

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, OCTOBER 14, 2019

Present:

Trustees: Scott Meyer, Brian Raulinaitis, Gordy Smith, Bob Sweetser, Phil Wilson

Others: Rosemary Audibert, Troy Dolan, Dan Copp, Leah Hollenberger

Note: All votes taken are unanimous unless otherwise noted.

1. *Call to Order*

Gordy called the meeting to order at 6:00.

2. *Additions, Changes to Agenda*

Scott said he wants this board to talk about the town's comments on the proposed merger study contract with CGR. Gordy said that will be included under the CGR item.

Scott suggested sending sympathy cards to Tracy Myers and Peter Dodge and the board agreed.

3. *Review and Approve Minutes of Trustee Meetings*

Gordy read the comments Walter Pomroy had sent regarding a suggested change to the September 23 minutes. Donna said the town approved that change and also approved adding "by phone" to "Matt Young of Ascent Consulting joined the meeting at 7:18."

Bob moved to approve the minutes of September 9, 2019, Scott seconded and the motion was passed.

Scott moved to approve the minutes of the September 23, 2019 joint meeting with the change suggested by Walter Pomroy and the other change approved by the town, Bob seconded and the motion was passed.

4. *Treasurer's Report/Review & Approve Bills & Warrants/ Budget Status Report/Action Items*

Gordy had a question about insurance expenses. Rosemary said she will look into it.

Scott asked about an ash tree that was cut down near the pump house. Troy said the contractors were clearing there today. Our crew will clean it up. Scott said he remembers hearing that the town thought some ash trees along power lines should be removed while healthy. Were we informed on that? Troy said different utilities are taking different approaches with ash trees. Most of the ash near our power lines is on private property. Hardwood trees are usually not a big concern for utility lines because they tend to come down in pieces.

Scott asked if we have money budgeted for removing ash trees. Troy said we have nothing additional for ash removal beyond our normal annual tree trimming budget. Scott asked if we should be thinking about that. Troy said he doesn't find it concerning based on his experience. Phil said we use the money allocated every year, so our rights of way should already be clear anyway. Troy agreed. Any ash trees that die will be outside the right of way.

Gordy said we have a vegetation management plan Troy is following. But we have moved some ash trees when it was requested, right? Troy said yes if there is a request and there is some chance the tree might hit our line we do remove trees.

Rosemary said delinquent taxes are 98.59% collected.

Rosemary said Mark Baker has repaid his CIG loan in full. She mentioned that he was going to try to save the burned building he owns but it was determined that it cannot be saved.

Scott moved to discharge Mark Baker's mortgage dated October 30, 2017 in the amount of \$20,000 as the amount has been paid in full, Bob seconded and the motion was passed.

5. *Request for Village Assistance for Grant to Support Coworking Space*

Leah Hollenberger, NVU Development and External Relations Officer, said one idea that has been mentioned to President Elaine Collins is the idea of a coworking space in Johnson. A little more than a year ago the Lyndon campus was able to open one up in Lyndon and it is doing well. It is grant funded for 3 years. They have already exceeded the expected membership. It is geared toward entrepreneurs or people who work remotely and need facilities they don't have at home. It has a large conference room and there is a café below it. Leah had called Gordy and let him know NVU was beginning to talk to people in town about it and trying to find the right space. It would have to be completely grant funded. If they decide to pursue grants they would need the trustees to support the grant application but they will not be looking for money from the town or village.

Scott asked if they bought or leased the building in Lyndon. Leah said it is leased. The university is not interested in buying buildings. They would lease a building in Johnson. The grant is paying all expenses for 3 years.

Leah said some people are interested in having the coworking space in the old Parker and Stearns buildings, but that is a little far off the main road. The thought is that it needs to be on the main road. They have been told about a couple of possible locations. They are open for ideas. Scott said one possible advantage to using the Parker and Stearns buildings is that they are right next to the rail trail. Having the opportunity for movement is good for workers. Leah said she thinks the coworking space would be marketed as being close to the rail trail.

Gordy asked who would apply for a grant. Leah said in the Lyndon model NVU applied. Typically NVU would apply but if someone else was a better fit for the grantor they would apply and NVU would work with them.

Gordy said we like to tout our village utilities for quality of service and cost. And the village has been very successful in applying for grants because our median income is low.

Phil asked, after the 3 years of grant funding, is the hope that rents for office and restaurant space would cover the cost? Leah said there are membership fees and drop-in fees. With the fees, the space can be self-sufficient.

Phil asked if the space in Lyndon is run by the university. Leah said it is right now. They don't know what will happen after year three. They are not sure of the model yet.

Scott asked, the village would have an opportunity to write a letter of support? Leah said yes. Scott encouraged her to give the board enough notice, since the trustees meet only once a month.

Scott said the performing arts person at NVU is doing nice work.

Leah at the last board of trustees meeting they passed a resolution for full support of unification of Lyndon and Johnson campuses. Unification has been happening behind the scenes. Faculty of the two campuses are working together. NVU just announced a new degree program in data sciences and digital communications. Leah encouraged board members to be supportive about NVU and its importance to the community. Chronic underfunding of higher education is the biggest issue NVU faces.

Gordy said he heard enrollment was up more than projected. Leah said they had significantly higher applications and acceptances. They need to do more work on getting students actually enrolled. Enrollment was a little below where they wanted it. *(Leah left at 6:49.)*

6. *Water/Wastewater Report and Action Items*

Dan said all wastewater samples meet state requirements. The E-DMR and WR-43 were submitted for review. There was one callout for the wastewater plant. Tim participated in the last asset management class on October 1. Maintenance was performed on air blowers and belts were replaced. The permit-required proficiency tests for pH, settleable solids and E. coli were performed. We passed all of them. A safety chain with an "Employees Only" sign was placed at the top of the stairs leading down to the headworks. The sludge rolloff room was cleaned while the dumpster was being brought to the landfill. Several burned out indicator lights in the press room were replaced.

There were no callouts for the water plant. All coliform samples were negative. We sampled for the required PFOA's on both wells. A ball valve was replaced on the chlorine injection system. The emergency generator didn't start on its normal exercise cycle. Brook Field Services looked at it and replaced several O rings on the fuel injection lines that had dried up and failed. Now it is running well. Painting is being done at the water plant. Water loss was 4%. There was some error in the past in calculating water loss because of a difference between the date of meter reading and the date of the report that was being compared to. Now the dates match and that has made a difference over the last couple of months. The water loss figures are getting more accurate.

Dan said he is hoping Scott can give him contact info for acoustic testing before we move the WWTF transformers to make sure moving them will help. Scott said the Department of Labor has a program called WorkSAFE that is free. Dan should ask them for a noise evaluation of the transformers. He should make sure they do an octave band analyzer test as well. If they can't, Scott can do it. When they come in, if they identify a serious hazard we have to fix it.

7. *Foreman Report and Action Items*

Troy said the crew seeded and stabilized the bank at the former powerhouse site. They removed the large brush pile at the site that had been left by the contractors. They transferred

a 3-phase pole on Railroad Street. Right of way cutting has continued in areas where trees were making contact with the phase wires.

On September 29, Troy got a call from VEC regarding high voltage concerns at their facility. Due to low load on the circuit and high output from the Just Send It solar array, we experienced high voltage on the west side of the village. We tried to lower the voltage at the regulator but could not bring it to an acceptable level so we had the array taken offline.

There was an outage on September 28 that affected about 40 customers on Route 100C from Sinclair to the end of our line. Power was restored within an hour and the cause was unknown.

The crew installed line cover at the Studio Store for painting work. Jeff and Chan attended their third week of lineworker school for this year. The crew also completed meter reading, high/low readings, Dig Safes and disconnect/reconnects.

The crew removed a large dead maple from the village green. All the mounting brackets for the new holiday lights were installed on the Main Street poles. The Bobcats and winter snow removal equipment have been serviced and are ready for winter. The crew replaced a broken curb stop at 441 Clay Hill.

Troy scheduled with Hartigan to clean the stormwater system during the last week of October. Hydrant flushing has been scheduled for October 23-25. Troy reached out to United Utility Supply Cooperative for pricing on a replacement transformer for Nadeau Sand & Gravel. He also placed an order to restock our hot line tags. Using a new vendor, he was able to save about \$1600 compared to the previous vendor.

Brian asked about the hydrant on Legion Field. He has never seen anyone use it. Gordy said the town put it in but one concern we had was having some way to dispose of sewer discharge. Troy said a meter was installed but it would have to be insulated or it would freeze in winter. He thinks it is for summer use. It comes out around this time of year. Bob and Troy said it would need heat tape if it were to be used in winter. Scott asked about the drinking fountain at Old Mill Park. Troy said his crew tries to pull that before it freezes. Brian said the hydrant would be a better way to provide water for making ice on the ice rink. Phil said it may be worth investigating the possibility of making the meter usable in winter. Brian agreed. Troy said that is something to talk to the town about. *(Dan left at 7:05.)*

8. Village Center Designation Expansion

Phil said we have a designated village center which provides tax credits to commercial properties for code improvements and façade improvements through a state program. We had talked about having Meredith pursue expansion of the designated village center to encompass any work that will happen around the St. John's church. That would provide access to tax credits for that redevelopment. The Planning Commission would like us to look at the map showing the proposed expansion. If there are no objections they will submit it for state approval.

Gordy asked if the designation will affect other houses on that street. Phil said if they are rentals he believes they would be eligible for tax credits for code improvements. He thinks

the designation would be useful to landlords. The expanded area also includes some of 100C. Rosemary asked, it only includes one side of 100C? Phil said we could look into that. He said the state board likes commercial properties. Expanding the village center just for rental properties is not their #1 priority but rental properties in the zone are eligible for tax credits. We could suggest they cover the other side of 100C, which includes the bed and breakfast. The board agreed we should ask for that. Phil said he will send the map back to the Planning Commission with the suggested addition of some parcels on the other side of 100C. The board updated the information about which businesses currently exist within the village center.

Gordy moved to approve the proposed village center designation map with the corrections and additions discussed, Phil seconded and the motion was passed.

9. Merger Study Contract and Next Steps

Scott said he attended the meeting when the selectboard talked about the contract with CGR for the merger study. They had red flagged it for not having the village included in writing. Copies with the selectboard's comments in blue were given to the board. They were going to have the section about disputes being governed in the state of New York looked at. Scott told them he thought it would be nice to have the trustees look at the contract so both boards' comments can be submitted to one lawyer for review.

Gordy said he thinks any reference to the Town of Johnson should say the Town and Village. He also thinks the contract starting date should be changed to January 1. He noted that it says work will be completed by April 1. That is after town meeting, but if the selectboard doesn't mind, that is okay. We will need a motion about splitting the cost of legal review. The town attorney's rate is \$175/hr and ours is \$165. Gordy also said Meredith should be added in section 7.2 as an authorized agent. It was agreed that the contract should say that the contract could be terminated by both the town and village, not by one or the other alone.

Gordy said in the News & Citizen Brian Story was quoted as saying he would like to see comparisons with Essex or Waterbury. He strongly disagrees. Comparisons should be with any municipality that has electric utilities. We should not compare to one that doesn't have an electric utility. He also thinks all communications from CGR should go to both Brian Story and Meredith. He talked to Meredith and she had no problem with having one attorney review the contract and then having both boards adopt it. She agreed that we should try to get the venue for dispute resolution changed from New York to Vermont but she thought that might be difficult.

Gordy will give the trustees' suggested changes to Brian Story, who can pass them on to the selectboard.

10. Update on Powerhouse Demolition and Next Steps

The board reviewed the invoice from the powerhouse demolition. Troy asked if the concrete from the site can be used somewhere else if it is not contaminated. Bob said we didn't get the word it was not contaminated. If contamination is low enough it could go to Coventry and now they say we can put it inside the foundation. Gordy said LCPC approved \$13K for additional PCB testing. KAS intends to complete that testing later this fall. They should be able to test the concrete soon.

Phil moved to approve the invoice from KAS, Inc. for \$317,978.79 for the demolition of the powerhouse building, Scott seconded and the motion was passed.

11. Old Mill House Subdivision and New Use

Phil said the idea is to potentially separate the old mill house parcel from the larger parcel. Then the old mill house parcel could be studied. We could see if abatement is needed and if it is we could do it, or if it isn't we could choose what to do with the building. If the old mill house is part of the larger parcel we would have to test the whole parcel. Scott said separating it out makes it easier to study. Phil said we presume the building has lead paint and asbestos. Do we want to subdivide and test it or leave it as is? It is currently being used for the Boy Scouts and the food shelf. If we subdivide we could just test that parcel and not have to test everything. Scott said there has been discussion that it would be easier to sell if it were subdivided.

Phil asked, could we do work on the building now or would we have to test it first? Scott said we would need a lead-qualified contractor. Phil asked, we could tear it down and rebuild it or add to it without addressing the rest of the parcel, right? Scott said yes. But he thinks there is Brownfields money available. If it is subdivided, we can do less testing. If anyone ever decided to get rid of or keep it and do something with it, it would be easier because it would already be subdivided. Some of the selectboard members think it would be wonderful for a small business related to the rail trail. Others think we should just keep it because it is serving a purpose now. The building needs work.

Phil said the question is whether to subdivide it or not. Scott said the four trustees present were at a draw on this question at the last meeting. Bob said those who know what went on over there and know what is there think if we start doing tests we will end up losing the town and village garage and those offices. He thinks testing is opening a can of worms. It is better to just fix the building up. We will still have it for the food shelf and Troy's office and the Scouts.

Scott said it is a Brownfields site. Whether we subdivide or not it is still in a Brownfields site. Phil asked, wouldn't subdividing give us a shield against the rest of the property being drawn in? Troy asked, how do we know there is not contamination around the house site? Phil said if we subdivide, what we find around the house will not come back against the other property.

Gordy said he agrees with Bob. If we start digging and get an environmental contractor they will find things in the ground that could jeopardize the other site. Bob said there used to be a substation there.

Gordy asked, for the future do we go to the village voters and ask what they want to do with that area? If we are going to, we need scenarios.

Phil asked, can we get an interpretation of the law that tells us whether subdividing guarantees that contamination on one parcel doesn't affect the adjacent parcel? Scott said that is a question for the state Brownfields program, not an environmental consultant who is trying to make money. If they give the parcel its own Brownfields number he would think it would be separate from the rest of the site.

Gordy said with the town and village trucks going in and out, one parcel could jeopardize the other. He got an email from Jim and Eva Rose, who run the electric bike business. They are interested in a tour of the old mill building and the possibility of trying to make something out of it. He feels before we sold the building we would have to give everyone a fair chance to buy it.

Phil said he understands that if the property were subdivided and tested a new owner could purchase the property and get funding to abate it, which we could not. Scott said there is a new section to the relevant rule that might keep us from being responsible for cleanup for a period of time since we didn't create the contamination. There were concerns about the talc settling ponds being contaminated when we bought the property. The area was capped and deemed safe. Since then the town hasn't done anything to increase contamination. There is a grace period but that is a question for a lawyer.

Phil said if we wanted to sell to a business – but he doesn't know why we would, because we are using the building – the avenue would be to subdivide, test, and then sell. He doesn't know who is interested in selling the building. The benefit of subdividing is the free testing. Brian asked, couldn't we test now? Scott said we could, but it would have to be for the whole site. They would start by testing the areas most likely to be contaminated. Brian asked, then we would have to pay for everything? And if we subdivided and got contamination funding our cost would be more reasonable? Scott said yes. Even if we subdivide, we don't have to test. Phil agreed. Subdividing is the first step. Brian said he feels since the Boy Scouts, the food shelf and our employees are using the building we can do some testing. We spend a lot on the municipal building. He would be for subdividing it.

Scott said he would like to know whether if we subdivide the old mill house parcel gets its own number and if that means what we find on that site only impacts that site for Brownfields.

Gordy asked, didn't Lea said LCPC was out of Brownfields money this year but is applying for more? Scott said yes.

Brian asked how big the old mill house parcel would be. Phil said it would be less than an acre. Troy said the boundary would basically go around the lawn.

Scott moved to subdivide the old mill house property from the rest of the town and village owned property, Phil seconded and the motion was passed with Bob and Gordy opposed.

The board agreed we will discuss testing at a later date.

12. Talc Mill Trails Next Steps

Gordy said some felt the area where the trails would be doesn't need testing. Scott said the suggested testing protocol seemed flawed to him. We have a lot of acreage and we are worried about dust with possible asbestos fibers. The areas that have been most disturbed in the past are Lendway Lane and the VAST trail. There has been talk about testing on some statistical grid but that doesn't make sense. We want to test where it will affect users. Even if

we did find a few hits, asbestos is an inhalation issue so it is not helpful if there is no air testing. He wanted Brian to consult the state rather than a consultant.

Phil said he thinks we would want to avoid the Act 250 process. Scott said Walter had information on other trails that the Act 250 board didn't feel they had jurisdiction over. Brian and Walter disagreed on that. LCPC wanted to go back to the paid environmental consultant who came up with the idea for testing. Scott feels we should go right to the state and ask them. It has been looked at in the past and turned up clean, so why redo it? An adjacent piece of property was tested and according to Walter no contamination was found.

Scott said he doesn't think we should go through Act 250 if we don't have to. It will delay the project. Walter had information about other trails where Act 250 didn't apply. Phil said we could get an opinion from a lawyer. That would cost less than going through Act 250. Gordy said if someone else was talking about doing this we would be asking if they needed an Act 250 permit. Scott said he wouldn't mind having village legal counsel's opinion and we could have Walter sit in on the conversation with the lawyer because he has relevant information. Phil said it would be good to have the town involved. It was agreed to contact our attorney for an opinion on whether an Act 250 permit is needed, and to invite Walter to bring his information to the conversation. Gordy will meet with Brian to talk about this.

Gordy said he agrees that there has already been a lot of environmental testing. The state already signed off on the rail trail and having people on the ball fields. Scott said we should ask the state Brownfields program for a determination about whether environmental testing is needed for a foot trail. There were comments made about worker health for town and village employees. Under OSHA standards the concern is particulates in the air, not testing on the ground. If employees have concerns about asbestos in the air from dust we can have that testing done for free through the WorkSAFE program.

Bob moved to seek an opinion from the village's attorney about whether an Act 250 permit is needed and to invite Walter Pomroy to participate in the meeting, to ask if the town will split the legal expense, to ask Trish Copplino of the state Brownfields program for an opinion on whether environmental testing is needed, and to have Gordy pass information on this motion to Brian Story so he can inform the selectboard, Phil seconded and the motion was passed.

13. Adjourn

Bob moved to adjourn at 8:04, Brian seconded and the motion was passed.

Minutes submitted by Donna Griffiths