

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, JULY 15, 2024

Present: Selectboard members: Mike Dunham, Duncan Hastings, Eben Patch, Shayne Spence, Mark Woodward

Others: Tom Galinat, Randall Szott (remote), Margo Warden, Lois Frey, Doug Molde, Paul Warden, Sgt. Chris Watson, Ken Tourangeau, Spencer Leggett, Sue Lovering, two other Green Mountain ATV Club members

Note: All votes taken are unanimous unless otherwise noted.

1. Call Meeting to Order

Eben called the meeting to order at 6:30.

2. Consider Additions or Adjustments and Approving Agenda

It was agreed to add discussion on the bond and warning for the industrial park, an update on the assessors, and an update on the properties with health concerns on 100C and River Road East.

3. Public Comment

No members of the public wished to comment.

4. Selectboard Issues and Concerns

Duncan said it was brought to his attention that when these meetings are recorded it is hard for people to hear comments from the public. We may need to ask people to come up and speak into the microphone. Shayne said it would not be that expensive to get another microphone that would capture people further back. Eben said he thinks the microphones we use belong to GMATV. Maybe we could ask if they could provide an additional one.

Eben said there was no major infrastructure damage in the recent flood and no one was displaced that he knows of. There are a couple of things that perhaps Tom or Jason could follow up on. There is a property owner on River Road West who is adding material. (*Mark arrived at 6:34.*) If the property is in the floodplain that should go through the floodplain administrator. There are places on River Road West, Gould Hill and Sinclair Road where silt from private land is going onto the road.

Shayne said it was awesome to see the fire department get out proactively. He got positive feedback. It was good to see town and village crews ready to go. We are learning from our experiences. It is nice to know we will be ready to deal with it the next time the worst happens.

Mark asked if Jason was out of town for the whole thing. Eben said he got back Saturday.

Tom said no road damage met the \$3800 threshold for FEMA assistance. Eben said there are two areas where the cost might end up exceeding that. Tom said maybe Lendway Lane and River Road East.

Eben said a citizen on Upper French Hill claims the town moved some boulders and blocked the top of their spring. They feel it needs to be fixed. Tom said he spoke to Jason about it. It appears that the bank has been moving toward their spring. The stones that have moved were mossy. They were probably placed for stabilization years ago. It is unclear if the town is liable for that. He thinks it needs more investigation. Duncan suggested notifying our insurance carrier. In past situations like this they would conduct an investigation.

5. ***Planned Purchases***

Tom said the meal for the July 22 Re-Imagine Johnson event will ultimately be paid for by the Vermont Community Foundation but we will need to pay for it now and get reimbursed. (*Paul Warden arrived at 6:40.*)

Shayne moved and Duncan seconded to authorize spending up to \$6,000 for expenses for the Re-Imagine Johnson event.

Lois asked if that amount is for all 3 meetings. Tom said that includes \$4,715.13 for food from Two Sons Bakery, \$139.80 for printing and 20 hours of childcare at minimum wage (\$273.40), totaling \$5,128.33. The list of food to be provided seems like enough for 3 separate meals. Randall said his understanding is that the initial meal will be hamburgers and hotdogs and subsequent meals will be pizzas.

The motion was passed with Mike opposed.

6. ***Recreation Committee Report***

Tom said Lisa Crews agreed that there isn't really an active recreation committee. Shayne suggested figuring out how many vacancies there are and posting them. He feels this is an opportunity to think about the role recreation plays and could play in our community. Towns of our size elsewhere in Vermont are investing a lot more in recreation and getting major payback from those investments. Their towns are being used for bike tours, races, etc. He thinks making that investment would be a good idea. Johnson should be seen as a hub for recreation. (*Doug Molde arrived at 6:45.*)

Randall said his report included some numbers from other towns. Charlotte has a higher median income but when income is compared to expenditures their recreation budget still wildly outstrips Johnson's. New Haven is more comparable to Johnson and they have a much larger recreation budget as well. Several towns in the Mad River Valley formed a recreation district. They all pay fees to fund recreation activities. Communities pay into the fund and then need to apply to use funds for activities in their town. A governing body with members from all communities makes decisions. Londonderry and some neighboring towns are jointly hiring someone to manage recreation for all the towns.

Tom asked what model the board wants for the future of recreation. Should we continue with a committee/coordinator hybrid or do something different? It seems that getting members to join the rec committee might be hard. Having a strong coordinator with volunteers for each sport as opposed to a committee might make it easier for people to take part. He has heard that people want more limited volunteering. What we were doing wasn't working.

Shayne said Randall brought up the idea of intermunicipal cooperation. This seems like an area where we could pursue another interlocal agreement. We could figure out how many towns in the region are willing to buy in. Another thing he and Tom heard in conversations with people involved in recreation was that many things are done in cooperation with other towns. It makes sense to have them all under one umbrella. A regional approach saves money and allows programming to improve.

Duncan said he agrees with that conceptually. That won't happen overnight. It may be a 2-year conversation. In the meantime he is not willing to give up on the committee structure. The recreation committee has seen its membership fluctuate over time. It doesn't particularly bother him that participation is low right now. That is not unusual. He thinks we should make a strong effort to recruit new members. Our recreation programs have primarily been geared to youth. He thinks there is an

opportunity for a greater emphasis on adult recreation. Mark agreed that more recreation for adults would be good. (*Sgt. Chris Watson arrived at 6:54.*)

The board agreed to post the rec committee vacancies.

Mike said Tom had mentioned the problem of getting the fields lined. Years ago he believes there was no problem with that. He thinks a dynamic individual can make sure the fields get lined. Tom said the more volunteers we have, the more ownership of recreation in the town there is

Margo Warden asked if a lot of kids are signing up for sports. Tom said yes, they have been. Shayne said numbers are down since pre-COVID but in the last few years they have been on an upward trajectory.

Margo said the Re-Imagine Johnson conversations could include recreation and what is going on at the university. There might be opportunities to have conversations with the university about how we can use their resources. They are not being used to a great level by the students there. It could be a wonderful collaboration.

Doug said there ought to be representatives at the Re-Imagine Johnson event to push the importance of recreation in our community.

The board agreed to have the Tree Board and the Conservation Commission come to the second meeting in August.

7. *Update on Properties with Health Concerns*

Tom said the health officer visited the River Road East property on July 13. He saw some materials being sorted and some totes that had been emptied of material. He will check on status with the landowner next week.

Tom said he drove by the property on 100C today. It looks like the hole is filled in and the fence is pushed out to the road. The work appears to be done and he thinks it only needs a final inspection. Duncan asked Tom to verify whether there is anything the board needs to do to wrap this up, since there was an order issued by the board.

Duncan asked about the dogs at large situation. Tom said there was an incident captured on video. It may be hard to define whether the dog is vicious based on that. Duncan said “vicious” is defined in the ordinance and the dog was clearly running at large.

8. *Update from Community and Economic Development Specialist*

Randall said he submitted the change of signature authority for the Northern Border grant (from the former selectboard chair to Duncan) but was told that if we are going to submit a revised work plan and budget it would be better to submit all the changes at once. When he submitted the original application he included a co-administrator fee of 1% of the total project budget but actually only 1% of the award amount is allowable, so he had to revise that, cutting the amount in half. He also had to shift the timeline because of delays.

Duncan asked about the NEPA cost figure on the budget adjustment summary sheet. It is lower than what he thought Mumley’s estimate was. Randall said he will contact Tori Hellwig tomorrow and they will look into it.

Mike said he thinks we should hold off on spending any more money until after the bond vote. If the college ceases to exist as we know it there is plenty of property there that could be an industrial park. He has a sense that the voters are going to turn down the bond vote. Duncan said we have a contract right now with Mumley Engineering to do the work on submitting for Act 250. Is Mike suggesting we curtail that? Eben said that is part of the money that was already allocated. Duncan said he believes we should continue to pursue submission for Act 250. Beyond that he probably agrees with Mike that we shouldn't spend additional money until after the bond vote. The rest of the board agreed on that.

Eben asked if Randall is planning on attending the Tax Increment Financing conference in October that was mentioned in his report. Randall said he was not planning on attending, but the board can decide if that would be a good use of his time. Johnson doesn't have the size or resources of a community that typically pursues Tax Increment Financing but there could be information presented there clarifying that TIF could apply to Johnson.

Mark said it seems to him that it is something the village trustees should be taking the lead on. Duncan said he thinks when the village was looking into extending a sewer line Sandy Miller looked into the possibility of creating a TIF district. The village didn't do it but he doesn't know if that was because they found out it was not feasible. Mark's point is a good one. If the town and village were one he thinks it is possible that TIF might work but he doesn't know if it can work with a separate town and village.

Tom asked if a joint meeting with the trustees is scheduled. Eben said not at this point. He has talked to Ken about it. Mike said he thinks it is important. Tom said he thinks it would be helpful to have regular meetings with the trustees. Mike said he thinks we should meet with them quarterly.

Duncan said one concern he has is that Randall's work is paid for solely by the town. He doesn't necessarily want Randall to work on projects that benefit the village without compensation from the village. (*Ken Tourangeau arrived at 7:21.*) Mike said that could be brought up as a bargaining chip in discussions with the village.

Eben let Ken Tourangeau know that the selectboard wants a joint meeting with the trustees.

Randall said the Vermont Department of Tourism and Marketing now has Johnson locations included on their map and descriptive text. He put out information about how Johnson businesses can be listed in their directory.

Randall said there is conflicting information in the FAQ for the NBRC grant about when we need to have matching funds secured. One place says we have until September 30 of the year following the award and another says we have until 12 months after the award date, which was August 15, 2023. He will get clarity on that. Duncan suggested we go with the September 30 date and not ask the question about August 15 at this point. (*Randall left.*)

9. Town Sewer Water Connection

Tom said in 2021 the Planning Commission brought to the board a draft water and sewer line extension/connection policy. The selectboard did not take action on it. He believes the selectboard was looking for specific locations for future development. Does the selectboard want to approve the policy or go back to the Planning Commission? Or approve and also ask the Planning Commission for direction on locations?

Paul Warden said the Planning Commission felt very strongly that they didn't want to pick winners and losers as far as property values. They tried to create a policy the board could apply if someone applied for a sewer or water extension but they didn't want to pick the areas. Some people who were on the Planning Commission at the time felt strongly that the Planning Commission should not say that some areas should be developed and some should not.

Mike said as he reads it this is just a start and we are to work with the village to define these areas, correct? Paul said the way it is written, if someone applies for an extension then it kicks in. Its purpose is not to designate places for development. Mike said he thinks it would be better to designate areas. Then everyone would know up front. Mark asked, don't you think it would be under the village's purview to say which way they want their lines to go?

Mike said Walter Pomroy spoke in the past about wanting more sewer customers for more revenue. The college is not as big as it was and we are losing homes in the village. The village is losing revenue. If more people could easily hook into sewer there could be more development and more property taxes. He would like to adopt this.

Mark said it seems to him the village should adopt it first. Mike said the town has to adopt it because it is about the town sewer service area.

Eben said the Planning Commission proposed a policy but we already have an ordinance. Having both a policy and an ordinance doesn't make much sense. He believes the ordinance will supersede the policy. Duncan agreed that it will. Eben said we need to amend the ordinance. Would the board like the Planning Commission to look at amending the ordinance and tying the policy into it?

Eben asked Ken if he has the sense that the village is interested in getting more sewer connections. Ken said they will take any and all customers. They are at about 45% capacity for sewer and maybe 50% for water. (*Spencer Leggett arrived at 7:34.*)

Mike apologized to the Planning Commission for not acting sooner on the good work they did.

Mark asked if the village should have a policy that they will take anyone who wants to be a new customer and then we should adopt this policy and change our ordinance. Ken said he doesn't think the village has ever refused any permit application. Eben said if they already have a policy that would be good to know. (*Sue Lovering arrived at 7:35.*) Ken said they won't put in a 10-mile line for someone far outside the village who wants to connect.

Duncan said the original purpose of the town sewer service area was to provide access to water and sewer for the mobile home units in the mobile home park that were not in the village. The village has a sewer ordinance of its own and it has been adjudicated in court several times that they cannot extend beyond the village limits without a town sewer service area. The original one was for mobile home units not in the village. There is also one going up 100C. The sewer line there was originally a town sewer line. The village didn't own it. The town conveyed it to the village but the original deal was that only those people who already had existing dwellings could hook into it. The town taxpayers paid for the sewer line originally. It was designed to be able to add new people to it. They would have to fill out a town sewer service area application and then it would be submitted to the village and they could approve it under their ordinance. The way it is set up now, there is a setback from 100C and if you are

in that setback zone you can hook up. If not, you can't. We have an ordinance that controls connections within that identified town sewer service area.

Mark asked, the one on 100C is unique because the town paid for it? Duncan said yes. Harvey paid for the other one and the village accepted it.

Duncan said he personally would not be in favor of a policy that anyone anywhere can hook up as long as they pay the cost. For example, the college has a farm property that could host a pretty good sized development. Should we allow expansion there? He thinks it is a legitimate job for the Planning Commission to consider where we want to promote growth. It is part of the municipal planning process.

Doug Molde said he thinks it is very important for the selectboard to take responsibility for this by delegating it to the Planning Commission. It would be irresponsible to rely on who applies for an extension to determine where extensions are put in. He has advocated for expansion of the town sewer service area, for instance to the left side of Clay Hill, but he thinks it needs to be studied and not done on the basis of who wants it and who is willing to pay. Duncan asked who would do the analysis. Doug suggested the Planning Commission.

Mike said he thinks we should do everything we can for development in this community.

Duncan said there is a current sewer line that goes up Clay Hill and ends roughly at the village boundary. There are no sewer lines from that point going all the way down Gould Hill to Main St. All of that land is within the village. If someone wants to do a subdivision there they can go through the village and the village can agree to adopt it. What Doug is talking about would be an extension into the town in an area where there is no sewer line now. Paul asked, the town would pay for it? Duncan said he thinks a private developer could propose to pay for it.

Duncan noted that municipalities cannot regulate growth with sewer connections.

Tom said it might be in our best interest to make the whole town a town sewer service area and then let the village decide where they can do extensions. Mike and Shayne said they thought that would be a good idea.

Ken said it is all about feasibility. If there would not be enough revenue coming from a certain area the village would not extend to that area to pick up one customer. On Sinclair Road, for example, there are several houses that could be picked up. He thinks that should probably be allowed. The lots are small and they probably would not be allowed to put in another septic system nowadays.

Tom asked, what if it were up to the village to decide where in the town sewer should go? Should the town have a say? Ken said one thing they would have to consider is where there are pump stations. If they would have to put in a new pump station to serve an area it might not be feasible. Tom asked, what if it were up to the village? The village could say whether a pump station would be needed, what size line would be needed, etc. Ken said the village's policy has been to accept any new customers that it is responsible for the village to take on.

Eben said he thinks the most appropriate step forward would be to ask the Planning Commission to look at an ordinance about town sewer service areas.

Mike said Tom's approach is cleaner. Duncan said it is also totally against all planning regulations, Act 250 and Supreme Court decisions about extending sewer lines for unplanned growth. He wouldn't support it.

The board agreed the Planning Commission should examine the existing town sewer service area ordinance. Ken suggested that the Planning Commission meet with Erik Bailey. He could give them a good idea which directions the village is more interested in going. Eben said the Planning Commission should look at the town sewer service areas and recommend extensions. Shayne said if possible they should incorporate the draft policy into the ordinance. He thinks the policy has a good process for people to go through to get connected if they are in a town sewer service area. Duncan said a lot of things in the policy contravene the current village sewer ordinance. He recommends that Erik Bailey be involved in the process. We won't adopt a policy that steps on the toes of the village ordinance.

Shayne said we could leave it up to the village to decide. Duncan said if a project is subject to an Act 250 permit and there is a sewer line extension of a mile and a half he guarantees that project won't be approved. They will look at that as scattered development. Shayne said he doesn't think the village would support that. Duncan said then there is no point in having the whole town be a sewer service area.

Tom said he thinks a town sewer service area feels like one layer of red tape we could get rid of for developers. Duncan said that assumes all development is good. And he wants to caution everyone that allocations for water and sewer cannot be used as a method to control or limit growth. That has been adjudicated multiple times. Paul said but that is exactly what the selectboard is asking the Planning Commission to do – designate areas to extend to. Duncan said there are some areas where pipes are already in the ground. It is really a question of whether we allow people beyond the setback borders to hook in. He thinks that is a legitimate question. Where Doug suggested extending the line makes sense, but it wouldn't make sense to extend out Route 15 to Hyde Park.

Paul asked, the selectboard is asking the Planning Commission where it would make sense to extend to? Board members said yes. Duncan said they should consider how it fits with the town plan. Based on new legislation, municipalities are going to have to do that level of planning. He suggested getting information from LCPC on Act 250 changes.

Mike said he was under the impression that if the town sewer service line went through a property a connection could be made to the part of the property that was within the boundary but not the other part. Duncan said that was the situation Drew Fairbanks was in. He wanted to connect to a portion of his property that was not in the town sewer service area. Mike said he could put a line through his own property. But that is illegal, right? Duncan said he thinks it is a matter of interpretation. It would be a simple adjustment to the ordinance to say that if your property touches the town sewer service area your whole property is eligible for connection. That might make sense.

Ken said the draft policy talks about having a hydraulic study done. *(Two ATV club members arrived at 7:59.)* That seems infeasible for an individual to do. He would suggest something more like checking capacity and hydraulic capability once a year.

10. ATV Ordinance

Eben said the board won't change the ATV ordinance tonight. This is a high level discussion. Would someone from the ATV club like to present their request?

Ken said he would like to remind the board that when he asked about this 5 years ago, it was not the as a club representative; it was as a resident. The club did not ask for this. At town meeting in 2019 he asked to open up access to Main St. via a paved section of Clay Hill to Gould Hill and then Gould Hill to Main St., as well as Railroad St. The state had opened Route 15 to ATV use and it is still open. The access was taken away even though there was a perfect trial period with no issues. There were no incidents in the middle of the village and there have been hardly any in the City of Newport, where ATVs are allowed. He can ride from Rocky Road to Richford or Berkshire. They get his revenue. Tens of thousands of dollars were spent to bring in revenue from bicycle riders but ATV riders were kicked out on a technicality. The town allows snowmobiles to use Gould Hill even though there is no ordinance allowing it. He feels the selectboard has to be fair and amend the ATV ordinance. If people oppose it, let them petition the amendment.

Shayne said he asked for someone from the sheriff's department to be here because one thing he has heard is that enforcement has been spotty in certain areas and some people feel people are able to ride in areas where they should not. He often hears from the club that the people doing that are not club members. He wanted to hear what the sheriff's department had to say.

Sgt. Chris Watson said he looked at a year's worth of ATV complaints for all the towns the Lamoille County Sheriff's Department provides services for – Johnson , Hyde Park and Wolcott. In that year there were about a dozen complaints. There were 4 to 5 in Johnson, all but one in a specific location. The others were scattered in Hyde Park and Wolcott. Wolcott has not opened up any of their roads to ATVs. The sheriff's department has a very difficult time enforcing ATV problems. They don't have the people power. When he has one officer on a shift, unless they are right in the area when they get a complaint the ATV is long gone by the time they can get there. The majority of the issues are not with club members. If they see an issue or have a concern it has been easy to contact the club and mention the behavior and then the issue stops.

Shayne asked if he feels the communication with the club is enough. Sgt. Watson said the club takes it upon themselves to do self-enforcement. There was not a single complaint or issue during the trial period of allowing access to Main St.

Eben said he has talked with the president of the club. There is money available from the state for patrol and enforcement. They are focusing it on areas that are open to ATVs.

Spencer Leggett of Green Mountain ATV Club said there was a trial period and it seems like it went very well. ATV riders want to get into the village again using paved sections of Gould Hill and Clay Hill and Railroad St. The club has planned enforcement routes. They are willing to spend money on enforcement. They want to bring revenue back to the town.

Mike read a letter to the town from Diane Lehouiller. She asks that the ATV discussion be about starting a committee to research the impacts of ATVs on a town. She thinks that would be a good beginning for putting this topic to rest. She thinks this is an unusual time to have this topic brought up, considering all the things that are happening in Johnson.

An ATV club member asked if any of the ATV calls Sgt. Watson mentioned were resolved. Did officers have contact with the ATV riders? Sgt. Watson said no. The ATV club member asked how many automobile violations there are in a year. Sgt. Watson said thousands. The ATV member asked how many of them are resolved. Sgt. Watson said almost all. The ATV member said 14 a year doesn't seem like a big concern compared to thousands of automobile issues. Many towns have tried opening up roads to ATVs and it works. He thinks this is a very minor issue. He doesn't see the need to start a committee and take a lot of people's time.

Margo Warden said she thinks there were about 30-32 letters to a previous selectboard expressing concern about ATVs. People volunteered to part of a committee to have a full discussion. The previous board talked about maybe using a constable for enforcement but that didn't sit well. The Planning Commission did a survey in 2022. They asked about recreation programs and facilities people wanted to see. One question was about ATV use on public roads. Of the 152 respondents, 13% said there was too little ATV use on roads in Johnson, 40.79% said the amount was just right and 45.39% said there was too much. She thinks before a decision made the selectboard should not just hear the voices in this room. The survey needs to be taken into consideration.

Mark said he was surprised by Sgt. Watson's statistics on complaints because he has a friend on Sinclair Road who reports ATVs regularly and was assaulted by an ATV rider. She got the person's license number and the case was not resolved. Sgt. Watson asked how Mark would expect it to be resolved. Mark said there was proof of contact. Sgt. Watson said ATV violations are civil violations. He is not aware of that specific incident. ATV enforcement will more than likely come from Fish and Game, just as in winter on snowmobile trails. Fish and Game has the capability to do it. LCSD doesn't even have the equipment. The best way to do enforcement would be to put someone on an ATV but they don't have one or a person to put on one. Mark asked, most complaints go to Fish and Game? Sgt. Watson said no; they go to LCSD, but moving forward as this grows he believes enforcement will come from another agency.

Mike said he thinks a big problem with enforcement is that the small plates on ATVs are hard to read. Mark said nowadays people can take videos. The plate can be seen if you zoom in on the video. He thinks 90% of ATV riders are obeying the law. Sgt. Watson said it is no different from the public highways, where 90% of people are doing what they are supposed to do. Mark said the 10% who are not are important because people who live on back roads have to deal with them. We need to figure out what kind of enforcement will work for those 10%.

Mike said he would like to amend the ATV ordinance. There were no problems in the trial period. We should make it permanent. It is not much to ask.

Ken said Sinclair Road has been open for 18 years according to the ordinance. Almost every road has a paved lead-on. The plates are on the ATVs so they can ride on the roads. Riders pay the state for that. They are only asking to ride on small sections of pavement. Gould Hill is already 95% open by town ordinance. Johnson isn't special. If Newport and Hyde Park can allow ATVs, Johnson can. If people want to petition the amendment, let them. It would be ridiculous to do a study to open up 500 ft. of pavement on Clay Hill. Mike said he doesn't agree with any studies or committees.

Sue Lovering asked where ATV riders can go if they go down Railroad St. They can't go on the rail trail, right? Eben said he gets the sense that they want residents on that side of town to get access across Route 15 and also have access to gas stations, restaurants and the post office. Mark said he

thinks that whole side of town is open to ATVs but they can't get into the village. He said he thinks Morrisville doesn't allow ATVs. Margo asked if ATV riders could go to Jolley or Maplefields. Ken said no, the state permit does not allow them to go that far.

Tom said if the board created a new ordinance instead of amending the existing one it could be put to a townwide vote that would be binding. That would let residents speak. Or the board could follow the amendment process. That would take a petition to go to a vote. Duncan asked where he gets the idea we could have a townwide vote on an ordinance. Tom said he reached out to VLCT and asked if a townwide vote on a selectboard ordinance would be binding or advisory and they said it would be binding. Duncan said he thinks that is referring to a permissive referendum. There is only one way an ordinance can be adopted. Statute said that the selectboard adopts an ordinance. Citizens can petition within 45 days for a vote on whether the ordinance is approved or disapproved. There is no ability for an ordinance to go to a public vote. Tom said if the change is disapproved it falls back to the existing ordinance.

Mark asked if there is any reason to use Gould Hill instead of Clay Hill. Ken said he was trying to keep ATVs off pavement.

Mike asked if Tom is saying that if we amend the ordinance and there is petition the voters can only vote against the amendment, not the rest of the ordinance. Tom said yes.

Mike said he wants to amend the ordinance. Shayne said he would support that. Mark said he is against it. Duncan said he rides the back roads a lot on a bicycle and he often comes across side-by-sides. He would say 98% of riders are very polite and courteous. He has more issues with jumped-up trucks. But one concern he has is that there is no enforcement. With no enforcement it probably doesn't matter much whether we amend the ordinance or not. Shayne said he thinks even if there is no real enforcement, he thinks people want clarity that they are not breaking the ordinance.

Mike said ATV owners bring a lot of money into communities. In New Hampshire, people come from other states to ride because New Hampshire is very welcoming. We could have some of that money in the community.

Duncan said one thing expressed by a number of people in the letters received by the previous board was that they were happy to have road access for local ATV riders but there were a lot of concerns about people coming in from other places with trailers and many ATVs. That is something we should at least be aware of.

Ken and the other ATV club members said there is enforcement. They have a schedule set up.

Duncan said he would agree to amending the ordinance, but he would like to see more information from the club about enforcement.

Mike asked what Eben's opinion is. Eben said he is willing to amend the ordinance.

Ken read off the dates when enforcement by Vermont Fish and Game or the Morrisville Police Department was or will be scheduled in Hyde Park, Johnson and Eden. There is enforcement.

Eben said he would like a legal opinion on our current ordinance. It says Class 4 and non-paved Class 3 highways are open to ATVs. He reads that as saying ATVs are forbidden on paved highways, not paved road segments. Only School St. and River Road are fully paved. He would like a legal opinion on whether it means paved highways or sections of highways. Shayne asked if Eben is saying he thinks as long as part of the road is unpaved it would be open. Eben said yes. The ordinance does not refer to segments.

Duncan said the way the current ordinance is written is probably not very good. There was a committee but the selectboard ignored the committee report. One selectboard member drafted the ordinance that got adopted. It says ATVs aren't allowed on Class 2 or paved Class 3 roads. There really is no basis for that concept. It was just an idea a selectboard member came up with that got passed.

Sue Lovering said Morrisville voted to close everything to ATVs because of an influx of ATVs from other places. Residents didn't care how much money they brought to the town when people couldn't go into their yards because of the noise and dust. A great many people in town enjoy peace and quiet. She is not saying ATVs shouldn't be allowed but no one wants them to ride on the streets just to make noise. Ken said no one is riding just to ride. They are going to specific destinations. And Morrisville only had a quarter mile open.

Eben said he would like VLCT to review our ordinance and give a legal opinion.

Duncan said if the ordinance is amended there can be a petition within 45 days for a vote to approve or disapprove the ordinance and that vote is binding.

Margo said her concern is that there have been a lot of letters about the issue and people voicing offers to be involved. Duncan said he feels if we amend the ordinance 50% of people will be opposed and 50% will be in favor. Ken said at town meeting when he made the request the vote was unanimous. *(The ATV club members and Paul and Margo Warden left.)*

11. Gravel Pit Options

Tom asked what options the board wants him and Jason to look into. Purchasing adjacent or other land? Buying gravel?

Eben said he would like to look at purchasing more land, either adjacent or elsewhere, whatever is more cost effective. Mike said we were talking to an individual. Did we ever get a price? Duncan said he doesn't believe we did. We did test pits. There should be data on that. He is supportive of looking into purchase but he would like a cost comparison of owning a gravel pit vs. buying gravel, including the cost of buying land, developing it, etc. Eben said he likes the idea of cost comparisons. He thinks the current deal is not a bad one. We are trading twice the material we get from Percy but there is no expense or headache. Duncan said at least 2 other communities own and operate their own gravel pits. Is there an opportunity to purchase gravel from them at a reduced price?

Tom said a good thing about the arrangement with Percy is that we get square stone that has been crushed. It has been shown that round stone and sand doesn't hold on roads. We should be doing all our cost comparisons on processed stone. Duncan agreed. He said if we purchase our own gravel pit he would want to see a crusher brought in to crush gravel. Tom said if we are going to have a crusher come in, ledge is just as valuable as gravel.

Mike said he is in favor of whatever is most cost effective.

Eben said he will give Tom information about the previous discussions with Bert Nadeau.

12. Purchasing Policy

The board had been given a draft purchasing policy. Duncan said a concern Sue Lovering had was that when she goes to a nursery she doesn't always know in advance what she is going to buy so if she gets a purchase order with dollar amounts that may not coincide with what she picks up. And one nursery she deals with doesn't even take purchase orders.

Tom said he thinks if Sue said she wanted to go to a nursery he could call the nursery and ask if they would invoice us. Then the purchase would be tax exempt. That would be ideal. That would fit the purchase policy. Another option would be for Sue to call Tom from the nursery and he could check the budget and send her a text giving her permission to buy. Another option would be for her just to go ahead and buy the items herself.

Duncan said he thinks many places Sue shops don't even have customer accounts. Sue said that is right. And it may be difficult to call Rosemary if she wants to go on a weekend.

Tom said if she planned ahead and talked to Rosemary or Tom before she left then he would call the nursery. This process has worked before with vendors who only take cash. They have agreed to be paid later and they have provided a handwritten note detailing the purchases. With that method we save on sales tax. He or Rosemary can reach out before Sue gets to the nursery. Sue asked, what if she gets there and they have not heard from Tom or Rosemary? Tom said part of her planning would be to check with him to see if he got in touch with the vendor. If not, she might be on hook for sales tax.

Sue said in the past many volunteers wrote checks and got reimbursed. They were honest. One person wasn't honest and everything changed. A couple of times she has been at a nursery 1 ¾ hours away and she had to go back another time because no one at the office answered the phone when she wanted to buy something. Tom said he thinks that can be addressed by planning and calling the office before she goes. Sue said she has no problem with that unless her decision to go is impromptu. She doesn't know ahead of time what her schedule will be like in two days.

Tom asked the board's thoughts on whether the policy could be loosened up. Duncan said he thinks it would help if Tom could reach out to some entities and see if they would accept a purchase order. It's a guarantee of payment. Tom suggested Sue should email him names and contact information now and he could contact them. Sue said that works.

Duncan said Rosemary can issue single use tax exempt certificates so volunteers don't have to pay tax.

Lois asked about the option of paying and getting reimbursed that Tom had mentioned. Tom said the first choice would be to create an account with the vendor. The second would be to get written approval via email or text. Then the volunteer would be on the hook for sales tax. The third option is to take the risk and make the purchase. Lois asked, that is acceptable? Tom said it is clear in the policy that approval for reimbursement is not guaranteed in that situation.

Lois said she is a volunteer who doesn't text. She has never had any problem with buying things and paying the sales tax herself and getting reimbursed. She is hoping that option is still available. Duncan

said it is, and there is a single use sales tax exempt form she can use. Maybe Rosemary could even give her a couple in advance.

Tom suggested that at the beginning of the year committees could tell him about items they plan to purchase and the purchases could be approved in advance.

Duncan moved to adopt the purchasing policy included in the meeting packet, Mike seconded and the motion was passed.

13. Website RFP

Tom said he spoke to the village. They want to see the responses to the RFP before deciding whether to join with the selectboard on a website update. He spoke to one vendor who said because we are already using WordPress they would just need to do reorganization and rebranding. The board agreed that Tom should post an RFP for a website update.

14. Town Logo

Eben suggested talking about this at a future meeting.

15. Town Truck Purchase vs. Lease

Eben asked if the board is interested in purchasing or leasing trucks. Mike said he would just as soon lease them. Eben said he is not in favor of leasing. Duncan said he doesn't know enough about it yet. Shayne said he doesn't either. He asked why Eben is not in favor. Eben said because of the cost and because we would not get the specs we want.

Tom said he spoke to an International salesman today. All our trucks are International. The salesman is going to put together quotes for different leasing options. With current wait times for trucks we need to plan on ordering 2 years before we need the truck.

Duncan said we used to get Internationals because our crew could do more work on them but now they can do very little work themselves. Eben said we need to include the cost of an extended warranty on purchase options. He suggested there is no reason we can't look at options other than International.

Board members agreed they would like to see cost comparison figures for leasing and buying. Duncan said he thinks it is important to incorporate work on the capital plan.

16. Road Classification

Eben asked what the board's feelings are on starting the process of considering reclassification. He believes reclassification of Town Highways 47 and 12 to legal trails is part of the suggested list from the Planning Commission. Tom said there is a Class 4 road with a bridge that is out. That is an enormous liability. Our equipment is bigger than it was when the roads were built. For some roads we need to discuss either reclassifying or figuring out how to make a bigger turnaround. Eben said there are two really easy obvious roads we could start with. Duncan said he thinks we should start looking at reclassification. According to statute we have to make a site visit and have a public hearing. All people on the road need to be notified. Eben suggested that at the next planning meeting the board should review the list of suggestions from the Planning Commission and decide which ones to start with. Duncan said he thinks it would be good to have Tom and Jason say which roads they think should be priorities.

17. Assessor Update

Duncan said a minor update needs to be made to the assessor job description but he can't find the original copy. Once he gets it and makes the changes he would like to send it out to the board.

Mike questioned whether we could ever get listers again. He asked the total amount we are paying for the assessor. Duncan, Tom and Eben suggested various amounts in the \$20-22K range. Mike asked, the assessor only works for us one day a week? Duncan said yes, he works for 8 hours a week.

Duncan said the town voted to disband the office of lister so if we wanted to have listers again the first step would be to ask the voters to reestablish the positions.

Mike said if we had our own listers we wouldn't have to wait until 2028 for a townwide reassessment. Duncan asked how having listers would prevent waiting for the reassessment. Mike said the listers could do it sooner. Others said the listers don't do reassessments. Tom said in Peacham they used a model where the town listers did all the labor and the assessor just reviewed it, so it cost less. Putting out an RFP for reassessment will give us an idea whether we should consider looking for local listers.

Mike said he thinks the problem with listers was that the town didn't pay them enough. He thinks we need to look into it. We are losing a lot of revenue because people are doing additions we don't know about.

18. Bond and Warning for Industrial Park

Duncan said Lois Frey pointed out to him that the article the board approved for the bond vote is missing a verb. She is right. He read the article as it was posted. He said he raised the issue with Tom this morning. Bob Fletcher, who is a bond attorney, said running the article as written would make it highly subject to nullification. We are past the deadline for amending it. His strong recommendation is to cancel the August 13 vote and reschedule it.

Duncan handed out a spreadsheet with cost figures for the industrial park project. It includes \$175K from the revolving loan fund in the town funding stack. That number should not be in there. Tom had suggested using \$420K as the contingency figure and not deciding yet if we would borrow the \$175K. But if we are not going to borrow it then we actually need more like \$592K for the bond, not \$420K. Bob Fletcher asked if we passed a resolution on the bond that included an amount of \$420K. He can't remember if we did. If we did we probably need to approve a new resolution. Funds have to be secured by September 30.

Mark asked if this pushes it out another 30 days. Duncan said yes.

Duncan said Bob Fletcher provided proposed language for a new warning. But it is not ready tonight.

Tom said he recalls that when we decided on the contingency amount we discussed that if we didn't borrow the \$175K we would reduce the contingency to 10%. Duncan said we could do that but Mumley said he was not comfortable with a 10% contingency.

Duncan said if we canceled the project we would have to pay back the money we got to do the Yellow Wood study. That loan is forgiven if we go ahead with the project. He thinks the amount was over \$20K.

Eben said he thinks we should redo the language and put it back in the voters' hands. Duncan suggested that the board approve the language in concept and then board members can come in and individually sign the warning when it is available. If the resolution specifically said \$420K then we would also have to sign a new resolution.

Duncan moved to modify the warning for the industrial park bond vote to be consistent with the language Bob Fletcher recommended, with the amount to be approved shown as \$592,000 and the date of the vote to be determined by Rosemary, and for each board member to sign the warning once the changes are made. Eben seconded and the motion was passed with Mark opposed.

19. Executive Session

Shayne moved to enter executive session for employee evaluation under 1 V.S.A. § 313(a)(3) and for confidential attorney-client communications made for the purpose of providing professional legal services to the body under 1 V.S.A. § 313(a)(1)(F), inviting Tom to remain, Mark seconded and the motion was passed at 9:35. Mike left at 9:49. The board consented out of executive session at 9:55.

20. Adjourn

The meeting was adjourned at 9:56.

Minutes submitted by Donna Griffiths

UNAPPROVED