

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
TUESDAY, MAY 3, 2022

Present:

Trustees: Steve Hatfield, Lynda Hill, Diane Lehouiller, Ken Tourangeau

Others present in person: Rosemary Audibert, Dan Copp, Gordy Smith, Kyle Nuse, Jena Gould-Hopkins, Peggy Williams, Kelly Locke, Jasmine Yuris

Others present on Zoom: Jennifer Burton, Darrell Wescom, BJ Putvain, Kim Goodell, Marla Emery, Nadeau, Rick Aupperlee, Kevin, Susan Tinker, Cynthia Hennard, Sally

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Steve called the meeting to order at 6:00.

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

Steve said he would change the order of items on the agenda and start with the engineering report review.

3. Review Preliminary Engineering Report for Katy Win Boosted Zone Improvements

Dan said in March 2020 we had a sanitary survey. The three booster stations at the Katy Win trailer park did not meet sanitary survey specifications. Building #2 has been fixed up and is now in good condition. The main building, #1, has a number of issues. It is below grade, has a dirt floor and has no drains. We had a grant-funded engineering study done. The engineers came up with 4 alternative plans. Alternative 1A would cost \$361K. It involves installation of a new packaged constant pressure pump station in a different location from the current building. We would have to get an easement from Ship Sevin, the company that owns the trailer park, but they have sufficient available land. Under this plan the pumps would all be moved to the new building. If we don't have pumps in the other buildings they become meter houses and don't have to meet sanitary survey requirements. The engineers still recommend putting a concrete floor in building #3 so the pressure tanks can be kept there in case they are needed.

Alternative 1B would cost \$192K. It would be the same as 1A except it would involve building a new structure and bringing in a constant pressure package pump system skid.

Alternative 2 would make building #3 the actual pump house. Building #1 would become a meter house. New pumps and controls and a new concrete floor would be put into #3. It would cost \$208K.

Alternative 3 would cost \$225K. It would involve demolition of #1 with a new pump station built in the same spot.

Dufresne (the engineering firm that did the study) recommended option 1B. Dan agrees that would be the best option of those choices. But he met with Andrew Ferguson, who is with the state Drinking Water and Groundwater Protection Division and also a Johnson resident, who agreed that the identified options are far too expensive. They visited the site and

discussed what could be done that would meet state requirements at a lower cost. If we don't change flow or capacity and keep the same pump and pressure tank sizes then the state is not involved in permitting. After talking with Andrew Ferguson and other H2O Innovation employees, Dan thinks H2O Innovation employees can do all the work needed to rehab pump station #1. (*Kelly Locke arrived at 6:10.*) He proposes that H2O Innovation employees do the work during their normal working hours with the village paying for materials and the outside contractors needed for some of the work. They will need to remove the pressure tank and pump, sleeve all the meter lines and put concrete floors in buildings #1 and #3. Extensive plumbing work is needed. We would rehab and use the existing building.

Dan said there is a pump and a pressure tank inside one of our buildings that comes from a well and goes to a garage owned by Ship Sevin. It is not ours and it is a liability to the village to have it in our building. He thinks we have the right to force them to move their pump and pressure tank. He would make them responsible for doing the work to move it. It is not hooked to our system. He thinks the board should make a decision on that tonight.

Dan proposes moving all our meters inside the pump house to simplify organization. We may need some help from a plumbing contractor. The meters would all be moved to the walls. The ground would be sloped around the building and the floor height would be brought up for appropriate drainage. (*Jasmine Yuris arrived at 6:15.*) He thinks the total cost of rehabbing the building would be \$25-30K. We will have another sanitary survey this spring. Andrew said as long as we have a plan the state will be happy and we will get through that survey.

Steve asked, we would be looking at starting this work a year from now? Dan said yes. Or rehab work could start on the building this year. We were quoted the wrong price for the new well pump we ordered and it looks like the actual price will be about \$6K less. We are also using ARPA funds to balance our budget this year. The village could use some of the savings to start rehabbing the building without getting into the plumbing work. Or we could wait and do all the work next year.

Ken asked if volume at the trailer park will change with this option. Dan said no. Ken said he thinks there are about ten empty lots at that park. Is the current volume sufficient for every lot there? Dan said yes. Ken said he would hate to see us go with this plan and then find out we need greater volume in a couple of years. Dan said if we had to increase the size of the pumps or the pressure tanks we could expand in that building. We would just need a permit.

Ken asked what this plan would add to our budget for labor. Dan said hopefully zero. He thinks the work can be done within normal working hours.

Ken asked, Andrew Ferguson said he believes we will not need a state permit? Dan said we definitely won't.

Ken asked, Dan's proposed Option 4 is his recommendation? Dan said yes. He can't justify spending \$192K. Option 4 would save a lot of money.

Dan said H2O Innovation is covered by their insurance on everything they do. They work in pump houses all the time. Would the board rather have them start work this year or wait and do everything next year? His thought is that if they can get building rehab done this year that is one less thing to deal with next summer. The work needed next year will take all summer.

Diane asked, isn't H2O Innovation also dealing with the River Road pump station? Dan said that work will just last a month. They are overseeing the project but not doing the labor.

Ken asked what Dan estimates could be done with the \$6K we expect to save on the pump over what was budgeted. Dan said building rehab could be done. H2O Innovations employees would have to decide what work could be done while ensuring the cost would not go over \$6K.

Ken asked if we will need to do a boil water order while the work is being done. Dan said no.

Dan said he checked with the state and the best possible finance package for the more expensive options would be 40% financing. We have to have the project engineered to get that money so it would not be not available for his proposed Option 4.

Ken said he thinks \$6K would be enough to completely cover the cost of building rehab.

Ken moved to approve moving forward with Option 4 for the Katy Win pump house improvements as presented by Dan and to approve H2O Innovations starting with rehab of the pump house building this year using up to \$6000 in estimated surplus funds, Lynda seconded and the motion was passed.

Ken said someone from the village should contact Ship Sevin and ask them to move their pump and pressure tank out of our building. Rosemary said she can work with Dan on that. **Ken moved to attempt to contact Ship Sevin and ask them to get their equipment out of the village building, Diane seconded and the motion was passed.** (Dan left at 6:31.)

4. Interview Applicants for Vacant Trustee Board Seat

Steve said candidates would be interviewed in the order their applications came in. He invited BJ Putvain to make a statement. BJ said he feels like a good candidate because he is caught up on village issues from sitting on the board over the past year, being present during open meetings and executive sessions. The difference between the number of votes he received and the number Lynda received was only 5, indicating at least half the voting population would like to see him back on the board. He has always voted based on how he felt and what he thought was right on issues like putting up a REAL flag for 21 days or keeping the water fountain open.

Diane asked BJ how much time he has to work on village issues. BJ said pretty much all the time everyone else has. He has a job like everyone else. He has been to every meeting, even attending by Zoom when he was on vacation. He has plenty of time to dedicate to the village.

Diane asked BJ if he thinks the village should be looking into hiring an economic development person. Why or why not? What are some benefits to hiring someone? BJ said when he was on the board he said he would leave it up to the public to decide. He doesn't have a strong feeling one way or the other about whether the village manager ends up doing economic development work or someone else does. He feels that is a question for the voters. Diane asked what he feels some of the benefits would be. BJ said whoever is doing that work would be able to get grants for things we want grant money for.

Diane asked BJ what his vision is for the village. BJ said for it to prosper and move forward, with Main Street looking nice and prospering businesses. Diane asked how he would go about having that happen. BJ said he would vote the right way when things come up for a vote.

Lynda asked BJ what his #1 goal for the village would be. BJ said personally his #1 goal would be to get a foreman and a manager as soon as possible and then after that to try to figure out our employee issues and try to get guidelines in place for employees to follow so they can take correct steps instead of feeling like they have nowhere to go. Lynda asked how he would go about forming the guidelines. BJ said he feels the whole board would need to sit down and go over steps and consequences.

Lynda asked if BJ thinks given the circumstances the board is able to put those things in place without prejudging what has already happened. Does he think it is an issue that the board sort of has blinders on regarding what has happened? BJ said a lot of board members have a background of being business owners or in a position of supervising people. He feels the board is diverse enough to be able to sit down and come up with a plan. If all board members could not agree, we could bring someone in from outside but he thinks board members are pretty much on the same page on these situations dealing with employees.

Lynda said she recently spent two days making phone calls and going out to look at things related to village issues. She asked BJ if he sees himself being able to do that. She is finding that sometimes she has to take time during the week. Is he available to do that? BJ said yes. He did it for a year. He also was vice chair. Community is a priority over other things for him.

Lynda said communication is always something people complain about. She asked BJ how he feels about communicating with other board members and the community in general. BJ said he doesn't think he had an issue with that. We have had heated topics and situations where board members did not all agree. He feels overall it has been pretty respectful. He hopes other board members feel he treated them with respect even if their thoughts differed from his.

Ken asked how many meetings the merger committee had. BJ said he thinks there were 3. Ken said those were during the week. About how many hours did they last? BJ said he thinks a couple of hours. Ken asked, the committee came up with a lot of numbers to crunch which helped a lot, right? BJ said yes, they came up with some scenarios.

Steve asked BJ, if he was on the board would he consider giving up some of his other jobs that might come in conflict with being a board member? BJ said yes. He was able to make all the meetings when he was on the board. He would give up being animal control officer or health officer if it interfered with being on the trustee board. He would rather represent the village. That holds more weight than the other positions. He has been able to do all those things for the past year. He personally doesn't feel there will be any issues.

Steve said he has also heard talk of the possibility of BJ doing patrol work for ATVs in town. That is where he sees there could be a potential conflict. BJ said he believes there are a lot of misconceptions about that. It is not a law enforcement position. He would be dealing with town ordinances, not pulling people over. It would be similar to what he does as animal control and health officer, dealing with ordinances. He can give tickets. He thinks it will be ordinance enforcement, not really law enforcement. Steve said whatever you call it, he would be wearing a different hat as a trustee. He asked if BJ sees that as a potential problem. BJ said he has been wearing that hat for the past year and it hasn't interfered with his job. Ken said it would be weekend patrol, not daily patrol. It would be approximately 3 hours a day once a week. BJ said health officer and animal control duties are already part of the constable position and this would just add one more thing the constable can do under that banner. But if there was a conflict, the trustee board would win out.

Steve asked if any members of the public wanted to give a statement in support of BJ. Gordy Smith said several years ago one of the trustees didn't finish his term and there was an open spot. Two or three people wanted to be on the board and the board chose to appoint someone who had run in a recent election and lost by a close margin, Phil Wilson. In making the appointment, they went with the voters' second choice. That precedent supports appointing BJ.

Steve invited Kyle Nuse to make a statement. Kyle said it is a real honor to be here as a woman. Given what is going on on the national scene it is more important than ever that we support women. She read the letter of interest she had sent the board. Her family moved to Johnson when she was two weeks old. From an early age her parents taught her the importance of using one's position to lift up others. They taught her about ethics, civics, and upholding democracy for the greater good of the whole. She was raised in a large culturally and racially diverse family and attended local schools. She traveled and lived in many cities and countries as a young person but she always knew she wanted to raise her family in Johnson. In 2013 her family moved to Johnson and took over ownership of the Studio Store. She joined Johnson Works and was president for almost 5 years. Her biggest accomplishments while serving on that board were using her social media, marketing and PR skills to put Johnson businesses on a virtual map, making the Holiday Jubilee bigger and better, and helping realize a campaign to encourage local spending. She created a new Johnson Works website and an annual holiday mass mailing in collaboration with NVU and the post office. She built community partnerships and acted as a liaison between Johnson Works, the selectboard and county and state leadership. In 2015 she was elected to the selectboard and she served on it for 6 years. She learned a great deal about how local government works, charters and state statute, open meeting laws, budgets, infrastructure, equipment, managing employees and volunteers and working collaboratively. She also took

advantage of VLCT workshops and learning opportunities for municipal leadership. She has served on many committees including form based code, the Brownfields Railroad Street area wide plan and merger study. She is currently chair of the Beautification Committee and she is part of the citizen-based LCSD group. She attends almost every selectboard and trustee board meeting, participates in Racial Justice Committee meetings and regularly volunteers for various town committees. She has worked collaboratively on grants for community spaces. Her time and activity has been almost completely village-based for 9 years. She wants the village to be a place people want to move to, visit and study in and set up shop in. Her understanding of village issues is comprehensive but she know she has more to learn and will eagerly do that. Tough decisions for the financial viability and vitality of the village will be challenging but she is ready to face the challenge with the rest of the board. Collaboration is one of her strengths. She sees opportunities that could be further explored with the selectboard and community partners. She has the experience, vision and community spirit to be a trustee and help move the village forward in a positive, stable direction.

Diane asked if the trustees have to ask the same questions of each candidate. Ken said that would be fair. Steve said yes.

Diane asked Kyle how much time she has to work on village issues. Kyle said she has a lot of time. She is already attending the meetings. She has a practice of going home and looking up things talked about at meetings and doing research. She is very familiar with VLCT. She is constantly on their website. Because she lives in the village, has a business there and has kids going to school there, it is always on her mind. She puts a lot of time and effort into it.

Diane asked Kyle what her vision is for the village and how she would improve the village. Kyle said she has many visions for the village. She has a vision of how government could work more efficiently and better. Given what she has seen and heard, she feels there is a lot of work to be done in terms of dismantling old dynamics and rebuilding in a more positive, inclusive and honest way. In terms of prosperity for taxpayer and ratepayers, this village is a great one to already live in but there could be improvements in infrastructure, quality of life and support for business owners. She sees so much potential for more collaboration with our larger institutions. She has vision of all of us as a community doing more to work together, uplift each other, and bring more things to do, more arts, and more beautification.

Diane asked Kyle if we should be looking into hiring an economic development person. Why or why not? What are the benefits? Kyle said definitely. She voted for that on both the town and the village side. She thinks it is important to have someone dedicated to looking for grant opportunities. There are so many grants out there. She has done some of that already – bringing grants to the village and town and implementing them. If we have someone hired to do that we could do much more. It is very important.

Lynda asked in what way Kyle would move Johnson forward. Kyle said from what she has heard and seen there is a lot of damage control that needs to be done in terms of what has been going on with employees, with lack of leadership and management and lack of stability. Those things need to be addressed. It might mean taking steps back to move forward. She would do her best to be one of five to make that process go smoothly. From an economic

point of view, an economic development position could be extremely helpful. We have almost \$200K in a revolving loan fund that almost never gets tapped into. Her PR skills could help get that out there. She would like to do whatever she can with the board to show that we are a welcoming community. That starts with what happens in this room, how we treat each other and demanding a level of decency and respect. She hopes that would reverberate out into the community.

Lynda said because it was in the newspaper we all know about the employee situation. She asked Kyle what steps she would take to try to resolve that. Kyle said she is deeply troubled by what she is reading. She would tap into some of the resources she thinks are out there for municipalities from the state and VLCT. It seems like there may be a good case to be made for bringing in an outside party for mediation and facilitation. It is shocking how few policies the village has compared to the town. VLCT has many model policies we could use and customize. Those need to be looked into immediately. She doesn't know all the details but it seems a lot of work will need to be done with mediation and reparation so we are not recreating the same culture.

Ken said the question he asked BJ doesn't pertain to Kyle, so he will ask a different question about the letter she recently sent to the selectboard. She stated she was into fixing situations and taking steps back to move forward. She made comments in her letter about "the strategic toxic cronyism that the Johnson leadership needs to take a hard stance against." Those comments were made towards two sitting trustees at the time. He is confused about how Kyle is going to work with the board when she is doing exactly what she said the board needed to work against. Her letter said that one trustee who is in a club and another trustee who was appointed constable could not be trusted to carry out their duties. She said the board has issues with creating conflict. How is that not creating conflict? Kyle declined to answer the question.

Steve said the board needs stability and people who can compromise and have different viewpoints but work together. His concern is that Kyle has tremendous energy for the village but it sometimes seems that her tactics and methods tend to not create cooperation.

Jen Burton said thought board members could only ask the same questions of everyone. Steve said he will ask Jena the same question. Jen asked, what about Ken's inappropriate question?

Steve asked Kyle what specifically she can do to create cooperation on the board and to help us move out of this difficult situation and move forward. Kyle said she will bring her 6 years of experience on the selectboard. She took many workshops and trainings from VLCT. She will continue to listen, ask questions and think outside the box. She thinks those are all great ways to work with the board.

Steve asked if anyone would like to speak in support of Kyle's candidacy. Jackie Stanton said she wholeheartedly supports Kyle. Steve noted that Jackie is not a village resident. Jackie said Kyle's knowledge and skills are extraordinary. She is the first one to step up to

serve the community in many ways. She is grounded in her values and has a deep respect for the democratic process.

Steve invited Jena Gould-Hopkins to make a statement. Jena said she cares very much about this place where we live. She graduated from Johnson State College in 1998 and never left because this was a warm and welcoming place. At times recently she hasn't felt that way but she is an optimist. She was a trustee for a short time. She is here because she still cares about this place and she wants to make a difference. She will always vote with fact-based information. Collaboration is key. This town, much like others, has a host of issues. She thinks a lot of issues come from the top down, from the federal government to states and to towns. We can do something about it. We can do better.

Diane asked Jena how much time she has to work on village issues. Jena said she works full time as a preschool teacher but she can likely talk to her employer if she needs flexibility to visit locations, etc.

Diane asked if the village should look into hiring an economic development person. Jena said yes, 100%. We will reap the rewards from any money that is spent. That should have been an easy vote.

Diane asked Jena what her vision is for the village and how she would improve it. Jena said in the immediate future we need to fill village positions like the manager position. In the long term we need to support institutions like the college that bring people to this place from around the world.

Lynda asked in what way Jena would move the village forward. Jena said she thinks it starts with having functional boards that are working together and taking account of public input. The public should address things in the forum of a meeting rather than directing their desires to individual people on the board. She thinks it starts with boards being functional, listening to the public and taking all information into account.

Lynda asked what Jena's take is on solving the problem with employee issues. Jena said she thinks an unbiased outside professional could do fact finding and get a sense of what is going on to remedy the problems.

Ken said his previous question doesn't apply to Jena. He thanked her for being a preschool teacher. He said she resigned as trustee after a short period. What would she say that would make the board want to appoint her after leaving after such a short period of time? Jena said that was due to safety concerns she had when someone showed up at her house. She had to choose to resign for family reasons so she wouldn't put her family through that. Her reason to be reappointed would be to finish the job she started with an understanding among the trustees that issues should be brought up in this forum vs. individual conversations that make people feel uncomfortable. That is not acceptable. People deserve to have privacy at their home and yard. What happened to her was unacceptable. The board could help reinforce the idea that this is where conversation happens.

Steve said it is hard to craft a question to be fair to Kyle but he will ask a similar question. Other stressful situations could come up. His concern is that the board doesn't have control over that and he wonders if Jena would be able to deal with another stressful situation. He said this is not really a question. He will pass on asking a question.

Steve invited comments from the public in support of Jena. Jackie said she also respects and supports Jena. She was a very thoughtful member when she was on the board. It was really unfortunate that she had to leave. She was wronged by members of the community and her own trustee board. She conducted herself with grace and made the right decision for herself and her family. It would be wonderful for her to have a new chance on a new board. This board has really progressed. In the past, community members weren't given a chance to speak. She thanked all the board members for serving.

Jen Burton said she wholeheartedly supports Jena's return to the board so she can finish the job she started with a different, supportive board. She hopes all will vote for Jena. Jen believes she belongs on the board and will do a wonderful job.

Rick Aupperlee said he would also like to speak on Jena's behalf. He fully supports her. They worked together at Laraway. She was compassionate, thoughtful and energetic and an asset to our community. When she resigned it was because she did not have the support of the trustees. She submitted a letter and asked for help and that letter was withheld from the public and her request for support when she was a new board member was not honored or respected. He firmly believes it is in the best interest of the board moving forward to appoint Jena to this position in order to make progress.

5. ***Appointment – Vacant Trustee Board Seat***

Ken moved to go into executive session for discussions of appointment under 1 VSA § 313(a)(3), Lynda seconded and the motion was passed at 7:24. The board came out of executive session at 8:00.

Steve said the board could not come to agreement so the village will have to have an election. He asked Rosemary to set a date and warn it. Rosemary said interested people will have to submit a consent form at least 6 weeks before the election. Ken said the election will need to be around the middle of June then. Lynda asked if it starts from scratch and everyone who wants to be on the ballot has to submit the form. Rosemary said yes.

Ken asked what the average cost of an election is. Rosemary said probably \$500 for printing ballots and mailing them out to those who request absentee ballots. We have to have at least 3 people working at the polling place between 9:00 and 7:00 pm at minimum wage (\$12.55/hr.) Rosemary suggested sending absentee ballots to those who requested them for the annual meeting and anyone else who calls and requests one. She thinks there were around 100 absentee ballots last time. Ken said the total cost of the election is pushing \$1600 or \$1700.

6. ***Mask Mandate for Trustee Meetings***

Steve said he is proposing a mask mandate for meetings. He is concerned that the COVID numbers are up. The numbers his wife got from the state health department show we are now the highest in the country. Approximately 1/3 of people who get COVID have some kind of

after effect. He is proposing a mask mandate for his safety and that of his family. He thinks it is considerate.

Ken provided some data from the CDC and Mayo Clinic. He said the Mayo Clinic data shows we are the second lowest county in Vermont. The CDC data from today shows that we are down 34.45% in COVID cases. The CDC site shows we are under a medium warning. Total cases from the last 7 days are down 20%. The death rate for the last 7 days was zero. Testing results for Lamoille County are down 34% for the last 7 days. Steve said testing numbers are not accurate because they have stopped doing a lot of testing. Ken said nothing in the data he found suggests we need a mask mandate. MSI is not requiring masks. The schools are not requiring masks.

Steve said there have been outbreaks at the elementary school and the Studio Center. He has heard of other people who are really sick. Ken said he knows people get it. His stepfather died of it. But an outbreak is more than what Steve is talking about. Schools haven't enacted mask mandates. The college hasn't enacted a mask mandate. Most of the time there are only 5 to 7 people in this room. Let's not be dictators. Maybe we can put up a bigger sign asking people please to wear masks. He doesn't think we have the right to force people to wear masks when the CDC and the State of Vermont and our governor say it's not required.

Lynda said there are 4 nurses out with COVID at Copley. There are COVID patients at Copley. It is worse at Copley now than it was 8 or 9 months ago. Ken said that is false. Diane said when we are here, let's be generous to each other and to ourselves and wear masks. She doesn't think it hurts anyone. It protects people. It's for 2 ½ hours at most. Ken said your fears don't trump our rights. Steve asked Ken, if we didn't have a mandate and it was optional to wear a mask, would he consider wearing one? Ken said absolutely not.

Lynda moved and Diane seconded to request that people wear a mask at village trustee meetings. Ken asked if this is requesting or mandating. Lynda said requesting. **The motion was passed.**

7. *Discussion of Possible Contract*

Ken moved to find that premature general public knowledge of contract discussions would clearly place the village at a substantial disadvantage and that the board should therefore enter into executive session with Rosemary invited to remain, Lynda seconded and the motion was passed.

Ken moved to enter executive session under 1 VSA § 313(a)(1)(A) to discuss a contract with Momentum Solutions, Diane seconded and the motion was passed at 7:39. The

board consented out of executive session at 8:50. No action was taken.

8. *Adjourn*

Steve moved and Ken seconded to adjourn at 8:51 and the motion was passed.