

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, AUGUST 10, 2015

Present:

Trustees: Gordon Smith, Walter Pomroy, David Goddette, Bob Sweetser, Scott Meyer

Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Tom Elwood, Troy Dolan, Liz Royer

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Gordy called the meeting to order at 6:00.

2. Changes, Additions to Proposed Agenda

Duncan had some additions to the agenda: final connection approval for Ken Harvey for additional units in Highland Heights Park, a letter from Gunnar McCain about Diane Porter Geoffrey's sewer line, and laptop purchase for the new manager.

Scott said he had a correction to the August 3 minutes. Under Item 3, the word "objections" should be changed to "objectives." He also said he would like an update from Troy on whether the JSC solar true up cost was ever paid. (*David arrived at 6:05.*) Troy said the representative he spoke with from the company that now owns the solar array said he would call him back but hasn't. He and Duncan think we should pursue different options.

3. Review and Approve Minutes of Meetings Past

Walter moved to approve the minutes of July 13, 2015 and the minutes of August 3, 2015 with the correction suggested by Scott, David seconded, and the motion was passed.

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

For sewer, revenues are 59% of budget with 7 months of billing. Water revenue is 59% of budget.

Duncan handed out a spreadsheet showing how he had revised the electric department budget as discussed at the last meeting. The overall budget comes out to the same dollar amount but he reallocated dollars to different labor categories. Outside services originally had \$110K budgeted, \$90K of which was for a 9-month contract with Morrisville. The rest was for legal and audit expenses. He reallocated some of the \$90K to other labor categories. There is around \$86K left. Rosemary is thinking that is where the interim manager's salary could be booked. Walter said he would like to see outside services split into two lines – one for legal and audit and one for the new interim manager's salary. David agreed.

Walter said this raises the question of how the interim manager's salary will be allocated between departments. Will we continue with the same allocation used for Duncan or ask him to do a detailed time analysis? He will submit a bill for his hours. He could organize that by electric, water, and general and then we could bill accordingly. Duncan said he has a proposal he would like to make when the board discusses the interim manager contract that might change people's thinking, so he suggests leaving this question until that discussion.

Walter moved to accept the electric department budget adjustments proposed by Duncan and Rosemary, David seconded, and the motion was passed.

Rosemary said the listers sent a letter about the Grand List change. There is a \$116.45 difference.

This year's taxes are 47% collected.

5. *WWTF Chief Operator Report and Action Items*

Tom introduced Liz Royer of the Vermont Rural Water Association, who has been working with him on an update to the Water System Source Protection Plan. Liz explained that Source Protection Plans are required by the state DEC. Updates are required every 3 years. She showed the board source protection area maps. The state has delineated source protection areas – the area of land they assume is contributing groundwater to each well, spring, or other source. There is no infringement on property rights due to source protection plans, which have no teeth. To her knowledge no project has ever been denied because of being in a source protection area. The only things she knows of that are prohibited in source protection areas are new landfills or storage of nuclear waste. There are a couple of programs where farmers can get bonus points for doing water protection projects in a source protection area. Areas are identified as high, medium, or low risk based on what has happened or might happen on the land. Route 15 goes within 200 feet of the Nadeau well so that is required to be identified as high risk. The state requires any identified hazardous waste site to be identified as known contamination. The Jolley station had contamination in the past that was remediated, so it has to be identified. The Nadeau property had a hazardous waste site in the past so it is identified as high risk. Walter asked at what point those things become so old they don't have to be included anymore. Liz said that never happens.

Tom and Liz spoke to the bigger landowners in source protection areas, such as VELCO and Laraway. They talked to Nadeau and Katy-Win to double-check that the tanks listed were what is present. Liz made sure everything the state's Natural Resource Atlas identified in source protection areas was identified in the report. The only management that has to be done based on potential sources of contamination is sending letters to landowners requesting them to notify the water system if there is a spill or other concern about contamination of ground water. Nadeau had concerns last time the plan was updated and most of those have been incorporated into this update.

The update is due to the state September 1. Liz can send it to the state as a draft, noting that it could have changes after the trustees' next meeting. Duncan suggested that the board review it thoroughly. It was agreed that it should be sent to the state as a draft and reviewed at the September meeting. (*Liz left at 6:42.*)

Tom said the plant is running really well. He is having to rebuild automatic valves at the water plant that were leaking. They are 10 years old and heavily worked. Other than that it has been a smooth month.

Gordy asked if Morrisville still has the Vactor truck. Tom said as far as he knows, they do. They have done some modifications to it.

Gordy asked about storm drains in the Pearl St. area. Tom said the last he knew one was plugged. Troy said there is one that, according to Nate and Cliff, just drains into the earth, not into a conduit. It has never been successfully cleaned before. The other one is above ground. Duncan said that one could be lowered. And if it could accept water, some of the water now exiting to David Perkins' property might be able to go there. Gordy asked if we should try to fix some of the existing sidewalks and tackle the drains at the same time. Troy said one of the drains is right by sidewalk that needs work. It would make sense to work on the drain when we have equipment there to work on the sidewalk.

Tom said he wants as much heads-up as possible before paving so he has time to get risers to raise up manholes and valve boxes. Duncan said the paving will be either BOMAG and regrade or grind and fill. Tom said without knowing the final grade he doesn't know the number of risers and rings needed. He needs a couple of weeks lead time to order them.

John Grenier joined the board at 6:48. He showed the board a map of the locations of the 8 new lots Ken Harvey is adding in Highland Heights Park. **Walter moved to authorize Duncan and/or Gordy to sign the final allocation permits for Ken Harvey's 8 new lots in Highland Heights Park, David seconded, and the motion was passed.**

John Grenier showed the board what Jake Loeffler is proposing for a sewer connection for his property. John said this is a reboot of a project presented to the board in 2006. He is attempting to make it simpler with a shorter run. The line would cross Route 15 to Center St. instead of going down to Park St. The property next door would be able to tie in and the next one after that might be able to tie in with gravity or might need a pump. The industrial park should be able to tie in. VTrans said the plans are good. The client has paid the village. The proposal is to use an 8-inch pipe in a 16-inch steel sleeve, but VTrans may ask for a bigger sleeve. Duncan said one neighboring property owner is potentially interested and one is not greatly interested. There are a couple of other properties that are potential additional connections.

Duncan said the new line from manhole to manhole would be owned by the village. Under our ordinance we would typically not accept the line until it has been in the ground and operational for a year.

Duncan distributed copies of the conditions the board put in place for the previous owner when they gave preliminary approval. One condition was that the line be placed so as to give the maximum opportunity for other property owners to connect by gravity. He is not so sure that it is important that it be by gravity. Originally the plan was to go further down before crossing Route 15, which would have enabled everyone to connect by gravity, but that is not as good a location for avoiding our water line.

There are 3 applications – one for the larger house and two water and sewer applications for the two units in the smaller building. **Walter moved to give preliminary approval for all 3**

of Jake Loeffler's water and sewer applications, subject to the conditions outlined in Duncan's letter to Bruce La Fond dated 9/13/06 , with the gallons figure changed to reflect 3 units, and to authorize either Gordy or Duncan to sign the preliminary permits, David seconded, and the motion was passed.

Duncan said he sent a letter to the adjoining property owners with a map of the proposed connection plan, encouraging them to contact Jake Loeffler. Jake may ask the board about a community improvement loan. *(John Grenier left.)*

Duncan said a letter from Gunnar McCain about Diane Porter Geoffrey's sewer line arrived today. He is a consultant hired by Geoffrey. Her Lendway Lane property had a frozen water line and sewer backup. Some of McCain's statements are accurate and some are not. A proposed fix would be to install a new sewer line and protect it from freezing where it crosses the driveway. They propose that Geoffrey pay for materials and that VOJ employees do the digging and connect the line into the sewer manhole at our cost, then VOJ would take ownership of the section of the line running parallel to the road to the sewer manhole. Duncan sent a letter indicating that we don't have on file a village connection permit and that that is a defect in title that needs to be corrected. McCain does not believe that is true due to the legislature passing a clean slate law. VLCT says that legislation did not take away the requirement to get a permit from the village to connect to the sewer system. McCain says the property owners should receive credit for the 3 months the house was without sewer service. They had the option to try to unfreeze the line. But it is true that they did not discharge anything into the sewer.

Bob said he thinks the line was put in by the village with the understanding that the property owner was to assume responsibility. David asked if the homeowner paid the village for the work. Duncan said it is his understanding that they did. It happened in 1983. David said there would have to be some transaction record. Duncan said if someone took the time to look in the vault we might find it. David said if we found evidence of a check that would show their ownership of the line. Duncan said we told them we believe it is their responsibility to own, maintain and fix the line. They are arguing that point. He thinks the fix they are proposing is reasonable but they are asking us to share in the cost by providing labor and then they are saying we would own and maintain the line. The line serves one house. There is a manhole by the Churchills' house. Geoffrey's house is tied into that manhole, which we determined was the end of our sewer main. Scott asked Tom to sketch how the line is laid out and he did. David said the reason the line froze is because the driveway was widened. Duncan said that is the allegation. David asked who widened the driveway. Duncan said the Churchills.

Scott asked how much it would cost the village to provide equipment to dig it. Duncan said he thinks it is more than a day's work. Bob said he doesn't think the driveway widening caused the problem. He thinks it settled. He thinks it could be fixed by putting in a new piece of line and properly compacting the soil. David asked if by providing manpower and equipment we are solving the problem. Tom said he thinks we could get rid of the sag in the line but it would require opening up the road and the town won't want to do that. Duncan said the road was recently paved. He doesn't think the town will let us cut the road to open a trench but the work can still be done from the edge of the road. They won't let us run the

pipe under the road for its whole length. Tom said we would have to relocate the pipe. Duncan said if we are going to own the line we don't want to put in a 4-inch line. Bob showed where he thinks we should put a manhole. Tom agreed.

The board discussed alternatives. Scott suggested that the board be presented with a few different options and costs, especially if we are going to take ownership. David said he would like to know if we ever received payment for the work done in 1983. Rosemary said it would take a couple of hours to find out. Duncan said they admit in their letter they paid to have it done. They believe we took it over after they paid for it. Bob said that is somewhat logical. Scott said he would like more information and time to discuss it further. Walter said he doesn't feel he can accept their proposal. He would only reconsider if there is benefit to us in the future from making sure this is done right. There was discussion about the fact that future development would not hook into this line. Walter said then there is no benefit to us in putting in a major improvement. David said he doesn't want to pay for the work on the line or accept ownership but he is willing to help rectify the situation.

Duncan said he thinks the original letter he sent indicated this would be a perfect project for a low interest community improvement loan. He doesn't see this as much different from Jake Loeffler's situation. Loeffler is putting in infrastructure that we will take over if it is in acceptable condition after one year. If these property owners put in a new line then the village could accept it as an extension after it has been in and working for one year. Tom said we would want them to put in a manhole. Gordy said he thinks letting them put it in to our specs and then taking it over later seems the better choice. He doesn't think we should do the work because of liability. Troy agreed. Walter said he thinks we should reiterate what we said in our first letter and tell them we would accept the line if they rebuild it as we suggest and put in a manhole. Scott said he thinks they would ask why they have to pay to put in a manhole that others might be able to tie into. What is the benefit to them? David said the benefit is that after a year, if the pipe freezes it is our responsibility.

Bob said low flow could be one source of the freezing problem. A pipe can be too big. Tom asked why they don't go from the force main right to the manhole. Bob suggested they could slide a 2-inch pipe into the 4-inch pipe that is already there. Tom agreed. Bob said he doesn't think they would have to insulate their line then.

It was agreed that Duncan should send a follow-up letter saying the board did not have time to fully consider all the options and we will get back to them in the future. Tom said he will get prices on the 2-inch fix.

David asked what is happening with Lamoille View Cemetery. Tom said he hasn't been contacted for a final connection. Bob said Bernie wants to know who is building the doghouse and what size it has to be. Duncan said his recollection is that the cemetery commission said they would build it and we would provide a meter horn and meter. Bob asked if a 30 inch square box would be enough. Tom said yes.

Elaine Bouchard has asked for a sewer allocation. She is in the Town Sewer Service Area. The selectboard has given preliminary approval for the allocation as per the TSSA agreement

process. **Walter moved to authorize Gordy or Duncan to sign the preliminary sewer allocation approval for Elaine Bouchard, David seconded, and the motion was passed.**

(Tom left at 7:55.)

6. Foreman Report and Action Items

This month the electric department relocated and upgraded the secondary service for the new Subway. They also made an upgrade to the service at 173 Route 100C. Northco Land Management came in and removed 15 danger trees. They are scheduled to come back mid-month to remove a few more and also remove the dead elm between the municipal building and Edelweiss.

The crew has been painting and servicing all the snow removal equipment. Troy has made arrangements with the Tree Commission to remove the cages around the trees on Main St. so the trees can be mulched. The cages will be reinstalled in such a manner that in the future the Tree Commission will be able to remove them themselves. The new Bobcat was delivered in the middle of July. It has been used for sweeping and filling up the storage shed with winter sand. The technology on this model is better than on the old one. It has better visibility.

On July 8 employees completed the annual confined space rescue training. Troy has started on the employer host relationship package required by OSHA. He and Duncan have decided the best method of providing this information to outside crews would be hard copy with a verbal explanation as well as a tailboard form. The air compressor in the garage was tested and passed the inspection from the insurance carrier. It will not need inspection again until 2017.

Jim Fontaine and Troy finished the true up for the VTel refund related to the Route 100C make-ready work. We have to issue them a check for a little over \$7K for work we didn't do.

Troy contacted Senior Solar Energy LLC and advised them of the balance owed for the JSC solar project. The person he spoke with said he would get back to him but hasn't done so, despite Troy leaving messages. Scott asked if we should get Mark Woodward or the Public Service Board involved. Duncan said he would recommend sending Encore Redevelopment a formal letter, perhaps reviewed by Primmer Piper, saying we feel they are responsible. The Public Service Board does not usually get involved in this type of situation. Walter suggested that we just send them a disconnect notice. Duncan said JSC is paying Senior Solar Energy for the power. Walter asked if we send them any power. Duncan said they have made enough energy so far to meet all their needs. They have not paid a bill related to service. They did pay to connect the service, but they haven't paid the true up. Walter said that is a continuation of their original bill. Scott said JSC has a new president. This is her opportunity to step up and make things right with the village. Duncan said JSC has a purchased power agreement that was originally with Encore Redevelopment. It has been sold a couple of times. Encore paid for the make ready work. Duncan thinks we should put Encore officially on notice that we believe they owe the bill. They can fight it out with the company that now owns it. Walter said we should just disconnect them. Duncan said he doesn't think we can legally do that. Troy said blame is being laid on Fairpoint as the cause of the extra cost. He thinks Senior Solar wants to go after Fairpoint and get the money and then pay us. But he told them we are a small municipality and we can't wait for that. David asked if we can place

a lien on the property. Bob suggested charging interest. Walter said we can put a mechanic's lien on it. David suggested placing a lien and then maybe having a lawyer send a letter. Duncan said we can start adding interest. The board agreed to authorize Duncan to have a lawyer draft a letter. Duncan said he would suggest using Eli Emerson of Primmer Piper Eggleston & Cramer. Scott suggested that we charge Encore the legal fees. Walter suggested asking the lawyer if we can disconnect them.

Troy said he learned that Casella is willing to match the quote he received from Myers for our recycling and trash removal. Since Casella will still be removing our sewage sludge he decided it would be the best choice to have them take care of our recycling and trash as well. They are going to provide us with 65-gallon recycling bins. Do we want to put them out on the street? He thinks we will chain them to the rings around our garbage containers. They won't look pretty. David said if we want to we can budget for prettier ones in the future but for now we don't have money in the budget. Walter said most of what goes into the recycling bins will not be recyclable and there are no fines if we are not collecting recycling. He would rather not put out the big ugly bins. Duncan said people will put bags of garbage in them. Troy agreed. Gordy agreed with Walter. Bob said he would buy blue 5-gallon buckets and cut holes in the tops and fasten them to the trash cans. David said it's not costing us anything so he thinks we should put the containers there and see what happens and budget for better looking ones in the future. Gordy said he wonders how other munis are dealing with this. Is there a better solution? Can Duncan send out an email? Duncan said he can query the email list he is on. Duncan said our trash can be refused if there is recycling in it. Walter said it does cost us something to put out the big recycling bins. It makes the downtown ugly. Duncan said he likes Bob's idea. The board agreed to try smaller buckets as suggested by Bob.

7. *Manager's Report and Action Items*

Duncan said he got a price of about \$550 for a laptop to be used by the new manager. David asked what is happening to the computer Duncan is using now. Is the town taking ownership of it? Duncan said he will need a computer when he comes back to work for the town. Maybe the village can do a 50-50 cost share with the town for a new computer. Scott asked how old Duncan's computer is. Rosemary said 3 years. Walter said he would like to talk to the new person about what he would like. He imagines our interim has his own laptop. Duncan said Sandy asked whether a computer would be available. Scott said he is not sure he wants someone conducting town business on a personal laptop that isn't encrypted. Duncan said confidential information all resides on the server, not on his computer. Scott said there was talk about Sandy working from home. How would information be kept confidential? Duncan said everything is public information unless it is in a protected category. David said personnel information is protected. Duncan said he won't have individual people's social security numbers, etc. Scott asked about personnel files, health records, etc. Duncan said all that would be on the server, not on the laptop. David said he thinks Scott's point was that by purchasing the laptop we would potentially control the security. Scott said that is right. Walter said the manager will take the laptop home and then we will lose control over security. David asked, so are we saying we should issue him a desktop instead of a laptop? Scott said he thinks a laptop is okay as long as we control what can be downloaded to it. Duncan said we could set up the computer without the icon that would allow access to accounts payable.

David suggested the board should agree on whether to contract with Sandy Miller before making a motion to purchase a laptop.

David moved to enter executive session to discuss a personnel and contract issue, inviting Duncan and Rosemary to remain, Scott seconded, the motion was passed, and the board entered executive session at 8:30. (*Troy left.*) The board came out of executive session at 9:20.

The draft ordinance on water and sewer lines has been sent to Stitzel Paige and Fletcher for review.

The Dufresne Group draft contract has been reviewed by legal counsel. They had some concerns and good edits. We got a response back from Dufresne Group. Duncan hasn't had a chance to get back to them.

Duncan gave the board copies of the revised water and sewer rate schedule, incorporating the new language applying to cemeteries that was approved at the last meeting. Duncan said he thinks the new language would also affect Old Mill Park and the skate park. The board signed the document.

Duncan said he asked VLCT whether we can deny excess water use bill adjustment requests due to delinquent taxes. VLCT said that would most likely not be enforceable.

There is a dead elm tree between the municipal office and Edelweiss Bakery that needs to be removed. Troy estimates our cost might be \$600 to \$800. Edelweiss would like to pay 1/3 and have the town/village pay 2/3 because they think more of the tree is on town land. The town attorney's opinion is that the law generally calls for both parties to share equally in the cost, regardless of the exact position of the tree on the property line. It will be up to the boards to decide on this at the upcoming joint meeting. We can do this work much more cheaply than Edelweiss could get it done because a tree service gives a utility a better rate.

Office renovations will be another action item for the joint meeting. Duncan has filed an application with the Division of Fire Safety for a construction permit.

Jane Nuse sent in an excess water application. There were two issues – a leaky toilet and a hose bib issue. The hose issue was the most important. How much was contributed by each issue makes a difference in considering whether the water went into the sewer system. Scott said he thinks the amount of water involved indicates the hose was the main factor so he doubts water was going into the sewer. Walter said if a garden hose was left running, that is not a plumbing issue. The policy allows for adjustments in the case of plumbing issues. Duncan said we have reduced bills for people who had a garden hose running. Walter said he doesn't think so. Duncan said Jane Nuse said the hose valve was difficult to turn off. She doesn't indicate that she fixed the problem, though she attached a bill to show she fixed the toilet problem. Scott said if the faucet is hard to use he would consider that a plumbing issue. David said it probably would cost her more to get the faucet fixed than it would to pay the

bill. Duncan said he doesn't know that the intent of the ordinance was to exclude things like a hose running. Walter said he would agree to adjust the sewer bill and leave the water bill alone. **Walter moved to adjust Jane Nuse's sewer bill to \$44.74 (the highest bill amount from the last 12 months), David seconded, and the motion was passed.**

Bids for the School St./College Hill project will be opened tomorrow.

Eric checked with LCSD on the issue of speed patrol tickets and warnings issued. There were more warnings vs. tickets issued in Johnson than in Hyde Park. LCSD is going to look into this further and try to resolve it.

Doug Molde sent a formal letter announcing he is retiring and no longer doing village legal work. Duncan suggests we should have a local attorney.

Duncan contacted Mark Woodward, Linda Martin and Rich Westman about the Main Street reimbursement issues. We got a check for \$3300 from VTrans, leaving a balance of \$8670. Gordy asked where the \$3300 is going budget-wise. Rosemary said she applied it to the general fund.

Duncan will leave sidewalks on Pearl St./Clay Hill on the agenda for possible future action. Eric sent Gordy an email suggesting the possibility of ripping up the pavement and putting down sure-pack for a year to see if that worked. Gordy said he would be worried about snow plowing in the spring if we tried that. Duncan said the sidewalk on both sides of the road is bad. Gordy said he thinks we should consider it when we budget.

Duncan said he had a conversation with Travis Hill. He is looking at options to reroute his sewer lines. There is a sewer line by Sterling Hall Drive (by the school) but it is on the school side of the road and the selectboard would likely require the road to be bored rather than open cut. There is also a water line, but we don't know if the village accepted this as a main or if it is a service line for the school. It seems likely that it is just a service line. If it were a main, Travis could potentially tap into it.

8. ***Adjourn***

Walter moved and Scott seconded to adjourn at 9:48 and the motion was passed.

Minutes submitted by Donna Griffiths