

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
MONDAY, SEPTEMBER 11, 2023

**Present:**

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

Others: Erik Bailey, Dan Copp, Rosemary Audibert (by phone)

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

**1. Call to Order**

Ken called the meeting to order at 5:56.

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

In appreciation of everything Lynda Hill did with the donation center, the village gave her a \$50 gift certificate to Jenna's Café and the trustees gave her a \$75 gift certificate to Moog's Joint.

Lynda said she has gotten phone calls asking where the money came from for Ken's gift certificate. She didn't know anything about it until it was presented at a meeting. Ken said the money for his gift certificate and Lynda's \$50 gift certificate both came out of the village coffers, but the \$75 gift certificate for Lynda was paid for by the trustees. (After the meeting Erik clarified that a trustee brought cash to the meeting to cover the cost of Lynda's \$50 gift certificate, so it was not actually funded by the village.) GiGi said she didn't know anything about Ken's gift certificate either. Ken said a quorum can agree to spend money and they did. GiGi said in the future she would prefer to personally donate for appreciation gifts rather than have taxpayer money fund them. Erik said Ken's company, Green Mountain Construction, donated the labor of 2 of their men for 2 days to clean out the downstairs of the municipal building and he refused to invoice for it. That was worth much more than the cost of the gift certificate.

GiGi asked to add discussion about communication to the agenda.

**3. Moment of Silence**

Ken asked for a moment of silence to honor those fallen on September 11, 2001. He also thanked our fire department. He said they would have done the same as the New York City Fire Department. They have shown us that with their response to flood disasters. GiGi thanked BJ, who went to New York after 9-11 to help with emergency response. Ken also thanked our EMS providers.

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

Erik said the most recent minutes were not included in the packet so approval will need to be postponed until the next meeting.

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

Rosemary joined the meeting by phone at 6:03. She said tax bills have been sent out and taxes are due October 1. We received state PILOT money. The town has paid for their fire contract. Waterville and Belvidere have paid their first two installments. The third is due at the end of September. We got \$50K from our insurance company today. Rosemary will use that to pay bills for the fire department, which total \$68K so far.

Electric sales for the first 8 months of the year were 67% of budget. Purchased power was 61% of budget. Water sales were 68% of budget. Sewer plant flood expenses so far have been \$395,786.

Rosemary has borrowed \$395K from our \$1 million dollar credit line. Steve asked if that total includes the line under the bridge. Rosemary said yes, that is the majority of it.

Rosemary said she asked Union Bank about a credit line for electric department expenses. We can get a \$200K line of credit at an interest rate of 5.7% for 1 year. Erik said he has been working with the state and the bond bank to get them to help out with bridge funding and it is going to happen. We will be able to borrow for a term of 7 years, paying interest only for the first 2 years. Interest rates will be low. We will be able to get commercial lines of credit and then the bond bank will assume them, so we will not need a bond vote. This will provide bridge funding for the period before FEMA reimburses us. This program was set up with the impacted wastewater plants in mind. Erik told the state we would probably be looking for a total of \$5 million. Whatever we borrow, they will pick up, including the \$200K Rosemary just talked about.

Ken said with FEMA we pay and then get reimbursed, and they don't pay for interest. Lynda asked how long it takes to get FEMA money. Erik said insurance needs to pay out first. Reimbursement for Category B expenses for emergency repairs is paid quarterly. Ken said expenses like replacement of the mower/snowblower, lab equipment, etc. can be put into Category B and we will get reimbursement quicker. Erik said expenses in Category F generally are paid at the end of the project. For long term projects we may need to work with the state bond program and then FEMA will eventually reimburse us.

Lynda asked why we cannot use the line of credit we already have for electric department expenses. Erik said for accounting reasons.

**BJ moved to authorize getting a \$200,000 line of credit from Union Bank at a fixed rate of 5.7% for 1 year for electric department expenses, Steve seconded and the motion was passed.**  
(Rosemary left at 6:18.)

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

Dan presented his report. The E-DMR and Wr-43 were submitted to the state. We calibrated the D.O. Sensors in the SBR tanks. We are processing all wastes through the plant. It took awhile to get the biological growth adequate to remove E. coli. We were able to get 2 permit required E. coli samples before the end of the month and both passed state requirements. We also met our permit requirements in August for BOD, TSS, and phosphorus. Quite an achievement given the plant was only up and running since August 9. We were able to remove the health hazard warning signs that we had to place along the public areas of the Lamoille River. The emergency generator is now hooked up and will transfer power automatically should we lose power. We have the sludge pumps up and running so we can waste sludge. We will be hauling it to Morrisville for processing for the foreseeable future as getting the process water and sludge grinder etc running will be an expensive and time consuming process. The portable pump we were using for bypass pumping has been returned. The structural integrity of the main building is being questioned. There are cracks appearing in the blocks and an interior block wall has separated slightly from another attached wall. We are testing whether any of the alum that we use for phosphorus removal is salvageable. We are ordering new alum pumps and will order alum if needed.

Monthly water reports were submitted to the state. Coliform samples were negative. We sampled for disinfection byproducts and the results were well below state requirements. We will be sampling for lead and copper this month. Dan did not have water loss numbers.

Dan said he got 2 quotes for replacing the heating system and hot water at the wastewater plant. Two other companies decided not to bid. Mountain Air's quote is \$124,462. Alliance Group's quote is \$101,047. When we rebuild, FEMA wants us to do any mitigation that is possible. Dan called FEMA and they said the only thing that could be mitigated would be the water heater. We could put an on-demand water heater higher than the old water heater. The boiler is too big to raise up higher. They gave us the okay to replace the boiler as is while putting in a water heater on the wall. The quote from Alliance doesn't include an on-demand water heater but they verbally said they can provide one and stay within the quoted amount. Erik said Alliance's quote included some things that the Mountain Air quote did not.

Ken asked if Dan discussed with them whether the equipment could be pulled out and reinstalled if we moved the plant. Dan said he did not discuss that but he highly doubts anything but possibly the furnace could be moved. Ken said the furnace was what he was thinking about. Dan said the furnace itself is not the biggest part of expense; it is the controls

Dan recommended accepting the Alliance bid, which is cheaper by about \$25K.

**BJ moved and GiGi seconded to accept the bid from Alliance for \$101,047 for heating system and water heater replacement at the wastewater plant.** Dan said they think they can start within 3 weeks. **The motion was passed.**

Dan said he is waiting on quite a few significant bills.

Ken asked if we looked into purchasing a generator vs. renting one. Dan said when he priced generators a few years ago the cost was \$60K. He can look at prices of portable vs. permanent generators.

Dan said Manosh will be hauling our sludge. They charge \$300/hr. We are still waiting for a new control panel for the River Road pump station but it is working now.

Ken asked if Dan has looked any more into replacing the mower/snowblower. Dan said no. Ken said the cost to replace it with something like what we had would be \$12K. We could ask Dan to buy a cheaper mower and a walk-behind snowblower. Dan questioned whether FEMA would cover the replacement cost if we were not doing a direct replacement. GiGi asked if FEMA is covering the replacement. Erik said they will reimburse us about 85% of the cost. Ken said we can't buy something exactly like what we had. For \$12K we can get something that is not quite as good. The board agreed that Dan can replace the mower/snowblower.

Ken asked if Dan has seen any more mold. Dan said it seems the same. Ken said Servpro cleaned areas where they could work without protective gear but they were not able to sanitize everything the way they did in the other buildings. Lynda said she can provide some mold killer. BJ asked if the wall is still seeping. Dan said it is hard to tell. *(Dan left at 6:45.)*

#### **7. Village Manager's Report and Action Items**

Erik said the WWTF is turning out truly outstanding effluent, visibly indistinguishable from tap water, with single digit to non-detectable E. coli tests. This is truly astounding only a couple of weeks after starting the biological process. The bridge sewer line crossing is running the permanent

pipe, but not hung in permanent fashion yet. The crew is on a pause, waiting for the pipe insulation to arrive, due to supply chain issues. They have a plan to be done in 3 weeks or less once the parts get here.

PACIF has sent us the \$50,000.00 advance on our claims and is working on the invoices Anne has filed to date.

Stowe Builders have begun work on the fire station already. Both village & town foremen have agreed to a plan to remove much of the interior walls in the lower storage building. This will gain needed space and reduce the cost of flood repairs.

Ken said we need to file for a state permit. The state is waiving all the fees. We need to find out if we need to add a stairway for one of the entrances. He spoke to Beth and Eben about the work and they asked him to talk to Jason and Nate. He went to the building with Jason and Nate. We will inform the selectboard at the joint meeting about what is being done at the lower storage building.

Erik met with Governor Scott at the Northern Border grant celebration last Friday and explained our funding gap, and he assured Erik that help is on the way, which Erik already knew. Erik reinforced that we really need the process to hurry up. The governor is very abreast of it and it seems he is already pushing the agencies to make haste.

The village crew is planning on fixing the Railroad St. panels directly across from the telecom building, the bad spot on School St. adjacent to the crosswalk to the school, and likely 2 others on Main St this week. It is a demonstration of their hard work and dedication that they can fit this in at all with the mountain of additional tasks the flood has caused them. Nate has contacted the Tree Board multiple times regarding trimming obstructive sidewalk trees, especially in front of Sterling Market, but has not gotten any response or movement.

Some trustees said Tree Board members have been out recently taking care of the trees.

We have been selected for a MERP Phase 1 energy audit by VT BGS. This is the gateway to the \$500,000.00 energy efficiency grant we plan to use for the garage rehab. The RFQ for the architect and engineer for the project is ongoing, and responses are due by September 22<sup>nd</sup>.

Annually VT electric utilities are offered equity shares in Transco (the major power distributor). These shares pay quarterly at about 12.5% APY. Erik strongly suggests we continue to purchase our allocation and option on any unallocated shares. With our current financial state, in his opinion, we should use the VPPSA assignment option, where they buy them for us with a small administrative and interest fee, which will result in us not seeing these particular dividends for 3-4 years.

**Lynda moved to assign all 2023 Transco shares allocated to Johnson Water & Light, as well as any available unallocated shares, to VPPSA to purchase on behalf of the Village of Johnson, GiGi seconded and the motion was passed.**

The PUC has set a public hearing date of Tuesday Sept 19<sup>th</sup> at 7pm for our rate case and has filed discovery in advance of that. The W&L Department along with VPPSA is preparing our response

to discovery and Steve Farman, our counsel, and Erik will be at the public hearing (which is remote only.) Others are welcome to come defend our position.

Tim Vallee of RL Vallee & Sons reached out to Erik early last month, asking what they could do to help the Village of Johnson in the wake of the flood devastation. Erik conferred with Ken Tourangeau and he proposed asking to help the Johnson Fire Department to acquire a high-water rescue UTV. Erik brought that to Tim, and he proposed it to their board. Last week, we received checks from them totaling \$25,000 to be used for a JFD High Water Rescue UTV. This is amazing news, and the FD should be able to order the perfect rig between these funds and fund-raising they have already done.

The cost of the UTV is in the low to mid \$30K range. Ken said they will also need a trailer. He said he first asked if the money could be given to flood victims but Rosemary said not unless we give it to every flood victim. The UTV is not just useful for flood rescue. It can also be used out in the woods. It can benefit all of Lamoille County through mutual aid. Board members all expressed gratitude to RL Vallee. Ken said the Green Mountain ATV Club is raffling off a 4 wheeler and 50% of proceeds are going to the fire department to help them buy a new trailer.

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

Erik read the September 2023 report prepared by Nate Brigham and Anne Crocket:

Electric Dept.

Mutual aid to Hyde Park 2.5hrs.

Changed out Transformer at 1066 100C with the help of Erik

Outage at 258 Collins Hill Rd, tree came down on the line and broke the neutral wire

Disco/Reco for Comcast at Footebrook Rd and Rt15 for a meter socket change out

Disco/Reco for 184 100C for new main panel in home

Changed out Triplex for 1969 100C

Reattached triplex to house at 112 River Rd West twice due to telephone's low wires

Installed cover up at the Masonic Temple for painters

Pulled numerus meters in Harveys lower park due to flood

Fema meetings

Removed tree on the line at 615 Prospect Rock Rd

Assisted the Town with tree removals at 514 Plot Rd

Worked on logging Flood hours work by employees and equipment

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

Completed new service estimates for 823 RT 15 and Upper French Hill Road.

Coordinated with Consolidated for the pole set at 823 Rt 15 and the pole was set yesterday.

Had preliminary discussions about a new service on the Plot Road and an upgrade on Library Street.

Met with the Department of Public Service to discuss Service Quality Reporting.

Assisted in damage cleanup and relocation at the Village Office. Attended numerous meetings to discuss the flood and FEMA requirements. Did a first draft of the FEMA Damage Inventory report.

Water/Sewer

Assisted in Leak Detection of parts of the water system

Recovered a fuel tank, dumpster and tires from the setback behind the Sewer Plant

Located water shut-off for 399 Lower Main West  
Replace broken shut-off at 161 River Rd West

#### General Dept.

Installed new flag pole on the Village Green  
Picked up filing cabinets for Town Clerks Office  
Doing inspections of the Catch Basins for cleaning  
1 employee out for arm surgery 6-27 to present

#### Safety

Safety meeting with NEPPA on Aug. 9<sup>th</sup> was on Substation components and safety. Also on Aug. 16<sup>th</sup> was on 1<sup>st</sup> aid/CPR/AED  
July 11<sup>th</sup> Flood power shut off to western half of Village majority were turned back on by 9:30 that night. We had a tree on the line near the Skate Park and was removed on the 12<sup>th</sup> with the help of Enosburg Electric. VEC wouldn't help. Also on the 12<sup>th</sup> we pulled meters and re-energized transformers to be able to give individual customers power as they got electricians inspections. We still have 20 electric customers off and 4 water customers off at this time. We have Replaced 50 electric meters due to the Flood so far, thanks to Wallingford Electric in CT. We relocated the Pole pile, which was flooded out, to higher ground on Lendway Lane.

GiGi said she thought it was brought up at the last meeting that we asked for Vermont Electric Coop's support and they declined. Erik said they were in worse shape than we were. Lynda said the minutes of the last meeting should not say that they wouldn't help us. Ken said that was his wording and he doesn't want to change it. We asked to use a bucket truck they were not using because we couldn't drive our trucks through deep water and they did not allow us to use it.

Erik said he has contracted with a doctor to do pre-employment and return to work physicals for employees.

Erik said on Thursday some of the governor's staff are coming to look at damages. Ken and Erik will meet with them. Greg Tatro has arranged for a state legislator who heads an important committee to bring her entire committee here next week. Ken said a Democratic candidate recently met with him, Erik, Dan and Beth. Greg Tatro set that up.

GiGi said a FEMA representative told her we were getting trailers or temporary housing. She has heard there are people in the trailer park still in need. Do we know about that? Ken said that is up to the selectboard.

#### **9. *Health Insurance Costs Update and Savings Proposal***

Erik said currently employees can choose Blue Cross or Blue Shield but the employer share is 90% of the cost of the BCBS Gold plan. He just got rate increases from BCBS and MVP. The state authorized an increase of 13.3% for BCBS. The Gold plan went up 11.4%. Currently when an employee opts out of our health insurance we pay them half of the cost of a single-person plan, regardless of what plan they are eligible for. In the packet he provided a list of other Vermont municipalities that he learned offer a graduated health insurance opt-out plan. If we offered half the cost of whatever plan the employee was eligible for, based on current employees who he knows would opt out, the increase in our cost would be 6.68% rather than 11.4%. If Erik takes the opt-out the village will save about \$14K. The only employee currently taking the opt-out is eligible for a 2-

person plan so they would get paid twice as much. With the current opt-out it is not worth it to Erik to take it, but if it were half of the cost of the plan he is eligible for, he would take it.

Ken said we tasked Erik with trying to figure out how to save money so we could stick with the raise we agreed to at the joint meeting at the end of last year. Raises have always been decided on jointly between town and village. It could cause problems if town and village employees get different raises. This topic is on the agenda for the upcoming joint meeting with the selectboard. He asked Erik to provide a write-up for that meeting explaining his proposal for a tiered opt-out payment system. We agreed that we would give a 7.4% cost of living increase if we could save enough money on health insurance. Erik said even if we stay with a 5% raise and make this change to the opt-out payment it is still a bit of a win for employees. Ken said the flood was not in our thoughts when we decided on the cost of living increase. That has changed everything. Erik said that is why he thinks employees would not blink at a change to the opt-out payment and a 5% increase. Lynda said if she were an employee she would not be expecting a raise for the coming year. GiGi said she would rather cut committee funding than employee raises. Ken said he will be pushing for no funding for any committees in the budget.

Ken said for the joint meeting he would like Erik to come up with cost figures for both 5% and 7% raises with and without changing the opt-out payment. Erik said another possible change that could save us another \$8200 is an employee who may decide to change to a different plan. Ken said he would ideally like the increases to be the same for the town and village. It created some issues when we decided to have 2 more holidays than the town. We don't have to do what they do but he thinks we should make an effort. Maybe there could be a compromise. GiGi said she does not support a 7% raise but she supports 5%.

#### **10. *River Road East Stormwater Discussion***

Ken said at a joint meeting with the selectboard we suggested that we would pay \$10K of the cost of the repairs that had been done if they agreed to filling in the rest of the catch basins draining the Manchester property. They didn't like that. They are not going to fill them in.

BJ said if we agree to pay half of the costs that have been incurred we might end up having to pay half of future expenses when we are not even involved.

Erik suggested we could pay for legal review of his proposed stormwater ordinance. Ken said according to attorney Brian Monaghan we cannot write an ordinance that supersedes our charter. Erik said he had a VLCT lawyer look at the ordinance and she said it was good. Steve said Brian Monaghan has said in the past that he has a lot of experience dealing with this particular issue. He thinks we should trust him. Ken said our charter says we are responsible for any drainage.

BJ asked if Brian Monaghan understands that this is not a normal type of drain. Erik said it was put in by a private landowner and is draining private land. Ken said it was put in by the town and the village would have had to approve it when it was done. In the past things were done verbally with no records. He wants to work with the town.

BJ said he is willing to pay half of the costs already incurred but he is not willing to risk being in this situation again in the future. We have to work with the selectboard on some solution for the other 3 catch basins so we are not liable for them.

Lynda asked if changing the charter is a possibility. Ken said it would have to go through the legislature.

Steve said he feels we are trying to meet the selectboard halfway and they are not willing.

Erik said the catch basins are private. They drain private land. Ken said they are not private. They are in the town right of way. They were put in by the town and had to have been approved by the village at the time but there is no record of it. It happened before any existing employee worked here. The Manchesters who are alive don't have the answer. BJ asked how we know the town got permission from the trustees. Ken asked how we know they didn't.

BJ said he is willing to pay half the cost on the first catch basin if they agree to do something with the other 3 to prevent future expense. Steve said we should say we want to work with them but we feel like they haven't made a good faith effort to compromise. GiGi said the town always wants us to pay half but we don't have the money the town has. It should be pro-rated. Ken said we talked before about how a smaller percentage from the village would be fairer.

BJ said it might be worth paying to have a lawyer look over Erik's proposed ordinance rather than have to pay for the other 3 catch basins in the future. Steve said rather than spending money on a lawyer he would prefer to spend money on getting this issue more resolved. Ken said he tends to agree.

Ken said what he asked Brian Monaghan was whether we could write an ordinance that supersedes the charter. BJ suggested that maybe there is nothing applicable in the charter so this would not supersede it.

Erik said the person who put in the catch basins was selectboard chair at the time but he did it himself as a private individual. Ken said there is no way to prove what happened. There is no evidence to show whether or not the village was involved. Erik said there is the evidence that the village's other storm drains don't look like that.

BJ said maybe we should use the percentage of the total cost that Erik had previously calculated would be fair. We could pay that percentage of the cost for the first catch basin and pay the same percentage of any costs to deal with other catch basins.

Ken asked what the VLCT lawyer said when Erik sent her the proposed ordinance. Erik said she gave it a cursory review and made 4 suggested edits. He asked for an in-depth review and they said they didn't have the bandwidth and we would have to go to another attorney. Most of the ordinance is boilerplate from other municipalities' already accepted ordinances. It should be an easy lawyer review. Ken suggested sending it to Beth Foy, Eben Patch and Carl Rogers so they can look at it. If the town thinks it looks good then maybe we would check with a lawyer to see if we need a charter change.

#### ***11. Missing Insulation in Fire Station Bays***

Erik said it was discovered that there was no insulation in about 14 bays at the fire station. He wrote to the contractor who built it 18 years ago to let them know about the issue. There must have been resulting heat loss over the years. The village is requesting that they either put insulation into those bays or pay for the contractor we already have on site to do it.



**12. Loading Flood Pictures on Dropbox Account**

Erik explained how to upload photos of flood damage to the Dropbox account set up for this purpose. Ken said people who don't want to upload photos themselves can send them to him and he can do it.

**13. Discussion on Communication**

GiGi said Jon Gregg recently sent out a letter that was signed by Mark Woodward, Duncan Hastings and Joie Lehouiller. Lynda's name was on it too, though Lynda told her she did not sign it. It would have been thoughtful for Duncan and Mark to ask other board members if they wanted to sign it and if Joie had told other Johnson Works members about it.

On Friday she was headed out of town when a friend told her Bernie Sanders was going to be in Johnson so she turned around and came back. It was embarrassing and disheartening that people didn't know about the event. She wishes Erik had let the trustees know. It should have been a moment for us to celebrate. The governor and two senators were here. She doesn't understand why people weren't informed.

Ken suggested that GiGi ask to be added to the town's distribution list. Erik said the distribution list was large and he didn't know who got information about the event. GiGi said it could have been put on Front Porch Forum. An opportunity was wasted. Ken said he thinks 10 other towns were there receiving the same grant. Johnson did not set up the event; the state did. Sometimes the state asks that people not be invited for security reasons.

Regarding the letter, Ken said private citizens can do whatever they want. They don't have to ask board members or anyone to sign a letter. Lynda said she thinks Jon just asked people he knows. Lynda said she thinks getting along as a community and not complaining about the selectboard, tree board, etc. is important. Ken said if GiGi wants the village and town to sign a letter he thinks this board would do it and we could contact the town.

Erik mentioned that the grocery store has committed to rebuilding and they have a mitigation plan.

**14. Executive Session – Village Manager Annual Evaluation**

**BJ moved to go into executive session under 1 V.S.A. Section 313(a)(3) for the evaluation of a public employee, Steve seconded and the motion was passed at 8:24.** Ken said the executive session would be with just the board initially, with Erik invited back in during the session. The board came out of executive session at 8:55.

**15. Adjourn**

The meeting was adjourned at 8:55.