

JOHNSON SELECTBOARD / VILLAGE TRUSTEE BOARD
JOINT MEETING MINUTES
VERMONT STATE UNIVERSITY – JOHNSON, THE 1867 ROOM, DEWEY HALL
WEDNESDAY, SEPTEMBER 13, 2023

Present:

Selectboard members: Beth Foy, Duncan Hastings, Eben Patch, Shayne Spence, Mark Woodward

Trustee board members: GiGi Beach, Lynda Hill, BJ Putvain, Ken Tourangeau,

Others: Carl Rogers, Erik Bailey

Absent: Shayne Spence, Steve Hatfield

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

The meeting was called to order at 6:00.

2. Consider Approving Agenda

It was agreed to add discussion of a potential UVM intern and discussion of the impact on village and town of the Northern Border grant.

3. Public Comment

No members of the public were present.

4. Update on Water & Light Garage Project

Erik said the village water and light garage was selected for a MERP energy efficiency audit. Rob Moore, who was the project manager for this project, has left LCPC and is now working for Jenna's Promise. Seth Jensen may take over. Hopefully the U.S. congressional budget will pass so funding is assured. The RFQ for selection of engineers closes September 22.

Mark asked when the village is thinking of starting the project. Erik said if the congressional budget passes this fall he would like to go to bid before the end of the year. Ken said it also depends on the brownfield study. Erik said there is probably a 5-10% chance the project can start in the coming spring.

5. Update on MOU and Hold Harmless Agreement for Water & Light Garage

Beth said the town has a proposed hold harmless agreement specifically for the water and light garage. Carl handed out copies of it. Eben said he assumes the trustees want the village's attorney to look at it. Beth suggested that if trustees have any significant questions about the proposed agreement they should go through Carl or Tom and it can be brought to a selectboard meeting if necessary. If a joint meeting is needed to discuss it, we can figure that out. If the trustees approve of the agreement the selectboard can ratify it at a selectboard meeting.

Erik asked if the consensus is that the MOU he presented previously can be used. He had proposed making a change to "reduction in value" rather than "change in value." Beth said the selectboard felt the quality of that MOU was not great. Maybe the town and village could each provide a hold harmless agreement like the one proposed for the water and light garage but applied to all the properties listed in the MOU. She feels that would be more solid.

Erik said the village is working now on FEMA reimbursement for the lower storage and they need that MOU to show that the village is responsible for it. Eben asked if FEMA needs an MOU regarding the town office. Ken said for a jointly owned building whoever insured it needs

documentation that the other party gave the insured party control to deal with that building for FEMA and insurance processes. Beth asked, is that for decisions now and going forward, meaning that it doesn't matter what the date on it is? Ken said it is for repairs. Erik said it is supposed to be an already standing agreement. The one we have doesn't have signatures but there is a motion on record approving it. Ken said the trustees also passed a motion to give the town permission to handle FEMA and insurance processes for the municipal building.

Erik said it may be worth having the board chairs sign the original MOU for FEMA purposes and we can come up with a better one in the future. Ken said the two administrators could also write something up just for the lower storage building and the municipal building and we can work on the MOU later. We could check whether the motions made by the trustees and the selectboard are sufficient. Eben said the MOU states that responsibility for the two affected buildings is shared 50-50 between town and village, so it won't help with FEMA.

Ken asked Erik to find out whether the motions made by the two boards are sufficient. If they are, they could be printed out and signed by the board chairs. Both boards agreed to that approach if it is determined to be sufficient.

Beth asked Carl if the town has gotten a report back from the insurance adjuster. He said no. She asked if the village has gotten one. Erik said they got a \$50K cash advance. All he knows for sure is that they are not covering the pipe under the bridge because it was not listed.

Ken said he asked Erik to get state permits for the lower storage building before any work starts on it. We can't do construction without a state permit because it is a public building.

Erik said in the lower storage building Jason and Nate would like to remove the landing between the upstairs and downstairs and the interior walls that divide the downstairs into different rooms in order to increase bay space. That will make the repairs less expensive. FEMA has no problem with it. We need to find out whether a stairwell to the upstairs is needed. If it is, it will go down the wall. Ken said removing the walls will also solve some freezing problems. Pipes that froze before were behind walls.

6. *Update on Fuel Broker Services*

Carl said on Monday the selectboard approved an agreement with Competitive Energy Services. We have given them our fuel purchase history so they can start seeking bids.

Ken asked if we should we get a price from Corse to compare. Erik said he would wait to see what they propose and call Corse at that point. Carl said if we know local dealers we want them to contact we can send them names.

Ken said the contractor doing repairs at the fire department found 20 bays that had never had insulation in them. The village has contacted the company that constructed the building. Once that is fixed we will be able to spend less on propane.

7. *Discuss Acquiring Additional Zoom Licenses*

Beth said an additional Zoom license is \$150. She asked the trustees' thoughts on Zoom licenses.

Ken said Zoom was brought in for COVID and COVID is over. He can see the benefit but at the same time he sees no need for it. Meetings can be recorded and put on YouTube.

Eben asked if trustee meetings are open to the public. Ken said we can't consider the municipal building closed to the public for meetings because our employees work there. The trustees have been meeting upstairs. Erik said they keep the front door unlocked for meetings. Eben said he worries about that because of the vault. Erik said there is a motion detector and alarm in that area. Duncan asked if people can access the elevator. Erik said yes.

Mark said it sounds like the trustees are comfortable not having Zoom. Ken said there is no reason to have it but he is not opposed to it. Mark said one reason to get another license is for committees. Beth said our license only allows one meeting at a time and there have been a lot of conflicts. Her understanding is that some committee meetings are happening using only Zoom.

Ken asked what the trustees think about a Zoom license. GiGi said she doesn't think we need to spend money now. Lynda said she doesn't care. It could come in handy. It's not a large expense. Erik said if we need it it will take 15 minutes to set it up.

Beth said sometimes representatives from LCPC or VLCT can't attend in person. Ken said they can call in on the phone.

Ken suggested using Teams in Office 360 since there is no charge. Beth said that is a good idea. She said the selectboard will discuss this further at a future selectboard meeting.

8. *Discuss Completed Emergency Drainage Repair behind the Library*

Eben said there was some post-flood flooding on Railroad Street due to blocked drains behind the library. He and Ken agreed that the town and village could work together to fix the problem. Ken said the operator and equipment cost was \$2500. Eben can see how much the town spent on rip-rap and the town and village can split the total cost.

Duncan asked if the cost meets the minimum threshold for FEMA. Ken said he thinks the total cost will be about \$3500. Erik said the FEMA minimum is \$3800. If it is less it will just need to be packaged with something else. Ken said he thinks Tim Baker said it was considered an emergency repair so it wouldn't have to meet the threshold.

It was agreed that the village will deal with the FEMA reimbursement process and the town and village will share the cost later.

9. *Update on River Road East Stormwater Work*

Ken said the last time the two boards talked about this the trustees gave two options. The selectboard said they would talk about it. One of the options was that the village would contribute \$10K for the repair work that had been done as long as the other two catch basins within the village limits are capped or removed. The second option was that the village would not pay anything.

Eben suggested that the trustees put their proposals in writing and send them to Carl. Then the selectboard can send a written response.

Ken said the trustees are willing to work with the selectboard but they don't want to have to fix the other catch basins in the future. They want a plan to ensure that doesn't happen, such as going back to having a ditch or filling them with concrete.

Eben asked, with the concrete proposal, was the village going to pay half the cost of the concrete? Ken said yes. BJ said the village would pay half the cost of the work that was already done and half the cost to fill the others.

Eben asked if both town and village would be accepting the liability. Under state law if you remove a water drainage system and there is a flood that is determined to be caused by that, the landowner can sue. That option opens up potential risk.

Duncan said perhaps Jason and Nate could evaluate those culverts. They could be there purely for the benefit of the Manchesters. We are not responsible for benefitting an individual landowner. If we decide there is a better location for a single culvert that will take care of the drainage and we document that, he thinks that protects us.

Erik said we could go to the Manchesters and tell them the drainage structures they installed don't work and someone needs to fix them and if they want us to do it they need to sign a hold harmless agreement.

Ken said he looked at one of them one day and water was going in the catch basin but not coming out on the river side. His concern is that it will cost the village and the town more if we don't eliminate the catch basins or fill them in.

Beth said at the May 10 meeting there was some talk about working together to find grants to address this issue. But that doesn't solve the immediate problem of what to do if one fails. Ken said the village will be far from having match grant money for a while. But a grant would be a great thing. We can continue to look into it.

Carl asked if he remembers correctly that the village had talked about using a camera to look inside those structures. Erik said that was discussed for the area behind the library. Ken said it is a good idea.

Erik said the structures were put in by the Manchesters. They drain Manchester property. They are the Manchesters'. Ken asked if it has been checked to see if the catch basins are within the town right of way. Eben said one is close and the others are not. Erik read the definition of a private stormwater system from the draft ordinance he developed. He feels that definition applies to these structures. Mark asked if it makes a difference that they go under a public road. Erik said if you look at all the other catch basins in town that all look the same it is pretty obvious that the village did not put those in.

Ken said when they were installed Henry Manchester was the selectboard chair. Either he cooperated with the village or he didn't. There is no proof either way. Several board members said they had never heard that Henry Manchester lived in Johnson or was selectboard chair. Ken said he thought that was what CJ Manchester said.

Ken asked if Jason can determine whether the catch basin is in the town right of way. Eben said yes. Ken said if Jason can do that he would be willing to have the village crew scope the catch basin with the rim. That would let us know if parts of the structure are rotted or plugged.

Duncan said he still thinks someone needs to look at the structures. They may not be in the best location. His suggestion before was that Jason and Nate look at them. He has no issues if Erik is there too. We are talking about filling them in but that gives him some concern. Though it sounds like they may not be working.

Lynda asked if the structures can be fixed so they can work. Ken said his guess based on their age is that none of the culverts still have bottoms.

10. *Potential UVM Intern*

Beth said Ron Rodjenski has a UVM intern who is interested in working with him pro bono to do a debris management study. Eben said they propose developing a flood response plan and a debris management plan for Johnson. The email from Ron doesn't say the intern is free but Ron has offered his time for free. Duncan said he thinks the intern is free. Beth said that is her interpretation. She asked if the village is interested. Erik said he is interested in talking to them to see what they are offering. He is willing to help out by talking to them and answering questions.

Mark moved to engage the UVM intern to do a debris management study contingent on the services being provided for free, Duncan seconded and the motion was passed.

Lynda moved to engage the UVM intern to do a debris management study contingent on the services being provided for free, GiGi seconded and the motion was passed.

Erik suggested seeking out interns from VSU – Johnson. Beth said she doesn't know if they have an appropriate program. We can check. She suggested we could think about having a student representative to the board.

11. *Northern Border Regional Commission Grant*

Beth said the town has some steps to follow to unlock the grant money and then we will think about what we want to buy. We will need to work with the village on capacity for utilities.

Erik said the village will need a prediction about what buildings will be in the industrial park. This is good timing because the village may end up with a new wastewater plant and it will be good to know if it needs more capacity than the current one. There is currently plenty of capacity. Ken said the agreement for the light industrial park ran out two years ago. Beth asked if there are any capacity constraints for electricity or water. Erik said water capacity looks good. He would need to check on electricity. Duncan said for the Act 250 permit we will need an ability to serve letter from the village.

Erik said it currently takes a few years to get transformers after they are ordered so any transformers needed should be ordered as soon as possible. Eben said he doesn't foresee buying transformers under this grant.

Ken said the wastewater plant is under 50% of capacity. Erik said utility usage is staying steady but will eventually go down somewhat. Some properties are vacant but there is also a lot of cleaning activity going on.

Beth said 12 different property owners have submitted interest in buyouts for 15 properties. Lynda said she understands that if a property is bought out nothing can be rebuilt there. Beth said that is right; it will be green space. Eben said the town has to approve any buyout. Buyouts will affect the village grand list also.

12. Health Insurance

Erik said the cost of the Blue Cross Blue Shield Gold Plan will be going up 11.4%. The village has looked at the possibility of a graduated opt-out payment to encourage employees to opt out of our health insurance. BJ said currently we pay half the cost of a single plan, no matter what plan the employee is eligible for. Erik has proposed paying half the cost of the plan the employee is eligible for.

Eben said he doesn't know if we are legally allowed to force them to prove to us what plan they are eligible for. BJ said if they don't prove otherwise they get half a single plan. Erik said they are generally on the plan they are eligible for.

Eben said there are other things he has recommended as potential savings for health insurance. He doesn't see this proposal being equitable between employees. A single employee gets less for opting out. BJ asked, isn't that the same as us paying less for their insurance? Eben said health insurance is different from money in the pocket. We are talking about putting more money in one employee's pocket than another's. Erik said the money we are paying them not to be on our plan is being spent to be put on their spouse's plan. Eben said we can't force them to prove what their spouse has. Beth agreed that we can't legally ask that. Lynda asked if we can we ask whether they have coverage. Duncan said in order to get the opt-out payment they have to prove they are covered under another policy. Ken said someone with a family plan will pay more out of pocket every month than someone on a single plan. GiGi said she has worked in places that have different levels of opt-out payments and there has never been an issue with it.

Duncan said he is not ready to vote on this tonight. He would like to consider this in the context of budget discussions. Beth said we don't need to decide until October or November. Erik said we should have our plans finalized before open enrollment starts November 1.

Eben said in the past he has asked about a fully funded high deductible plan. Beth said she likes that idea a lot. Beth said we could contribute cash to HSA's for employees. Eben said that money goes with the employee when they leave.

Erik said the two ideas don't preclude each other. We could save money by doing both.

BJ said we would save money by doing what Erik suggests because we would have another employee taking the opt-out. Erik said an employee will definitely take it if the amount is increased as he suggested.

Beth said she thinks a high deductible plan is something we should consider. Erik described what the City of Winooski used to do. The deductible was \$10K. The city gave all employees a

medical credit card that could be used for the first \$9K of the deductible. If an employee only used \$3K the unused money would go back to the municipality. Eben said that was an HRA. An HSA is different because once money is in the account it belongs to the employee even after they leave. Beth said employees could put money into their HSA instead of paying insurance premiums. We could contribute to the employee HSA or not. Eben said if the employee has any out of pocket expenses they can pay themselves back out of the HSA.

Mark said he thinks the point of considering a high deductible plan is that the premium for a high deductible plan is less. Eben said if we fully funded the HSA to cover the higher deductible the employee would have zero additional expense. Erik said he looked at the high deductible plans last year and concluded that there would not be significant savings if we funded an account to cover the deductible. But we don't have to fund it. Are we talking about reducing employees' benefits? Beth said no. We can decide whether we want the money we are spending to go to the employees or to the insurance company. We could be paying \$2K less per employee and doing some HSA funding but not fully meeting employees' deductible. We would be paying into an account used for the employee rather than paying the insurance company. She has an HSA and she likes it. If she has extra money she can put it in the account and it is always hers.

Eben said even if a change to a high deductible plan with an HSA was a net zero cost change for the municipality and the employee it would be beneficial because an employee in good health could potentially leave here with \$20K in their account.

Duncan said he thinks we should think about health insurance options other than what we currently have. BJ said he is open to it.

Carl said Barre uses a high deductible HSA plan. The town gives employees 50% of their annual deductible in four quarterly installments. A disadvantage is that there is more record keeping for employees. They have to have a separate account just for this. An advantage is that the money is theirs. In Barre if an employee exceeds 50% of the deductible in a calendar year the town reimburses them 80% of the remaining deductible amount. The municipality saved money with this vs. the platinum plan. Beth asked Carl to send out information about what Barre does.

Ken said the reason Erik came up with this idea is that the trustees tasked him with trying to find a way to save money so the village could give the raise we decided on last year.

Eben said he doesn't think the selectboard is prepared to make a decision. The board will look at it as part of budget development. Personally, he would like to see a standard opt-out amount. We could have a larger standard amount for everyone rather than basing the amount on the plan the employee is eligible for, which he doesn't feel is equitable.

Ken and Erik said they would like to see the information from Carl about Barre.

13. Discuss Short and Long Term Plans for Municipal Building

Beth said in the immediate term the town is going to look for someone to put up insulation, moisture barrier and sheetrock to protect the downstairs. We think we are going to have to get everyone moved downstairs so we can make long term decisions. No matter what we decide

people will have to move downstairs either temporarily or permanently. The town and village will probably need to work together on long term plans.

Ken said his understanding is that the office has to be restored to what it was before. Beth said for FEMA we don't have to restore it to what it was exactly, just to a workable environment. Then we can do mitigation later. Duncan said they will reimburse based on the value of what was there. It is up to us whether we want to do something more expensive.

Ken asked if insurance will let us just do part of the renovations now without putting in carpet, etc. Eben said we can have Ron research that and make sure we are not losing eligibility by doing the renovations piecemeal.

Carl said Friday morning at 8:00 there is a meeting with FEMA to discuss how to do some mitigation work while repairs are being made.

Eben asked if the trustees are okay with what the selectboard is proposing. The mid range plan would be to get the office rebuilt and move employees downstairs and then come up with a long term plan. That building will cost a lot of money. Repairs are still needed to the clock tower. The roof will need to be replaced at some point. There are a lot of \$100K projects. Ken said the village is broke but they are okay with the selectboard doing whatever is needed to get the building winterized. He asked that the selectboard give the village proposals for what needs to be done and they can either put an article on their annual meeting warning or put money in the budget.

Duncan suggested the village consider whether there is interest in having the town own the building with the village renting office space.

Erik said it had been mentioned previously that there might not be carpet in the office in the future. But carpet is used in offices for a reason – acoustics and safety. When the building flooded, the tile in the entryway had to be ripped out just like the carpet.

BJ asked if the plan is to get employees downstairs before winter. Eben said he doubts that will happen.

14. Adjourn

BJ moved to adjourn the trustee board at 7:52, GiGi seconded and the motion was passed. The selectboard adjourned at 7:52.

Minutes submitted by Donna Griffiths