

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MAY 15, 2023

Present: Selectboard members: Beth Foy, Duncan Hastings, Eben Patch, Shayne Spence (remote), Mark Woodward

Others: Brian Story, Jason Whitehill, Carl Rogers, Dean Locke, BJ Putvain (remote), David Williams, Stacey Waterman, Sabrina Rossi, GiGi Beach, Elizabeth Orgeron (remote), Scott Griswold, Katie Buckley (remote)

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Beth called the meeting to order at 6:00.

2. Additions or Adjustments to the Agenda

Duncan added an update on the job search and discussion of a complaint from Frank and Giselle Eldred. Brian added naming of the eastern end of Sinclair Road. He said the Vermont Studio Center item will include a request for an additional letter of support for the same project. The Opportunities for Public Sculptures item can be stricken from the agenda. Beth said that will be postponed to June.

3. Executive Session to Discuss Appointment or Employment of Public Official or Employee

Eben moved to enter executive session to discuss appointment or employment of a public official or employee as allowed 1 V.S.A. §313(a)(3), Duncan seconded and the motion was passed at 6:03. The board came out of executive session at 6:56.

4. Possible Offer of Employment/Appointment

Eben moved to authorize the chair to write a letter of employment for Carl Rogers as emergency interim town administrator, Mark seconded and the motion was passed.

Eben move to authorize the chair to represent the selectboard in executing the offer letter to Carl Rogers on behalf of the selectboard at a compensation rate of \$60 per hour, Duncan seconded and the motion was passed.

5. Review Invoices and Orders

There were no questions about the invoices and orders.

6. Review and Approve Minutes

Eben moved and Duncan seconded to approve the minutes of May 1, 2023. Duncan said he thinks the minutes accurately reflect what was said, but he does not think what was said was accurate: that a road name must be assigned if a driveway has more than three houses. It is actually if there are more than two houses. Brian said that is correct. Beth said that correction will just be noted in the minutes of this meeting. **The motion was passed.**

7. Selectboard Issues/Concerns

Beth said the flower pots in front of the municipal building are lovely but she has a concern about the tags in them from the businesses sponsoring them. She has no concern about businesses sponsoring flower pots, except on municipal property. She feels the town should be neutral. If we are going to offer an opportunity she feels we should offer it to many businesses but she doesn't love the idea of promoting a business next to this building. Are board members interested in discussing this as an agenda item at a future meeting?

Eben suggested adding it to the agenda of the next joint meeting with the trustees. He asked if Brian can get the advertisement signs removed from the flower pots until then. Brian agreed. Shayne said he agrees there should be a process for something like this.

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

Rosemary said expenditures to date are about 73% of budget. She has received the true-up for state school taxes. There was about a \$400 difference between that and what was shown in the town report as the year-end amount. Current year taxes are 97.52% collected. At this point last year it was 96.39%. Delinquent taxes total \$138,000. Last year at this time the total was \$201,000. (*Scott Griswold arrived at 7:07.*)

Duncan noted that the payment from the state for maintenance to the grand list was a little above what we budgeted.

Duncan moved to approve the tobacco license for Hidden Treasures Smokin' Shop, Eben seconded and the motion was passed.

9. *Public Works Supervisor/Highway Foreman Report*

Beth asked Jason if he knows if there was more or less Green Up Day trash this year than in the past. Jason said there were more tires and less trash. Mark said it seems like a lot of the focus was at the skatepark this year. Jason said this year there was less activity both at the skatepark and at the village green. About 30 bags were turned in at the village green. Most of the bags were left on roadsides for the crew to pick up.

Jason said the paving project with Pike is the main focus of the public works crew right now. They are doing some equipment maintenance. Tomorrow they have MSHA training. (*GiGi Beach arrived at 7:10.*)

Jason said he got one quote for a York rake that had been sent out to the board and this week he found a vendor who gave a rough estimate that is a little less than that quote. Boom mower rental and excavator rental are all set up.

10. *Review Planned Purchases*

Duncan moved to approve the planned purchase of up to \$1710.50 for a York rake, Eben seconded and the motion was passed.

11. *Discussion of Independent Library Funds*

Brian said a couple of meetings ago there was discussion about the library's checking account. The board had some concerns and asked Duncan to do some research and he has sent out a report.

Duncan said in 1895 the town voted to elect five library trustees. From then on the library trustees have been elected. In 1982 the Johnson voters voted to accept a deed of conveyance for the library building and property from the Oread Literary Club. In 1983 the deed was conveyed from the Oread Literary Club to the town. There are two deed codicils that carried through. One says any other use of the property requires approval of the library trustees. The other says operation and maintenance of the property shall be administered by the library trustees. Sometime in the late 2000s we asked many of the smaller committees to bring their accounts in and run them through the town. Rosemary said that was in 2004-2005.

Duncan said the library board is a little different from many other boards and committees because it has an elected board of trustees and there is specific statutory language about libraries. There are free public libraries, which are incorporated through the Secretary of State's office, and municipal libraries.

The statute regarding municipal libraries says “The board shall consist of not less than five trustees who shall have full power to manage the public library, make bylaws, elect officers, establish a library policy and receive, control and manage property which shall come into the hands of the municipality by gift, purchase, devise or bequest for the use and benefit of the library.” His only concern is whether the library's checkbook really should be going through the town treasurer. The obvious concern is the endowment funds and whether there are restrictions on those that limit them to the trustees. What makes sense to him is to contact the Department of Libraries and see if they have guidance and also get thoughts from the library trustees.

Stacey Waterman, treasurer of the library board of trustees, said Duncan is right that the library is different from other committees because it is covered by state statute. There is a section in statute that says trustees will annually make a report that includes management and expenditure of monies. She thinks that answers the question about management of non-taxpayer funds. The library board manages the library's checking account in a similar way to the way they manage the endowment. It was a mischaracterization to make it sound like there was no oversight by the town of these funds. The library trustees give a financial report every year that is put in the town report. It gives an accounting of the three endowments and the checking account. The accounts are reviewed by the town auditor every year. There are two signers on the checking account – Stacey and Rosemary. Everything is above board. She didn't appreciate the term “embezzlement” being thrown around casually. The library trustees are elected. She takes the responsibility very seriously. There are systems for all this. There is oversight by the town on these accounts. The reason the library board keeps a checking account is because grant funds and some donations are not administered in the fiscal year in which the town operates. There is one grant the library regularly gets which is received in January and the library has until next January to spend it. At the end of June the library can't have unspent grant funds absorbed into the town pot. The same goes for donations. If the library receives a donation that is specifically for the library but it is not spent before June 30 they can't let it be absorbed into the town budget. As money is spent they turn it over to the town to pay for what was purchased. All the purchases take place through the town. There are few checks written that are not just to the town.

Beth asked, that includes the spending that goes outside the budget? Stacey said there is very rarely any spending outside the budget. Money was put into the library checking account to set it up. Joann Benford explained to her that someone who died in 1936 left money to the library and that was put into the checking account. That money has been sitting there for decades and is the only money in the account that not part of a current grant or donation. There were no restrictions or instructions on how it was supposed to be used. This year the library has many projects they would like to do. In particular, the insulation project quote came back much higher than expected. Stacey suggested that the library use some of those funds that had been in the account for decades and the trustees voted to use \$12,000 of it to let the insulation project go ahead. She thought that would be a non-controversial use of the money.

Stacey said she knows there were questions about what happens when a donation is made to the library. Most donations are between \$100 and \$500. If Jeanne Engel knows she can spend the money quickly, for instance if it is intended for books and she already has a book order planned, she will turn the money over to Rosemary right away. Or the library may put the money in the checking account. Just before the fiscal year ends they total up every purchase made through the town and write a check to the town.

Duncan said concern about the checking account and the possibility of embezzlement was not directed at any library trustee. There was no suggestion that any embezzlement was happening, but it has happened in many towns. His concern was that if the checking account is under the same federal ID number as the town then he thinks Rosemary as treasurer is responsible for it and if someone did embezzle money Rosemary and the town would be on the hook. Is that checking account under the same federal ID number? Stacey said no. The three endowment accounts and the library checking account are under a different tax ID than the town's ID – the original tax ID the library had when it was independent from the town. She suggests doing homework on facts like that before making remarks in a public meeting.

Beth said she agrees that maybe the selectboard should have done research before talking about the library funds. We could have been more careful about the way we presented the concerns. We don't have all the information about library operations.

Stacey said since Nat Kinney left the selectboard no selectboard member has been to a single one of the library board's meetings. Nat used to come periodically. He was good about keeping in touch. It was nice to have that kind of liaison. She would encourage having a selectboard member periodically attend library trustee board meetings. Then the selectboard might have a better idea how things work. Sabrina Rossi said the library board feels like they have communicated to the town but it hasn't necessarily been reciprocated.

Stacey said one thing Duncan said in his report was that the audit done by the town auditor isn't a real audit. She consulted with Joann Benford who at one time was town auditor and also library treasurer. At the time she was in those positions the library had a CPA firm do an independent audit. She would welcome and encourage that being done again. She has been treasurer for the library for 8 years and in that time it has never been audited by an outside firm. Beth said the selectboard has approved a firm to audit for the town and that audit will include the library.

Sabrina Rossi said last year Mark was chosen as liaison to the library board so library board members have been copying him with information. Eben said it wouldn't hurt to share information with all selectboard members. He is sorry that library board members felt attacked. He asked questions at the previous meeting because he didn't have answers about the \$12K coming from the checkbook. He was just trying to understand it. Stacey said she was more reacting to the accusatory tone. She is open to questions any time.

Duncan said he understands the concern about calendar year vs. fiscal year and the timing of grants. There are other town organizations that have that same problem, like the Conservation Commission and the Historical Society. If they have an outstanding grant amount at the end of the fiscal year they tell the town that that money needs to be set aside and the town has no issue doing that. It is not like the money would be absorbed into the town budget. Who applies for the grant funds the library gets? Do the library trustees apply and is the town not involved? Who do the funds belong to?

Stacey said very large grants like ARPA go through the town. The big grant the library will be getting in the fall will be administered through the town at the request of the funders. Smaller grants are handled by the library board. She is not sure how to answer the question of who the money belongs to. Duncan said if it is a municipal library the grant is made to the municipality. His feeling is that those funds should flow through a checking account in the hands of the town treasurer. Beth said she is not sure we have the answer to that if they are applying using their own tax ID.

Sabina said the Vermont Department of Libraries just hired a person to deal with these situations. This is an ongoing discussion happening at the state level. Beth said it sounds like engaging with that person at the Vermont Department of Libraries is the right thing to do. Mark said he can follow up on that.

Eben asked for clarification about the amount that will be left in the checking account after spending for the insulation project. Stacey said the trustees decided to spend \$12K of the approximately \$16K in the account that was not from current grants or donations from the current year. That will leave \$4K of that base amount in the checking account. The rest of the money in the account is from current grants or recent donations that have yet to be spent.

Duncan suggested that consultation with the person at the Department of Libraries might be better done by the library than by a selectboard member. Sabina said the library board can take that on.

12. Library Trustee Resignation

Eben moved to accept Jen Burton's resignation from the library board of trustees and to send her a card thanking her for her time. It was agreed that the town will post the vacant position with the chair of the library trustees as a contact person and the library trustees will make a recommendation to the selectboard. **The motion was seconded and passed.**

13. Vermont Studio Center CRRP Letter of Support Request

Brian said the town got a request from the Vermont Studio Center (VSC) for a letter of support for a Community Recovery & Revitalization Program grant application. For an entity to be eligible they have to have a letter of support from the local municipality. They want to apply for grant funds for their Corner House remodeling project. Today they added that they are also interested in applying for a similar grant from the National Endowment for the Humanities and they would like a letter of support for that as well.

Mark asked, VSC is a non-profit, right? Elizabeth Orgeron of VSC said yes.

Eben moved that the town send the standard letter of support for Vermont Studio Center's applications for a Community Recovery & Revitalization Program grant and a National Endowment for the Humanities grant, Duncan seconded and the motion was passed.

14. Noise Ordinance Waiver Request for Willow Crossing Farm

Duncan moved to approve the noise ordinance waiver request for the concert at Willow Crossing Farm on June 3 from 4:30 pm to 1:00 am, Eben seconded and the motion was passed.
(GiGi left at 7:53.)

15. Naming of Private Road off Collins Hill

Eben moved to name the new private road off Collins Hill Road Angus Drive, Shayne seconded and the motion was passed.

16. Skatepark RFP for Concrete Bowled Half-Pipe

Brian said the skatepark committee is getting ready for a project that is a continuation of the existing concrete ramp. They will add a half-pipe bowl. They have been fundraising and going out for grants and they are ready to go out for construction bids.

Jason said he wanted clarification on whether we are providing fill for the project. Beth said the board agreed that ditching material would be saved for this project. Jason said there is fill that was saved and staged at the park. Casey also reached out to ask for gravel and road fabric to be donated. He does not

want to donate to one committee and not all of them. Eben said he thinks the cost should come out of their budget.

Casey said the request Jason is talking about is for a different project. For the half-pipe project the committee is just asking for the ditching material and they may also need help moving the dirt on site and planting grass on the grass berm that will surround this feature. Her recollection was that that did not seem like a huge problem to the selectboard but it was quite a while ago that it was discussed. Tonight what is requested is that the board approve the RFP. Jason said in the future he would like more clarity in emails.

Shayne moved and Mark seconded to put out the Request for Proposals for adding a bowled half pipe to an existing concrete feature in the municipal skate park. Brian suggested removing his name in the RFP and replacing it with "Town Administrator" and the board agreed to that. **The motion was passed.** (*Sabina and Stacey left.*)

Jason said the board had previously talked about leaving it up to him whether to work with committees. He would like clarity on whether or not we are donating material to committees. Beth said if Jason has any hesitation or doesn't want to make the call, when he gets a request he should bring it to her and it will be put on the next agenda. Jason said it is not that he doesn't want to make the call. He just wants to know if we are spending out of the highway budget to provide materials for committees. Beth said he should not spend out of the highway budget to purchase things for a committee unless there is selectboard approval. Getting ditching material piled up is very different from giving them materials that were bought for other purposes. Duncan said he would like to distinguish between labor, time and free materials and going out and purchasing something. Eben said to him giving a committee an old culvert that was recently removed from a road is completely different from donating a culvert out of the new culvert supply. (*Jason left at 8:02.*)

17. NEMS Update Presentation

Scott Griswold of NEMS said NEMS is going back to having a master copy of the contract signed by all towns. He brought that to be signed. And because there are new members on the board he wanted to review information about what NEMS does and also discuss a major change in the contract. NEMS is a private not-for-profit corporation. On June 30 they will finish 20 years of service in Johnson. This year so far there have been 636 calls out of Johnson. There were 22 mutual aid calls to other towns and they received mutual aid 7 times. Last year they received mutual aid 70 to 80 times. Because of that they added more crews. They expect to have 20 to 25 mutual aid calls this year. Three of the times mutual aid was received it was because NEMS was providing mutual aid to another town at the time. They have drastically reduced the need for mutual aid. Last year they got 1736 calls and at the present rate this year there will be over 1900 calls. They have four locations so they are able to provide some of their own mutual aid. They are now offering special pay to do transports so people will come in to do transports. They are not using the 911 ambulance for any transports anymore.

Scott said the previous contract said that people on NEMS ambulances would be paramedics or advanced EMTs but if they have to call in a third crew they can no longer guarantee that they will have an advanced EMT on every crew. The contract was changed for that reason.

Their income is up from last year because of the increase in call volume. If they ever decide not to do business in Johnson anymore or if the selectboard decides no longer to contract with NEMS the assets and liabilities of the Johnson station will be turned over to the town. The building is 100% paid for. They have a 4-year loan left on one ambulance. So there are not a lot of liabilities. They were hoping

this year they would see an increase in Medicare/Medicaid funding but it doesn't look like that is happening.

On Saturday July 1 NEMS will have a celebration of their 20 years of service here. Selectboard members and the public are invited to enjoy festivities.

Mark said people have been happy to be able to get COVID shots at the NEMS station. Scott said NEMS was also sent all over the state to provide shots to homebound people and they got income from that. *(Scott Griswold and Carl Rogers left at 8:16.)*

18. Dilapidated Buildings Update

Brian said the town has been working on pursuing cooperation with people at three different dilapidated building locations on 100C. We are receiving some voluntary compliance. Beth asked what that means. What are they actively doing? Dean Locke said he is in communication with the son of the owner of the two properties on Stearns Street and he has agreed to remove all remnants of the burnt out building by June 19. The father has had multiple health issues and surgeries and has been out of state but now is back in state.

Beth asked if Dean got a commitment on the second building owned by the same person. Dean said no, he has not started a conversation on making a commitment to deal with that building. Beth said we have been asking about these buildings since before the fire. She thinks it would be ideal to have the same timeline for both buildings. If there is someone there cleaning up the first building the other building could be addressed at the same time. Dean said we will have to get clear on what measures we want done to the building that is adjacent to the burned building. Beth said whatever it takes for it to no longer qualify as dilapidated.

Duncan said he thinks we should treat them as two separate properties even though they are adjacent. If Dean believes voluntary compliance can be achieved he is in favor of that but he would like to see something in writing from the owner committing to clean up by June 19 or a communication from Dean telling the owner that if cleanup does not happen by then an enforcement action will be forthcoming. For the second property, we have an inspection form. He thinks we should notify the property owner that we will do an inspection. We should inspect it, identify the issues and pursue action on that basis. If the owner comes up with a plan on how to deal with the issues that is great, but we should get a commitment for when it will be done and pursue enforcement if it is not done by that time. Mark and Eben agreed.

Dave Williams said he has been talking to the board about this issue for more than 3 years. It has been going on for a long time and no progress has been made on either building. He keeps thinking about the yellow building across from the movie theater in Morrisville which has been a dilapidated health hazard for the better part of a decade. The Morristown selectboard hasn't set deadlines and made them stick. That is an example of what could happen. He guesses that the real problem keeping the owner from taking action is money. He doubts the building is insured. He is glad to hear that there is a timeline and that there will be action if no progress is made. He thanks the board for their attention to this.

Dean said the third property is an old building in front of the Maplewoods Campground. He has been in contact with the owners. He sent them a copy of the dilapidated building ordinance. *(Dave Williams left at 8:28.)* He plans to follow up with an inspection. Some work has been done to that building.

19. Dixon Property Update

Beth asked about the cleanup effort on the Dixon property (the former Armstrong property.) Dean said he did a recent site visit and observed that a trailer is now there on the property. The RV that was already there has not been moved. It looks to him as if not much has been removed, that things have mostly just been moved around. He doesn't believe any kind of permitted septic is in place. Mark asked if he thinks the trailer is inhabited. Dean said he thinks so. Eben asked if Dean could write up an update on this situation and email to the board. Beth suggested that he use the regular health report form and share that.

20. Animal Control/Health Officer Compensation Update

Brian said BJ Putvain has some concerns about the proposed changes to animal control and health officer compensation. Under the proposal some of the most frequent incidents are paid less than they are currently. The idea behind that is that things that require less time investment would have lowered compensation and compensation would be raised for things that take more time investment.

BJ said most of the incidents he deals with are phone calls from residents where he gives advice or situations where he needs to make an in-person visit. Both those types of incidents will be compensated at a lower rate and compensation will be raised for types of incidents that he almost never deals with.

Beth asked about how long he typically spends per call. BJ said for a phone conversation he would say the average would be 45 minutes and to respond in person the average would be a couple of hours. He doesn't want to go backwards on his pay.

Eben said he would be willing to move compensation for phone calls to \$25 and compensation for in-person visits to \$50.

Duncan asked Brian how he came up with the numbers on the proposed payment schedule. Brian said he and Dean looked at reports of incidents that Dean had responded to over about 6 months and also a list BJ gave him that covered about 3 months. The first goal was to increase pay for things that were taking more time and the second goal was to keep overall pay close to revenue neutral.

Dean said there used to just be a stipend and now people are getting paid for each incident and the stipend is being reduced but not eliminated. He thinks it would be great to switch to the proposed system. He likes the positiveness and accountability of it.

Duncan asked if Dean agrees with BJ's comments about the phone calls and in-person visits. Would he prefer to have the pay for those go back up to what it was originally? Dean said he sees it both ways. Even though compensation might have been increased for more time consuming incidents this proposal does reduce the compensation for the things they do weekly. He personally is okay with either direction.

Duncan noted that there is a pretty big difference in pay for in-person visits depending on whether a citation is issued. One could argue that that might be an incentive for the officer to issue a ticket in order to get more pay. BJ said normally they get situations taken care of well before a citation is needed.

Mark asked if there are a fair amount of calls about barking dogs. Dean said he is dealing with one recurring issue now. BJ said he is also. Dean said it is not a constant thing but it is a very reliable type

of call that they get. Beth asked, if someone is just complaining because they live next door to a dog that barks do we have to pay \$50 every time they call? Dean said he would hope that after a couple of calls the officer would try to start working with the person to try to fix the situation. But he can't stop people from calling him. BJ said he tries to resolve dog barking calls on the first call by letting the owner know about the ordinance. Dean said he has had a total of 10 calls in the last 4 weeks about the same dog barking issue. It is an issue between neighbors. Mark asked, he can't resolve it because there is no violation of the ordinance? Dean said that is correct. Mark said he wonders if there are ordinance changes Dean would like the selectboard to make.

Eben moved to adopt the pay schedule for animal control officers and health officers as presented and to reevaluate it in three to six months, Mark seconded and the motion was passed.

21. ARPA Rules and Planning Discussion

Katie Buckley introduced herself. She is the director of the Federal Funding Assistance Program at the Vermont League of Cities and Towns (VLCT.) ARPA falls under her purview. It is her understanding that the town is wondering about the timeline for using ARPA funds. *(Dean left at 8:48.)*

Eben said recently two board members discussed the potential of using ARPA funds to pay for operating expenses and then earmarking the money saved. Is that kosher? What are the pitfalls? Are there grants we would be denied getting if we did that?

Katie said the town can do that. The town can use ARPA funds as a revenue source in the annual budgeting process or use ARPA funds to offset operating expenses, creating a year end surplus that would drop to the bottom line. Then the voters could decide how to use that surplus. A reserve fund could be created for purposes specified by the selectboard, such as a grant match fund. The money could be moved into a capital reserve fund. The selectboard can specify any reserve fund purpose in an article on the next town meeting warning.

Beth asked, once we bring the revenue into our general fund, does that affect state school tax adjustments or being a low income community because we are now a more profitable town due to higher revenue? Katie said no. Being a low income community is based on household income. Beth asked, showing this revenue doesn't disqualify us for anything? Katie said it does not.

Katie said ARPA funds can be used as a match for a Northern Borders grant. If the town wants to use ARPA funds as grant matching funds but the timeline for the grant is farther out, the town might want to convert the ARPA funds to general fund dollars to buy time.

Beth said the voters recently approved a grant matching reserve fund. There is no problem with moving ARPA funds into a reserve fund, other than any restrictions placed on the reserve fund when it was created? Katie said no; the money can be put into an existing reserve fund.

Duncan asked, if we used our money on current year budget expenses, resulting in a fund balance, then we would need to have a plan for how to use that fund balance and ask the voters to approve it? Katie said yes. There could be a special article on using the fund balance or the budget could show it as transferred funds and when the voters voted on the budget they would be voting on that use of the funds.

Mark asked, if we do as we are thinking of doing, does that restrict us in our ability to spend the ARPA money because it goes into a specific reserve? Beth said we could bring it into the operating budget and not put it into a reserve fund. Mark said he is wondering if this use of the ARPA funds would tie our hands more. Eben said it would, unless we want to propose a reserve fund that could be spent at the whim of the selectboard.

Beth asked, if we have a line item for ARPA revenue, we don't have to show ties back to spending that revenue, right? Katie said that is right. Just document that the ARPA funds were spent on salaries and benefits and that drops other revenue sources that have no strings to the bottom line. She noted that the town cannot directly fund a reserve fund with ARPA money.

Eben suggested we could put an ARPA revenue line in our budget and then carry it indefinitely as earmarked or restricted funds. Beth said we have to allocate it by 2024 and spend it by 2026. So we have to show we have spent it. Eben said he is talking about what we can do with the surplus that doesn't tie our hands.

Duncan asked, if we end up with a fund balance can we say we are proposing to reserve a certain amount of it for other purposes? Katie said the board can have whatever article it would create for using general fund money. Duncan said he is not saying we would create a reserve fund. He is saying we would propose to reserve some of the surplus funds without transferring them to a reserve fund. Katie asked if the town has an audit by a professional auditor. Board members said we are going to. Katie said that would be a question she would ask the auditor. The town can also let the fund balance sit there. Some towns return fund balance to the voters and others let it sit there.

Duncan said his understanding has always been that if a fund balance is not reserved for other purposes it becomes a reduction in the tax rate. Katie said that is open to interpretation. Duncan said we do not always put a surplus in restricted funds. Sometimes we suggest a purpose other than putting it in a reserve fund. Eben said if we said we were going to take \$50K and use it for painting the building that would be a restricted fund. Duncan said he has always understood that the surplus doesn't belong to the selectboard; it belongs to the taxpayers and unless you are specifically reserving it for some purpose it goes back to the voters. We could even reserve it for "other purposes." But if we don't we are essentially committing it to reduce taxes. Rosemary said her understanding is the same as Duncan's.

Duncan asked, Katie is saying there are different municipal thoughts on whether you can carry a fund balance? Katie said she thinks if you ask an accountant you will get a different answer than if you ask an attorney. She doesn't want to provide that sort of advice. Every town does their finances differently. You could ask the question, at what point does it become surplus? At year end? If you assign those funds prior to year end they don't ever become surplus. There has been a lot of progress in government finance standards over the years but no progress in Vermont laws regarding municipal finance.

Mark asked how much ARPA money we have left. Duncan said we have committed close to \$100K. So we have about \$540K left. Mark asked if we have committed more for the light industrial park. Duncan said we submitted a grant application that said we would use ARPA funds for a match. Brian said he thinks we said we would use over \$400K. Beth asked if Brian could write up a summary of all the funding commitments we have made for ARPA money.

Eben said he thinks this is a topic the board needs a longer timeframe to discuss. We have quite a bit potentially committed if we get the Northern Borders grant. If we do not, then the scenario is different.

Brian said we could pursue another grant to make up a portion of the match and free up ARPA funds. We wanted to demonstrate that we have the resources to use for the match but we could find alternative sources other than ARPA funds.

22. *Mowing Agreement with Robert & Sons*

Brian said Robert & Sons provided an estimate for the next year. It is unchanged. They are committing to continue mowing everything they mow now.

Duncan moved to approve the agreement with Robert & Sons for mowing at a cost of \$6,700 with the assumption that they will mow all the properties they did last year. Mark seconded.

Brian said their goal is to mow once a week. That can be modified due to weather and staffing issues. Duncan asked if they can break out the mowing they do so Rosemary can bill the village for the village properties. Brian said Rosemary has been doing that. They are willing to provide a price per mowing but that would be a hardship for them.

Eben pointed out that the village needs to approve this as well. Brian said he can send it to the village. **Duncan and Mark agreed to the friendly amendment that town approval is contingent on village approval. The motion was passed.**

23. *Naming of Portion of Sinclair Road*

Brian said there is new construction on what is currently Sinclair Road. There is a portion of Sinclair Road between Johnson and Hyde Park (where the road becomes East Johnson Road) that is Class 4 road. The new home being built is in Johnson but it is really only accessible from the Hyde Park side. There is a question of whether we should name that end of Sinclair Road East Johnson Road, giving it the same name as the Hyde Park Road so first responders have a better idea how to reach it.

Duncan said he doesn't think it will matter what the road is named. He thinks first responders are just as likely to make a mistake and go in from the Johnson side no matter how the road is named. He doesn't think we should change the name. Eben agreed. He suggested also communicating with fire chief Arjay West about this. Duncan suggested also communicating with dispatch.

Eben asked, because this is a Class 4 road and not heavily traveled, has Jason been out to make sure no building is happening in the town right of way? He thinks it would be worth 10 minutes to do that. Brian said Jason visited when the owners filed for a highway access permit. Duncan asked if the owners have made improvements to the Class 4 section of the road. Brian said not that he is aware of.

24. *Selecting Priority Locations for Municipal Energy Resilience Program Assessment(s)*

Brian said the library board would like their building included in the MERP assessments. Eben said they are already going after their own grant. Now they want the town to go after a grant for the same thing? What if they get both grants?

Brian said MERP funding can only go to buildings that were audited, for purposes described in the audit. The town will be eligible for \$500,000 and we can allocate however we want to use that money among projects that were mentioned in the audits.

Beth asked if we got clarification on whether the old mill building is part of the oil usage for the town garage. We had talked previously about how the town garage uses a lot of oil but we were not sure if that usage included the mill house. Rosemary said it is billed separately.

Eben said he would put the town garage first and the lower storage building second on the priority list. Beth asked, why the lower storage building? Eben said because we spend a lot on fuel there. That whole building probably needs to be re-insulated. Mark said he thought we were going to give up heating the lower building. Eben said we haven't had that discussion with the trustees yet. Mark said he thinks we need to discuss whether it is worth keeping the cold storage building heated.

The board agreed that the town garage should be the number one priority.

Duncan said he is thinking number two should be the lower storage building or the old mill house. If we decided not to heat the lower storage building, that would change his thought process. Greg Tatro, who was involved in putting in the heat system in that building, said if we stop heating the building entirely we risk cracking the floor and breaking the radiant heating system. Greg thought we should keep some level of heat in that radiant floor.

After further discussion the board agreed on this priority list:

- 1) town garage
- 2) municipal building
- 3) Historical Society building
- 4) lower storage building
- 5) old mill house
- 6) library

Brian said he will submit the list to Tori Hellwig at LCPC.

Brian said his understanding is that the village is only asking for funds for the village garage. Eben said Brian should notify Erik Bailey that we are asking for audits for some jointly owned buildings. Brian agreed to do so.

25. Local Emergency Management Plan Update

Eben moved to accept the updated Local Emergency Management Plan with the addition of Steve Hatfield as Emergency Management Coordinator #2, Mark seconded and the motion was passed with Duncan not voting as he was temporarily out of the room.

26. Planning for Northern Borders Regional Commission Grant

Brian said Northern Borders liked our letter of interest and invited us to submit an application for a grant. He will not be here to do that. The board will have to decide to assign that to the interim town administrator or have LCPC do it. Eben asked if LCPC would do it for the grant administration portion of the grant or if they would be contracted services. Brian said he doesn't know if they would ask for funds from the town. Shayne said he spoke with Seth Jensen, who said they are available if we are willing to contract with them. Mark asked, for administering the grant or writing the grant? Shayne said he spoke with Seth about getting the grant application together. He imagines the other work would be a further conversation. Brian said he would not recommend expecting volunteer labor for the amount of work this will take. It is a very complicated grant.

Eben suggested that we get a proposal from Seth for the next meeting. Beth said we probably can't wait until the next meeting because she believes the application is due around June 20.

Brian said he thinks it would be reasonable for it to cost a couple of thousand dollars to have LCPC assist with this. He would be surprised if the cost exceeded \$5000.

Shayne moved and Mark seconded to authorize the chair to negotiate a contract with Lamoille County Planning Commission to assist with the Northern Borders Regional Commission grant application for an amount not to exceed \$5000. Beth suggested the friendly amendment, which was accepted, that both she and Duncan be authorized to negotiate with LCPC. The motion was passed.

27. Update on Scribner Bridge Engineering Study

Brian said we have to do an engineering study to be eligible for construction funds. The RFP was written to secure a study that VTrans would accept so they would give us construction funds in the future. The goal is to eventually repair the bridge but the scoping study could recommend replacing it rather than repairing it.

Duncan asked what is wrong with it. Brian said the bridge abutments are the major structural concern. There are some beetles and some of the siding boards need attention.

Eben said the town has already obligated \$6,600 for the scoping study but we need about \$8,000 more than that to pay for the proposal we received. Brian said our bridge and culvert reserve fund is well funded.

Duncan said he would like to find out from VTrans if they can amend the grant amount since the cost of the scoping study is higher than expected. Brian said LCPC is doing grant servicing. We can ask them.

Duncan said we had a previous study about flood mitigation. Is that incorporated into this at all? Brian said it is. The RFP said we are extending the assessment study to include the approach to the bridge. We were denied FEMA funding for it because they wanted more studies but it is included in the RFP for the scoping study.

Brian said he will ask LCPC if we can get more grant money.

28. Revolving Loan Fund Update

Brian said he put out a social media post about the revolving loan fund. The state is extending our grace period for making loans because of COVID. They were not specific about how long the extension will be. He thinks they are still figuring it out.

Duncan said he thinks we should also talk with the Agency of Commerce and Community Development to see if we might be able to change some of the conditions attached to the loan funds. He suggested keeping this on the agenda for the future.

29. Economic Development Round Table Discussion Planning

Brian said almost all the people we are inviting to the economic development roundtable will attend. The directors of the Northern Borders Regional Commission cannot make it but they will at least meet with the Vermont Council on Rural Development about this on a future date. We have plans for refreshments. The round table will be May 24 from 10:00 am to 12:30 pm.

Beth asked who is sending out the invitations. Brian said the Vermont Council on Rural Development is sending them out early this week.

30. Job Search Update

Duncan said he signed a contract with Alan Gould at MRI for the town administrator search. He is willing to advertise for the economic development position. He has an ad drafted. But Alan Gould said this might not be the best time to advertise for that position when there is a possibility we might find a good full-time candidate who could do both jobs. Duncan's concern is that if we wait and don't find someone who could do both jobs then we could be 4 to 6 weeks further down the road before we start advertising for the economic development job. But Alan said another risk is that we won't find anyone to do either job. Does the board think Duncan should continue on the path of advertising for the community and economic development coordinator? Or should we just continue advertising the town administrator position with a possibility of turning that into a full-time position that would combine both? He thinks Alan was implying that if we found someone good for the community and economic development position and Alan found a really qualified person for the town administrator position we would have to make a decision.

Eben said he leans more toward Alan's thought process. Beth said it is a conflict of interest for Alan. He is just saying that if we are searching for the other position at the same time it makes his job a little harder. Eben said he thinks we will get a better candidate pool of full-time people. Beth said she agrees. Duncan said Alan acknowledged that 32 hours a week with full health benefits sweetens the pot a lot for the candidate pool. Mark said he thinks 32 hours will be very attractive to people. Eben said both positions are not 32 hours though. Duncan said the economic development position is 24 hours a week. Duncan said he thinks we can get just as many applications at 32 hours as at 40. Mark said he does too. Shayne said he thinks we should try to advertise for a single position that includes both roles. He thinks we will get a better candidate that way. We asked MRI to do a job and if they think it is easier to do it one way we should listen to them. He favors trying to get one full-time person.

Duncan said the assumption behind trying to find one full-time person is that Alan can find a highly qualified person who can do both things and he doesn't think that is a foregone conclusion. That idea works if we can find the right person but if not then we are behind the eight ball as far as getting an economic development person.

Mark said he is in favor of searching for two different people with simultaneous advertising. Beth and Duncan agreed.

Duncan said his plan is to advertise in free places. Is the board also okay with putting an ad in Seven Days or another place that costs money?

Beth said she will post the opening on different social media channels.

Eben moved to authorize spending an amount not to exceed \$500 on advertising for the community and economic development coordinator position, Mark seconded and the motion was passed.

31. *Adjourn*

The meeting was adjourned at 10:12.