

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, APRIL 11, 2022

Present:

Trustees: Steve Hatfield, Lynda Hill (remote), Will Jennison, Diane Lehouiller, Ken Tourangeau
Others: Rosemary Audibert, Dan Copp, Scott Meyer, Athena Parke, Shayne Spence, Kyle Nuse, Alex Nadeau (remote), BJ Putvain (remote), Paul Boisvert (remote), Mark Woodward, Jen Burton, candidate for village manager position

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Will called the meeting to order at 5:02.

2. Review of Agenda and Any Adjustments, Changes and Additions

Will added reading of a letter from village crew members.

3. Administer Oath to Newly Elected Trustees

Rosemary administered the oath of office to Steve Hatfield and Lynda Hill.

4. Executive Session to Interview Candidates for Employment for Village Manager

Diane moved to go into executive session to interview a candidate for employment for village manager as allowed under 1 V.S.A. § 313(a)(3), inviting board members, Rosemary and the candidate to remain, Steve seconded, the motion was passed and the board entered executive session at 5:05. The board came out of executive session at 6:10. Will said the board talked to the candidate about his experience and his requirements for employment.

5. Election of Board Chair

Will nominated Ken for board chair. The nomination was not seconded.

Lynda nominated Steve for chair. Diane seconded. **Steve was elected chair with Diane, Steve and Lynda voting in favor and Will opposed.**

Will read a letter he had written. He rejoined the trustees during a time when there was the worst division he had seen in our town because he wanted to help. The stresses inflicted on the board quickly led to the loss of Gordy Smith and Scott Meyer. This left him being appointed chair of a totally new board. Since then, board members have learned a lot about the job they signed up for. They have agreed to disagree and have made decisions in the best interest of the taxpayers. Board meetings have gone from hours with very little progress to finishing on time. There will never be a time when this board doesn't have something big on its plate so it is foolish to think there is a good time to step down because the job is done. He has realized there is no end until you say, "I'm done." He is giving up his position as village trustee as of the reading of this letter. He would like to think that he made a difference and that he helped. He will pray for the success of the board. Steve thanked Will for his service.

Diane nominated Ken for vice chair. Ken declined. Rosemary said the board does not have to have a vice chair or the position can be filled at a later date when there is a full board.

6. Review and Approve Minutes of Trustee Meetings

Ken moved to approve the minutes of March 9, March 14, March 25 and March 30, 2022, Diane seconded and the motion was passed.

7. Appointment of Water and Light Commissioner

Diane read from the village bylaws the description of the duties of the water and light commissioner. Rosemary said before Meredith the commissioner was Duncan Hastings and before that it was George Pearlman. The water and light commissioner always used to be a board member. Steve said he thinks we need time to find people who would be willing to serve and talk to them before someone can be appointed. This would be an interim position because once the village hires a manager the manager would assume this responsibility. It was agreed to table this item until a future meeting.

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

Rosemary said general department expenditures are 16% of budget. Waterville and Belvidere have both paid their first installments for fire service. Marla wrote up a document explaining what our process would be if we participated in the program discussed at the previous meeting that would allow people to get loans and make payments on their electric bills. Rosemary would like the board to review that. Morrisville is waiting before they decide whether to participate in that program. Major billing programming changes will be required. We were told part of the cost would be reimbursed but if the cost is thousands of dollars she does not know if they will reimburse that much.

9. Tobin Porter – Front Seat Coffee – Village Green Food Truck Application

Rosemary said Tobin Porter was not able to come to the meeting but his application and the email he sent explaining his plans were in the board packet. Steve said it looks like he is planning to be open almost every day from 8:00 a.m. to 2:00 p.m. Will we charge the same amount as last year? Rosemary said that decision is on the agenda for later in this meeting. We have been charging \$10 for each day he is open. He would like to bring his truck by the end of this week and open up by the end of May. She has his certificate of insurance. So far no other trucks have asked to use the village green.

Ken said anyone who wants to open up a business in this town has to pay a lot more than what we are charging the food trucks. Last year the village crew told us that it took more of their time to keep the area cleaned up when food trucks were there. He feels \$10 a day is not enough for anyone taking up public space. He thinks we should increase the fee to \$15 a day and not just for the days when the truck is open. Charging too little is unfair to businesses that might want to move into town. If we charge \$15 a day for 30 days that is \$450 a month and the truck will be there for approximately 3 months, so the cost is \$1,350 a year. What do you think the taxes would be for a building on Main Street with a coffee shop?

Diane said it would be nice if people opened brick and mortar restaurants but since we don't have that, she thinks it is important to have the truck there. It provides a nice service. She wouldn't mind leaving the fee at \$10. She doesn't want to increase it to \$15 but she could agree to \$12. Let's find out if he is going to be there every day.

Lynda said she feels he should pay for every day the truck is there because it is still taking up that space even if it is not open. She doesn't think the fee should be \$15. She could go with

\$12, but she thinks he should be charged monthly and not by the day. When you rent an apartment you still pay rent when you are on vacation.

Will said the village can't have a different policy for different people. The fee can't depend on how many days he will be there. It should apply to all food trucks.

Athena Parke said last year Front Seat Coffee was open every day.

Kyle Nuse asked if the application says what the charge will be. Rosemary said it says that the fee is \$10 per day and that we will invoice based on the actual number of days operated. Kyle said Tobin is going by what was on the application. Maybe next year the board could change the fee. Ken said we haven't accepted his application yet. We could send him a new application with a different amount. He feels that would be fair, since the foreman told us last year that the village crew put more work into that area with the food trucks there. If there is no charge for days the truck is not open, he would like to park his job trailer there for free advertising and not pay anything. He is a village resident and he knows that would not fly. He thinks they should pay more than \$10 a day for taking up community space.

Lynda asked who empties trash cans and takes care of the tables at the village green. Rosemary and Ken said the village crew does it. Lynda asked why the food truck owners don't take care of their own trash cans. Steve said he thinks the Mudgies trash was the most problem last year. Diane said she thinks there were complaints. Kyle agreed that trash for Mudgies was more of a problem. It was messy and unsanitary at times. The coffee truck area was very contained and they brought their own trash cans as well.

Scott said there was a general understanding among the previous trustees that a need was being met by letting food trucks use the village green because of a lack of other services in town. Greg Tatro is planning to open up a coffee shop. He is not sure about the status of Plum & Main. It was understood that when businesses did come into town the trustees would revisit use of the village green for food trucks because they felt it was unfair to business owners that pay for space. He thinks \$15 a day is totally achievable and appropriate. Have the trustees reached out to get feedback from the owner of Plum & Main or from Greg Tatro? Steve said he will reach out. Kyle said Greg Tatro's cafe is still months away from opening. She has heard that Plum & Main has sold and will be a restaurant. Steve said we can consider this on a year by year basis. For this season he thinks it would be nice to have the food truck.

Ken said it is detrimental to someone who wants to run a brick and mortar business that they are being undermined by the village trustees giving an unfair advantage to someone who is not even a resident. Steve said it is hard to compare a small place like Front Seat Coffee with a bigger place that would be selling more.

Ken moved to change the fee for food trucks on the village green to \$15 per day for every day the vehicle is there, open or not. The motion was not seconded.

Diane moved to allow Front Seat Coffee to rent a space on the village green for \$12.50 per day that the truck is parked there with a requirement that the food truck take care of its own garbage. Lynda seconded.

Lynda asked if any truck parked there will be responsible for its own space and trash. She feels like it is their space and their garbage and they need to take care of it. The village green is also a village space so the village should do some maintenance as well. Rosemary said trash removal is part of the requirements. Ken said it wasn't done last year.

Will said the motion should be to amend the policy to change the fee and should not be specific to a particular renter. Once the policy is changed then the board can give the applicant a new application with the new charges and see if he still wants to rent.

Lynda asked if Mudgies and Front Seat Coffee paid the same rate last year. Rosemary said they did.

Diane and Lynda withdrew the motion.

Diane moved and Lynda seconded to amend the village green food truck policy to state that the rental fee for each day the truck is present is \$12.50, whether or not the truck is open, and that the truck has to remove its own garbage.

Ken said he thinks the fee should be \$15 because of the cost of the village maintaining that area. Lynda said we would maintain it anyway and there will be cyclists putting garbage in the cans. Ken said last year the foreman said it took time every week beyond what was normal once the food trucks came in. Steve said it was our understanding that most of the trash was from the other food truck and that Front Seat Coffee was really neat.

Shayne said he thinks there are a lot of reasons to increase the fee. He doesn't know whether there is a reason it should be \$12.50 or \$15. Those numbers seem arbitrary to him. If the trustees are going to set a new number it would probably be smart to look at what the value of the space is and set a number based on that. People who buy and fix up brick and mortar businesses are investing a lot of money into our town. He doesn't think people who are putting trucks on the green should be denied access but if fixed costs are going to be in place for some people he thinks it is little unfair to remove those fixed costs for other people. He thinks it would be a good idea for the board to do research and figure out a good number to charge.

Scott Meyer said the motion is about changing the policy and is not specific to any business but he is now hearing discussion about one food truck being more to blame for the mess than another. A different food truck could move in and be very messy and still be charged \$12.50 and another could plant flowers and keep the area very neat and be charged the same amount. He wishes the conversation would move away from who does what and that the price would be set based on the cost for the village crew. A few people have approached him feeling that allowing food trucks was unfair to brick and mortar businesses. The trustees allowed it

because there was a need, with the intent to revisit it when businesses open up on Main Street.

Diane said she thinks it would be good for us to look at what other towns are charging for food trucks. We will talk to Greg Tatro and the people buying Plum & Main and that will help us. But Tobin is looking to put up his food truck next week. She thinks we will do research and find out what other towns are charging that have restaurants in their village. Scott suggested also talking to the owners of existing restaurants – Downtown Pizzeria, the deli at the gas station, Moog's, etc. Ken said he thinks there is only one food truck on town property in Cambridge. The rest are on private property. He called Morrisville and they don't have food trucks. Hyde Park and Stowe don't have them. It is not about making money for the village; it is about making back the money it costs us to keep the area clean.

Will asked the board to also consider making it part of the policy that whatever food truck comes should not provide competition with brick and mortar businesses. Greg's coffee shop is not running so there is no issue but next year we should make sure the food truck is not competing with a brick and mortar business. Steve said he thinks that is a good suggestion.

Lynda said she thinks the food trucks are important and there is nothing wrong with competition. She thinks the food trucks have done a lot for the village. If Greg Tatro's coffee shop opens up it will be serving different clientele. She would love to see Front Seat Coffee back on the village green. They were very busy last summer. They did a good job and the village never had any complaints about them. She thinks the policy needs to be adjusted so that trucks have to pay every day they are taking up space and we will see what happens when they are picking up their own trash. Maybe the village crew won't be there as much.

Diane asked, if we change the fee to \$12.50, then we have to change the policy to change the fee? That is the policy for years down the road, correct? Will said until it is changed. Diane asked, we can change it each year, correct? Shayne said he believes that is the understanding that expressed he believes last year when Tobin was talking to the trustees. He believes the conversation was that in future years the fees might be increased and Tobin was okay with that.

The motion was passed with Diane, Lynda and Steve in favor and Ken opposed.

10. Alex Nadeau – Village Green Right of Way

Alex Nadeau said the village's attorney did all the work on changing his right of way on the east side of the village green lot to the west side, but there hasn't been further work done on it. He is wondering when the time frame is to complete that.

Diane asked why he wants to switch the location of the right of way. Alex said it is a right of way to the lot he just bought bordering the village green. There is a 12-ft. right of way that currently is on the east side but the wall is in the way. That was never thought of when the blocks were put there for the wall. He can move the blocks but the village has already put money into making the change and has the paperwork. He is wondering why it is outstanding. Will clarified that the village illegally put blocks in the right of way and Alex could legally remove the wall but he has agreed to move his right of way to the other side of

the lot. Alex is asking for the board to make a motion to sign the agreement to move the right of way.

Ken moved and Diane seconded to sign the necessary documents to change Alex Nadeau's right of way on the village green lot from the east side to the west side and to do it expeditiously.

Lynda asked, this is already been set in stone by our previous trustee board and now we are just signing off on it, right? Steve said he believes so. Diane asked if we really have a choice. She wants to keep the village green a nice area. That is a concern. Rosemary said Alex has a right of way now. It is just a question of moving it. Ken said Alex is being nice and letting us keep the wall and the art and agreeing to move his right of way. He will be using the west side by Kyle's business to access his property.

The motion was passed.

Ken move to authorize the chair to sign the Nadeau right of way documents on behalf of the board, Lynda seconded and the motion was passed.

Alex said he would like a map of the lot that shows the new right of way location. Rosemary asked if the board wants to give her permission to contact Meredith and see what information she has on this. George Pearlman was also involved. The board agreed.

11. Water/Wastewater Report and Action Items

Dan gave his report. The E-DMR and Wr-43 were submitted to the state. COVID testing of our influent continued. This series of testing ends this week and it is uncertain when it will start again. The auto sampler we are receiving as part of this program has been shipped. Staff removed rust and repainted pipes in the sludge valve room. A leaking backflow preventer was serviced with a rebuild kit by Laramie Water Resources and recertified. All the sludge pumps and the air compressor were serviced. Rubber squeegees on the washboxes for the belt press were replaced. The speed control knob for the belt press malfunctioned. We are trying to source a replacement. A leaking 4" check valve was removed and worn out O rings were replaced. Both 8" leaking check valves in the influent dry well were taken apart and their worn O rings were replaced. They are now operating properly with no leaks. Staff have started to clean the floors and walls that have been wet for years. Staff assisted the village on Railroad Street with what was thought to be a plugged sewer line in a manhole. It turned out to be filled with runoff in an abandoned line. When Hartigan cleaned the grit channels we had them suck the accumulated grease from the Pre-Ax zone in both SBRs. Dan will start ordering the belt press parts after the rep visits the plant to verify the correct parts to be ordered.

Coliform samples were negative. The Nadeau well was sampled for nitrates, volatile organic compounds, inorganic chemicals and metals. All results were well below state limits. A failed pressure switch at Katy Win was replaced. The backup pump was very noisy when the village crew switched to it and Troy had Manosh order a replacement that is to be installed tomorrow. The spare well pump will be ordered as soon as the price is verified. Water loss for March was 13%.

The board has received the preliminary engineering report for the Katy Win pump station. The board will probably need a special meeting to discuss that. Dan will be meeting with the person from the state who did the sanitary survey at Katy Win and noted the deficiencies. Dan wants to see if there is some middle ground regarding upgrades that will keep the price down while still meeting the requirements of the sanitary survey.

Steve asked Dan to review the situation with the Katy Win pump stations. Dan said one of the three pump stations at Katy Win was rehabbed and its pressure tank was replaced. That one is in good shape. The main pump station has two pumps and about 15 meters. It has a dirt floor and a rotting building. The third pump station is newer but also needs a concrete floor. He thinks we can do that on our own. If we do the upgrades we had planned for the main pump station we will have to meet minimum pressure requirements we currently don't meet. We are currently grandfathered in and have gotten no complaints. Dan is going to look into whether we can pour a new floor, put in a new drain, and maybe even put a new building around the pumps without doing work that would trigger the need to meet new requirements. There are three options in the report and hopefully Dan will have a fourth option in the future. They were all very expensive.

The board agreed to schedule a special meeting to discuss the Katy Win pump station project on May 3rd at 6:00.

12. Foreman Report and Action Items

Ken read the report that Troy had emailed. A new 600 amp secondary service was completed for the Studio Center. A new 200 amp service was installed at the former Horner's greenhouse on Route 15. On March 23 we initiated an outage on Route 15 West from Waterman's blueberry farm to the end of our service territory to repair a broken primary neutral. The repairs were made and power was restored in an hour. There was a callout for a report of no power which turned out to be the customer's breakers. The crew installed a new 200 amp overhead service on Bouchard Way. The crew worked on right of way cutting, monthly meter reading, high/low checks, substation check and Dig Safes.

The pressure switch to the main water pump at Katy Win failed and was replaced. At the time the failure was diagnosed the crew also found that the backup pump that would supply the park had begun to fail. It was determined that it was necessary to replace the backup pump. The new backup pump has been installed and the system is functioning normally. The crew repaired a water meter on Sinclair road and repaired a frozen water meter at Katy Win park and restored water service.

All equipment for spring cleanup was checked and serviced. The village crew worked with the town to install cold patch in multiple locations on village streets. Street maintenance is a town function but the town needed village assistance in order to have enough staff to do the work as well as perform traffic control. The crew worked with the Dufresne Group engineer to identify the locations of manholes and the sewer line from Lamoille View Drive to the laundromat. This is part of the Railroad Street stormwater project. All winter equipment was cleaned up and put into storage. Winter banners were taken down and spring banners were

put up. Paul completed his required first aid/CPR/AED training and pole top/bucket top rescue certification.

Troy has been working with Bill Chesbrough related to a new building lot he is developing on 100C where the village will be making water and sewer connections as well as a new 100 amp service to feed a new house on the property. Troy will be assisting him with completing his water and sewer permit applications. Troy has been working with a customer who is interested in installing a new 1500 ft. primary underground line extension on Plot Road. He created estimates for two new 200 amp services and new 600 amp service. He has been working with Lamoille County Mental Health's engineer to determine the water flow needed for the sprinkler system at 599 Lower Main West and also upgrading the overhead electric service at 140 Route 100C. He reviewed the village garage engineer's Phase 1 report and arranged for his attendance at the April trustee board meeting to answer questions.

Troy spoke with Alexander Tree Service to see if they could assist us with our right of way maintenance. He got proof of their certification and insurance. The contractor we have used in the past is not available currently due to staffing shortages. He is asking for approval to hire Alexander Tree Service.

13. Fire Department Report

Steve read the fire department report that had been sent in. From February 24 to March 31 there were 7 calls – 6 during the day and 1 at night. The average duration was 142 minutes. There were 2 structure fires, 1 chimney fire, 1 wilderness rescue, 1 agency assist (forcible entry) and 2 mutual aid (structure fires.) The average number of firefighters responding was 12 and total hours of service was 229. Additional repairs have been completed on the boiler's power exhaust venter. The GMC 3500 truck to replace Rescue 2 has been ordered through Capitol City GMC. The fire department has collected information and pricing for fire helmet replacements and they expect to place an order in the near future.

14. Hire Alexander Tree Service to Perform Right of Way Cutting

Ken moved to hire Alexander Tree Service to perform right of way cutting on the advice of Troy Dolan, due to the tree service the village usually uses not being available. Lynda seconded.

Lynda asked where Alexander Tree Service is located. Will said Cabot. Lynda said she is mostly concerned that they have adequate experience. Ken said if they are a tree service they have to have experience.

Diane asked if in the past the village gotten bids for this type of work. Ken said he thinks generally our employees do most of the tree trimming and this is to handle some of the harder areas they can't get to. Scott said he would encourage the new trustees to look at the OSHA standards. Not just any tree service can clear a power line. They have to have the necessary training. In the past he doesn't think the trustees have gotten bids but it is extremely hard to find contractors qualified to do this type of work.

Lynda asked if there is a dollar amount that goes along with this. Rosemary said the charge is usually by the tree. Will said there is an amount in the electric department budget for outside tree trimming services. He thinks it is \$35,000. That would be the maximum amount that

could be spent. Anything above that would need to come to the board. Lynda asked, but we don't limit tree service to a certain amount? Will said it is at the discretion of the foreman or director of the electric department to spend up to the budgeted amount.

Diane said she wants to know if we normally get bids for this work. Will said historically, no. There has been a contractor we have used with a competitive rate. His understanding is that we would not get anyone to bid now because contractors are almost out of business because they don't have enough employees. His suggestion would be to take this offer and if in the future the board wants to get bids that should be done before the budget goes through.

The motion was passed.

15. Review Village Garage Engineer's Report

Paul Boisvert of Engineering Ventures said he is here at Troy's request to help the board go through the estimate part of his report and answer any questions. He provided mostly square foot prices with unit pricing for some site work. Engineering Ventures is looking at these as order-of-magnitude estimates to be used for price comparison. Prices are very volatile now. The Engineering Ventures proposal did include an allowance for getting a professional estimator. That probably would be a good step to take given the volatility of construction prices.

Steve asked, are prices likely to get any better? He doesn't see why we should wait. We need to do this.

Paul said he always cautions people if they are thinking about a long bond to think about whether the building will still be serving them at the end of the bond. It looks to him like it will be more cost effective to clean up and reuse the structure than to build a new one. But we had discussed in Phase 2 having an architect team member talk to the village about how the building works for meeting the village's needs.

Diane asked, the \$723K estimate does not include mold remediation work previously bid out by the village? Paul said there might be some overlap but generally speaking that was not included. Diane asked if he knows how much that might cost. Paul said he does not know offhand.

Diane asked about the non-structural or non-building envelope costs that are not included. Paul said that includes things like replacing or rebuilding partitions and offices. What is costed out is stripping the building down and putting on a new exterior envelope, including some structural improvements and roof improvements. Once a certain level of improvements are done that triggers some code improvement requirements.

Steve asked if he envisions the village being able to start work this fall or if it would need to happen in the next building season. Paul said he thinks the only permits needed are fire safety permits but he doesn't know how easy it will be to get someone lined up to do the work. This is not necessarily a project for a small company. And the village will have to relinquish occupying the building for a while and get it closed up for winter. He thinks construction could start this year. There is not a lot of pre-construction work to be done that would slow

the village from getting started. Ken said he feels we will not be able to get anyone lined up to do it this year. He thinks we need to get some bids on it. We aren't building on another site. We are rehabbing this building. We probably won't see construction until next spring. We need to get a contractor. Maybe in the meantime we will need to do some mold mitigation for the air so employees can keep using the building.

Diane asked Paul, Engineering Ventures recommends that we recheck Act 250 jurisdiction? Paul said he thinks there is a good case for not requiring a full Act 250 process but we should reach out to the Act 250 district coordinator for a jurisdictional opinion. Diane asked if his firm does that. Paul said they can. Diane asked, or do our office people do it? Paul said they can. If we want Engineering Ventures to do it, it would probably cost \$300 to \$400.

Paul asked if the trustees want Engineering Ventures to do a bid process. He noted that what the village has so far are conceptual plans, not construction level plans. The type of plans needed at this point depends on how the village wants to put this out to bid. It can be problematic to go out for bids with a low level of plan detail. Steve asked, we need to hire someone to do construction level plans first? Paul said he thinks we do. His firm can do that or the municipality could get bids for it. He could give the village a proposal to do that work. Steve said we would like that proposal. We will see if we can get a second bid and we will make a decision.

16. Statement from Village Employees

Ken read a statement from Chan Bullard, Jeff Parsons and Nate Brigham correcting what they feel were inaccuracies in the March 31st News & Citizen article. Paul Stankiewicz is not the only first class lineman. Nate and Troy are also first class. At the time of the article, Troy was the highest paid, Nate was second highest and Paul was third highest. Chan and Jeff are paid the same as both are in the same step as apprentices. They are the lowest paid. Nate Brigham has been employed by the Village of Johnson for 24 years. He received his first class certificate in 2006. He was made lead lineman for the village in 2015. This role meant that whenever the foreman was not on site Nate was in charge of the crew and the job at hand. Troy Dolan received his first class certificate in 2001. He was hired by the village in February 2014 as first class. He became foreman in 2015. He handled himself professionally, courteously and respectfully at all times. Never has any dysfunction been tolerated or encouraged in any way by Troy. Chan and Jeff are second class A lineworkers, one step away from first class, logging and documenting on job training hours on their path to achieve first class certificates.

As for the alleged five years of harassment, there was never an investigation made to confirm any of this. There were no documented or undocumented disciplinary actions of any kind. All crew members go out of their way to help each other and accept any differences. They have covered for each other when time off was needed for personal reasons. There have not been any slurs used to attack anyone's intelligence or stepped up pressure to force the hand or action of anyone on the crew. Certain jobs have a time frame that they need to be completed in. There have been conversations regarding this. Crew members on occasion helped loved ones of crew members surprise them for anniversaries, birthdays, graduations, births of grandchildren and such and provided care, concern and time off when a loved one passed. When the village did not have bereavement pay in its policy efforts were made to achieve

that to help Paul when his father passed away and the entire crew donated cash to help Paul and his family. There has most definitely never been any vandalism of anyone's belongings. In regard to the speed Paul plows sidewalks, certain jobs have a time frame they need to be completed in. Also, the village policy is not to plow driveways but to plow straight across them. In severe snow conditions and on a few occasions the crew have helped someone who could not get through the plow ridge caused by normal plowing policy.

The News & Citizen article said "Village trustees could have justified their removal of Stankiewicz by attempting to prove that Bullard was the more qualified lineman, but he did not appear at the arbitration hearing and the village did not provide evaluations of Bullard's performance." None of the other crew members (Nate, Chan or Jeff) were invited to the arbitration. The Village of Johnson workforce continually strives for excellence and aims at providing strong and dependable services for our ratepayers and taxpayers.

17. Letter from Vermont Labor Relations Board

Steve read a complaint from the Vermont Labor Relations Board – an unfair labor practice charge. The description given was: *Employees, unions and employers may file a charge with the board alleging that an employee, organization or employer has committed an unfair labor practice as specified in provisions of each of the acts administered by the board.* The employee making the charge was Troy Dolan. The charge was made against Diane Lehouiller.

The following sections were alleged to be violated:

Unfair labor practices:

It shall be an unfair labor practice for an employer:

(1) To interfere with, restrain or coerce employees in the exercise of their rights guaranteed by this chapter or by any other law, rule, or regulation

V.S.A. 1503. Rights of employees; mutual duty to bargain:

Employees shall have the right to self-organization; to form, join, or assist labor organizations; to bargain collectively through representatives of their own choice, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities, except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in subsection 1621(a) of this title. An employee who exercises the right not to join the labor organization representing the employee's certified unit pursuant to section 1581 of this title shall, subject to subsection (b) of this section, pay the agency fee to the representative of the bargaining unit in the same manner as employees who pay membership fees to the representative. The labor organization agrees to indemnify and hold the employer harmless from any and all claims stemming from the implementation or administration of the agency fee.

The following statement concerning the alleged violations was provided to the Labor Relations Board:

The Village of Johnson unionized employees IBEW Local 300 were invited to the February 23, 2022 village trustee board meeting to speak about their feelings regarding the return to work of another member of the bargaining unit. Employees speaking about their concerns regarding working conditions and safety is a protected concerted activity. At that meeting one of the village trustees, Diane Lehouiller, made copies and distributed to the public an arbitration award document related to an arbitration between the village and a member of the bargaining unit that occurred in January 2022. The arbitration award document was not a public document and should not have been distributed to the public. During the February 23, 2022 trustee meeting members of the public referenced the arbitration award document that had been distributed by trustee Lehouiller and used its contents to make comments that the unionized employees felt were derogatory and inaccurate. The unionized employees present felt intimidated and attacked while they were attempting to exercise their statutory right to speak about their working conditions and safety. The unionized employees who felt intimidated by trustee Lehouiller's actions were: Troy Dolan, Nate Brigham, Jeff Parsons and Chan Bullard. These employees feel trustee Lehouiller took these actions intentionally to interfere with their right to express their workplace condition and safety concerns.

The remedy requested is: *Public acknowledgement of the inappropriate behavior and violation of employee rights, as well as a public apology to the affected employees and an explanation of the reasons why she distributed the arbitration document.*

Diane read a statement:

I received a copy of the arbitration award and other communications between the union and our manager on a Saturday before our trustee meeting. I read it, and I was shocked to read the information I had in my possession. It was the first time I had heard or read about what was possibly going on at the department. The report, which is a write-up of a hearing that had taken place with a neutral arbitrator to hear both sides of the story. In that report, I learned some things that were disturbing to me. From the materials I was given, I learned an investigation should have taken place and that due process for all parties was not followed. Knowing very few facts and working in the dark makes it nearly impossible to make good decisions. Therefore, I was pushing for an investigation to obtain more information. I have talked about repairing relationships as a beginning to help remedy the tension and negative feelings that were evident in the department. The secrecy surrounding what was going on creates a situation where misinformation becomes rampant within the community. Lately small steps have led to some improvements within the department. I'm hoping to contribute to a more open healing process so we can get back to a smoothly running department, which is what we all want. Paul gave me permission to give out the report. I only gave it to Kyle. Don read it with me. Information about this report has already been cited in the News & Citizen. On specifics, I did not make copies during the meeting. No one at the meeting spoke in a manner to intimidate or coerce. I watched the video. I did not interfere with workers' rights to express their workplace condition and safety concerns nor did I restrain or coerce any employee in the exercise of their rights guaranteed by law.

Ken said Diane shared that document disregarding advice from counsel and put the village at liability. She violated employee-employer confidentiality. Her statement was inaccurate. She said the information was in the newspaper but it did not appear in the newspaper until after she gave out the document. He thinks she needs to resign before she gets the village sued.

Lynda said she doesn't know a whole lot about this, but didn't Diane get permission from Paul? Ken said she cannot give out the document by law because she is an employer. Under counsel's advice to not share it she took it upon herself to share it. There were several comments made that it should not be done, twice by the lawyer. Steve said he believes Ken's timing on that is not correct. Ken said Diane went to hand out the document and the lawyer said she should not do it and she did. And then the lawyer explained in executive session that she, as an employer, should not hand it out.

Lynda asked when the paper was given to Kyle. Diane said she believes it was at the February 23rd meeting. Lynda asked if it was before or after the lawyer talked. Diane said it was at that meeting. Lynda asked if it was before or after the executive session. Diane said it was in open meeting. She felt because of the lack of facts given to the trustees along the way to make smarter decisions the whole department was getting broken up and no one was investigating or doing fact finding. It didn't make sense. The trustees were making decisions that didn't make sense to her. Ken said she was apparently the only one who felt that way. Steve said that is not true. Diane said we were finding out that an investigation should have happened but it never did. Paul's due process was violated. He never came to present his side. We were making decisions hearing only one side. We need to do more and get to the bottom of it and make it right.

Ken said Paul went through the process and won the arbitration. Steve said he was at meetings where he was asked to decide on discipline for Paul when the trustees did not have complete information. Ken said he had the necessary information and he joined the board after Steve did. Steve said only Will and Troy knew about this. Ken said Steve was involved in the arbitration with the other trustees. The trustees listened to Paul's lawyer speak.

Scott said he is hearing a lot of conversation that is not specific to the issue. It is unfortunate not to have all the information needed to make a decision but that is an internal process between the trustees, the union and perhaps OSHA. He thinks people are missing the point of the letter complaining about information given out to a member of the public.

BJ said he knows that Diane felt she was not given all the information but he thinks what it comes down to it is not how anyone felt. No matter how we personally felt, it was not our right to give that information out because when it came out it made it look like we were on Paul's side and not neutral.

Scott said he thinks we all have learned from this process. Things that go on in executive session should stay in executive session. Employer-employee issues should be dealt with in executive session. If trustees do not have enough information they should put the discussion on pause and go back and get the information needed. Does everyone agree on that? Steve said we were not able to. Scott said he realizes that, but employee information should not be

released to the public even if the trustees did not get the information needed. The employee saying it can be released doesn't mean anything. That doesn't supersede law. If they want to release the information they can but it shouldn't come from the trustees because it is an HR issue. Steve said the trustees were making important decisions on a person's life. How does Scott suggest they should have gotten that information? Scott said not from delivering a piece of paper to the public. That is not okay. He does not think it is legal. If you don't have the information you are seeking you don't vote. You go back and figure out what you need. You don't reach out to the public. Scott suggested some retraining on open meeting law issues. He asked Diane to issue the apology and get training and next time the board does not have needed information, resolve it in-house with the village lawyer, the union and OSHA. The state has a consultation program that will give assistance on safety issues for free.

Will said he would like to clarify some things. The arbitration was not about discipline for Paul. It was about a reduction in force. There are two separate topics. If Diane felt the board didn't have enough information on the discipline issue, that is one thing. The arbitration was about reduction in force. The board all voted to move forward with a reduction in force. The union grieved that, they won the arbitration and Paul is back at work. It is confusing when there is not a distinction between those two things. He would agree with Scott that the solution to this is going to be an apology. If Diane apologizes for her action, which was illegal, he thinks that would be reasonable. If she had done it outside of the meeting he doesn't think we would be in this situation. The alternative is to file a rebuttal with the state with a lawyer. There will be at least a \$3,000 fee and the cost will be in excess of \$5,000 if it goes to a hearing. He thinks Diane can apologize instead of putting it on the ratepayers and taxpayers to defend what she did. He thinks an apology is smarter. He would suggest that the board not authorize paying a lawyer to defend Diane.

Steve said the problem with this is that we can't just separate out that one piece. Diane's action was part of a bigger picture. There were so many mistakes and injustices he and Diane believe were committed along the way that to just focus on this one piece prevents justice and healing from happening. He thinks that it is everyone's goal – to be able to heal and move on and put some policies in place so this doesn't happen again. He thinks we all understand why it happened but he is not sure it is not still happening.

Will said that document from the state is very clear and very defined. It is about an action. No matter how Diane got there, she needs to be responsible for the action she took. When you break the law they don't care how you got there, only about the action, and the solution is an apology for that action. He guarantees that if this board chooses to spend thousands of dollars to defend an action that shouldn't have happened, the board will see more people here at meetings. He will make sure of it.

Kyle said in her opinion the only apology that needs to happen right now is for the violent words and actions of Ken speaking to Diane tonight. She feels that was completely unacceptable behavior. At that meeting, she walked in a few minutes late and did not know what was happening. She asked if she could be caught up. Will was not giving a clear explanation. Diane told her that the board was talking about arbitration. Kyle asked, is this a public document? Diane looked at the chair, Will. Will said, "I don't have a copy. Rosemary,

do you have a copy?” Rosemary said, “I don’t have a copy.” Diane said, “I have a copy. Can I give it to her?” Will said yes, and this is all on videotape. Nobody objected. Ken didn’t object. BJ didn’t object. There was no objection from the lawyer, Troy, Meredith, Steve or Rosemary. No one said she could not hand it over. She did ask permission. She got consent from the entire body, she handed the document to Kyle and then the board went into executive session and Kyle doesn't know what happened. It is nonsense that Diane is being pinpointed as the one who did an illegal action and should apologize. The entire board gave consent for her to give that out. BJ disagreed. Kyle said no one objecting is consent.

Shayne said he is worried that we are getting distracted from the issue at hand. The issue that was on the agenda is specifically dealing with the complaint from the Labor Relations Board. It is not why it was filed or whether the arbitration was done correctly or whether there should have been an investigation. The results of the arbitration were privileged information not to be made available willy-nilly. He hasn't seen the video so he can't say whether the board gave implied consent but he knows that he cannot hand out even schedules of employees, much less the results of arbitration. He thinks an apology is pretty light, to be honest. In order to protect the village from legal action he thinks that is the obvious step.

BJ said if he remembers correctly the board had just found out a few minutes before that this document even existed. We didn't even know what we had. The idea that board members not saying anything implied consent is ludicrous.

Steve said he thinks Diane needs to decide what she wants to do. He thinks we have had enough input on this.

Diane said she would like to move forward. She thinks what needs to happen is that the trustees need to meet with the crew and a mediator and figure out a good, positive way to settle the problem that is going on. She voted to have Nate be the foreman and to work with him and have all the crew work together. That is what she would like to see.

18. Executive Session for a Personnel Matter

Steve said he does not know who put an executive session for personnel on the agenda. Will said he did. He can explain if the board is willing to invite him into executive session.

Ken moved to go into executive session for a personnel matter pursuant to 1 VSA § 313 (a)(1)(4), inviting the board, Rosemary and Will Jennison, Lynda seconded and the motion was passed with Ken, Lynda and Steve in favor and Diane opposed. The board entered executive session at 8:31. The board came out of executive session at 9:10.

The board discussed putting out a notice for letters of interest for the trustee vacancy.

19. Adjourn

It was moved and seconded to adjourn at 9:15 and the motion was passed.