

## **SPECIAL MEETING MINUTES**

### **Village of Johnson Board of Trustees**

**Date:** April 2, 2018

**Location:** Johnson Municipal Building

**Present:** Gordon Smith, Board Chair; Walter Pomroy, Vice Chair; Bob Sweetser, Trustee; Scott Meyer, Trustee; Dave Goddette, Trustee; and Meredith Birkett, Village Manager; Brian Monaghan, Village Attorney (by phone)

#### **Call to Order**

Chair Smith called the meeting to order at 6:03 PM

#### **Proposed Changes/Additions to the agenda**

Add an Executive Session for a confidential attorney-client communication.

#### **Public Comment**

None

#### **Discussion of Village Meeting Preparations**

Chair Smith noted that the Trustee candidate Meet & Greet was held on Wednesday March 28<sup>th</sup> went very well.

#### **Executive Session for Confidential Attorney-Client Communications**

Dave made a motion to find that the premature general public knowledge regarding confidential attorney-client communications would clearly place the Village at a substantial disadvantage and Bob seconded. All were in favor and the motion passed. Walter made a motion to enter Executive Session for confidential attorney-client communications made for the purpose of providing professional legal services to the Board under the provisions of Title 1, Section 313(1)(F). At 6:26 PM, Walter made a motion to table the executive session and Bob seconded. All were in favor and the motion passed. At 6:29, Walter made a motion to resume the Executive Session for confidential attorney-client communications and Bob seconded. All were in favor and the Board resumed the Executive Session. At 6:34 PM, Walter made a motion to exit Executive Session and Dave seconded. All were in favor and the motion passed. Based on the advice of the Village attorney, the Trustees instructed Meredith to contact Johnson Elementary School on Tuesday to schedule use of the gym as a back-up plan in case the capacity of the Municipal Building was exceeded at Tuesday night's Village Meeting.

#### **Discussion of Railroad Street Sewer Service Line Issue**

Meredith reported that the property owner had not contacted her again regarding this issue, so there was nothing in need of discussion at the meeting.

#### **Update on Sidewalk Options**

Meredith reported that she and Troy met with Jon Kaplan, VTrans' Bike/ped coordinator to discuss the Pearl Street sidewalk and the idea for a sidewalk connecting Main Street to the library down Railroad Street. Mr. Kaplan advised that the Pearl Street project would be a good candidate for the State's small project grant program, which provides 50-50 funding and allows for in-kind match to satisfy the local 50% amount. Meredith will watch for the funding

announcement and will prepare a grant application for Board review. In terms of cost estimates, Mr. Kaplan provided helpful information in terms of using the cost estimator on the State's bike/ped website. For the Railroad Street, Mr. Kaplan pointed out several issues that would make that project challenging, including several large curb cuts, stormwater, and utilities.

### **Approval of Powerhouse Building Phase 2 Assessment “Owner Participation Agreement” and “Site Access Agreement”**

Meredith explained that in order to move forward with the Phase 2 assessment at the Powerhouse building site, the Village will need to sign two documents, the Owner Participation Agreement and the Site Access Agreement. The Trustees expressed concern with both agreements as presented. Walter requested the fifth bullet in the Owner Participation Agreement, which gave LCPC permission to share information about the project, **be eliminated (permitting LCPC to share information)**. He indicated he is not comfortable giving LCPC blanket permission to share the project with others and the other Trustees agreed. Walter said he understands that the project is public information and must be provided if requested, but they would prefer not to advertise the project at this time.

Scott noted a specific concern regarding the Site Access Agreement. The first paragraph indicates the consultant and LCPC have access to the site, but it does not specify that whoever accesses the site needs to have the appropriate training. In particular, Scott noted OSHA rules require anyone entering the site have training as outlined in 29 CFR 1910 120(e)(1) and 29 CFR 1910 120(b)(4)(iii). The Trustees indicated they are not comfortable signing the agreement until language related to this training is added to the agreement. The suggestion was that language be added to the first paragraph, something like “...hereby agrees that the LCPC and its Qualified Environmental Professional have a right of entry to the Site, **following appropriate training as outlined in 29 CFR 1910 120(e)(1) and 29 CFR 1910 120(b)(4)(iii)**, and that its access to the Site shall include...”

### **Authorization to Sign State Revolving Loan Program Application for Water Asset Management Plan**

Meredith noted that the Trustees need to authorize her to submit the application to the State's Revolving Loan Fund. Walter made a motion to authorize Meredith to submit the application for funding from the State's Revolving Loan Program for a Water Asset Management Plan and Bob seconded. All were in favor and the motion passed.

### **Executive Session related to a Possible Contract**

Walter made a motion to find that the premature general public knowledge regarding the possible terms of a contract would clearly place the Village at a substantial disadvantage and Bob seconded. All were in favor and the motion passed.

Walter made a motion to enter Executive Session to discuss a possible contract under the provisions of Title 1, Section 313(1)(A) and Bob seconded. All were in favor and the motion passed. The Board exited Executive Session at 7:20 PM.

Walter made a motion to authorize Meredith to enter a contract with Utility Partner for short-term assistance at the Water and Wastewater plants, as described in Utility Partners proposal. Bob seconded. All were in favor and the motion passed.

**Adjourn**

Walter made a motion to adjourn at 7:24 PM and Bob Sweetser seconded. All were in favor and the motion passed.

Respectfully submitted,  
Meredith Birkett

DRAFT