

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

Present:

Trustees: Steve Hatfield, Lynda Hill (remote), Diane Lehouiller, BJ Putvain, Ken Tourangeau
Others: Erik Bailey, Rosemary Audibert, Andy Mink, Gary Nolan, Lydia Putvain (remote)

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

Erik added a billing adjustment request from a water and sewer customer. He said the executive session to discuss labor relations agreements could be removed from the agenda. Diane added discussion on ARPA funds and an update on the powerhouse site.

3. Review and Approve Minutes of Trustee Meetings

Diane moved to approve the minutes of February 13, 2023, BJ seconded and the motion was passed with Ken abstaining as he was not present at that meeting.

Erik said in the March 1 minutes on p. 6 the uniform cost of \$23K should be corrected to \$3K. **Ken moved to approve the minutes of March 1, 2023 with the recommended correction, BJ seconded and the motion was passed.**

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

Rosemary said she had nothing notable to report about the budget. She asked the board to sign the documents for the water and sewer rate increase that was approved at the last meeting.

5. W/S Allocation Application by Andrew Mink for 93 River Road West

Erik said Andy Mink owns an apartment complex on River Road West. He wants to add a 9 bedroom building. We have the capacity and the infrastructure can handle it. Andy said it will be a 60 ft. by 40 ft. building with 5 studio apartments and 4 one bedroom apartments.

Lynda asked if they will be long-term or short-term rentals. Andy said all long-term. He has applied for a CRRP grant from the state and if he gets that 20% of the units will be locked into affordable housing standards for 15 years. His projected rent right now is about the same as what the state considers affordable anyway.

Ken moved and BJ seconded to approve the water and sewer allocation application and authorize Erik to sign the allocation approval from Andrew Mink for 93 River Road West.

Lynda asked if there is a building on the site now. Andy said there are 3 buildings with 20 existing apartments on 4.5 acres. He hopes a new building will help improve the property. He is also hoping to put in better paving and lighting. For the past couple of years he has been focused on tenant issues.

Lynda asked if he has been able to do any insulation. Andy said yes. He worked with 3M Insulation and Efficiency Vermont and got some grants and added over \$100,000 worth of insulation. He also replaced all the original electrical panels. During COVID he was able to use the Vermont Emergency Rental Assistance Program to get some repairs done. Since he purchased the property six different tenants have been evicted or moved on and he thinks all the tenants that are left now are happy and working with the landlords to improve things. He thinks the parcel is a good place for further development. If this building goes well he can consider that. If the property were within one of the form-based code zoning areas he would be able to apply for a priority housing project that would allow him to build up to a certain number of additional units without having to go through the Act 250 process.

The motion was passed.

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

Erik is working with Tori Hellwig of the Lamoille County Planning Commission applying for Congressionally Directed Spending Requests for the Water & Light Garage. They have submitted a request to Senator Sanders and the 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 raccoons and one skunk. There is still at least one raccoon left.

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

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

7. *Request for Waiver of Expiration of Water/Sewer Allocation*

Gary Nolan said he is representing Ken Harvey Manufactured Housing. They applied and paid for sewer and water allocations for two units. Erik said that was about 4 years ago and the application is good for 3 years. Gary said he did not realize that there is a sentence that says the allocation is good for 3 years but the option has to be renewed every year. They want to use one allocation in the Johnson mobile home park and use the other for a unit in West Highland Heights. He is asking to still be able to use the allocation without paying again. He is willing to pay for the option. They will be using the allocation in the spring.

Erik said allocations have a sunset date to keep people from buying them up and sitting on them. This isn't that situation. The pandemic affected everyone and they are going to put in the units in a matter of months. When allocations run out after 3 years it keeps large

developers from grabbing them early and sitting on them when they don't have plans to build. There is a small fee for an extension but it is not as much as the original payment. He recommends allowing Gary to extend the allocation. He is willing to pay the extension fee from last year. That would extend the permission to May 2023. If they act before then they won't have to pay the option fee again.

BJ moved and Ken seconded to extend the water/sewer allocation for 2 single family houses for K.A. Harvey's for another year under the condition that the cost of the option for last year is paid.

Lynda asked if people are buying these places or if they are rentals. Gary said he believes they will be rentals.

The motion was passed.

8. ***Water/Wastewater Report and Action Items***

Erik read Dan's report:

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. (Erik said the quote of \$15,700 came in today.)
- Serviced a sticking air bag slide on the belt press.

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%

BJ asked why the village water is currently tasting so strongly of chlorine, much more than normal. Erik said that means there is not enough chlorine in the water. When the dosage is the lowest amount possible it can cause smell and taste issues, but it is not a health issue.

9. *Electric/General Report and Action Items*

Erik read the water and light department report from 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 Foote Brook Road

Irby came and performed 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 \$10,549.20.

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 PACIF and Servpro at the cold storage building from last month's 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

10. *Fire Department Report and Action Items*

Erik read the fire department report submitted by Chief Arjay West for December 30 to January 26.

Calls:

JFO responded to 16 calls. 13 calls occurred during the daytime (6 am - 6 pm) and 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, 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.

11. Further Discussion about Heating Options in the Lower Storage Building

BJ asked, we were talking about taking heat out of the lower storage building completely, right? Erik said no, turning it off and stabilizing it. BJ asked so the building will be the same temperature as outside? Erik said yes. BJ said the village has equipment in there that is used for emergency situations. Do we want those pieces of equipment to be completely cold? Right now the heat is radiant. Is there any way we could put in something more efficient that could heat the building faster, like forced air heat? Ken said it already has boilers. BJ said he is thinking of keeping the building at around 40-50°, just enough to melt snow and ice off equipment.

Ken said he knows the town rec department had concerns about not having heat in the past. Erik said they are fine with having the heat turned off. The town has one backhoe they keep there but they can plug it in.

BJ said if we use equipment during the winter and then put it back in a building with no heat it won't be able to thaw and dry. Initially the thought was that if we got a more efficient heating system for the upper garage we could move what is there now to the cold storage building. Until then is there something smaller we can get?

Ken said we have a lot of time to consider what we want to do because this winter is almost over. He would say we can keep the heat off for now as long as the selectboard is okay with

it. Erik said that is one of the main factors driving the plans for a joint meeting with the selectboard. They are not comfortable with turning off the heat.

Ken said it is not good for the slab to heat it after it has not been heated. Is the heater for that building still not fixed? Erik said no, it is running. Ken said we should wait until the joint meeting with the selectboard and see what their concerns are.

Steve said the point was brought up that we may want to heat the space while we work on the village garage. Erik said we don't want to remove the capability to heat the building.

BJ asked if we are looking into a more efficient system for the upper garage. Erik said yes, that is the main focus of the VTC student program he is working on. Steve said Troy said the furnace we are using in the upper building is only a few years old and should be pretty efficient. BJ suggested maybe we can move that one to the lower garage. Erik said one engineer suggested it might be good to keep it in the upper garage as a backup.

BJ said he talked to attorney Brian Monaghan about the cold spring. If we clean out the area around the spring there is a possibility that if something happens to someone they could use that against us. Brian said it is very unlikely but the potential is there. There is a possibility that we could get away with some municipal immunity but he is not 100% sure. If the space is not cleared out and people create their own path it is the same as if they walked on any other uncleared path. His issue is not cost, it is liability.

Steve asked if Brian was aware of the sign when BJ talked to him. BJ said yes, he sent him a picture of it. Brian mentioned that one thing that could help us would be having a sign with different wording that he suggested.

Lynda asked what BJ means by cleaning out the cold spring area. BJ said he means shoveling snow.

Ken said he thinks to cover ourselves two things should happen. We should put up a sign as recommended by Brian Monaghan. And he thinks we should wait until June and then take a water sample and have it tested. It would be more likely to test negative now because of the cold temperatures so we should wait. We should see what is in it, post that information and not recommend that people drink the water.

Erik said there was a previous test that showed positivity for E. coli but the sampling was done by someone who is not trained so it is really invalid. False positives are possible with poor sampling technique. Does the board want him or someone on Dan's staff to take a sample?

Ken said no one wants to shut down the cold spring. The lawyer said keeping a path open in winter is more of an issue. We don't have to maintain a path in summer. Lynda said if we don't maintain a path in winter someone may slip on the steps. Ken said if someone goes off the beaten path it is not the responsibility of the village.

BJ said the drinkability of the water is not an issue if we have a sign there. It is just the path being cleared that opens us up to liability. Steve said to him the potential of liability from someone slipping if we don't maintain the path is just as great. BJ said that is not on us. Lynda said the whole reason we were discussing shutting it down was because we didn't want to shovel it. She asked if the sign Brian Monaghan recommends has to say specifically why the water is not drinkable. BJ said yes.

BJ said the cost of shoveling isn't his issue. He is just concerned about liability. With the sign about the water we don't have to worry about liability with regard to that. Ken said he thinks everyone should agree that we should put up the recommended sign and test the water. BJ suggested waiting until next time to make a decision to give Erik time to review what the lawyer sent. Diane said she feels the area should be shoveled. She thinks we will have less trouble if we maintain it.

12. Discussion and Review of Village Conflict of Interest Policy

Steve said it turned out that our attorney did not know that we had a conflict of interest policy. We do have one that was enacted in 2019. We just need to review it and if people want to change it that can be discussed. It is the model policy from VLCT. It seems pretty comprehensive to him. One of the things mentioned several times in the policy is the fact that there can be an apparent conflict of interest. That is what is most concerning to him.

BJ said basically the attorney said that since Lydia does not work for the village there is no conflict of interest. Steve said in his response to BJ he feels Brian did not address the issue that is most important to him. The apparent conflict of interest is a concern of his. He doesn't want to spend more money on this. He thinks we just need to be aware.

BJ said Brian said there is no conflict of interest in all the scenarios the board brought up. We spend money on a lot of issues. He thinks the money was well spent to confirm that there was no conflict of interest in something board members were all concerned about.

Ken said just because someone thinks there is a problem doesn't make it so. One of the board members should have contacted the lawyer before taking the actions they did. Lynda said she and BJ agreed that people in the office might not talk freely to BJ because he is married to Lydia. BJ asked, wasn't he the one who suggested that Diane should come along to talk to Lydia and the other employees instead of him because there could be a perceived conflict of interest? Lynda said she thinks that was a joint discussion. She doesn't remember who brought it up.

Ken said when two trustees are doing something like that, one should take minutes so there are no arguments about what was and wasn't said. Lynda said she has minutes from when the trustees met with the office employees but not from her and BJ's discussion.

BJ said on things like that he is adult enough to pull himself out of situations where necessary. Steve said he agrees. He is fine with that. But Brian Monaghan didn't really address something that he is concerned about.

Diane said she thinks Erik should have been the one to deal with the issues we were discussing. If there is a problem with employees and board members hear about it they should go to Erik. Steve asked, BJ has agreed that Erik will deal with these issues in the future? BJ said yes, but if he sees an issue or a way to save money, he will go to Erik. Ken said it is this board's responsibility to do oversight. A little looking in now and then by board members should be applauded by Erik because it covers him in the long run.

13. Billing Adjustment Request

Erik said Cirby Goss on Katy Win Road had a broken water line. A lot of water spilled on the ground under the trailer. It went through the meter but it did not go into the sewer so he is asking for an adjustment on his sewer bill. The average sewer bill from the last 3 months was \$44.26. The bill for the period when the break occurred was \$97.22. He is asking for the bill to be reduced to \$44.26.

BJ asked, when people have breaks do we look at it differently if it is their fault? Erik said we charge them for repair costs if it is their fault. In this case it was their line that broke, beyond the curb stop. But if a meter broke because it was in an area they didn't heat properly we would charge them. He is inclined to grant the request.

Ken asked, generally do we just reduce the bill to the average cost? Rosemary said yes.

Ken moved to adjust the sewer charge on Cirby Goss's February 16 sewer bill from \$97.22 to \$44.26. The motion was seconded and passed.

14. Update on Powerhouse Site

Diane said Salvador Morales from LCPC is meeting with the Brownfields Committee tomorrow and they will give him information about additional funding for the powerhouse site. She will let the board know what she learns about that.

15. Discussion on ARPA Funds

Diane said she would like the board to consider keeping \$125,000 of ARPA money available for grant writing and administration. Lynda asked, didn't we talk at the last meeting about having ARPA money set aside for grant matching funds? Steve said we have talked about it but not acted officially. Erik said the board pushed it to the April meeting.

Steve asked, didn't Erik put out a survey on Front Porch Forum? Erik said yes. He got 12 responses. Probably the biggest recommendation was for a sidewalk extension to Jolley. The water and light garage was also mentioned, as were a couple of other ideas. He will bring the results to the next meeting.

16. Other Business

The board gave Diane a card and thanked her for her service.

17. Adjourn

Ken moved to adjourn, Diane seconded, the motion was passed and the meeting was adjourned at 7:14.