

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, JUNE 12, 2023

**Present:**

Trustees: GiGi Beach, Steve Hatfield, Lynda Hill, BJ Putvain, Ken Tourangeau

Others: Erik Bailey, Rosemary Audibert, Allison Kratzat, Cliff Hill

**Note: All votes taken are unanimous unless otherwise noted.**

**1. *Call to Order***

Ken called the meeting to order at 5:57.

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

Ken moved the draft stormwater system MOU item to be first on the agenda, and the bike lane item to be second.

**3. *Draft Compromise Stormwater System MOU with the Town***

Erik said he put together a draft MOU between town and village regarding stormwater infrastructure. Apparently there was a handshake deal between the town and the village. Different people have different understandings of that agreement. The constant is that the town has responsibility for ditches and culverts (everything with two open ends) and the village is responsible for everything that runs from one structure to another structure. According to some, if there is a structure running to an open end, that is the town's responsibility. Others say that is the responsibility of the village. His hope was to find a middle ground. What he suggests is that if there is a structure on one end and an open-ended pipe on the other end, the village will be responsible for the structure and the town will be responsible for the open-ended outfall, and town and village will work together on maintenance. He ran this by both boards before this meeting and it was not received well by the selectboard. He thinks they are stuck on the idea that these are ours and we are trying to shift responsibility to them. Cliff Hill was invited to come to this meeting because of his many years of experience working for the village.

Cliff described some examples of situations where the town and village worked together on stormwater structures. He showed the village and town bylaws and said that they show that even in situations where the village has some responsibility, the town has the ultimate responsibility. In the past, the town and village have worked together and he feels that we will get further ahead if we continue to do so.

**4. *Bike Lane on Railroad Street***

Allison Kratzat said she doesn't have anything specific to bring from the rail trail committee tonight. The committee is trying to pursue funding for a bike lane on Railroad Street. As far as she can tell, there wouldn't be any impact on sidewalks. But if the committee got funding they would need to work with the village on that. The rail trail committee is a town committee but the rail trail will have an impact on the village too. If village trustees have any concerns about the rail trail they should reach out and let the committee know. BJ is also on the committee so he can serve as a liaison.

GiGi said she lives on Railroad Street. She has concerns about a bike lane. She doesn't think there is room. There is no traffic control on that road. People speed and pass each other. Bikers feel safe on the sidewalk, which creates a problem for walkers. One request she has made to the town that she doesn't think has been acted on is to move the speed limit sign at the corner of Clark Street to be more visible.

GiGi said she is taking a class and today the Johnson trailhead for the rail trail was brought up as an example. It was mentioned that there is no signage to provide information about businesses in the village. The sign that is up there is not representative of what is offered now. Johnson is missing out on traffic from the rail trail.

GiGi said she appreciates the trustee board's support on painting the food shelf building but she is now taking back the offer to paint it because the selectboard has chosen not to include her on their agenda. She has been asking to be on their agenda for every meeting for months and they have declined.

Allison said the number one factor that would bring people into the village would be a dedicated bike lane. Signage is something the committee is addressing. They have serious limitations because of right of way issues.

Erik said a bike lane can be part of the solution for the Railroad Street speeding issue. Compressing the travel lane slows cars.

Steve asked if Allison could explain the specifics of how the bike lane would work. Where would it be? What would the rules be? Allison said she can't say at this point. At this point the committee is just looking for funding for a feasibility study.

Ken said he thinks the committee needs to speak to the selectboard, but the trustee board will have several concerns to talk about if a bike lane is going to be put in. This board is 100% in favor of getting business into town. Steve said the board is in favor of making it safe as well. Others agreed with both points.

**5. *Review and Approve Minutes of Trustee Meetings***

Lynda noted that one set of minutes says a motion was seconded without saying who seconded it. Does it need to state the name of the person who seconded? Donna said sometimes it is hard to hear who seconded a motion, but it is not required that a motion be seconded for it to be valid, so she does not think it is a problem if the name of the seconder is not shown.

**Lynda moved to approve the minutes of May 8, May 10 and May 24, 2023, BJ seconded and the motion was passed.**

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

The board reviewed the budget status report. Rosemary said fire payroll for the first 6 months of the year was about \$16K. She thinks we budgeted \$39K. Payroll for the second half of the year is always higher because it includes pay for drills and meetings. Electric sales for the first 5 months of the year were 43% of budget. Purchased power for the first 3 months was

34% of budget. The ARPA money has been transferred over to the higher interest account. Water sales were 44% of budget. Tax bills will go out in the middle of July.

**7. Village Manager Report and Action Items**

Erik said the village electric department rate case with the PUC is currently 98% built with the help of Steve Farman of VPPSA. It needs to be filed in a day or two in order to be effective for August billing. We are currently at 9.33% with a few open items that will likely bring it up slightly. He needs board consensus to file the rate case at between 9% and 13.5% as soon as it is ready to go.

Steve asked if this will close the deficit or even build up a surplus. Erik said it should help. He is not sure we will take care of the deficit in a year. Ken said the following year we can go up another 2% and we would still be below Vermont Electric Coop's rate.

Steve asked if ratepayers have the ability or right to protest the rate increase. Erik said the Public Utility Commission is the advocate for ratepayers. They kick back any rate increase request that is not absolutely necessary.

The board agreed that Erik can file the rate case as described.

Erik said the grant application for the sidewalk scoping study has been filed with VTrans. Work on that study will probably start this summer or fall. It is a necessary first step before we can ask for construction money from VTrans.

Erik said all the sidewalks and municipal parking lots have been re-stripped.

GiGi said at the corner of School Street and Pearl Street there is a crosswalk that goes from east to west but nothing that goes from the west side across School Street. Is there a reason for that? Ken said there is one further down the road. There are not usually multiple crosswalks close together. Erik said he will look at the possibility of adding one there.

Erik said the village crew power washed the municipal building. There was no reason to involve the town as it was a two-person job and town employees are not bucket certified.

Diane Lehouillier has been working on options for the powerhouse brownfields site and has a promising possibility. The plan would be to sell the property to a non-profit for a nominal amount and have them develop it into a park with canoe access. Having new ownership is the key to unlock significant brownfield remediation monies through the Vermont Brownfields Reuse and Environmental Liability Limitation Program (BRELLA) program. The Vermont River Conservancy has expressed initial interest in doing this with us, and Diane would like board consensus to further pursue this option.

Ken asked what they would want to put there besides the canoe access. Erik said nothing. It would just be non-profit owned and could have a conservation easement. Steve said a river access at that location would only be for serious whitewater kayakers. Lynda said she feels we should let a non-profit have it. Ken said he has no problem as long as it is not for commercial use. The board agreed that Diane should go ahead with pursuing this possibility.

Ken said he would like a lot of updates on it and he asked Erik to remind Diane to cc him on emails.

Erik said VTrans has only agreed to add one of the three requested additional crosswalks due to multiple challenges at the other two sites. The one they will add is the one at the west side of Route 100C. They are not supportive of installing flashing signs but they will convert all crossings to “gate posted” with signs facing both directions on both sides, which increases visibility. He asked about the possibility of the village upgrading to flashing lights at our own expense. There is a permitting process but he hasn't heard back what is required or if it is feasible. Ken said we can remind VTrans that Main Street is considered a high accident area by the state.

The electric department received a Change In Appraisal from the town on our poles and equipment located in the town outside the village. With very modest line extension, our appraised value went up 43%. Erik is working with the listers on this, as well as checking with VPPSA to see if we are allowed to pass through these charges to accounts in the taxed areas only.

Steve asked if there is a means to grieve it. Erik said yes, we can if we choose to. Ken asked what made it go up that much. Erik said they went off the form filed with the state. Anne filled it out this year. Maybe she was more accurate than people who have filled it out in the past. She is very detail oriented and may have listed more things than were listed in the past.

Anne did an engineer's single line drawing of the village substation in preparation for upcoming substation repairs. Erik included it in the packet as an example of the value-added service of having an electrical engineer on staff.

Ken asked if we want Erik to grieve the appraisal change. BJ said he thinks we should if we can. Steve said he thinks we should at least get a more detailed justification for why the assessment went up. Others agreed. Erik said he asked Terri Sabens and she said she just went off the form filed with the state. He needs to talk to Anne and find out what the differences were compared to previous years.

**8. *Electric/General Report and Action Items***

Erik read the report submitted by Nate Brigham:

Electric Dept. -

591 Footbrook Rd installed cover up for painting

Right way cutting

Ordered FR clothing for Johnson Farm and Yard

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

New services: we have new services proposed for Sinclair Road, French Hill, River Road West and Route 15. We have

had preliminary meetings with these customers but have not done any estimates as their plans have not been finalized.

Substation Maintenance has been scheduled for June 19<sup>th</sup> and 20<sup>th</sup>.

Designed a revision to the substation to allow independent loadbreak operation for each substation transformer. This will preclude taking outages for transformer maintenance. We are meeting with Morrisville W&L to discuss this, tomorrow.

Learning how to do the net metering billing.

Performed the ISO New England Voltage Reduction test. With the substation voltage output voltage lowered 5% we did not see voltage issues at the extremes of the system.

Met with Mr. Kent at 1775 Clay Hill to discuss his service. The transformer is slightly undersized for the solar installation and we agreed to replace the transformer with a 15 kVA to lower the voltage drop. We will see how that works before increasing the service wires.

#### Water and Sewer -

Worked with TOJ on various structures on Clay Hill Rd, River Rd West, and Sinclair Rd for the paving project

Water Leak by 67 Lamoille View Dr 1" main

Water Tap for 144/150 River Rd West and 93 River Rd West

New water Service installed at 289 Wescom Rd

Installed water meter in Woolin Mills old factory

8" sewer main was plugged by 90 Clay Hill Rd

Had County Plumbing and Heating fix a valve at 591 Vt Rte 100C

Installed seasonal water meters

Performed Hydrant flushing

#### General Dept. -

Finished sidewalk/street sweeping

Fixed holes in the structure top in the sidewalk at 100 School St

Painted Crosswalks and parking lines at Town Clerks/Fire station, and Old fire station parking lots

Hung American flags on poles and spring/summer banners

#### Safety-

Safety meeting with NEPPA on May 8<sup>th</sup> and 9<sup>th</sup> was Pole top/ Bucket rescue and trouble investigation

GiGi noted that there is a maintenance shutdown on June 19, a holiday. Erik said that was an oversight on his part. Two employees will be coming in. They will not be getting call-in pay. They will only be getting paid for the time they are actually on site. Their pay is a small part of the cost for the project.

#### **9. *Water/Wastewater Report and Action Items***

Erik read the report submitted by Dan Copp:

##### Operational Status of Wastewater Plant

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

Received final approval from Efficiency VT to move forward with the LED lighting and 2 mini split heat pumps at the Wastewater Plant.  
Waiting on contractors to set a date for installation

Replaced the rubbers and nozzels on the last wash box on the press

Performed our permit required proficiency testing for the laboratory tests we run in house. We passed all of them.

A disk on the Penn Valley sludge pump failed. We ordered and installed a new disk and gaskets for the pump.

We replaced the 2 drive belts on the motor for the Penn Valley pump as well

Mowed and trimmed the wastewater and water plants, Clay hill pump station and the reservoir.

Received notice that our permit that expires June 30, 2023 will not be renewed until 2024 due to administrative issues with the State. We just operate under our expired permit until then.

##### Operational status of Water Plant

Monthly reports were submitted to the state.

Coliform samples were negative

Took 2 coliform samples at Lamoille View and drove them to the lab in Williston after the Public Works Dept repaired a line. Both came back absent and the boil water notice for those residents was lifted.

Filled out and submitted applications to the State for free leak detection throughout the water system, and another application for valve exercising throughout the system.

Started cleaning out the Katy Win booster station for repairs and rehab.

**10. Fire Department Report and Action Items**

Erik read the fire department report submitted by Arjay West:

Johnson Fire Department Report

Apr. 26 - May 25, 2023

JFD responded to 7 calls.

5 calls occurred during the daytime (6 am - 6 pm) 2 calls occurred during the nighttime (6 pm - 6 am) The average duration was: 65 minutes

Those calls were: 2 - vehicle fires, 2 - wildland fires, 1- debris fire, 1- vehicle crash, and 1- medical assist

The average number of firefighters that responded was: 12  
Total hours of service was: 98

Other:

We have ordered the electronic components of the repeater. We are using Motorola equipment. It has an estimated lead time of 4 months for delivery.

Members of our department hosted two Kindergarten classes from Johnson School for a "Visit the Fire Station".

We have conducted a site walk with a landowner that has offered an old residence to be used as a training site, and eventually live burn training. This is a great opportunity for the department, which does not come along often. Together, we are completing the approval documents.

Ken added that two firefighters completed Firefighter 1 certification and three went to international fire school to learn to help deal with e-car fires.

**11. Review Annual Mowing Costs per Village Parcel**

Erik said we have a shared contract with the town with Robert and Sons for mowing. Their offer has been the most reasonably priced out there. According to Nate they do a good job for a good price. He reviewed the breakdown of what we pay for and what the annual cost is.

The monthly cost May-October is \$225 and they come every week or two. Lynda said they are very inexpensive. Ken said they are the only bidders we ever got. GiGi mentioned that they had a slow start this year. Erik said he thinks weather was an issue. Lynda said she thinks they had trouble getting help.

Ken mentioned a section on School Street by the apartments across the street from the school that is not ever mowed. Does anyone know why? Lynda asked, aren't the people who live there responsible? Ken said there is nothing in our ordinance that says people are responsible for mowing in front of their properties. We mow one side of the street and it seems we should mow the other side too. Erik said he will look into it.

**12. Village Green Flag and Banner Policy & Schedule – Possible Adoption**

The board reviewed the draft Village Green Flag and Banner Policy Erik had developed, which says:

*The flagpole at the Johnson Village Green shall only display 2 flags at one time, with the U.S. Colors always at the top. No corporate banners of any organization, regardless of its status as charitable or non-profit shall be allowed, in keeping with the strictest reading of U.S. Flag Code Section 8i.*

*The default status of the flagpole shall be U.S. flag over either the Vermont Flag or the Official POW/MIA, as chosen by Village staff. Other History & Heritage flags may be flown in the lower flag position (below the US Colors) as is timely, at the discretion of the Village Trustees, to honor our vast spectrum of peoples.*

A suggested monthly schedule for the flag in the lower position was included. Board members suggested making the theme for April health awareness in general rather than just autism awareness.

Ken said this policy will prevent having people come to the board to ask for certain flags to be flown. The idea was to create a policy that includes everyone and everything and get away from organizational and non-profit flags. No one could get mad at anyone about flying these flags.

GiGi asked what the cost of these flags is. Erik said most awareness flags cost around \$12.50 to \$16. Ken said he will donate \$75 for flag purchases.

Lynda said we will get feedback that this does not include Black Lives Matter. Erik said that is a corporation so it is not allowed under this policy. BJ said we do have Black History Month.

**Ken moved to adopt the Johnson Village Green Flag & Banner Policy & Schedule with the change discussed, Lynda seconded and the motion was passed.**

Erik said we could buy a commercial grade flagpole on Amazon for \$450. That would also require putting in a tube. He thinks the total cost would be about \$700. Lynda asked if the American flag will always be flown. Erik said yes. If we got this flagpole it would be taller



and we could upsize the American flag. He thinks with this policy, which calls for flying only two flags at a time, one pole is fine.

Lynda asked if we have money in the budget for this. Rosemary said we budgeted \$2,500 for parades, celebrations, etc. and we have spent less than \$1,000.

**Ken moved to authorize spending up to \$1,000 to purchase and install a new flagpole and flags as needed to be flown per the Village Green Flag & Banner Policy & Schedule, Steve seconded and the motion was passed.**

***13. Draft Village Stormwater Systems Use Ordinance – Possible Adoption***

Erik drafted a village stormwater system policy and sent it to the VLCT Municipal Assistance Center. Kail Romanoff at VLCT reviewed it and said generally it was good. He had a few suggested edits. Our lawyers have not seen it. We do not have a stormwater ordinance at all now. If the board adopts this tonight it will be advertised in the News & Citizen and if it is not petitioned against it will be in effect in 60 days.

Lynda asked if our lawyer needs to look at it. Erik said that is up to the board. The general feeling from the VLCT lawyer was that it is legal. Erik based it on another municipality's ordinance.

Steve asked about Kail Romanoff's recommendation that one part of it be shown to the village's attorney. What should we do about that? Erik said he doesn't think Kail read that section correctly. It would only apply if someone has already been caught in violation. If we got close to that situation, lawyers would be involved. Ken asked if we could send just that section to legal. Erik said we could. He noted that the policy he based this on was written by lawyers for Williston.

Erik read the section defining what is private. Ken said he would think that the policy would not apply to anything that is already in the ground. Erik disagreed. He said all the pipes in the ground in Williston are covered by their policy, regardless of age.

Ken said he would like to have it legally reviewed. Erik asked, the whole thing? Ken said he would start with the part that the VLCT lawyer suggested having reviewed. Erik said the VLCT Municipal Assistance Center will do a full-on review for a price that he thinks is pretty fair. They would probably have it done by someone with experience in stormwater. Steve suggested getting estimates from the Municipal Assistance Center and from the village's lawyer. Ken said if we are only having that one part reviewed the cost can't be that much. He feels we could have it done by either party. Lynda said she also would feel more comfortable if it has legal review. She noted that the VLCT lawyer suggested for one section it might be worth adding backup about what to do if a landowner won't provide access. Do we need to add some detail?

BJ said he would like to ask a lawyer the question of whether this covers infrastructure that is already in the ground now or if it only applies to infrastructure installed going forward.

Erik said he can add language as suggested in the first paragraph and get a quote from VLCT for a review. The board agreed that Erik should get a quote and consult with Ken for consent to move forward if he feels the price is reasonable.

***14. Discuss Possibility of Cost-Sharing with the Town Costs of Completed Stormwater Repair***

Erik said he checked and the catch basin draining the Manchester property that was repaired by the town, for which they are asking the village to share the cost, was done up to code.

BJ said if it is the taxpayers, not the ratepayers, paying for the repairs the town did that means a double hit for them. If it were ratepayers paying for it he would agree to pay our share, but the taxpayers are already paying town taxes as well. Steve said he thinks Erik has come up with a formula that would be fair where we would pay less than 50%. Erik said it would be the taxpayers paying. At the last joint meeting Eben Patch pointed out that the town pays 10% on the grand list to the village. His formula takes that into account. There are many different ways of looking at it and he came up with one version of what might be equitable. BJ said village residents will be paying already even if the village does not pay anything because they are town residents. If the village contributes anything then village residents will be paying more than town residents.

Ken asked how much the village has contributed in the past for shared projects. Rosemary said when the municipal building was purchased the cost was not shared 50/50 between town and village. The village made a contribution but it was not 50%. Often when there are shared expenditures enterprise funds also put some money in.

Ken said he had previously suggested that we pay the \$10,000 the town is requesting as a good faith gesture. If we do decide to do that, he would like to make a condition that the remaining culverts be filled in immediately with concrete. They are not our responsibility. If we pay to fix this one we will be stuck fixing the others.

Lynda asked where the water will go if they are filled in. Ken said that is the town's problem. They could dig a ditch like the one that used to be there before it was filled in.

Ken said he talked to Eben Patch about the idea of paying according to Erik's formula and Eben does not believe the selectboard will go for it. Their theory is that we owe 50%. BJ asked, would paying half set a precedent? Ken said if we agree with the town that the others will be filled in we will be eliminating the other problems.

BJ said he can't imagine telling the people who elected the trustees that we are going to make village residents pay twice as much as town residents just to get along with the town. Ken reminded him of Eric Osgood's point. Is it better to go to court and pay lawyers more than \$10,000 and possibly end up paying the entire cost of the repairs?

Steve asked how realistic it is that the town will agree to fill in the remaining structures with concrete. Lynda said the idea makes her nervous because of the potential impact on whoever buys or develops that property. Erik said anyone who buys that property is going to have to go through the state stormwater permitting process. They will probably have to put in a

stormwater pond or develop some process to slow the flow of stormwater. A new development must meet the new state standards.

Lynda said if we do fill in the structures with concrete she doesn't know what that does to the value of the property. What will happen if we fill them in with concrete before ditching is there? BJ and Ken said water will wash over the road. Ken said that is the town's problem. BJ said we would tell the property owner that if they want them replaced they can pay for the material. Lynda asked if they are functioning now. Ken said one is plugged all the way to the top.

Lynda said she agrees with contributing \$10,000 but she is hesitant about filling the structures in with concrete. Erik said we would ask for them to be filled in with concrete or for some other method that would remove any future liability for the village. Lynda said she doesn't know enough about it to say whether filling them in is a good idea. Steve asked, we can't give the town \$10,000 and ask them to sign something stating that they are responsible for any future repairs? Ken said one of their board members said he doubts their board would go for that. They are looking out for their own situation. Steve said he doesn't understand the logic of why they would not agree to that but they would agree to fill them with concrete. Ken said because filling them with concrete eliminates their liability as well. Erik said according to the definition of a private stormwater system they had no liability. They went ahead and fixed it but a stormwater system that drains private property is private.

BJ said he doesn't want to contribute anything toward the cost of the repairs. Steve said he doesn't want to give them the \$10,000 without assurance that we will have no future liability. He doesn't think getting them to fill the structures in with concrete is a realistic solution. Erik said that was actually the idea of one of the selectboard members. Ken said he would assume we would have to split the cost of the concrete, which would be about another \$1,000.

Steve said water will wash over River Road if they are filled in. Erik said not if they ditch it. Lynda said what we are proposing is not set in stone. We just want to make a proposal and find out what they say. GiGi said she thinks the good will intention is important and filling them with cement is a great idea. This needs to be resolved one way or another and it has to be handled in accordance with regulations. Lynda asked if there is any state level issue with filling the structures with cement. Ken said no.

The board agreed to send an offer to the interim town administrator and the selectboard chair that the village agrees to pay \$10,000 toward the cost of the repairs that were done as long as the other catch basins located in the village are filled with concrete.

#### **15. Other Business**

GiGi asked, if the cost of legal review is reasonable and the review is done and no significant changes are recommended, can Erik then take the next step with the ordinance? Erik said that will need to happen either at the next meeting or at a special meeting.

Ken said the agenda for the joint meeting includes setting a date for the next joint meeting. He does not want to meet in July. Other board members agreed.

The board agreed that the trustee board will not meet in July unless something comes up to make it necessary.

Erik said he has vacation planned from September 22 to October 8.

***16. Executive Session to Discuss a Contract***

Ken said he does not think an executive session is needed.

***17. Adjourn***

**BJ moved to adjourn, Steve seconded, the motion was passed and the meeting was adjourned at 8:05.**

*Minutes submitted by Donna Griffiths*