

VILLAGE TRUSTEES MEETING NOTICE & AGENDA
Agenda

Date: Monday, March 13, 2023

Time 6:00 p.m.

Johnson Municipal Building upstairs located at 293 Lower Main West, Johnson VT

Masks are voluntary if attending the meeting in person. Please respect the personal choice of your neighbors.

If you want to participate in the meeting, please attend the meeting at Johnson Municipal Building. Village of Johnson is not responsible for technical difficulties with zoom.

Electronic Meeting via Zoom and Phone Call-In

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Meeting ID: 344 652 2544

Passcode: 15531

You can also join by phone by calling:

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Agenda: Please note times are approximate.

6:00 p.m. Call to order

REVIEW OF AGENDA AND ANY ADJUSTMENTS, CHANGES AND ADDITIONS

6:01 p.m. Review and Approve Minutes of Trustee Meetings

Trustee Meetings on February 13, 2023 and March 1, 2023

6:05 p.m. Treasurer's Report: Review and approve bills and warrants. Budget Status Report and any Action Items. Signatures needed.

6:25 p.m. Members of the Public

6:30 p.m. Village Manager's Report and any action items

6:40 p.m. Water/Wastewater Report and action items

6:50 p.m. Electric/General Report and any action items

7:00 p.m. Fire Department Report and any action items

7:10 p.m. Any other discussion or action items

1. (D/A) Gary Nolan requesting a waiver of expiration of W/S Allocation for 2x single family residences for K.A. Harvey's.
2. (D/A) W/S allocation application by Andrew Mink for 93 River Rd West.
3. (D/A) **Executive Session** to discuss labor relations agreements with employees as allowed under 1 VSA 313(a)(1) *"I move to find that premature general public knowledge regarding labor relations agreements with employees would clearly place the Village at a substantial disadvantage, because the Board of Trustees risks disclosing contract negotiations."*
4. (D/A) Further discussion about heating options in the lower storage building. Possible action.
5. (D.A) Discuss and possibly act on the clean out of the "Cold Spring".
6. (D) Discussion and review of Village Conflict of Interest Policy.

Other Business

Adjourn

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, FEBRUARY 13, 2023

Present:

Trustees: Steve Hatfield, Lynda Hill, Diane Lehouiller, BJ Putvain

Others: Erik Bailey, Rosemary Audibert, Gigi Beach, Dan Copp (remote)

Absent: Ken Tourangeau

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, Additions

It was agreed to postpone discussion about a merger study until Ken can be present. Diane asked if for the merger study we would have to go with the company that provided the \$59,000 quote. Erik said probably not.

3. Review and Approve Minutes of Trustee Meetings

Lynda moved to approve the minutes of January 9 2023, Diane seconded and the motion was passed.

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

Rosemary said last year's budget status report is pretty well complete except depreciation for water and sewer is not yet booked. The electric department turned out better than she thought it would. We estimated a deficit of \$113,000 and we had a deficit of \$98,000.

Rosemary passed out a draft warning for the village annual meeting on April 4. She said voters have until February 16 to submit any petitions for articles on the warning. So far she has not gotten any petitions. The board agreed that the annual meeting will be in person at the municipal building. Rosemary said the deadline for petitions to run for elected office is February 27. The last day to post the warning for the annual meeting is March 5 so the board should approve the warning at the next meeting.

5. Discuss Time Saving Advantages of Only Discussing Department Reports if Requested

Steve said the question is whether we need to read every report out loud at a meeting as we have been doing or if we could go to a system that has been proposed where any member of the public or board member could request that a certain part of a report be read but otherwise reports would not be read during the meeting. BJ asked how board members or members of the public would know what to ask questions about. Erik said the reports will be in the packet that is put on the website.

BJ said the reports are short and he likes to hear them. He does better with hearing than reading. Diane and Lynda said they could do without having them read but they can go either way. Steve said we will leave it as it stands now.

6. *Village Manager's Report and Action Items*

Erik said Nate Brigham has begun training sessions in preparation for the spring Water Operator's exam. He has completed 2 of the 8 classes that end in early April and seems to be doing very well.

Our VT DEC Sanitary Survey last fall revealed that our intent to eliminate the well by the Percy pit from the system would make village growth difficult due to the current permitted GPM of the water treatment facility filtration system. Working with DEC personnel, Erik arranged for a DEC facilitated pilot study of the abilities of our filtration equipment to be effective at higher pressure (more flow) than they are currently permitted at. That study began Monday with VT DEC scientists working with Dan's staff, and initial results suggest we will be able to expand our permitted flow numbers from that well to allow for significant growth.

George Swanson of the Laraway School asked permission to tap around a dozen maple trees for a class project on the corner of our water/wastewater property adjacent to the Highland Heights property, which they also tap. Students will always be supervised when they are on the property. Erik granted permission.

Steve and Erik led Jen Severidt from Efficiency Vermont around the food shelf building to discuss possibly doing a \$7500.00 fully funded energy efficiency project for the non-profit. It looks very promising to do a refrigeration upgrade there. Jen also toured village facilities and determined that the WWTF lighting was the best place to use the \$25,000.00 project Erik set aside for the municipality.

The shared cold storage building has experienced multiple issues of late. Raccoons have taken up residence by chewing their way in and are living in the ceiling. Erik coordinated with Dean Locke to trap them. It is likely that the drafts from the raccoon entryway contributed to the water line freezing and bursting, causing significant water damage. Nate rented a large dehumidifier which helped the visible side of the wall. Erik filed a claim with PACIF and hired ServPro at their recommendation. PACIF will be sending an adjuster. The costs for repair will be shared 50/50 with the town whom Erik has kept in the loop.

That event prompted Erik to inquire about our actual need for heat and water in that unoccupied storage building. Immediate findings indicate that only a few rec department supplies need to stay above freezing, and there is no need for water. To address the rec concerns, Erik offered to Dean Locke and Brian Story to give the water and light foreman office to the town rec department. This seemed well received at their level. This accounts for substantial savings. The last 12 months of fuel bills for that building come to \$13,967.49.

The water and light office accounts for only 11.7% of the total floor space in the mill house. Hopefully between the rec department taking over the office, and consideration of our \$7,500.00 investment of village W&L Tailored Community EVT energy efficiency

upgrades for the food shelf non-profit, the town will be amenable to assuming full ownership of the mill house.

Erik has entered us into a capstone project with a VTC engineering senior class to do professional level energy audits of the W&L garage. He also looped the town in, and the class will be auditing the town garage as well. This will cost only a bit of staff time. He also included Rob Moore and Victoria Hellwig of the Lamoille County Planning Commission, who will assist, and they think this may prove very useful in our pursuit of grant funding for the W&L garage rehab.

Erik wrote a letter to Lion cancelling our order and requesting our deposit. The VP of US sales responded the following day very apologetic and wrote that she has sent the \$10,000.00 refund order to Accounts Payable, and when she gets the refund dates and details, she will let Erik know.

In 2018 the Village Water Dept entered a Forgivable Loan Agreement with VT DWSRF to develop a Water System Asset Management Plan (AMP). The loan was for \$32,600.00 and if all the deliverables were met within 5 years, it would be 100% forgiven. The work was done by an engineering firm to build the program, and it has existed since January 2020. However, the due diligence to get it cleaned up and approved by VT DEC was not accomplished by previous administration. Erik contacted VT DEC wastewater and drinking water sections before he started here to see if we had any outstanding issues and was informed of this. He emailed the state regulator and the engineer on his first day to find out what was missing and how to rectify it. It is now complete and approved as of today and we are now forgiven of the \$32,600.00 loan which was going to be payable starting this year for 5 years. Maintenance and updating the AMPs & GIS is part of Anne's job description.

BJ asked, would we want to give up the mill house without getting something in return? He doesn't feel giving up that piece of property benefits us. Erik said he is not sure it is a positive asset. Steve brought up the propane costs. BJ said he would consider selling it at a discounted price. Erik said the town is not wanting to let us out of responsibility for the mill house without us paying. Lynda said there is a lot of maintenance to be done on it. Steve said it is a big maintenance liability. Diane said as she recalls when we were working with the town on the memorandum of understanding about shared buildings the town wanted the mill house for themselves but then they decided they didn't want to own it by themselves. Steve said he thinks shared ownership is a bad deal for the village. We don't really need the office space there anymore. (*Gigi Beach arrived at 6:31.*)

7. *Water/Wastewater Report and Action Items*

Erik read the water/wastewater report submitted by Dan Copp.

Operational Status of Wastewater Plant and Callouts

E-DMR and Wr-43 were submitted to the state

Sludge grinder for the press is failing. \$9400 plus shipping for a new one. Talked

with Eric and we ordered one as it will be 10-12 weeks for delivery

The process water booster pump is not pumping properly. Tore it apart and the impellor, wear rings and sleeve are worn. Rebuild kit is \$4300. I have found a new replacement pump, just a different manufacturer for around \$2100 plus shipping. Will update when I receive a written quote.

We repaired a leak in the alum line by the pump.

Met with Eric to go over budgets for both water and wastewater

The main breaker on the emergency generator failed. Brookfield services was able to bypass it. They are getting us a quote for a new breaker

Jen Severidt from Efficiency VT visited the plant to see if we had any projects that they could help fund. The only project that fits for their incentives is to replace the fluorescent lights with LED throughout the plant. At the same time we can put motion sensors in each room to minimize the on tome of some lights. We will contact an electrician and Needham Electric to get quotes on replacing the lights and will forward it to Efficiency VT to see what they will cover.

Operational status of Water Plant and Callouts

Coliform samples were negative

We rotated operation of the booster pumps at Katy Win.

Met with Heather Collins, Allison Murphy and Ray Soloman at the water plant to perform a pilot study on manganese removal. As designed, the water plant doesn't have enough capacity for any growth with treatment through one filter if we no longer have Nadeau well as a backup. Therefore, if we can prove that we can run 225 gpm through one filter and still have adequate manganese removal they will rewrite our permit to operate at that flow and they will allow us to disconnect from the Nadeau well. We will be performing this pilot testing all week. Preliminary in house testing is showing positive results.

Water loss for January was 23%.

Diane asked, did Jen say there were other energy saving projects we should look at for future planning? Erik said we can have her come in and take a look. It might be worth seeing whether the town is interested in sharing the cost of replacing some bulbs in the municipal building with LED bulbs. Steve said his understanding is that she is only advising about electricity savings. Erik said that is true for the food shelf because it is a non-profit. Because they are not paying rent, projects there cannot include building improvements. If they were paying rent, we could do things like insulation upgrades. Lynda asked, what if they paid a

rent of \$1/month? Erik said he will reach out to his contact at EVT. Lynda said the selectboard is also looking at the food shelf building.

8. *Electric/General Report and Action Items*

Erik read the water and light report prepared by Nate and Anne.

Electric Dept.

Nate Brigham:

Hyde Park mutual aid 8 hrs this month. Had David Young work on the breaker at the sub. We believe the recloser relay is bad and looking for parts. Did electric inventory for end of year. TSI came and did oil yearly sampling at the sub. Fixed various streetlights around the village. Received most of the order, some still on back order. Completed monthly meter reading, high/low checks, substation check, and Dig Safes

Anne Crocket:

I have been working with Nate to deal with the breaker control at the substation. I have made contact with the sales representative of Schweitzer Engineering (SEL) to get a quote for a new control. We will be meeting next week to finalize the specifications of a new control. We may want to schedule replacing the remaining controls, over time. I am working on some returns to Green Mountain Electric Supply. In addition, we need to add a cross brace to two fiberglass arms to make them functional for our use.

I have reviewed a number of documents to refresh my memory on various Vermont rules and regulations. This includes the various applicable net metering tariffs and the Department's New Service Booklet. I reviewed the present Johnson Water and Light Department IRP to familiarize myself with various aspects of operations. It seems like we should be working on a new one soon? I am reviewing the latest (2023) version of the National Electric Safety Code for revisions that we may need to incorporate. Nothing has jumped out at me that needs addressing, as of now.

Generally reviewing the lines and equipment as I drive around. Only one item should be investigated further, a capacitor bank on Clay Hill. It may be old enough to contain PCBs. We should investigate this with the line crew. I did a quick review of the work necessary to relocate the Clay Hill line to the road. I also did a review of the three phase line on Route 100C to see what would be required to replace the deteriorating spacer cable. Both of these projects look feasible but would take some serious crew time to accomplish.

Water and Sewer Dept.

Did inventory for end of year. Fire at 157 100, checked hydrants after JFD was done. Repair frozen water meter and line in the cold storage building with the town crew. Repaired frozen water meter at 369 RR St. Nate started class for water distribution

General Dept.

Completed winter sidewalk maintenance as needed. Removed Christmas lights

Safety

Set up monthly safety meetings with NEPPA starting Feb 8th

Erik noted that our mutual aid with Hyde Park is being billed now, because Hyde Park has no capacity to return the favor. Anne will start working with Marla to learn about solar net metering so she can take that off Marla's plate. He thinks we need to postpone the Clay Hill line relocation until we have more money coming in.

Steve asked if the breaker control is something we have budgeted or can afford within the budget. Erik said that is to be determined. Most of the parts are no longer being stocked and are hard to find.

BJ said Erik has done a great job with employees' pay stubs. There have been no issues with any of them.

9. Fire Department Report and Action Items

Erik read the fire department report submitted by Arjay West.

Dec. 30 2022 - Jan. 26, 2023

Calls:

JFO responded to 3 calls. 2 calls occurred during the daytime (6 am - 6 pm) 1 call occurred during the nighttime (6 pm - 6 am.) The average duration was: 175 minutes.

Nature:

Those calls were: 1- automatic alarm, 1- smoke condition, and 1- structure fire

Staff:

The average number of firefighters that responded was 14. Total hours of service was 84.

Other:

The on-board battery maintainer failed on Engine 1 and has been replaced by Desorcie Emergency (E-One).

We experienced alternator failure on Engine 2 during the January 18 structure fire, and it has been replaced by Potter's Repair.

10. Discuss Proposal to Further Study Merger with Town

BJ said before approving the annual meeting warning he wants to be able to discuss the merger study in case we have to put anything on the warning regarding that. Rosemary said the town is not putting anything on the town meeting warning with regard to a merger study. BJ said he thinks we should have something on the village annual meeting warning to allow the residents to vote on whether they want to continue with further study of a merger. Steve said that question could be brought up at the annual meeting. Lynda said she thinks it would be premature to bring it up then.

11. Discuss and Possibly Act On Use of Cold Spring

Steve said at the last meeting it was requested that we table the discussion of the cold spring. Ken was the person who requested that, but he isn't here tonight. This has already been discussed. We could just vote now and see if a majority of board members want to keep the cold spring open and that would end the discussion. BJ said he doesn't think it would hurt to wait until Ken, who had requested time to do research, can be here. Steve said Ken had told him he wanted to have Nate come in to talk to us about it. But when Steve talked to Nate, Nate said he would do whatever the board wanted him to do. It was agreed to put off this discussion until the next meeting.

Steve said he discussed with Erik today making a better sign to put at the cold spring that says the water is untreated and people use it at their own risk. Lynda said people that live here know the water is untreated and they have been using it for a long time, but people driving through town will not want to use the spring if they see a sign like that. It should say somewhere on the sign that the water has been used for many years with no repercussions. BJ said there could be repercussions at any time. Rosemary said she thinks the sign currently says the water is nonpotable. Erik said if that is the case, that covers us.

12. Presentation of Draft 2023 Water and Wastewater Budgets and Proposed Rates

Erik reviewed the draft water budget, starting with revenues. He said we haven't had a water rate increase since 2015-16. The last increase before that was in 2008. The last increase was in the teens. He proposes that we have smaller increases more often. He proposes 9.8% increases for both water and sewer rates. Water will likely require another 3.6% increase the next year.

Last year we had quite a bit of revenue from application fees for new water services. But that is not something we can count on so he did not budget for that much revenue again. He proposes taking \$35,000 from capital reserve to fund the rehab of the Katy Win pump house. And he is proposing that the village loan \$20,000 to itself from the revolving loan fund. By doing that we can avoid a bigger rate increase. There would be no interest on the loan. He is proposing a 5-year loan but paying the first installment in this budget so it would really be 4 years. Total water department revenue in this draft is \$311,270.

Erik reviewed water expenses. He noted that we could not staff the water and sewer department with our own staff for the amount Dan's company charges us. There is an increase in administrative salaries because money that used to be in distribution labor to pay Troy is now in administrative salaries to pay Anne. Steve said he thought Anne was just doing electric department work. Erik said no, she will be doing mostly electric department work but she will be working with all utilities.

BJ asked, when we send out water and electric bills do we include a return envelope? Erik said yes, but he is planning to stop doing that. We will keep enough envelopes on hand for one more billing cycle in case there is a lot of negative feedback on that and we want to reverse the decision. Lynda asked if Rosemary knows what percentage of people mail their payments versus dropping them off. Rosemary said a lot of people mail them. Steve said the number of return envelopes could at least be cut in half. He gets two bills and two envelopes. BJ said he talked to the employees and they said it would require much more time and hassle to send only one envelope.

Erik said he feels strongly about funding the capital reserve. So do people who might lend us money. They don't like giving money to people who don't fund their reserves. We have not been funding our reserves and he feels we need to commit to doing so. He would like the amount of reserves to be built up from 5% to 10%.

Total water department expenditures in this draft budget are \$234,527. With loan costs, the total is \$312,335. The revenue figure is slightly lower than that at this point, but we can use more reserves if needed.

BJ asked if we can use any ARPA funds to help with the budget. Erik said he wouldn't. Lynda agreed, because ARPA is a one-time thing.

Erik showed how this proposed budget would affect taxes for different houses and usages. People in single-family homes would see a \$5-10 monthly increase on their total water and sewer bill. Lynda noted that there is a \$50 base charge even when people use no water. Diane asked if that will stay the same. Erik said no, that will also increase by 9.8%.

Erik said one thing he did when he worked in Hinesburg was add landlords' names to water and sewer bills even if the tenant paid the bill. The bill would be addressed to the tenant but it would have both the tenant's and the landlord's name and the landlord would be on the hook if the tenant did not pay.

Erik reviewed the draft sewer budget. He noted that he is decreasing the amount budgeted for heat a bit because natural gas prices are down and are forecast to go down more and we are already into this budget year and having a warm winter. Diane asked if money we save this year can go forward. Erik said yes, we can roll forward surplus from enterprise funds. It is different than tax-based surplus.

It was agreed to wait to approve the water and sewer budgets until the whole board is here.

Steve asked if Erik also anticipates keeping the electric department increase under 10%. Erik said he doubts he will be able to. Other utilities have been coming in with 12-15% increases. We can't increase our rates until the rate study is done so we will have to budget with the old rates. Our rate case will be picked up and filed in June. Diane asked, we have no control over how much they raise our rates, right? Erik said we will present evidence and the PUC will either agree or approve a smaller increase.

Diane said the board saw a chart one time showing that our utility's charges were in the middle compared to others. Orleans was a lot lower. Are they going up the same amount?

Erik said no, they are going up a lot more.

13. Discussion of Feedback from Trustees' Interviews of Office Staff Needs

BJ said he wants it documented that he feels it is unlawful to discuss the issues related to Marla in open session. He read an opinion he had received stating that the executive session statute says all meetings are to be open except in certain circumstances. One reason for executive session is disciplinary or dismissal actions against a public officer or employee. The statute does not require that the employer actually undertake or be planning to undertake disciplinary actions to justify executive session. The purpose of the statute provision is to protect the employee's privacy so that the employer can discuss the employee's issue in a non-public setting to avoid potential embarrassment for the employee. BJ moved to go into executive session for the purpose of discussing a potential disciplinary action involving an employee.

Diane said we have to warn an executive session. BJ said he wanted to warn it but his request for an executive session was turned down. Erik said he agrees that it would be better to have this discussion in executive session, but from what he read in the statute he didn't see where that was possible. BJ said he read the same statute and he feels that we can do it. What he read earlier was the opinion of our attorney, Brian Monaghan. He wanted an executive session but the agenda was changed without talking to him.

Steve said what will be discussed does not relate to discipline, hiring or firing. We are just talking about changes in day-to-day office routine. He doesn't know if it is necessary to have an executive session for that. He hasn't seen the opinion from the attorney. Maybe we should get more guidance.

BJ said he emailed Brian Monaghan to get his opinion. He feels it was disrespectful that the agenda was changed without talking to him. He feels if Erik thought it was not correct to have an executive session for this item he should have gotten a call. Steve agreed that Erik should have called him. Erik agreed that he should have but it was not disrespect, it was because he was very busy. When a trustee wants an item on the agenda he feels they should email Steve and cc him because it is Steve's agenda. BJ said that is a dictatorship.

Steve said BJ is talking about a dictatorship, but in some ways he has become an independent operator. BJ said the board members are five independent operators. The chair and vice chair only have authority for meetings. Outside of a meeting no one board member has more power than another. Since he has been on the board, board members have always been able to call the village manager and ask to put something on the agenda. He feels if a board member has to get the chair's okay to put something on the agenda, that is a dictatorship.

Steve said BJ has been following his own agenda in doing investigations. BJ said the board was made aware of what he wanted to do and gave permission. In one case he thought there might be a possible conflict and he took himself out of the situation.

Steve asked, hasn't BJ emailed Anne to ask how things are going? BJ said yes. Board members can do that. Steve said he feels that is Erik's job. Erik said Anne was confused and a bit troubled that BJ had emailed her about moving her desk. Erik was not even copied on that email. BJ said one of the questions that was going to be brought up tonight was whether we should move Anne's desk to the front, but he thought we should get her opinion. She said she prefers to be in the back. That was just a trustee asking an employee how they feel about something. Board members have the right to do that. All board members come into the office and talk to employees, but people feel it is a conflict of interest for him because his wife works there.

Steve said he feels like he made a mistake in voting to have BJ do the office investigations. He believes it is a conflict of interest. We are paying the price now for a conflict of interest that others in the past said they didn't think would be a problem. There is a reason why there are laws about conflict of interest. What if BJ's wife Lydia didn't like someone else working at the office? BJ could have inside information that might hurt the other person from getting a promotion. Or BJ could get information from Lydia that might help someone Lydia liked. It is a problem when there are people that closely related working together.

BJ said he doesn't feel Steve can tell him he has a conflict of interest just because of his personal feelings. Diane said she thinks a conflict of interest is decided on by a board. She thinks it is voted on after the trustees have discussed it. She has read that there is no specific test for whether something is a conflict of interest. The board discusses it and decides whether they see it as a problem.

BJ said Steve had alluded to the situation with Meredith and Troy Dolan but in that case Meredith was Troy's direct supervisor. He read a definition of conflict of interest: A situation in which a person is in a position to derive personal benefit from actions or discussions made in their official capacity. He said he took himself out of the investigation and had Diane go instead because he thought that if anyone in the office had a conflict with Lydia they might not speak freely to him. He found out some important ways that we can save money. If it was not for him pushing to look into this we would still be in the same spot. Steve said Erik just recently started working here. He thinks this all would have been solved by Erik eventually. BJ brought up an issue that he talked to Erik about that Erik did not follow up on quickly. What is wrong with him finding things out earlier and bringing them to Erik's attention? Erik said he feels it is appropriate for a new person to go slowly in making changes.

BJ said he noticed some issues with payroll and he brought Lynda in to look at it with him so there would be two eyes instead of one. Lynda said BJ probably would not have looked into all of this if Lydia had not been in the office and told him about certain issues. BJ said he got into it because a certain town worker said something about Marla not being there. He saw discrepancies and told the board that he wanted to talk to people about it. He kept the board informed. He didn't set up a meeting by himself. He got permission from the board and now the board is telling him that he was doing things wrong. Why did the board give him permission and then say he had a conflict of interest? Steve said he has talked to BJ before about the potential conflict. That has been a concern of his for a long time.

BJ asked if it is correct that Lydia is entirely a town employee with the village reimbursing the town for some of her time and Marla is a village employee with the town reimbursing the village for some of her time. Rosemary said that is correct. Steve said technically Lydia is a town employee but money comes from us to pay her. BJ said the town pays Lydia 100% and we pay Marla 100%. There is no split with those employees. Steve said it is not that simple.

Steve asked if BJ would accept Brian Monaghan's opinion if we hire him to tell us if there is a conflict of interest. BJ said yes. He would have accepted it if the board had told him not to investigate.

Diane said she was under the impression that Lydia and Marla both did some work for the village and some for the town. With BJ being on the board, that would be a conflict. BJ said now board members know that Lydia is a town employee. We don't tell Lydia what to do. He asked if Diane still thinks that is a conflict. Diane said she would have to think about it and read about conflict of interest.

Erik said any three members of the board are his boss. If a single board member gives him direction, one board member could tell him one thing and another one could tell him the opposite. BJ said if he asks Erik to put something on the agenda a quorum of the board does not need to approve that. Lynda said she thinks there should be something written down about chain of command. Erik said the agenda is not his, it is Steve's. Steve said he does not mind others putting things on the agenda. In the past he has not cared much about that. He did not have a problem with BJ putting something on the agenda without asking him. BJ said he does not have to ask. Erik said there was a question of the legality of having an executive session. He should have looped back with BJ but it fell off his plate. Reading the statute it didn't look legal. BJ said Erik should have called him to say that it didn't look legal.

Erik if BJ could send him the opinion email he got from Brian Monaghan. BJ handed him a printed copy. He said he called Brian today and asked him the question and got that. Erik noted that Brian Monaghan's rate went up to \$225 an hour.

BJ said board members talked to Anne. One thing they were going to suggest was having her come up front, but she is comfortable staying in the back. Diane said she thinks she is happy back there but she thinks we should make her space more inviting. She has boxes as a wall.

BJ said the suggestion is to train Lydia and Sue on everything related to the town clerk and treasurer positions. When they get trained on something he suggests they write down a standard operating procedure so that Rosemary won't have to write down all the procedures. They would take their own notes while being trained and produce something to put in a binder that they can look back at. Erik asked, shouldn't the selectboard be involved in decisions related to Lydia? He asked if Lydia and Sue are the only employees interested in the assistant clerk position. Is Marla interested? Lynda said she and Diane did not specifically ask them about that. Erik said it would be prejudicial to train some people and not others without knowing where the interest is.

Diane said she and Lynda agreed that this should be discussed with the selectboard and Beth Foy should be contacted regarding the training. There didn't seem to be any problem with anything in the office. Employees talked about how they were going to deal with the window and phones in situations where someone needs to do a project and can't be interrupted. The employees work together well and like coming to work. Marla's job sounds really difficult and she seems to really love it. Erik said she is good at it. Diane said Marla did say that the solar work was time-consuming, and now that is being taken care of.

Lynda said the other conclusion she and Diane came to was that there should not be any need for overtime. BJ said if the board gives him permission he can talk to Erik about the findings related to Marla to bring him up to speed. Erik said that probably should have already happened.

Steve said he will contact Brian Monaghan and read the opinion he gave to BJ and if Brian doesn't think there is a conflict of interest he will accept that. BJ said he would like the board to trust him to pull himself out of situations where he feels there is a conflict of interest. Steve said the thing about conflict of interest is that you don't always see it. BJ asked for an example of something he has done where others feel there was a conflict of interest. Steve said voting on employees' salaries. BJ said he voted on Marla's salary, not Lydia's.

Steve said he feels BJ has helped him out a lot and he is grateful for his leadership and initiative. The situation just doesn't feel right to him.

BJ said he will go by what the lawyer says. Lynda suggested that Steve should ask the lawyer, what if Lydia were the town clerk? BJ said he feels in that situation he could be a trustee but he couldn't vote on anything that would impact Lydia. Lynda said she doesn't know if he could even be on the trustee board. BJ said if the lawyer said that then he would step down.

14. Adjourn

Lynda moved to adjourn, Diane seconded, the motion was passed and the meeting was adjourned at 8:39.

Minutes submitted by Donna Griffiths

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MARCH 1, 2023

Present:

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

Others: Erik Bailey, Rosemary Audibert, Rob Moore, Victoria Hellwig, GiGi Beach

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, Additions

No changes to the agenda were needed.

3. Executive Session to Evaluate Village Manager at End of Probationary Period

Ken moved to enter executive session for evaluation of an employee as allowed under 1 VSA 313(a)(3), Diane seconded and the motion was passed at 6:02. Rosemary was invited to remain if she wished. The board came out of executive session at 6:52.

4. Remove Village Manager from Probationary Status as per Contract

Ken moved to remove the village manager from probationary status and bring his pay to the amount agreed upon in the contract, effective March 1, 2023, BJ seconded and the motion was passed.

5. Discuss Garage Project and ARPA Funding

Rob Moore of the Lamoille County Planning Commission introduced his colleague Victoria Hellwig, who is new to the LCPC staff. He said part of her job is doing research on the Buildings and General Services grant opportunity he will discuss. LCPC has been communicating with the Vermont Department of Buildings and General Services on details of the program.

Rob said Erik reached out to LCPC to get the ball rolling on the village garage project. Rob has been working with Erik, discussing the BGS opportunity and other opportunities. The village has direct access to ARPA funding that has already been allocated to the village. The village can spend that money essentially on whatever it chooses. Often federal grant money cannot be used as a local match for another federal grant, but ARPA money can be used as a match. There are other federal grant opportunities. The USDA has some. He feels it would be reasonable for the village to use its ARPA funds toward the effort of the village garage renovations. That is an idea that should be considered.

Ken said his understanding is that the trustee board has full control of the ARPA funds and doesn't need approval from the taxpayers to spend the money. Rob agreed that is the case. Ken said we have already had discussions about using some of the ARPA money for this project.

Erik said for a lot of the other priorities we have discussed as possible uses of ARPA money, there are other funding sources. There are few sources for village and town garages.

BJ asked if Erik and Rob have found any potential money for this garage. Ken said there was a USDA grant Meredith was exploring. Steve said there was a deadline we missed. Rob said those grants come around every so often. That is at the top of their list of possibilities. LCPC has gotten good at working with multiple funding sources and combining multiple grants toward one goal.

Rob said for things like sidewalks, beautification or community and economic development there are other viable grant sources, so he is suggesting that the village might want to use as much ARPA money as possible to get the ball rolling on the garage project. He suggests setting aside an amount in the range of \$70-100K for hiring an engineering and architecture team that would investigate site considerations and identify budget parameters and regulatory and permitting requirements. LCPC can manage the hiring process. He can't say now how long it would take or how much it would cost. He sees the need to hire a team of experts and rely on their expertise to steer the direction of the design and identify regulatory requirements. He would hope it could be done for \$70K but with inflation the cost might be as much as \$100K. In addition, he would suggest setting aside more than we would hope would be needed – \$20-30K – to continue to engage that consultant for permitting and regulatory needs. If not all that money is spent then what is left over can be used for construction. He suggests using as much ARPA money as possible for construction but he thinks that would still not be enough to pay for the project.

Ken asked, there are no grants for engineering? Rob said there are grants for engineering and architects but the question is when the next round of grants will be. His goal is to advance the project as quickly as possible.

Steve asked if the study that has been done is any use to us. Rob said it is very useful. Erik said that study does not show what should be put on that site, just what is there now. The study had general recommendations.

Rob suggested the trustees could set aside \$125K but tell Erik and Rob to spend no more than \$80K initially and come back to the board before spending more than that.

Ken asked if the village has a procurement policy. Rosemary said she believes so. Ken said in that case before we spend any money we have to get two quotes. Rob said LCPC can assist Erik in following the procurement process and soliciting estimates.

Lynda asked who would write the grant applications for future construction. Rob said LCPC provides that service at no cost. Lynda asked, LCPC would find the grants and apply for them? Rob said yes.

Steve said it was his understanding that we let the December deadline for the USDA grant slide because we didn't want to get wrapped up in excessive paperwork over the fact that it is a brownfield site. But it sounds like we may have to go for grants where we have to deal with that. Rob said it may or may not be an issue, depending on the grant source for construction. Steve asked, so USDA could still be a viable source of part of the funding? Rob said yes. They do have requirements about a variety of things, including brownfield issues. There was

an area-wide assessment but he believes it was for the whole 100+ acres of property. It provided a general overview of what situations are likely, not a prescription on how to deal with them. It does not conform to EPA regulations for assessing and mitigating brownfields.

Rob said the Buildings and General Services grant opportunity is an important part of the package. BGS is offering to have someone come to the building and do a free energy audit of the existing conditions. They would send a consultant the state has already hired to do an assessment and write a report. That will give the engineering and architect team more information about what the goals should be for that building. New construction is technically eligible for grant funds but they are more interested in providing energy efficiency investments for remodeling and renovation, which is what this project is. He is hoping to get the Village of Johnson first or near first in line for one of these assessments. He and Erik have also interacted with Vermont Technical College students doing a project. The village and the BGS assessor may get useful information out of that. The BGS assessment will identify things that are not efficient in the current building and when we go to remodel we will be in a better position to ask for grant funds for more efficient things because their own report will say they are needed. There is \$500K available from BGS. He is fairly confident the village will be able to intermingle that money with other funds, for example from USDA. We know we can intermingle with ARPA funds.

Ken said the start of the process will be to get two price estimates. That will take 3 or 4 weeks. Then Erik will have to tell the board what the estimates are. He suggested authorizing expenditure of only \$25K now. He doesn't see the board making any large decision until after the election when a new board is formed.

Diane asked how much ARPA money we have left. Rosemary said \$450K. Diane asked if we are going to use any ARPA funds to cover our budget shortage. Rosemary said that is up to the board. Diane asked how much the shortage is. Rosemary said right now it is probably \$75K. She said the water and sewer departments don't need any ARPA money. The electric department probably could use some. Erik said it probably would be good to have \$125K available for the electric department if it is needed.

Erik said when he and Rob talked, Rob said he felt it would be very good for this project to be able to secure all or most of the ARPA funds we have as seed money towards other grants. Garages don't qualify for many other pots of money like some of the other projects we have looked at. Using ARPA funds for this project would be a very good use.

BJ asked if Rob would be okay waiting a month for approval to spend the amount of money he recommended. He agrees with Ken that the next board probably won't have an issue with the expenditure but that we should wait to let them make the decision. Rob said yes. His thought is to move forward with a BGS assessment. That could be done without any ARPA funding. His work on putting out an RFP to hire an architect and engineer doesn't require ARPA funding. The pace at which we move forward is up to the board. He can start moving forward tomorrow or wait until next month. BJ said he would like him to start moving forward tomorrow. Ken said he has no problem with that.

BJ moved to ask LCPC to start moving forward with the process of pursuing grant funding opportunities and engineering and architecture services for the village garage project, with the expectation that the trustee board will vote at its next meeting on dedicating ARPA funds to the project, Ken seconded and the motion was passed.

Rob said he can work with Erik to follow the village procurement policy to solicit proposals for architecture and engineering services. He potentially can report to the trustees on proposals at the next meeting, definitely by the meeting after that.

Steve asked if the village can also work with LCPC on some other projects, like sidewalks. Rob said yes. He is very familiar with VTrans grant programs that will fund sidewalk projects. There is money from VTrans to study or scope new sidewalks and also to actually build them.

Lynda asked what happens with easements. Rob said whoever the village hires with grant money will handle the easements. He can come back another time and talk about sidewalk grant funding opportunities.

BJ asked if the village got the grant for the project near the covered bridge. Diane said LCPC is waiting to hear back on that. Once they do, they will get in touch with Erik. The Spark grant she got last year is with LCPC and available for us to use.

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

Rosemary reviewed the 8 articles on the warning for the annual village meeting. **BJ moved to approve the annual village meeting warning as presented, Ken seconded and the motion was passed.**

7. *Members of the Public*

GiGi Beach said she would like to offer an apology to the trustees because she posted on Front Porch Forum about painting the old mill house before she brought it up with the trustees. She did talk to the selectboard and they raised some concerns. She is trying to get some answers by the time the selectboard and trustees schedule a joint meeting. She got the impression that the selectboard would be working on scheduling a joint meeting. She will present what she is proposing to both groups because she understands that the building is jointly owned. She has just been elected treasurer of Johnson Works. Johnson Works is thinking that because of rail trail development that building could be potentially be used by other community groups.

Lynda asked what GiGi found out about lead paint issues. GiGi said it is not an issue as long as it is not scraped. Painting the surface of the building will not involve digging, so brownfields should not be an issue. She wants to get all that in writing by the joint meeting.

8. *Village Manager's Update and Action Items*

Erik said NVU got an award letter for a \$20K energy efficiency upgrade project. They think lighting upgrades will be the best use.

Nate and Erik have been managing the sidewalk and parking lot plowing schedule successfully, minimizing overtime while maintaining a high standard.

It may be possible to incorporate a flashing pedestrian crossing sign on Main Street into the upcoming AOT project at no expense to the village. And the process for getting an additional crosswalk may be easier than in the past. The AOT project has been delayed. Bid opening will be no later than August. The trustees discussed locations where an additional crosswalk would be desirable.

9. *Act on Draft 2023 Water and Wastewater Budgets and Proposed Rates*

Erik said the rest of the board wanted to see if Ken had any questions about the water and sewer budgets that were presented to the rest of the board at the last meeting. Ken asked if we should start considering work on the cupola again. Erik said he and Dan are looking at the possibility of doing something in-house this summer – putting louvers in the windows. Steve said he thought there was some rotten framing. Erik said it is a very robust structure.

BJ moved to approve a water department budget of \$313,335 for 2023, Diane seconded and the motion was passed.

BJ moved to approve a wastewater department budget of \$496,580 for 2023, Lynda seconded and the motion was passed.

Erik said the proposed 9.8% increase in water and wastewater rates would lead to a \$5-10 increase per month for ratepayers, for water and sewer combined. Ken said he will abstain from the vote on this since he doesn't use village water or sewer, but he thinks it is fair.

BJ moved to approve 9.8% increases in water and wastewater rates, starting with the May billing and the motion was seconded. Steve said we can send out a notice in the next bills. Ken said we probably should put notices on Front Porch Forum and Facebook too. **The motion was passed with Ken abstaining.**

10. *Presentation of 2023 Electric & General Department Draft Budgets*

Erik reviewed the draft electric department budget. He noted that the electric department had a lot of merchandising and jobbing revenue last year. He did not assume it would be as high this year. He increased dividend income. We bought more shares of Transco. Miscellaneous income went up because of the \$10K refund we will be getting from Lion. We are getting mutual aid revenue from Hyde Park. We are billing them for mutual aid because they currently have no capacity to give us aid in return. Commercial sales is up a little. It looks like it will go up even more because Percy's gravel pit will most likely move from diesel to electric. But we don't know when that will happen.

Diane asked what is happening with metering at NVU. Erik said the new meter is still being worked on. Steve said we haven't purchased it yet, let alone installed it. Ken asked if the cost of the meter is included in the 2023 budget. Other said it was in the previous budget.

Steve asked if the international workers from Smugglers' Notch using the dorms at NVU helped our income. Erik said it is hard to say. They were only there for about 2 months of last year. Diane asked if they are going to do that again. BJ said yes, until they can figure out another solution. That seems like the most viable solution for now.

Erik said he added one line item that he still has to make sure the PUC will allow. He is a big proponent of reserves, so he added in a \$20K contribution to reserves. That puts expenses at \$20K more than last year. He decreased purchased power expense a little because natural gas prices have gone down and the futures market says they won't go back up much. Project 10 charges went up. There has been a major increase in the renewable energy standard requirement by the Vermont legislature.

There was discussion about what to budget for Village of Morrisville transmission costs. They haven't sent a bill yet for last year. It was agreed to increase that amount to \$20,000.

Erik said salaries overall are 1.4% higher than in 2021, which was the last time we had a foreman and manager. When we think about the cost of living increases, the amount effectively has gone down. Erik budgeted less for outside services because we will not be paying for Dolan contracted services and he does not foresee legal expenses will be as high. Erik said there is an 18% increase in the VPPSA bill. Almost all of that is due to the renewable energy standard. Their office only has a 6.2% increase and they had the same pressures we did due to health insurance increases, etc. Our health insurance cost went up. Unemployment is down. Retirement is up a little. Social Security is up a little bit.

Erik said we are going to be spending less on uniforms. We are stuck with our current uniform contract until the end of June. After that we will buy uniforms and the employees will wash them themselves. The initial purchase will cost \$23K and he thinks we will pay half of that every year for maintenance. BJ said we will save money in the long run.

Total expenses are \$2,599,069, which is \$14K more than last year.

Ken asked if that is enough. He said he would rather have a surplus than a deficit.

Diane asked when the electric rate study will be done. Erik said it will start in June. Other utilities' increases have been coming in at 11-15%. Under new rules we can raise rates by up to 2% without having to go through the whole rate study process so we should start doing little increases. Probably 3/4 of the year will be over before the rate study is done and rates go up.

Ken asked, with the Affordable Heating Act coming up, did we take into account the extra cost for fuel? There are predictions that the average increase for a home will be \$500. Lynda and Erik said that legislation may not happen.

Steve said we have talked about other areas of savings, like the cold storage building. Erik said the town is uneasy about turning off the heat at the cold storage building. They want to meet about it. Ken said his only concern is that eventually when we renovate our garage we will need to use that building. We will want to keep heating it for a while. Erik said the proposal is not to get rid of the heating system, just drain it or fill it with glycol and shut it off. We are not talking about getting rid of the building.

Ken asked if Rosemary is comfortable with the proposed budget. Rosemary said yes.

Ken moved and BJ seconded to approve an electric department budget of \$2,599,069 for 2023. Erik said that is about 0.5% higher than last year's approved budget. The shortfall in last year's budget right now is \$236K but some of that is depreciation. Without including depreciation, the amount is \$183K. **The motion was passed.**

Erik reviewed the draft general department budget.

Steve asked how much of Erik's salary is in the electric department budget and how much in the general department budget. Erik said 72.5% of his salary is under the electric department 8% under the general department, 10% water and 10% sewer. Anne is 70% electric and 10% each of the other departments.

Erik said he increased the budget for beautification to include the amount approved for the Tree Board. He increased parades and celebrations a bit. Total village office expense is down from what was budgeted but up from actual expenses. He increased building maintenance because some work needs to be done on the building. The tower needs to be finished. The building probably needs to be pressure washed.

The bottom line for the general department will come in just about flat compared to the previous year. Erik does not recommend a tax increase. There will be water and sewer rate increases and an electric rate increase.

Ken asked Rosemary if she thinks this budget has enough room to cover unexpected expenses that may come up. Rosemary said she thinks so.

Ken moved to approve a general department budget of \$438,683 for 2023, BJ seconded and the motion was passed.

11. Village Report Dedication

The board discussed possible dedications for the annual village report and decided on a dedication based on what the majority of the board supported.

12. Adjourn

Ken moved to adjourn, BJ seconded, the motion was passed and the meeting was adjourned at 8:37.

Village Manager's Report March 13, 2023

I am working with Tori Hellwig of the Lamoille County Planning Commission applying for Congressionally Directed Spending Requests for the Water & Light Garage. We have submitted the request to Senator Sanders, and our application to Senator Welch will be finished this week. These programs look promising for this project and can cover 75% of project cost if we are selected.

The Water system Sanitary Survey letter came last week. The water system did well, only needing to add transfer switches to the Katy Win pump stations and have a sufficient portable generator to power them in series by the end of 2024. The letter also codified the positive results of the filtration system pilot study. Our capacity for the WTF is increased to 225GPM from 150GPM, allowing for Village growth while still discontinuing the Nadeau well.

The Lower storage building trapping tally so far is 6 racoons and one skunk. There is still at least one racoon left, but with Dean Locke on the job, I think that will be gone soon.

Lion Electric emailed this morning informing me that the check for our refund of deposit has been cut and is scheduled to mail out today.



I approved a new water & wastewater allocation for a mobile home to be added to West Highland Heights. This is separate from the 2 they are requesting an extension waiver on.

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This kit includes two (2) 60w equivalent smart dimmable LEDs, one (1) Wi-Fi controlled smart outlet, and one (1) smart motion occupancy sensor.

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This kit includes four (4) general-purpose 60w equivalent LEDs, one (1) kitchen aerator, two (2) bathroom aerators, one (1) single-function showerhead with TSV ShowerStart, one (1) leak detection toilet dye tab (2 pack), and one (1) toilet tank bank.

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The Village of Johnson WWTF, WTF
Monthly Chief Operator's Report
March 9, 2023

1. Operational Status of Wastewater Plant and Callouts

- E-DMR and Wr-43 were submitted to the state
- Opened windows in the cupola above the SBR for ventilation
- Installed wear ring and impellor rebuild kit on the belt press booster pump
- Adjusted the spray nozzles for the belt press to give a better spray wash pattern for cleaning
- Changed the battery in the river high water float. It is a 5 year battery.
- Took main belt off belt press and sent back to the manufacturer. It had a defect and the laminating glue over the seam was coming off. They are going to re-glue the seam at their cost due to the defect.
- Gould Electric came and toured the plant to look at efficiency lighting upgrades at the plant. They will be getting us a quote on replacing the fluorescent lighting with LED fixtures.
- Serviced a sticking air bag slide on the belt press.

2. Operational status of Water Plant and Callouts

- Coliform samples were negative
- Installed new fittings, o-rings and pump tube in chlorine feed pump
- Added coolant to the generator at the water plant. It has a slow leak that we are keeping a close eye on while awaiting a quote from Brookfield Services for a quote to repair
- Completed the manganese pilot study. All samples came back non-detect. We have asked to finalize the permit to remove the Nadeau Well from our operating permit.
- Rotated pumps at Katy Win.
- Water loss for January was 17%

Village of Johnson Water and Light report – March 2023

Prepared by Nate Brigham

Electric Dept. –

Hyde Park mutual aid 13.5 hrs this month

Cut a tree at 95 Railroad St and one on River Road East

Fixed Service at 124 Railroad St

Set Anchor at 805 Footbrook Road

Irby came and preformed dielectric tests on Line trucks, grounds, jumpers, hoses, and sticks

Fixed various streetlights around the village

Received an order of poles

Completed monthly meter reading, high/low checks, substation check, and dig safes

Anne Crocket Received an estimate from Schweitzer for a new recloser control of \$10,549.2.

Dealing with Green Mountain supply regarding order error.

Discussed the lead time for meters and meter sockets for the upgrade for Adam McFadden. He needs to complete the application to get this project moving forward.

Reviewed the Village of Johnson Annual Report for 2021 to learn more about the Village budget.

Continued reviewing the latest version of the National Electric Safety Code. So far there are no serious implications to the changes.

Set up my computers and monitors.

Water and Sewer Dept. –

Did inventory for end of year

Fixed 5 water meters that wouldn't read

Met with PACV and servpro at the cold storage building from last months freeze up. Servpro put 4 dehumidifiers and some fans in to dry up the building for a week.

Nate continued going to class for water distribution

General Dept. –

Completed winter sidewalk maintenance as needed.

Fixed Cross Walk Sign by the Library on Railroad St

Safety –

Safety meeting with NEPPA on Feb 8th was on Osha fundamentals 1

Johnson Fire Department Report

Jan. 26 – Feb. 23, 2023

Calls:

JFD responded to 16 calls.

13 calls occurred during the daytime (6 am – 6 pm)

3 calls occurred during the nighttime (6 pm – 6 am)

The average duration was: 77 minutes

Nature:

Those calls were: 1 – structure fire, 1 – chimney fire, 1 – debris fire, 8 – automatic alarms, 1 – odor investigation, 3 – vehicle crashes, and 1 – medical assist/extrication

Staff:

The average number of firefighters that responded was: 13

Total hours of service was: 181

Other:

We completed the body refurbish on Rescue 3 as part of the R2 replace/R3 retrofit project. We were able to get a donated workshop and several firefighters participate in a multi-day work detail to complete the fabrication. This will bring a substantial savings to the project. We are working on the final details and anticipate being able to report project completion next month.

Our three firefighters that enrolled in the State accredited Firefighter 1 training last year are on track for completion and certification by early summer. This will be a notable accomplishment.

Respectfully submitted, Arjay West, Fire Chief

VILLAGE OF JOHNSON WATER ALLOCATION/CONNECTION APPLICATION

APPLICANT NAME: Andrew Mink, CNJ LLC **Date:** 3-16-22 **W Permit #**
Location of property: 93 River Road West **Phone:** (802) 278-0568
Applicant Signature: *[Signature]* **Owner Signature:** *[Signature]*

Type of Request: (check one or more below)
 Renewal of permit: Existing Permitted
 Increase in capacity: capacity
 New Connection:
 Change in use:
 Other:

Existing Use: (check one or more below) **Proposed Use: (check one or more below)**

		# of existing bedrooms	# of new bedrooms
Residential Single Family	<input type="checkbox"/>		
Residential Multi Unit	<input checked="" type="checkbox"/>		9
Commercial	<input type="checkbox"/>		
Industrial	<input type="checkbox"/>		
Other	<input checked="" type="checkbox"/>		

I certify I will use low fixtures in order to receive 10% reduction if flows yes ___ no ___

Flow Quantities in Gallons Per Day Generated by Proposed Use: (from EPR Appendix 1-7A)

Establishment	Gal/Perf/Day	# units	total GPD
Assembly Area Conference Rooms		5	0
Bathhouses Pools		5	0
Bowling Alley (no food) 75gpd/lane		75	0
Camps: Construction (per person)		50	0
Camps: Day (no meals) per person			0
Camps: Resort Camps (nigh & day) w plumbing per person		50	0
Campground: no units w/plumbing < 7 mo (per site)		75	0
Campground: no units w/plumbing > 7 mo.(per site)		100	0
Campground: units with plumbing			0
Central Toilets/Dump Station < 7 mo (50 +25 gpd/site)		75	0
Served by individual hook ups < 7 mo.		75	0
Central Toilets/Dump Station > 7 mo (90 +35 gpd/site)		125	0
Served by individual hook ups > 7 mo.		125	0
Seasonal RV Site w individual hook up			0
RV owned by occupant (per site)< 7mo		75	0
RV owned by occupant (per site)> 7mo		125	0
RV not owned by occupant (per site)> 7mo		125	0
RV not owned by occupant (per site)> 7mo		175	0
Cabins w RV type plumbing < 7 mo (per site)		125	0
Cabins w RV type plumbing > 7 mo (per site)		175	0
Cabins w conventional plumb W/O kitchen per person		50	0
above W/O kitchen but with laundry facilities per person		70	0
Park Model RV & Mobile Home as RV: 1st bedroom /site		140	0
each additional bedroom per site < 7 mos		100	0
each additional bedroom per site > 7 mos		140	0
Cafeterias (per seat)		50	0
Churches			0
sanctuary seating x 25%		5	0
church suppers		8	0
Country Club (per resident member)		100	0
per non resident member		25	0
Day Cares (per person)			0
no meals		15	0

one meal	20		0
two meals	25		0
Dentists Office			0
Per Staff member	35		0
Per Chair (add both numbers)	200		0
Doctors Office			0
Staff member	35		0
Patients (add both numbers)	10		0
Room Rentals			0
Boarding Houses (per person)	50		0
add for each non resident boarders	10		0
Establishment			
	Gal/Person/Day	# units	Total GPD
Rooming Houses (per occupant bed space)	40		0
Single Family (150 gpd/bedroom less 10% for low flow fixture)	150		0
Multi Family Rental 70gpd/person w 2 persons/bedroom 10%	70	18	1260
Factories			0
(gal. per person per shift, exclusive of industrial waste)	15		0
Gyms			0
Participant	10		0
Spectator	3		0
Hairdressers			0
Per operator	10		0
Per Chair (add both)	150		0
Hospitals (per bed space)	250		0
Hotels with private baths (per person sleeping space)	50		0
Institutions other than hospitals (per bed)	125		0
Laundries (gal/machine)	500		0
Mobile Homes Parks			0
four or fewer trailers (per space)	450		0
five or more trailers (per space)	250		0
Motels w bath/toilet (per person sleeping space)	50		0
Picnic parks (toilet wastes only/picnicker)	5		0
Restaurant (toilets & kitchen waste per seat bar included)	30		0
Additional per seat if serving three meals/day	15		0
Schools			0
Boarding	100		0
Day w/o gyms, cafeterias or showers	15		0
w gyms, cafeterias, showers	25		0
w cafeterias but no showers gyms	20		0
Service Stations (per first set of pump)	500		0
for each set after first set	300		0
Sewer Line infiltration 300 gal/inpipe/dia/mile/day			0
Shopping Centers/Stores			0
Large Dry Goods	5 GPD/100sq ft		
Large Supermarket (meat but no garbage grinder)	7.5 GPD/100sq ft		
Large Supermarket (meat w garbage grinder)	11 GPD/100sq ft		
Small Dry Goods in shopping center	100 GPD/store		
Theaters/Drive Ins per seat or space	5		0
Veterinary Clinic (3 or less doctors)			0
without boarding	750/clinic		
with boarding	1500/clinic		
Workers			0
Construction (semi permanent sites)	50		0
Day at schools and offices (per shift)	15		0
TOTAL ALLOCATION NEEDED			1260

* elderly housing can be calculated at 1.5 persons per bedroom
 where app.calculator automatically applies 10% to reduction to flows for hook up to municipal system

DO NOT COMPLETE INFORMATION BELOW THIS LINE

FEE CALCULATION

Application Fee (all applications) \$0.00

of Equivalent Units Residential (1E.U. = 405gpd) 0.00

of Equivalent Units Non Residential (1E.U. = 405gpd) 0.00

(# of E.U.'s = allocation needed / 405) (New: If less .75, use .75 Change of use: if less than .5, use .5)

Connection Fee*

	Rate		
residential single family	\$ 350.00	0	\$0.00
residential multi unit	\$ 350.00	1	\$350.00
commercial	\$ 350.00		\$0.00
industrial (by board)	\$ 350.00		\$0.00
other (by board)	\$0.00		\$0.00

Total Connection Fee \$0.00 + 350.00

Capacity Allocation Fee*

*due annually until connection to system

*reduced by existing permitted capacity

# of GPD	Rate	Fee
1260	\$ 1.00	\$0.00

Total Due Village User \$0.00

\$1610.00 TOTAL

PRELIMINARY COMMITMENT OF RESERVE CAPACITY (subject to the following)

- 1) Preliminary commitment of reserve is: granted denied
- 2) Preliminary Commitment of reserve in GPD is made in the following amount:
- 3) Preliminary commitment shall expire one year from date signed below
- 4) Review of Final approval shall be accompanied by information required by Ordinance and all fees.

Date of approval

Signed by:

Expiration date:

FINAL APPROVAL OF RESERVE CAPACITY (subject to the following)

- 1) Receipt of all Village fees in the amount of : YES/NO?
- 2) Letter of request and required plans for Final Approval received:
- 3) Final Approval, connections and use of water system subject to all provisions of Water System Rules & Regulations.
- 4) Additional capacity allocation fees due for 2nd and 3rd year subject to Sec 1 of Water System Rules & Regulations
- 5 Final Approval in GPD made in the following amount based on approved plans.

Date of approval

Signed by:

1 Yr Expiration date:

3 Yr Expiration date:

2nd yr fee due date:

3rd yr fee due date:

Total capacity allocated to structure in GPD 0

Conditions/Notes:

- All permits subject to Water System Rules & Regulations
- All water services and meter installations must be inspected and approved by Village of Johnson designated personell
- Water services from the curb stop to the house are the responsibility of the customer and must be maintained
- Water meters must be protected from damage and freezing by the customer

VILLAGE OF JOHNSON SEWER ALLOCATION/CONNECTION APPLICATION

APPLICANT NAME:	Andrew Mink, CNJ LLC	Date:	3/16/23	WW Permit #	
Location of property:	93 River Road West	Phone:	(802) 279-0568		
Applicant Signature:	<i>[Signature]</i>	Owner Signature	<i>[Signature]</i>	Andrew Mink	
Type of Request: (check one or more below)					
Renewal of permit:	<input type="checkbox"/>	Existing Permitted capacity:	<input type="checkbox"/>		
Increase in capacity:	<input type="checkbox"/>				
New Connection:	<input checked="" type="checkbox"/>				
Change in use:	<input type="checkbox"/>				
Other:	<input type="checkbox"/>				
Existing Use: (check one or more below)			Proposed Use: (check one or more below)		
Residential Single Family	<input type="checkbox"/>	Residential Single Family	<input type="checkbox"/>		
Residential Multi Unit	<input type="checkbox"/>	Residential Multi Unit	<input checked="" type="checkbox"/>		
Commercial	<input type="checkbox"/>	Commercial	<input type="checkbox"/>		
Industrial	<input type="checkbox"/>	Industrial	<input type="checkbox"/>		
Other	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>		
Describe nature (or strength) of discharge if other than residential:					

Type and #s of Fixtures Connected to System (check all that apply)

Type	Number
Kitchen Sinks/Sinks	18
Lavatories	
Laundry Tubs	
Urinals	
Toilets	9
Bath Tubs	
Showers	9
Garbage grinder	
Dishwashers	
Hairdresser Chairs	
Other fixtures (specify)	

Total Connected Fixtures

0

Flow Quantities In Gallons Per Day Generated by Proposed Use: (from EPR Appendix 1-7A)

Establishment	Gal/PerDay	# units	total GPD
Assembly Area		5	0
Conference Rooms		5	0
Bathhouses		75	0
Pools		50	0
Bowling Alley (no food)	75gpd/lane	50	0
Camps: Construction (per person)		50	0
Camps: Day (no meals) per person		75	0
Camps: Resort Camps (nigh & day) w plumbing per person		100	0
Campground: no units w/plumbing < 7 mo (per site)		75	0
Campground: no units w/plumbing > 7 mo.(per site)		100	0
Campground: units with plumbing		75	0
Central Toilets/Dump Station < 7 mo (50 +25 gpd/site)		75	0
Served by individual hook ups < 7 mo.		125	0
Central Toilets/Dump Station > 7 mo (90 +35 gpd/site)		125	0
Served by individual hook ups > 7 mo.		75	0
Seasonal RV Site w individual hook up		125	0
RV owned by occupant (per site)< 7mo		125	0
RV owned by occupant (per site)> 7mo		125	0
RV not owned by occupant (per site)> 7mo		175	0
RV not owned by occupant (per site)> 7mo		125	0
Cabins w RV type plumbing < 7 mo (per site)		175	0
Cabins w RV type plumbing > 7 mo (per site)		50	0
Cabins w conventional plumb W/O kitchen per person		70	0
above W/O kitchen but with laundry facilities per person		140	0
Park Model RV & Mobile Home as RV: 1st bedroom /site		100	0
each additional bedroom per site < 7 mos		140	0
each additional bedroom per site > 7 mos		50	0
Cafeterias (per seat)			0
Churches			0

Establishment	Gal/Person/Day	# units	Total GPD
sanctuary seating x 25%		5	0
church suppers		8	0
Country Club (per resident member)		100	0
per non resident member		25	0
Day Cares (per person)			0
no meals		15	0
one meal		20	0
two meals		25	0
Dentists Office			0
Per Staff member		35	0
Per Chair (add both numbers)		200	0
Doctors Office			0
Staff member		35	0
Patients (add both numbers)		10	0
Room Rentals			0
Boarding Houses (per person)		50	0
add for each non resident boarders		10	0
Rooming Houses (per occupant bed space)		40	0
Single Family (flat 210gpd regardless of # of bedrooms)		210	0
Multi Family Rental 70gpd/person w 2 persons/bedroom		70	1260
Factories			0
(gal. per person per shift, exclusive of industrial waste)		15	0
Gyms			0
Participant		10	0
Spectator		3	0
Hairdressers			0
Per operator		10	0
Per Chair (add both)		150	0
Hospitals (per bed space)		250	0
Hotels with private baths (per person sleeping space)		50	0
Institutions other than hospitals (per bed)		125	0
Laundries (gal/machine)		500	0
Mobile Homes Parks			0
four or fewer trailers (per space)		450	0
five or more trailers (per space)		250	0
Motels w bath/toilet (per person sleeping space)		50	0
Picnic parks (toilet wastes only/picnicker)		5	0
Restaurant (toilets & kitchen waste per seat bar included)		30	0
Additional per seat if serving three meals/day		15	0
Schools			0
Boarding		100	0
Day w/o gyms, cafeterias or showers		15	0
w gyms, cafeterias, showers		25	0
w cafeterias but no showers gyms		20	0
Service Stations (per first set of pump)		500	0
for each set after first set		300	0
Sewer Line Infiltration 300 gal/inpipe/dia/mile/day			0
Shopping Centers/Stores			0
Large Dry Goods	5 GPD/100sq ft		
Large Supermarket (meat but no garbage grinder)	7.5 GPD/100sq ft		
Large Supermarket (meat w garbage grinder)	11 GPD/100sq ft		
Small Dry Goods in shopping center	100 GPD/store		
Theaters/Drive Ins per seat or space		5	0
Veterinary Clinic (3 or less doctors)			0
without boarding	750/clinic		
with boarding	1500/clinic		
Workers			0
Construction (semi permanent sites)		50	0
Day at schools and offices (per shift)		15	0
Infiltration not known at this time. Cost due at time of Final approval			
TOTAL ALLOCATION NEEDED			1260

* elderly housing can be calculated at 1.5 persons per bedroom
 where app. calculator automatically applies 20% to reduction to flows for hook up to municipal system

DO NOT COMPLETE INFORMATION BELOW THIS LINE

FEE CALCULATION

Application Fee (all applications)

of Equivalent Units Residential (1E.U. = 210gpd)

of Equivalent Units Non Residential (1E.U. = 360gpd)

(# of E.U.'s = allocation needed / 210 or 360) (New: if less .75, use .75 Change of use: if less than .5, use .5)

Connection Fee* (TSSA Village connection fee is the same as village fee) Rate

residential single family	<input type="text" value="1"/>	\$ 500.00	\$500.00
residential multi unit	<input type="text" value="1"/>	\$ 750.00	\$0.00
commercial	<input type="text" value="0"/>	\$ 750.00	\$0.00
industrial (by board)	<input type="text" value="0"/>	\$ 750.00	\$0.00
other (by board)	<input type="text" value="0"/>		\$0.00

Total Connection Fee

Capacity Allocation Fee* # of GPD Rate Fee

*due annually until connection to system reduced by existing permitted capacity

\$ 1.00

Total Due Village User

Total Due TSSA User

Town Fee (\$75/E.U.) \$0.00 Village \$0.00

Select Board Approval Date

PRELIMINARY COMMITMENT OF RESERVE CAPACITY (subject to the following)

1) Preliminary commitment of reserve is: granted denied

subject to all provisions of the Ordinance Regulating Use of Public Sewer .

2) Preliminary Commitment of reserve in GPD is made in the following amount:

3) Preliminary commitment shall expire one year from date signed below

4) Review of Final approval shall be accompanied by information required by Ordinance and all fees.

Date of approval Expiration date:

Signed by:

TOTAL

- Check for \$3620.00 covers both

FINAL APPROVAL OF RESERVE CAPACITY (subject to the following)

1) Receipt of all Village fees in the amount of : \$500.00 YES/NO? TSSA \$0.00

1) Receipt of all TSSA fees in the amount of : Village YES/NO?

2) Letter of request and required plans for Final Approval received:

3) Final Approval, connections and use of sewers subject to all provisions of Section 9 of the Ordinance.

4) Additional capacity allocation fees due for 2nd and 3rd year if connection not made as per Section 10.

5 Final Approval in GPD made in the following amount based on approved plans.

6) Additional conditions may apply for non domestic wastewater which shall be part of this permit.

7) Connections in excess of 1000gpd shall be inspected and certified by a licensed Engineer.

Date of approval 1 Yr Expiration date: Article 9 (f)

Signed by: 3 Yr Expiration date:

2nd yr fee due date:

3rd yr fee due date:

Total capacity allocated to structure in GPD

Conditions/Notes:

All permits subject to Ordinance provisions regulating use of and connection to sewer system

All sewer connections must be inspected and approved by Village of Johnson designated personnell

All sewer connections requiring a grease interceptor shall require annual report to Village verifying maintenance & cleaning

APPLICANT SHALL FILE COPY OF DESIGNER'S CERTIFICATION WITH THE VILLAGE CONCURRENT WITH STATE FILING

Policy Regarding Conflicts of Interest and Ethical Conduct
For the Village of Johnson
May 2019

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), the Village of Johnson Board of Trustees hereby adopts the following policy concerning conflicts of interest and ethical conduct.

Article 2. Purpose. The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public officer of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in its officers will be preserved. It is also the intent of this policy to ensure that all decisions made by public officers are based on the best interests of the municipality.

Article 3. Application. This policy applies to all individuals elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions of the Village of Johnson Board of Trustees.

Article 4. Definitions. For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A real or seeming incompatibility between a public officer's private interests and his or her public or fiduciary interests to the municipality he or she serves. A conflict of interest arises when there is a direct or indirect personal or financial interest of a public officer or a person or group closely tied with the officer including his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, or employer or employee in the outcome of an official act or action, or any other matter pending before the officer or before the public body in which the public officer holds office. A conflict of interest may take any of the four following forms:
 - a. A direct financial conflict of interest arises when a public officer acts on a matter that has a direct financial impact on that officer.
 - b. An indirect financial conflict of interest arises when a public officer acts on a matter that has a financial impact on a person or group closely tied to the officer.
 - c. A direct personal conflict of interest arises when a public officer acts on a matter that has a direct impact on the officer in a non-financial way but is of significant importance to the officer.
 - d. An indirect personal conflict of interest arises when a public officer acts on a matter in which the officer's judgment may be affected because of a familial or personal relationship or membership in some organization and a desire to help that person or organization further its own interests.
2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue.
3. A situation where a public officer has not disclosed ex parte communication(s) related to a quasi-judicial proceeding that is before the body to which that officer belongs.

A "conflict of interest" does not arise in the case of an official act or action in which the public officer has a personal or financial interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision.

- B. **Emergency** means an imminent threat or peril to the public health, safety, or welfare.
- C. **Ex Parte Communication** means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a quasi-judicial proceeding, that occurs outside the proceeding and concerns the substance or merits of the proceeding.
- D. **Official act or action** means any legislative, administrative or quasi-judicial act performed by any public officer while acting on behalf of the municipality. This term does not apply to ministerial acts or actions wherein no discretionary judgment is exercised.
- E. **Public body** means any board, council, commission, or committee of the municipality.
- F. **Public interest** means an interest of the municipality, conferred generally upon all residents of the municipality.
- G. **Public officer** means a person elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions for the municipality. This term does not include municipal employees.
- H. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.

Article 5. Prohibited Conduct.

- A. A public officer shall not participate in any official act or action if he or she has a conflict of interest, whether real or perceived, in the matter under consideration.
- B. A public officer shall not personally – or through any member of his or her household, business associate, employer or employee – represent, appear for, or negotiate in a private capacity on behalf of any person or organization that has an interest in an official act or action pending before the public body in which the public officer holds office.
- C. A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.
- D. A public officer will not request or accept any reward, gift, or favor for taking an official act or action or advocating for or against an official act or action.
- E. A public officer shall not use resources unavailable to the general public – including but not limited to municipal staff time, equipment, supplies, or facilities – for private gain or personal purposes.
- F. A public officer who is a member of a public body shall not give the impression that he or she has the authority to make decisions or take actions on behalf of that body.

Article 6. Disclosure. A public officer who, while serving on a public body, may have a conflict of interest, whether real or perceived, in a matter under consideration by that public body shall, prior to taking an official act or action or participating in any official act or action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and

disclose the nature of the actual or perceived conflict of interest. Alternatively, a public officer may request that another public officer recuse him or herself from a matter due to a conflict of interest, whether real or perceived.¹

Article 7. Consideration of Recusal. Once there has been a disclosure of an actual or perceived conflict of interest, other public officers shall be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing conducted by a public body of the municipality, the public body shall take evidence pertaining to the conflict and, if appropriate, adjourn to an executive session to address the conflict.

Article 8. Recusal.

- A. **Recusal of Appointed and Elected Officers.** After taking the actions listed in Articles 6 and 7, a public officer, whether appointed or elected, shall declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively, and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest.² Otherwise, the public officer shall recuse him or herself from the matter under consideration. A public officer that recuses him or herself may, but not must, explain the basis for that decision.
- B. **Recusal of Appointed Officers.** The failure of an appointed public officer to recuse himself or herself in spite of a conflict of interest, whether real or perceived, may be grounds for discipline or removal from office.³

Article 9. Recording. The minutes of the meeting or the written decision / minutes from the meeting / hearing shall document the actions taken in Articles 6 through 8.

Article 10. Post-Recusal Procedure.

- A. A public officer who has recused himself or herself from participating in an official act or action by a public body shall not sit with the public body, deliberate with the public body, or participate in the discussions about that official act or action in any manner in his or her capacity as a public officer, though such member may still participate as a member of the public or private party, if applicable.
- B. The public body may adjourn the proceedings to a time, date, and place certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.

Article 11. Enforcement.

¹ Such request shall not be considered an order for the officer to recuse him or herself.

² Each member of an elected public body is independently elected and answers only to the voters. Therefore, unless there is a local ordinance or charter provision that states otherwise, the remaining members of the body may not force recusal. They may only express their opinion about the subject and/or privately or publicly admonish a fellow member who fails to handle conflicts appropriately.

³ Certain appointed public officers such as a Zoning Administrator and members of the Zoning Board of Adjustment or Development Review Board may only be removed for cause and after being afforded with procedural due process protections including notice and a reasonable opportunity to be heard.

A. Enforcement Against Elected Officers; Consequences for Failure to Follow the Conflict of Interest Procedures. In cases in which an elected public officer has engaged in any of the prohibited conduct listed in Article 5, or has not followed the conflict of interest procedures in Articles 6 through 10, the Village of Johnson Board of Trustees may, in its discretion, take any of the following disciplinary actions against such elected officer as it deems appropriate:

1. The chair of the Village of Johnson Board of Trustees may meet informally with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair and the public officer together constitute a quorum of a public body.
2. The Village of Johnson Board of Trustees may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The public officer may request that this meeting occur in public. If appropriate, the Village of Johnson Board of Trustees may admonish the offending public officer in private.
3. The Village of Johnson Board of Trustees may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
4. Upon majority vote in an open meeting, the Village of Johnson Board of Trustees may request (but not order) that the offending public officer resign from his or her office.

B. Enforcement Against Appointed Officers. The Village of Johnson Board of Trustees may choose to follow any of the steps articulated in Article 11A. In addition to or in lieu of any of those steps, the Village of Johnson Board of Trustees may choose to remove an appointed officer from office, subject to state law.

Article 12. Exception. The recusal provisions of Article 8 shall not apply if the Village of Johnson Board of Trustees determines that an emergency exists or that actions of a quasi-judicial public body otherwise could not take place. In such a case, a public officer who has reason to believe he or she has a conflict of interest shall only be required to disclose such conflict as provided in Article 6.

Article 14. Effective Date A minimum of 15 days before making any modification to this policy, the Village of Johnson will notify representatives of the Town of Johnson. The Board of Trustees will read any notification of modification of the Conflict of Interest Policy of the Village of Johnson at a public meeting.

Article 14. Effective Date. This policy shall become effective immediately upon its adoption by the Village of Johnson Board of Trustees

Signatures: //Unanimously passed by Board of Trustees May 13, 2019//

Date: _____