling the sheriff's

department to report it. Duncan said there is a minor penalty associated with this but we would have to go to the Superior Court to get it enforced. (*Jason left at 7:45.*)

**9. *New Appointment for Oven Committee***

**Eben moved to appoint Trent McCarver to the Community Oven Committee, Duncan seconded and the motion was passed.**

**10. *New Appointment for Historical Society***

**Eben moved to appoint Leslie Martin to the Johnson Historical Society Board of Trustees, Duncan seconded and the motion was passed.**

**11. *Discuss Changes to Holidays in Personnel Policy***

Brian said the village has made a change in the personnel policy for non-bargaining unit employees. They are eliminating Town Meeting Day as a holiday and adding Martin Luther King's Birthday, Juneteenth, Indigenous Peoples' Day, and the day after Thanksgiving. Rosemary said they also eliminated Bennington Battle Day. Brian said they did not change the CTO hours, however. Eben asked, they took the two floating holidays away? Rosemary said they took one away and made Indigenous Peoples' Day a regular holiday rather than a floating holiday. Eben said he thinks two floating holidays are a better benefit than three assigned holidays. Rosemary said CTO time is still the same. Currently employees have to use floating holidays as CTO time. Duncan said so in essence the CTO does still include two floating holidays. They are just called something else.

Beth said if the town keeps two floating holidays then that would mean that the town office, but not the village, would be open on Juneteenth and the day after Thanksgiving. Rosemary said currently employees all take a CTO day on the day after Thanksgiving. Beth asked how we are telling townspeople if the office is open. If all employees are going to take that day off, should we be saying that is a holiday? For the sake of our customers she prefers to have a list of holidays. But she does not think people expect the office to be open the day after Thanksgiving. Jeff Bickford said he thinks there should be a clear list of days when the office is open or not. Rosemary said employees should have Town Meeting Day off because the office is closed.

Duncan asked Rosemary's thoughts on the change the village made. Rosemary said it would be nice to have all the same holidays for town and village employees. Otherwise there would be some days when only two people were in the office.

Eben said he thinks we should continue to have a joint personnel policy and we should adopt the changes the village made. Mark asked Beth if the village consulted her. Beth said no; it wasn't even on their published agenda. They had an agenda change. Mark said the action probably isn't even legal then. He said he is stumped by the village not talking to us. It seems like they have gone their own direction. He thinks we probably should match what they are doing.

Beth said she does like the idea of having the holidays listed out. She thinks Martin Luther King Day should be observed. It will always be on a night the selectboard usually meets but we can work around that. It is disruptive to our community and staff if there is not alignment between town and village. For that reason she thinks we probably should match what the village did, but she is hesitant because this is not a very cohesive way to be working. The

town and village should be collaborative and should not be making changes that impact each other.

Duncan said in the past employees have closed the office at noon on Christmas Eve. This gives the whole day before Christmas off. (*Jeff and Jessica Bickford left at 8:04.*) He thinks Rosemary should have some latitude with regard to opening and closing the office. Floating holidays give Rosemary autonomy and latitude.

Eben said 11 paid holidays is very generous. Rosemary said she thinks the new list of holidays is more in line with the village's union contract. That is probably why they made the change.

Beth said it puts the town at a disadvantage in bargaining if we change things right now. Our current contract references our personnel policy and we still have negotiations happening.

Eben said in the private sector it is common to have 7 to 9 paid holidays and the town already has 11. Do we want to add 4 more above that to match the village? Duncan said he would rather compare the town to other municipal entities than to the private sector.

Eben said he doesn't support any changes. Mark said he initially thought we should match the village's changes but he is irked by the way they made the change. That creates hesitancy in his mind. He can go either way. Maybe it is best to stay the way we are, considering that we are in contract negotiations. Beth and Duncan agreed. It was agreed that the board will not make any changes to paid holidays. Beth said maybe we will readdress this after we see how contract negotiations go.

Duncan said she thinks most municipalities have Martin Luther King Day off. He is happy to have a selectboard meeting the Tuesday after that day instead. Beth said she is too, but she doesn't want to add Martin Luther King Day as a holiday now because that takes away bargaining options.

#### **12. Fire Services Contract**

Brian said we have a verbal commitment from the village that there will be a 3% increase in our fire services contract cost. The village will have a 2.9% increase and the other towns will also have 3%. He got that information from Erik Bailey. We will start getting monthly reports from the fire department that he will forward to the selectboard. We don't have the contract from the village yet.

#### **13. Evaluation of Selectboard Priorities**

Beth said the \$40,000 for economic development is not in our budget for FY24 right now. Economic development is in our top three selectboard priorities and it is easy to argue that the light industrial park also falls into the category of economic development. What do we want to do about that in our budget? Do we want to have it as an article? Do we want to put the money in the budget? Eben said he would like to wait until after we have the cash on hand discussion and we know where we stand and what budget we are proposing to voters. Duncan said there are three options. We could put the money in the budget, we could propose to reserve a certain amount for that purpose out of surplus or we could have a separate article. He is not wed to any one of those. Beth said she wants to have an article.

Mark said he is really interested in what other towns are doing with their ARPA funds. He wants that to stay high on our list of concerns. We need to be focused on that. There are towns that are doing some very creative, thoughtful things. Beth said she thinks we will need a working committee for our ideas.

Duncan said the clerk/treasurer succession plan is near the bottom of our priority list. He suggested that it should migrate close to the top. Rosemary said the village is putting an article on the village meeting warning about having the clerk and treasurer appointed. Mark said the discussion of changing the town clerk from elected to appointed seems like something the whole community needs to be aware of. Certainly it needs to be brought up at town meeting.

Duncan asked, Rosemary's term is not up this coming year? Rosemary said it is. Duncan asked, but she plans to run for another 2 years? Rosemary said yes. Eben said it would be confusing because people would be voting for a town clerk, then the position would be changing to appointed. Rosemary said 45 days after the voters approve it, it would change to appointed. Duncan said he doesn't know that we need to make the change this year. But it might make sense if the village is going to. We could make it clear to Rosemary and the voters that our plan would be to appoint Rosemary for a two-year term. Rosemary asked if there are term limits for appointment. Beth said she was wondering that too. Would appointments be annual? Brian said that there is a guide for changing positions from elected to appointed. Should he send it to the board? Board member said yes. Rosemary said she thinks it would be up to the selectboard when to make a change in who was in the position.

Beth said she agrees that this should be moved higher on the selectboard priorities if we are going to put it on the ballot. She thinks we should move it to the top and then we can move it down later if we decide not to put it on the warning this year.

Duncan asked Rosemary if she would be comfortable coming up with guidance for the board about the best way to handle the transition. Rosemary said yes.

#### ***14. Scheduling First Meeting in January***

Brian said the first Monday in January is January 2, which is the observed New Year's Day holiday. It was agreed to change the meeting date to January 5 at 6:00.

#### ***15. Advancing Light Industrial Park***

Brian said he doesn't think the board was interested in proceeding with the new engineering study for the light industrial park that we got an estimate for. There was some discussion about getting estimates for construction based on the old engineering study. Right now the light industrial park is a topic of discussion with the Planning Commission. He hasn't been able to attend their last couple of meetings but he plans to meet with them. Beth said especially with the survey they are doing right now she thinks the selectboard needs to meet with them.

Duncan said Pat Ripley from LEDC recommended updating our engineering study but at that point no one knew what the cost was. He said LEDC will continue to maintain the light industrial park as part of their priorities in planning. Pat is hearing that people are looking for 24,000 square foot buildings and no one is willing to do that on spec. Brian agrees that \$35,000 is a lot of money. We do have some ARPA funds. He thinks it will be hard to find a



qualified engineering firm to do the necessary work for the permitting. Duncan said he doesn't see how we can move the project forward without an updated study. Maybe spending \$35,000 for an updated study would be a good use of ARPA funds, especially if that could allow us to leverage other ARPA money to build the light industrial park. He is not comfortable with the Planning Commission looking at it for housing. If it comes back to us as a housing project, that is not what the voters voted on. The selectboard said it would be used for commercial light industrial. He won't spend a nickel on that property for housing unless it comes back to the voters.

Beth said she assumes there are grants out there that could supplement the cost of the engineering report. LCPC could help us with that. Brian said she thinks engaging with LCPC on that is a good idea. There is a lot of money for economic development related to ARPA right now. Brian said he can speak with LCPC to see if they know of any specific grants we should apply for for an engineering study.

***16. Executive Session to Discuss Economic Development Services Contracts/Candidates***

**Eben moved to find that premature public disclosure of the proposed economic development services proposals and applicants might place the board at a substantial disadvantage, Duncan seconded and the motion was passed.**

**Eben moved to enter executive session as allowed by 1 V.S.A. § 313(a)(1), Duncan seconded, the motion was passed and the board entered executive session at 8:42.** The board came out of executive session at 8:53. No action was taken.

***17. Adjourn***

The meeting was adjourned at 8:53.

*Minutes submitted by Donna Griffiths*