

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES
ELECTRONIC MEETING VIA ZOOM AND PHONE CALL-IN
MONDAY, DECEMBER 14, 2020

Present:

Trustees: Steve Hatfield, Scott Meyer, Athena Parke, Gordon Smith

Others: Meredith Dolan, Rosemary Audibert, Dan Copp, Cal Stanton, Diane Lehouiller, Rick Aupperlee, Jackie Stanton, Jane Nuse, Jasmine Yuris, Brian Raulinaitis, Lynda Hill, Kyle Nuse, Nat Kinney, Pam Aupperlee, Peggy Williams, Shayne Spence, Sophia Berard, Marla Emery, Brynn Nuse, Brian Monaghan, Margo Warden, Beth Foy, Kim Dunkley

Trustees Absent: Will Jennison

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Gordy called the meeting to order at 6:01.

2. Changes, Additions to Proposed Agenda

Meredith said Diane Lehouiller requested that the open meeting law complaint she and others sent be read, along with the response to it. The board agreed to add that to the agenda.

3. Remarks from Chair and Vice Chair

Gordy said the meeting will begin with public comment from those who attended the October 13th meeting and were not given the opportunity to speak. He asked that each person only speak once. The board will then vote whether to ratify actions taken at the October 13th meeting. No additional public comment will be taken as part of that vote. Gordy said people who wish to speak must show their faces or if they are calling in on the phone must state their names. This is for recognition and for the minute taker. We have come to a state of affairs when we have to have our village attorney attend our monthly meetings. Much of Meredith's time and attention is being focused on the issues raised instead of on the village. The village is facing multiple crucial issues that affect all our utilities and residents, such as replacing a sewer pump station, mold in our electric building, decreases in revenues, replacing a water pump station, replacing a roof at the sewer plant, the water asset management plan and much more.

4. Open Meeting Law Complaint and Response

Meredith read the following letter dated November 18:

To Meredith Dolan and the Village Trustees of Johnson,

After careful review of VT Statute IV.S.A. § 312(a), consultation with the Vermont League of Cities and Towns (VLCT), and the VT Secretary of State's Office, we the undersigned believe that a violation of Open Meeting Law occurred on October 13th, 2020.

Please see the excerpts below:

<https://sos.vermont.gov/media/vpnbxckz/a-guide-to-open-meetings-january-2019.pdf>

“Members of the public also have the right to participate in public meetings. Specifically, public bodies must give members of the public a reasonable opportunity to express their opinions on matters being considered by the body at an open meeting. 1 V.S.A. § 312(h). Many

boards allow public comment at the start of the meeting, while others place it as the final agenda item. Some boards allow public comment whenever anyone present has something to add to the discussion. We believe it is a best practice to allow the public to comment on each item as the board proceeds through the agenda.”

Vermont's Open Meeting Law | Vermont League of Cities and Towns

“Transparency is an essential element of open and democratic government. In Vermont, the primary means of providing transparency are the State’s open meeting law, 1 V.S.A. §§ 310-314, and the public records law, 1 V.S.A. §§ 315-320. These laws implement the command of Chapter I, Article 6 of the Vermont Constitution that officers of government are “trustees and servants” of the people and are “at all times, in a legal way, accountable to them.”

The Open Meeting Law clearly emphasizes the openness of and accessibility to government. It declares that “All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions].” 1 V.S.A. § 312(a). The Open Meeting Law and its requirements are meant to empower the public to play an effective role as not only an active participant in government but also a check on it as well.”

It is on record that members of the public, at least four of whom are village residents, were wrongfully excluded from participating in the public meeting on October 13th. The VT Supreme Court has said that the Open Meeting Law protects the public’s “right to be present, to be heard, and to participate.” State v. Vt. Emergency Bd., 136 Vt. 506 (1978). This exclusion of public voices is a violation of State Statute, which ultimately and effectively nullifies all actions taken by the board at the improperly conducted meeting on October 13th, 2020.

We ask that a meeting be held with the same agenda items as the October 13th meeting, to be warned and held compliant with the Vermont Open Meeting law.

Respectfully,

Diane Lehouiller, Pam Aupperlee, Rick Aupperlee, Lynda Hill, Jane Nuse, Kyle Nuse, Cal Stanton, Sophia Berard, Jackie Stanton, Margo Warden, & Jasmine Yuris

She read the response she sent on behalf of the trustees:

Dear Complainants:

I write in response to your November 18, 2020 email on behalf of the Board of Trustees. The core request of your email is as follows: “It is on record that members of the public, at least four of whom are village residents, were wrongfully excluded from participating in the public meeting on October 13th. The VT Supreme Court has said that the Open Meeting Law protects the public’s “right to be present, to be heard, and to participate.” State v. Vt. Emergency Bd., 136 Vt. 506 (1978). This exclusion of public voices is a violation of State Statute, which ultimately and effectively nullifies all actions taken by the board at the improperly conducted meeting on October 13th, 2020. We ask that a meeting be held with the same agenda items as

the October 13th meeting, to be warned and held compliant with the Vermont Open Meeting law.”

Several Trustee meetings prior to the October 13, 2020 meeting lasted hours beyond their scheduled time, making it difficult for the Board to conduct Village business and attend to all matters on the warned agenda. With the goal of conducting an orderly and efficient meeting, the Board sought to set reasonable rules for the meeting. However, on behalf of the Board, it was not appropriate to limit public comment at the October 13th meeting. Accordingly, the Board will accept public comment from anyone, Village resident or non-resident, who attended the October 13th meeting and believes they were wrongly excluded from participating in the meeting at the December 14, 2020 Board of Trustees meeting. There is no remedy in the Vermont Open Meeting Law that would nullify the actions taken by the Board of Trustees at the October 13th meeting. Nevertheless, under 1 V.S.A. § 314(b)(4), the Trustees will place an item on the December 14, 2020 agenda to consider ratifying the actions taken at the October 13th meeting.

I acknowledge that the Open Meeting Law requires that the Board allow members of the public to comment, subject to reasonable rules, and the Law does not limit participation just to residents of a municipality. Accordingly, moving forward, I expect the Board of Trustees will allow attendees a reasonable opportunity to express their opinion on matters considered by the Trustees, so long as order is maintained, and subject to reasonable rules established by the chairperson, all in accordance with 1 V.S.A. § 312(h).

Sincerely,

*Meredith Dolan
Village Manager*

5. Public Comment from October 13, 2020 Trustee Meeting

The board agreed on a suggested time limit of about 3 minutes for public comments.

Jackie Stanton said the 11 people who complained came up with a statement to be read at this meeting. She read the statement:

Thank you for acknowledging the violation of Open Meeting Law that first occurred on October 13th. These violations continued for the next four subsequent meetings for a total of five Open Meeting Law violations. Lingered pertinent questions and concerns from the public remain. Many questions were asked and went unanswered from the September 14th meeting. These questions would have been raised again at the October 13th meeting if Open Meeting Law hadn't been violated and citizens were permitted to participate and speak. The questions we have are an attempt to gain information and clarification and to support a healthy and transparent dialog and democratic process. Our reason for reiterating this point is to counteract a false narrative that has taken hold that casts citizens' questions as being inherently disrespectful, disruptive and/or hostile. This is simply not the case. We respectfully request that a special meeting be warned and held to devote an appropriate amount of time for all of these questions and concerns. The 25-minute allotment that we have been granted tonight is not sufficient to do due diligence and answer all of the questions and concerns that are at

hand. Will someone from the board make a motion that a special meeting be warned and held to adequately address this?

Jasmine Yuris said trustees have mentioned people calling or stopping by their homes with their concerns, mostly about Black Lives Matter. She questions why these community members weren't encouraged to attend meetings or write a letter. Scott mentioned that no one who comes to these meetings has called him or stopped by his house with their concerns. That is a comment that misrepresents best practice with regard to Open Meeting Law and makes it seem like people showing up at the meeting to speak are doing it maliciously and making a surprise attack. She worries that the recorded minutes are only telling part of the story when they should be telling the whole story, because things are happening off the record. The majority of people attending meetings have been in favor of flying a Black Lives Matter flag on municipal property but the votes and motions made don't reflect that. They reflect views and concerns that are off the record. It gives the impression that decisions are made before the meeting.

Brian Raulinaitis said he is concerned about why there is a group of volunteers that makes the decisions in the dark. The fire department threatens the board and the board has to go along with what they say. When is the board going to address that?

Cal Stanton said what concerns him is the revelation of how much has transpired outside of meetings. It begins with the fire chief's. On the evening that was read, a couple of trustees said a meeting was needed to talk about that letter. He would like to know how the trustees are going to address that. He thinks it needs to be looked at, especially when we are talking about our fire department potentially walking. It seemed to him that people twisted themselves into knots to try not to offend the fire department, who suggested they wouldn't be able to work with other agencies. There is a lot there to unpack, as well as piece with the private resident who offered to put a flag up on their property. Who connected with these people? He believes one of the trustees appointed on the 13th may have been involved in a lot of these things, as well a campaign for Blue Lives Matter flags on Facebook. He is concerned by the resignation of a newly appointed board member after a visit from a fire department member saying she was disrespecting the fire department. He doesn't think there was enough discussion on all these things before appointing someone. He thinks this driveway democracy can be folksy and authentic but those things should be given the proper way they deserve it and people who show up at meeting should be given proper weight. It starts out as a nice, folksy thing but it can turn into gangster democracy where people are feeling threatened, people are so uncomfortable they resign from the board.

Pam Aupperlee said on the afternoon of October 13th she heard in the community that Will was going to be appointed to take Jena's place and she assumed it must be a mistake because that would be so unjust after what happened leading to Jena's resignation. She called Scott and shared her concerns with him. Scott was really concerned about Meredith leaving and wanted to talk about that. Pam wasn't sure if he heard her concerns. Scott didn't share her concerns at the meeting that night. Do the trustees care what concerns people have and will they hear and act on them? She would ask that in the future firefighters on the board excuse themselves from votes related to the fire department because of the conflict of interest.

Diane Lehouiller said she would like to know how Bob Hoag got involved in this issue. Who reached out to him to have him make the offer of putting a Black Lives Matter flag on his land and

who wanted the special meeting after he made that offer? Jena was appointed on August 10th. The letter from the fire department was read and Jena expressed concerns about the letter and stated that it was not a political issue. The next day Will went to her house. Then on August 12th Jena sent a letter to the board documenting her interaction with Will. By September 14th, one month after she was appointed, she resigned and the board accepted her resignation. At any point did board members talk to her and tell her they would support her? Did any board members talk to Will? Clearly he was out of line and she feels badly that Jena is gone and the person who intimidated her is in her place. That seems so wrong. What Will did was bullying. She thinks we need to have a discussion. Please let community members talk about it with the board. The fire department letter is also a form of bullying. Is this the first time the fire department has bullied or threatened anybody?

Rick Aupperlee said to him this all boils down to control before consent. The board sought to control the narrative before consent. The public asked to speak and they were not allowed to speak. To him, it boils down to two letters. The first was the fire department letter, which was read on July 14th even before the proposal it was responding to. There was one vote on the proposal on August 10th and the proposal was approved. The next day Will spoke to Jena. Will sometimes is considered an employee of the village. If he is an employee, why did the board allow him to speak to a trustee in that manner? The second letter that concerns him is from Jena. She was asking the board how to deal with this matter. That letter was issued on August 11th and it wasn't until Rick read it into the minutes in October that the board acknowledged what is, according to the State of Vermont, a public record. It was withheld from the public and not commented on. The public did ask the board repeatedly why Jena was resigning and board members all knew but weren't honest with the public. When Rick spoke about the letter, Gordy said it wasn't the letter he had received Scott thought it was a personnel matter. If it is a personnel issue, Will is an employee and he is was appointed to the board after he bullied a trustee off the board without discussing it with the public and making the public aware. That is what concerns him the most. He feels there is too much integrity in this community for an action that speaks so loudly in a way we don't want to speak. At the October 13th meeting Gordy spoke, saying we need to do better and work better with each other and then even knowing that Jena resigned because Will went to her house, three trustees appointed Will to the board.

Scott clarified that there is no personnel issue covering Will. That referred to Jena. When the letter came in she didn't give permission to share it with the public. That was to protect her.

Lynda Hill said if anyone came to her house unexpectedly during COVID without a mask and knocked on her door and started questioning what was going on, that would be very intimidating to her. She finds it very disheartening that the trustees knew this had happened, that a trustee resigned because of this and they appointed the person who intimidated her into her spot when there was no law that says the board has to appoint anyone. That spot could have been left open. She respects the fire department but for them to threaten to resign if the Black Lives Matter flag gets put up and to go to Jena's door, there is something wrong with that. That is not the way Johnson is. It goes against our grain. It makes her so sad to see what has happened. Why didn't Will go to Athena and talk to her? With the Black Lives Matter flag, she is confused about how the flagpole got put in. She thought the committee was going to make a recommendation to the board. That sequence of events got so mixed up and out of control. She doesn't understand it. She feels bad about Jena's position. Is the board willing to do something about the situation with Will? It is not right.

Jackie Stanton said the Black Lives Matter flag was on the agenda for October 13th because the vote to fly it at the municipal building was overturned at the previous meeting after an executive session. At that meeting a question was asked concerning the reason for the executive session and whether it met the criteria for executive session. At that point Meredith had explained that Johnson fire department volunteers were considered employees. If they are employees, they must have a supervisor. If so, who is it and why haven't we heard from their supervisor at all these meetings when concerns were raised?

Sophia Berard said a lot of points have been made that she fully backs. She knows the trustees are busy and have a full agenda. In light of all the questions that have been raised tonight she requests that the trustees schedule a special meeting. Right now a lot of members of the public are coming with a lot of concerns and questions. She doesn't expect them to be answered right now. She thinks a special meeting is needed to address all these issues. They are very real. The board has heard from multiple people that there are major concerns. She urges the trustees, as servants of the public, to call a special meeting and give people the time owed to the public.

Kyle Nuse asked if one of the trustees will make a motion to hold a special meeting to adequately address all the concerns presented tonight.

6. *Trustee Vote to Ratify Actions Taken at the October 13, 2020 Trustee Meeting*

Gordy explained that because Steve and Will were appointed at the October 13 meeting, only Scott, Athena and he can vote on ratifying the actions taken at the October 13 meeting.

Scott moved to ratify the actions taken at the October 13, 2020 meeting, Athena seconded and the motion was passed.

Scott moved to schedule a special meeting with village and town residents to discuss the issues that were brought up tonight, seconded by Athena.

Sophia said she feels very disheartened. The board ratified the decisions from October 13th after hearing from so many people about that meeting.

Kyle said the whole point of having the special meeting is to talk about the decisions made on October 13th that violated Open Meeting Law. Her mind is blown that the board would ratify those decisions and then have a special meeting. It's like spitting in someone's face.

Pam repeated her previous questions: Does the board care what concerns people have and will the trustees hear and act on them? People are incredibly concerned about this appointment and she is not sure if the board heard it.

Rick said there have been several meetings where the public was not allowed to speak. Tonight there was a motion to ratify what happened at the October 13th meeting, but there were several other meetings with violations of Open Meeting Law. Control before consent is happening again. The motion to ratify came before the motion to have a special meeting to discuss the concerns the public has brought to the trustees tonight. The meetings on October 13, October 21 and November 9 were not considered valid. He also doesn't understand why Steve was not allowed to vote on that particular ratification question.

Attorney Brian Monaghan said he thinks the issue is that Steve was not on the board on October 13. Meredith said one motion taken at that meeting was to appoint Steve and Will as trustees. She didn't think it was appropriate for Steve to vote to appoint himself. Brian agreed. He said that Scott's motion was procedurally appropriate.

Kim Dunkley said people need to speak to each other to understand that situation more fully. She has a different understanding of it. Her heart is with the people speaking tonight but the board is trying to move forward and have a special meeting and hopefully what occurs at that meeting can be taken back to the board. Rather than focusing on what has happened we should figure out how to support the board to move forward. Giving board members information outside of meetings, not just in the moment at meetings, would be helpful. If people have ideas to move the board forward those might be appreciated.

Jane Nuse said she is totally shocked that the board voted to ratify the October 13 actions after all the effort and discussion tonight with the public speaking about their concerns about what happened at that meeting where Will was elected to the board when the trustees knew what had happened with Jena. She is shocked and dismayed about what is going on in our town. She is perturbed and frustrated. She feels like it borders on the criminal. It's not right.

Lynda said what Scott did was procedurally okay but a lot of residents are here talking about issues and it seems their comments were ignored. She thinks the board could have ratified those actions after the special meeting. She thinks it is a slap in the face after the concerns the board heard to ratify those actions. As far as bringing things up at meetings, most community members don't know what is going on until it is brought up at a meeting. Most of us don't call trustees at their homes. Other than showing up at a meeting, most people don't know what is going on. Most don't follow the agenda. The trustees represent residents. A group is speaking up and it doesn't seem like they are being heard.

Scott said he is listening to everyone's comments. He is not ignoring anyone. He is trying to do what is good for the entire community. He is doing his best. If he didn't care what people thought he would be able to sleep at night, but he isn't. He tried hard to get the Black Lives Matter flag up and now he is being called a criminal and characterized as spitting on people. The board is trying to do what is good for the whole community. It is frustrating sitting in this seat and being called a criminal, spitting on people or disrespectful from not listening. That is far from the truth.

Athena said she really related to what Scott just said. If she didn't care she wouldn't be taking notes. She is very worried about what is going to happen in the town.

Gordy said the trustees try to listen to everyone. A lot of people are very vocal and a lot are not as vocal or don't wish to speak publicly. He tries to listen to everyone and all sides and he talks to quite a few people when he makes decisions. For the last several meetings he thinks we have had good meetings. He thought the September one was way out of control. People took advantage and in October he tried to tone it down. A lot of people don't want to speak in public. He has tried to talk to different people that he has strong political differences with, in private and in public. It is very difficult to sit here and get hammered. He used to enjoy meetings, but he doesn't now. He is trying to be respectful of everyone. It is not an easy task. Some comments are personal. We need to

find common ground to move ahead and not keep dwelling on the past. There are a lot of big things going on in the village that are not being addressed as they should be. Meredith's time is being taken up by these issues.

The motion was passed.

Meredith suggested the special meeting should probably be after Christmas. This week is packed with grant applications and she thinks the week of the holidays is not a great time. The board will come up with a date and let people know.

7. ***Review and Approve Minutes of Trustee Meetings***

Athena moved to approve the minutes of November 9, 2020, Scott seconded and the motion was passed.

Gordy read a statement to the trustees urging them to approve the original minutes Donna sent out for the November 23 joint meeting. He feels he is being singled out by a request to have his comments entered word-for-word. That same request was not made about many other comments by other board members. He is being held to a higher standard. It is an indirect way to suppress his opinion. The topic was not even an action item. He feels that is bullying. If the minutes are approved with all his comments added it is only fair that all comments by others should be added to the approved minutes.

Scott moved to approve the minutes of the November 23, 2020 joint selectboard-trustee meeting as originally submitted by Donna, seconded by Athena.

Kyle said she was the one that asked for the change to the meeting minutes. She read from the minutes of the last selectboard meeting:

Kyle said after looking at the video of the joint meeting she wrote Donna to ask if she could add some things that were not included in the minutes – not changing any wording or characterization, just adding pieces she felt were important for content, transparency and context. Donna's recommendation was to bring it up at this meeting.

At that meeting, Kyle moved to include the entirety of Gordy's statement of the things the town could take on if it took on the village general department, starting from hour 1, minute 51. She thought that was important because Gordy listed things that the townspeople should know the town would be taking on if we approved a merger. She also thought it was really important that people know that Gordy believes that the town should be "arguing over the BLM flag." That change was what the selectboard approved.

The motion was passed.

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

Rosemary said the village received PILOT money from the state, about \$600 less than what we had budgeted for.

Meredith said we finally got all the easements for the Pearl Street sidewalk project. We got an extension from VTrans for the grant.

We are still waiting on the fire department payment from Waterville. Rosemary said it is due December 31.

Rosemary said she does not believe there were any billable calls for the fire department this year. Meredith said she will double check on that.

Meredith said she thinks during the pandemic she coded a lot of her time dealing with that to the general department and it should have been more evenly spread among departments. She needs to sit down with Rosemary and go over that.

Legal expenses were over budget. We had expenses related to the union contract, the easement issue for the village green and Open Meeting Law questions. We had engineering and legal expenses for the Pearl Street sidewalk project. Building maintenance is under budget because we didn't complete the siding work. That will show up next year.

Rosemary said the total fire department labor expense for the year is shown on the budget status report. Arjay said the fire department would be about \$10,000 under budget this year and that is about what we see.

For the electric department we are over budget for merchandising and shopping revenue. Meredith is hoping we can pay for some of the work on 100C using the deferred revenue in the budget.

Electric department revenue is at 88% of budget when it should be at 92%. NVU has been less active than normal. Connect and disconnect fee revenue is down because we weren't able to disconnect people or charge them for reconnecting.

Gordy said due to efforts by Meredith and the state a lot of people have applied for help paying bills. Meredith said Marla has taken on the bulk of the work of processing applications through the VCAAP program. As of today we have received \$25,722.94 from the state to pay past due electric bills from our customers. We have received about \$2,600 to pay past due water and sewer bills. They have reached their funding limit and that program will be wrapping up.

Safety and training was under budget because Jeff and Chan did their classes remotely, saving cost. We spent less than budgeted on tree trimming. Gordy said the virus prevented our crew from doing tree trimming as usual.

Rosemary said delinquent taxes are slightly under the past two years. This year 1.4% of taxes are uncollected. Last year at this time 1.18% was uncollected.

Rosemary recommended writing off \$1,644.64 in uncollectible taxes. We have sent all these people to collections and they have not been able to collect and we have not been able to collect. **Scott moved to write off \$1,644.64 of uncollectible tax accounts, Athena seconded and the motion was passed.**

Steve moved to give employees holiday pay of \$100 each, Athena seconded and the motion was passed.

9. *Water/Wastewater Report and Action Items*

Dan gave his report. The E-DMR and Wr-43 were submitted for review. We started alternating work weeks to reduce possible contact between employees. County Oil added glycol to the heating system at the plant. It was only good to 26 degrees. They added 22 gallons which is now good to -20 degrees. We pulled the electric motor on pump #2 at River Road pump station and had Farrell Electric replace the bearings and connection wiring. This should put the pump station maintenance in good shape through the upgrade. We had an issue at East Johnson pump station. We thought we had a plugged pump. The rails that the pump slides up and down on had broken bolts from the last time the pump was pulled and was never fixed. We repaired the guides and found that the check valve on one pump was seized open because of a broken spring. Being a confined space, we hired an outside contractor to enter the wetwell and lubricate the stuck check valve and replace the springs on both check valves. We also had the contractor replace the faulty float at the siphon while we had them in town.

Coliform results were negative. The furnace at the water plant was not working. County Oil diagnosed it and got it running. They have ordered several new parts that will be installed as soon as they come in. We assisted the water department and the hired contractor to repair 2 meters that are located in confined spaces at Cabin Cove and Highland Heights. We met with the Pureflow area rep and engineer at the water plant for several hours as they were in the area. We inspected parts of the plant and the filtration media. We installed a freeze alarm with red light at the Nadeau well. Having only milkhouse heaters inside it will let us know when driving by if there is a problem. Total cost was under \$50. Water loss for November was 1%.

Board members thanked Dan and staff for all they do at the sewer plant.

Meredith said we are ready to move forward with the board adopting the bond documents for the River road West pump station. There is a warning that lets the public know we will have a bond vote and a resolution of necessity the board needs to pass. It states that we feel the project is necessary and warrants borrowing money and having a bond vote. The resolution was drafted by our attorney. He had it reviewed by the engineers. The only issue they noted was that in places we said River Road Pump Station and in other places we said River Road West Pump Station. Meredith will go through and make sure the name is consistent throughout the document.

The proposed date for the special meeting for the bond vote is Tuesday, January 19. We will need an informational meeting and Meredith proposes having that on January 18, at 5:00 because the selectboard is meeting at 7:00 that night and we need plenty of time for the meeting. We have to allow in-person voting but we will send a ballot to every active voter. Rosemary said she doesn't think we can do that now. The ability to do that ends December 31 and the legislature won't take it up again until January. Meredith asked, we can't proactively send ballots? Rosemary said no, people have to request them.

Scott said he is concerned about people having to come to town to vote without having a safer option. Is there a way we can either push off the vote or have it sooner while we still have the ability to mail out ballots? Meredith said in terms of timing our goal was to beat other communities so we could be at the head of the line in accessing funding, but most communities will be voting on town meeting day in early March. We would have to guess when the legislature would act. She doesn't think we would want to push the date past late February. Dan said the funding is first come

first served. He asked if it is possible to proactively put out that all people have to do is request a ballot and we will mail them one. Meredith said the engineers will help us develop an information flyer and her thought was to include it with January bills. Steve asked if we could put it in bold in the flyer that people can request a ballot and don't have to come in person to vote. Would that address Scott's concerns? Scott said probably. Probably we could come up with a way to get ballots out to people in their cars. For public health and safety he has deep reservations. Maybe the emergency management team can come up with something that will work. Meredith asked if the allowances for drive up voting are also coming to a close at the end of the year. Rosemary said no. Meredith said she thinks maybe we can brainstorm something to minimize risk.

Meredith said the bills and bill stuffer will not be sent out until January 5. That doesn't give a lot of time for people to request ballots and get them back. Scott said it seems irresponsible to make it so that people who may have caught the virus and have to quarantine are not able to vote. We have to come up with a way for everyone to participate, whether they have the virus or not. Meredith suggested moving the vote to January 26 and the information meeting to January 25 to give people more time to request and return absentee ballots after the bill stuffer comes out. Rosemary said she thinks those dates would be fine.

Steve suggested maybe we could see what other communities are doing for bond votes. Scott said if our infection rate increases, ballots could come in contaminated with the virus. He thinks the emergency management team needs to think this out for health protections for village and town workers. Rosemary asked how long staff should wait to open up absentee ballots. Scott said he doesn't know. The information he has seen suggests hours to a week depending on the surface and concentration. He can dig into that further and see if any new studies are out there and maybe the emergency management team can come up with a risk mitigation plan.

Rosemary asked if the sewer plant is doing any testing of influent. Dan said no. Scott asked if we are looking at doing that. Is that state funded? Dan said it was funded and they limited it to 100 municipalities and by the time he was notified of the opportunity they already had 100.

Gordy said at the town library they go by National Library Association guidelines when dealing with returned books. That is good benchmark information.

Rosemary said she can check with the election division and see if it is okay if we send the ballots out in December or if the meeting has to be in December. Meredith said she thinks regardless it will be okay to change the meeting dates to January 25 and 26. She will still have the information meeting at 5:30 in case a special selectboard meeting comes up.

Athena moved to adopt the Resolution of Necessity for the River Road West Pump Station, Steve seconded and the motion was passed.

Steve moved to approve the warning for a special meeting on January 26, 2020 with an information meeting on January 25, 2020, Athena seconded and the motion was passed.

Meredith said in February we approved priorities for water asset management. Since then we have learned we need to add the Katy-Win pump house to the asset management plan and we learned of its poor condition. Dan and his team have been working on entering all the Katy-Win components

into the water asset management plan. The revised priority list has the Katy-Win pump house as the top priority. Meredith put in an estimated replacement date of 2020. It won't happen this year but it is in bad enough condition that it could be replaced this year. We are working with the consultant who did the water asset management plan to apply for a USDA planning loan. They think Johnson should be eligible for a grant to fund planning work. Once we have a preliminary engineering report we would have to go out for a bond vote or loan. The state does not hold us to these funding plans. They just want us to have talked about it and have a plan. The well pump VFD was the previous number one priority and now that is the number two priority. She hopes to put it in the 2021 budget. The other priorities are as listed previously. Dan said to get reimbursed for the cost of the asset management plan we have to submit this priority plan.

Scott moved to adopt the top five priority list for the asset management plan as written, Athena seconded and the motion was passed.

Athena moved to apply for a USDA planning loan for the Katy-Win pump station preliminary engineering report, Steve seconded and the motion was passed.

Meredith reviewed the water department budget status. For this year revenues from water sales were about 10% under budget. We are also not going to get about \$2,500 in revenue that we were hoping for from the state buying water from us to clean bridges. For expenses we expect electricity, equipment and building maintenance to be under budget. We expect contract services to be over budget. Meredith thinks that is due to an error in her formula. We had put the well pump VFD in the 2020 budget at a cost of about \$15,000. We are proposing to delay that purchase. Expenses are over revenues by about \$15,000. We can defer some loan payments to the bond bank this year. Meredith confirmed that we will not be charged any fees or interest for deferring. She thinks it is in our interest to do that. It will help with closing the deficit. If we defer all the loan payments we can, which is her recommendation, she thinks we would end the year with a surplus of about \$21,000.

We anticipate sewer sales will be about 7% under budget. We budgeted to pull from the reserve fund for some projects including the cupola. If we do not pull money out of the reserve fund anticipated revenues will be down to about \$481,000 compared to the \$569,450 that was budgeted. On the expense side it looks like collection system labor, administrative salaries, and electricity will be under budget. We have had less sludge to transport and dispose of, leading to some savings. Supplies are under budget. We are delaying the cupola project until next year and she and Dan talked about delaying purchase of the OD sensor till 2021. For sewer we have a deficit of about \$27,700. Meredith is waiting on final confirmation from the bond bank on what we can defer. She is pretty sure we can defer \$25,939 worth of payments. If we do that, then the remaining deficit is \$1,800.

Athena moved to defer as many loan payments as possible, Steve seconded and the motion was passed.

10. Foreman Report and Action Items

Meredith read Troy's report. The crew installed a utility pole and anchor and a 100 amp overhead service to serve the new small home being constructed by Chesbrough Properties on Route 100C. A new 35' pole was installed at the Jenna's Promise property on St. Johns Street in preparation for the installation of an overhead service later this month.

On the evening of December 13th, the crew responded to a car-pole accident and had to reconnect a secondary service on the pole. Troy will reach out to the Sheriff's Department to get a police report and attempt to recover our costs from the driver's insurance.

Jeff Parsons and Chan Bullard both completed their fourth year of apprentice lineworker training with NEPPA and have graduated.

The crew also completed monthly meter reading, high/low checks, and Dig Safes.

The village crew worked with Utility Partners staff to complete needed repairs at the East Johnson lift station and assisted Utility Partners repairing two water master meters, one at Harvey Mobile Home Park and one at Cabin Cove, both of which required confined space entry.

Winter banners and holiday snowflakes were installed on the Main Street light poles. The crew completed the installation of the flag pole and inclusivity statement at the village green. Last week, the crew started the winter process of sanding and plowing sidewalks.

Troy has completed two true-ups for line extension projects, one for the Chesbrough project on Route 100C and one for the Jarvis primary underground on Foote Brook Road. He created an estimate for the pole replacement and new overhead service at Jenna's Promise on St. Johns Street. He met with a contractor to discuss the work that needs to be done at the village garage. He placed an order with Wesco to restock both wire and line materials that were used over the summer. He I scheduled annual testing for the main and back-up transformers at the substation. He met with an electrician at Jenna's Promise to discuss the installation of an additional 200 amp service.

The transformer recycling has been pushed back to the end of January due to pandemic requirements.

Troy received a request from a member of the public to use our hydrant hose and to use a village hydrant to maintain the community ice rink at Legion Field.

Scott suggested that Meredith send a letter of congratulations to Jeff and Chan. Gordy said he was going to ask the same thing. He asked Meredith to send a letter of congratulations on behalf of the trustees and herself and to put it in their personnel files.

Brian Raulinaitis was the one who asked for access to the hydrant. Gordy said he feels we should give we should give permission to Brian only, because Troy gave him training last year.

Brian said he would keep the hoses stored in his shop so they don't freeze. He will use his own pump to drain the hoses. He just doesn't want to buy a hose. Over the last 3 years he has gained a lot of experience with the ice rink and this year he thinks he will be able to use less water.

The board agreed that Brian Raulinaitis can use the village hydrant hose and access the hydrant for ice rink maintenance.

Scott said all the snowflakes look good. Athena agreed. She added that legends of the ice rink have made their way to Craftsbury, where she works. She thanked Brian for his work on the rink.

Meredith said Troy reached out to a contractor who specializes in building remediation. He is waiting for a quote from that contractor. The approach that contractor suggested was to work from the outside in, minimizing how much material would need to be removed and reusing as much as possible. They didn't think roof replacement would be necessary but probably work would need to be done to the roof. He also reached out to another contractor that we used to remediate the Nadeau well. We want to have multiple quotes and opinions. The response from the second contractor was that their preference for projects like this is to have testing done beforehand so they know what they are dealing with and which areas of building need remediation and then they can compare test results after the project is done. Meredith talked to Scott about that. She reached out to the person who was recommended to do the testing and asked him to provide more information about what would be done. He responded that they would take up to six air samples and ten surface samples for mold, with an outdoor control sample for air. The cost would be about \$500.

Scott said there is current Vermont Department of Health policy on this topic. They say testing for mold is not necessary or recommended. It typically does not provide information that would change the steps taken to fix the problem. There are no standards to compare test results to in order to say whether levels are safe or unsafe. The Department of Labor has the same theory on this. He is never in favor of testing for mold unless we are working with a physician doing care for an employee. Otherwise, when you are doing remediation testing is not recommended or needed. You can visually see mold and dampness. If it is there, we need to tear it out and fix the leak. The cost is only \$500 but he would never support it. At this time of year spore counts outside will be low compared to counts in a heated, wet building. Comparing between indoor and outdoor samples has to be done differently in this climate. You can see mold in the building. He does not recommend testing. We know the issue needs to get fixed. Let's just fix it. He thinks the testing aspect of this proposal is not consistent with public health recommendations.

Meredith said after her conversation with Scott she thought she could go back to this contractor and say we don't think testing is necessary and see if they are still willing to come and give us an estimate. If not, we can get an estimate from someone else. The board agreed with that.

11. *Murray Rental Water & Wastewater Second Extension*

Meredith said after she put this on the agenda she reviewed records and found that Murray Rental already got a second year extension. Our ordinance only allows two extensions, for a total of three years. In the letter she wrote to them last year she said if the work was not done by this fall the capacity could be renewed for one more year. Because she mistakenly said that, her recommendation would be to make an exception and give an extension for an additional year. They did pay the capacity fee again. If they don't get the work done by October 7, 2021 they will need to restart the process and pay the fees over again.

Scott moved to grant an additional one year water and wastewater extension to Murray Rental for 66 Lower Main Street West, due to the error in the letter sent to Murray Rental last year, Athena seconded and the motion was passed.

12. *Application for Excess Water Usage Bill Adjustment from Jonathan Girard*

Jonathan Girard submitted an application for an excess water usage bill adjustment. He had a leak under his mobile home that was after his water meter but before the shut-off. He was charged for the water but the leak was on pipes that he technically doesn't own. The leak was fixed by the mobile home park. He hasn't had a bill adjustment in the last year. Based on his past bills we would

adjust his water bill from \$126.90 to \$39.05 and because the water didn't go into the sewer we would adjust his sewer bill from \$278.08 to \$122.34.

Steve moved to adjust Jonathan's Girard's water bill showing excess usage from \$126.90 to \$39.05 and to adjust his sewer bill from \$278.08 to \$122.34, Athena seconded and the motion was passed.

13. COVID-19 Response Check-In & Utility Update

Meredith said in November 2019 we had \$13K past due for electric and in 2020 the amount was about \$27K. But it was much higher earlier in the year. Marla has been working on payment plans with people. Water and sewer past due amounts are up only about 4% compared to last year, a difference of about \$500.

14. Special Meeting Planning

The board agreed to schedule a date for the special meeting after reviewing the minutes for this meeting. Scott said he thinks it would be healthy if Arjay could be part of the special meeting. Meredith said she can reach out to him. Scott said we should have Will here as well. Meredith said Arjay and the fire department officers have told her they are willing to meet with any of the trustees that want to meet with them.

Scott said there should not be name calling at the meeting. He was alarmed by the comments saying that it feels like we have spit on people and that we are almost on the criminal side of the fence. He doesn't see that kind of input workable for a common goal. He is saddened by where we have come to. Gordy said whoever facilitates this meeting will have to be very disciplined. He can see it becoming very negative and personal quickly and not functioning for what people want it to be. A lot of comments tonight were all one-sided and people who were not here didn't get a chance to counter the opinions presented. He is very concerned that the meeting will not be productive and that wounds will get deeper and not heal. Scott said he thinks it would be worth it to have a moderator – a third party who is not engaged. Steve and Athena agreed. Meredith said she will give some thought as to who that could be.

15. Adjourn

Gordy moved to adjourn at 8:58, Athena seconded and the motion was passed.

Minutes submitted by Donna Griffiths