

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, JUNE 10, 2013

Present:

Trustees: Gordon Smith (5:03), George Pearlman, Ellis O’Hear, Walter Pomroy, Chris Parker
Others: Duncan Hastings (Manager), Rosemary Audibert (Clerk), Steve Towne, Tom Elwood, Kim Marble, Arjay West, Kim Dunkley, Scott Meyer

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

George called the meeting to order at 4:15.

2. Organizational Meeting

George nominated Gordon Smith for chair, Chris seconded, and the board voted to elect Gordon Smith as chair.

Chris nominated George Pearlman for vice chair and the board voted to elect George Pearlman as vice chair.

George moved to appoint Duncan Hastings as Water & Light Commissioner, Rosemary Audibert as Collector of Taxes, Duncan Hastings as VPPSA Director, and Steve Towne as alternate VPPSA Director, Walter seconded, and the motion was passed. (Ellis arrived at 4:21.)

3. Treasurer’s Report & Review and Approve Bills and Warrants

Rosemary reviewed the budget status report.

Chris moved that the board sign the resolution to take out a note for \$25,430 for 3 years at 1.9% for purchase of a new pickup truck, Ellis seconded, and the motion was passed.

Walter moved to sign the promissory note for the pickup truck purchase, Chris seconded, and the motion was passed.

George moved to put a water and sewer lien on Steve Roberge’s property, Chris seconded, and the motion was passed.

Rosemary asked about changing a couple of the credit cards for village employees to prepaid debit cards. The due date on the credit cards is very close to the date of the trustee meeting and because of the timing we are getting charged finance charges and late fees. It was agreed to keep one credit card for Steve and use a joint prepaid debit card for the other employees, except Duncan, who would have his own.

4. Wastewater Treatment Facility & Water System Operator’s Report

Tom said 3 water leaks were fixed in May – one by Manchester Lumber, one on Lamoille View, and one on Main St. Since then per-day water loss has dropped about 50,000 gallons per day. There is still one leak downtown that will be repaired soon.

Tom said back in 2009 he had asked for permission to use a village truck to go back and forth to work and answer calls and he believed the board said yes. He is now trying to clarify whether use of a village truck is part of his compensation or not. He has been taking it home during the weeks when he is on call. He currently uses it only to go to and from work, though in 2011 he asked to use it to get parts when his personal vehicle was flooded.

Duncan and Steve said they were not sure this is what the Board had agreed to at the time of hire and also wanted it clarified. The minutes from that 2009 meeting are not as clear as they might be, as they reference the approval as being use of the truck in the short term. They both felt it was important for the Board to review this again and clarify for the record. Duncan said that Tom was operating in good faith based on his understanding.

Walter asked if having a truck at Tom's house would impede anyone else from performing their work. Steve answered no and explained what other trucks are available. Tom said he leaves the truck at the water plant when Steve Edgerley is on call and when he is on vacation. Steve Towne said he told Tom he would back him on taking the truck home because he needs to respond on weekends and at night. Steve Edgerley chooses not to drive the truck when he is on call.

George moved to provide water and sewer department employees with a truck they are allowed to take home during the weeks they are on call, for transportation to and from work, but not for personal use, seconded by Chris, and the motion was passed.

Duncan stated that he is recommending a policy prohibiting employees from bringing pets to work and he listed several reasons why he believes such a policy is appropriate, including liability, other employees and members of the public that don't like or are afraid of dogs, being in village vehicles, etc. He said Steve Edgerley is asking for a waiver of any policy to have his dog at the WWTF but not in village vehicles or out of the WWTF compound. Tom also elaborated on Steve Edgerley's request and said that the WWTF plant itself was not open to the public. Duncan disagreed with that statement and said the WWTF is a public building which the public and other employees have access to, albeit on a more limited basis, but it is village owned and the public has access on a routine basis. The issues he raised might be less within the fence, but still exist.

Duncan asked if the board wants to have a policy on bringing pets to work. George said any pet policy has to apply equally to all employees. Walter said we need to be customer-friendly. He doesn't think it is right for employees who might have to deal with customers to have pets with them.

Ellis stated that he agrees in concept with a policy against employees bringing pets to work, but feels that there would be a double standard as some elected officials bring their dogs in the buildings and to public meetings. He doesn't feel it is right to ask the employees to do one thing when the elected officials are doing something else. Chris was in general agreement with Ellis's concern. Duncan stated that while this was a legitimate concern, the trustees could not adopt a policy that applied to elected officials. They could only deal with

the employees. He suggested that another policy might be considered to deal with the other issue. There did not seem to be consensus on the issue.

Walter moved to prohibit village employees from bringing pets to work, seconded by Chris. The motion failed, with Chris and Ellis opposed and George abstaining.

Alan Beard has asked about extending the water line to his parents' property on School St. Our main ends at the intersection of College Hill and School St. From there, a ¾ in. copper pipe goes out to Bob Herold and Bob Sweetser's houses. They apparently have fairly low pressure and flow. Duncan said our Water System Rules and Regulations say that there can be more than one tap off a service line, but the trustees have the ability to require that a person tapping off the line have an easement and a maintenance agreement with the others using the line, clarifying who is responsible for repairs. The other option is to treat a request for connection as a water main extension. A person who requests a line extension bears the cost of the extension. The village can wait up to one year before accepting the extended line as a village main, but once accepted it is a water main and is the responsibility for the Village to maintain. (*Gordy arrived at 5:03.*)

Walter asked if it is in our interest to make sure a good line is put in. Tom said originally we wanted to bring a water line across the covered bridge and connect to existing line on 100c to make a loop. Duncan said for that purpose we would want at least a 6-in. line, but to serve the Herold, Sweetser, and Beard houses, a 2 in. would be enough. We have no money to pay for a 6-in. line. Walter asked about the cost of paying for a 6-in. line just to those houses. Would it be worth paying the difference in cost for a 6-in. line? Tom and Steve said putting in a 6-in. line is much more difficult than putting in a smaller line. There is not a big difference in cost between a 1-in. line and a 2-in. line but there is a big difference between a 6-in. line and a 1-in. line.

Duncan said we have two choices. We can allow Alan Beard to run a 1-in. service line that would be his and his alone. He doesn't think that makes sense for long term planning. Or you can treat it as a water main extension and he bears full costs of a large pipe, which would end up owning. If we are going to require him to put in a 2-in. line, then he thinks this qualifies as a line extension under the Water System Rules and Regulations. Walter suggested telling him he is not required to put in a 2-in. line but the village would be willing to contribute some money toward the extra cost if he puts in a 2-in. line rather than a 1-in. line. It would still be a service line. Duncan said that didn't make sense to him because he wouldn't have to let anyone else tap into it and the Village would have helped pay the cost of a 2" line. Board members suggested that Duncan ask Alan Beard to talk to the other homeowners and see if they are interested in contributing to the cost of a line extension. Walter suggested instead that the board allow him to run a service line all the way to College St. or get a maintenance agreement from the other homeowners if he wants to tap into their line.

Chris moved to approve a service line connection for Alan Beard, Walter seconded, and the motion was passed. (*Tom left at 5:21.*)

5. ***Kim Marble – Keeping of Livestock in the Village***

Kim Marble asked if there is any village ordinance about keeping livestock. Her neighbor's chickens ruined her garden last year and their goat makes a lot of noise most of the time.

Duncan said there is no town or village ordinance that covers that situation. There have been a few other complaints. Some communities regulate keeping livestock in more developed areas. The board could study the issue. Gordy asked if Duncan can check with other towns about how they have addressed this issue. (*Kim left at 5:27.*)

6. Arjay West – Fire Department Report

Arjay said the fire department is halfway through the payroll year and is doing fine from a budget standpoint. They have had 77 calls, compared to 131 last year. Payroll is up about \$800. They are planning to buy some sets of bunker gear. He is working with officers on a small tools project and trying to collect budget data from surrounding towns in preparation for talking to Eric about how the town might participate in funding. Around September he hopes to put together a research committee to start looking at specifications for a new tanker. He hopes to put that to a vote in 2014 so the fire department can get it in 2015. It takes about a year to build it.

Walter asked if Arjay is going to take advantage of dry hydrant grants. Arjay said for this year the fire department has no dry hydrants in the works.

Walter asked about 3 recent injury claims. Arjay said they were minor injuries from the wildland fire in Belvidere. He had been instructed to report any reportable injury. He let the insurance company know about the injuries but there was no claim on any of them. Duncan said there was no lost time.

Steve thanked Arjay and the fire department for helping with the recent broken pole.

7. Public Hearing on Proposed Village Plan

Duncan said he feels that if we were to take the approach Walter suggested at the last meeting it is likely LCPC will not approve the plan. Walter asked what happens if they don't confirm our plan. Duncan said then we don't have access to the municipal planning and development fund.

Kim Dunkley said some Planning Commission members are concerned because they would like to give input on the Maplefields project, but whether the village gets to have input depends on whether we have an approved plan. Duncan said if our plan wasn't approved it couldn't be used as a basis for making an Act 250 decision on Criteria 10, but the trustees would be still be statutory parties and could participate in the hearing. He believes we could lose our village center designation if we didn't have an approved plan. There are tax credits available to business and home owners because of that designation.

Scott Meyer said a lot of people on the Planning Commission, as well as Duncan and Lea, have spent a lot of time trying to get this plan done. To brush off that amount of energy for the sake of an argument with the county doesn't make sense to him. George said the plan that is approved now doesn't have to be set in stone. We can make amendments to it.

Duncan said he supports the notion that the village is the area where we want to concentrate development, but he doesn't think that has to be to the exclusion of agriculture, forestry, and open space. Anyone who develops more than 1 acre will be subject to Act 250, and Act 250 requires that agriculture and forest soils be addressed no matter what our plan says.

Regarding the map changes George had brought up last time, Duncan said it was the village center designation map that we agreed to redraw, not the planning map. Some wording was changed in the plan to address George's concern.

Scott said approval of this plan affects our Act 250 standing and grant funding. He is offended to hear anyone say we are doing this plan for the county. We are doing it for him and others like him. We need guidelines. Walter said he wants to get stricter on mining activities. He doesn't want them in the village. Duncan said the town pit is in the village. Walter said we can say in the plan that mining is contrary to the interests of the village because we are to be the growth center for residential and commercial use, but we can pick and choose our battles. We don't have to fight with the town over the pit. Scott said he would rather approve the plan now and we can amend it later if we want. Duncan read the policy statement that is in the plan now. He feels it is not the same as advocating extraction of earth resources.

Duncan said Lea got some public comments on the plan between the time the Planning Commission adopted the plan and when the trustees discussed it. Statute says if the trustees make substantial changes they shall warn a public hearing and provide the changes to the Planning Commission. Anything beyond punctuation, grammar, or spelling changes is considered a substantial change. Some of the suggestions from the public would be considered substantial changes if they were adopted. Walter asked when the current plan expires. Duncan said this month.

George moved to accept the Village Plan as written, Chris seconded, and the motion was passed with Walter opposed. (Scott and Kim left.)

8. *Public Works Superintendent Report*

Steve said the selectboard had requested that Steve Smith have a phone. Duncan and Steve Towne are able to upgrade their phones at no cost and one of the phones that is being replaced could go to Steve Smith and one to Steve Edgerley. Gordy asked who has phones now. Steve Towne has one, Duncan has one the town pays for and Tom Elwood has one the village pays for. Gordy has one the town pays for. The chair of the selectboard has one. Steve said he is asking for authorization to add one more person (Steve Edgerley) to the village plan. We will have to pay an additional monthly charge for him. **George moved to provide Steve Edgerley with a basic phone, Chris seconded, and the motion was passed.**

Steve said the VTel transfer work is done. VTel submitted a request today to dig on Pearl St. and Main St.

9. *Manager's Report*

The board decided to revisit the question of a policy on bringing pets to work under the Managers Report, now that the full board was present. Duncan stated again that he fully understood and appreciated the concern about having a policy that affected employees and not officials, but repeated that the trustees cannot adopt a policy that prohibits an elected official from doing anything. He encouraged the Board to adopt the policy for employees as that was something they could address. The consensus of the board was that it was not appropriate for employees to bring pets to work.

Chris moved to adopt a policy prohibiting village employees from bringing pets to work, Walter seconded, and the motion was passed unanimously.

The Florence Beard house is currently unoccupied. The policy allows for a ½ rate if the water is disconnected. Normally there is a \$25 disconnect fee and \$25 reconnect fee. But there isn't water service at that house. There is a meter, but usage is from their well. Duncan suggested disconnecting the meter so we know there is no sewer usage. Steve suggested sealing the valve on the meter instead. The board agreed.

Walter moved to authorize Gordy to sign a resolution that states the board's normal meeting dates, shows a sample agenda, and identifies the News & Citizen as the official publication paper to be used for public notices. The motion was seconded and passed.

The board signed the modified Sewer and Water Rate Schedule showing the recently approved new water and sewer rates.

Gordy is the 2013 recipient of the Jim Marvin Award for Community Service. We also got a statewide Downtown and Village Center Best Public Space Improvement award from the Agency of Commerce and Community Affairs. We were nominated by LCPC. This is a pretty large honor as the competition was from the entire state.

Duncan is looking for authorization from the board to execute the Morrisville Water & Light Transmission documents and start the Public Service Board proceedings. Gordy said he has read through the documents and he feels good about them. Walter said his big question is related to the 5% outright ownership by MW&L for their underbuilt. Duncan said the intent of that section is to make Morrisville solely responsible for their own costs for the underbuilt. There is a very small portion of the transmission line that has underbuilt. Walter said the agreement says we own 15% and Morrisville owns 85%, but then says Morrisville owns 5% of poles and rights of way where there is underbuilt. That seems to say we don't own 15% of some of the assets. Duncan said there would be a portion of the total where our ownership share would not be the full 15%. Maybe it needs to be clarified what portion that is. Walter asked, if Morrisville puts in more underbuilt, are they taking from what we own? Are we paying for 15% and only getting 10%? He thinks we need to say they have an extra share of maintenance costs and don't own anything else. Duncan said he thinks the reason it was done this way is that there is additional cost for basic infrastructure to have underbuilt. Walter said but then they own the rights of way and that is the most valuable part. Duncan said he will ask about this and also about whether the 5% needs to be in the purchase and sales agreement. He thinks this is potentially problematic. We should figure out the best way to address this concern. He will meet with Craig and also talk to Bill Piper.

The state wastewater permit for the rail trail building has been approved. **Walter moved to authorize Gordy or Duncan to sign final connection approval for the rail trail building and the motion was seconded and passed.**

Steve and Duncan just attended the Municipal Smart Grid Summit in Florida. They concur that technology and financing options have matured to a point where it is worth considering

deploying smart grid technology. Of the potential vendors, Steve and Duncan like Mueller Systems. They have an advantage because they are also a major supplier of water meters and their offering would allow us to turn our water meters into AMI meters so they would not need to be read by hand. Steve said he thinks it is worth having Mueller Systems come talk to the board. Board members agreed.

The appraisal for the electric distribution system increased by \$28,500, from \$641,000 to \$669,500. The percentage increase this year was a little less than in years past.

The Wescom property across from Jolleys, which is in an estate, has a failed sewer system. Under the Sewer Ordinance, a property with a failed system must connect to the sewer system if they are within 500 ft. of the main, unless the cost of connection would be twice or more the cost of repairing their system. In the past, the trustees have agreed in theory with picking up part of the cost to bring a sewer main across Route 15. That would be a good place to connect to serve the Jewett property. If the Jewett property ends up being used, we would need an 8-in. pipe, and we would need to put in at least a 6-in. pipe to connect the Wescom property anyway. Duncan has talked with VTRANS about a ROW permit for the road crossing and was told by Rob Hall that he would accept a 12" HDPE sleeve for an 8" sewer line. Rob also said he would not permit a 4" line for one house. Ellis asked about other properties in that area. Duncan said several have on-site systems that will likely fail in the next 5-10 years and then they will have to hook into our system. He suggested that the village offer a cost share with the Wescom estate for the road crossing part of the project, which might be the difference in cost between a 6" pipe and an 8" pipe. A mound system, which is what the Wescom property would need, costs \$15-20K, maybe \$25K. The board agreed to consider a cost share with the Wescom estate. Duncan asked if the board is willing to consider a CIG loan for this work. The board agreed that an application can be submitted, but there will need to be adequate collateral to secure the loan.

VLCT circulated a memo asking for interest in taking advantage of state lease pricing for an electric vehicle. Duncan mentioned this because the Honda has 140-150K miles. We would have to put in a couple of charging stations. The board declined to take any action.

VPPSA has an opportunity to execute a long term power purchase agreement with a consortium of small hydro units in Massachusetts and New Hampshire. It would be a locked in flat price of approximately \$72/mw for a 20 year term. The pricing is attractive and it would be such a small part of our portfolio that the 20-year term is less of a concern. He is inclined to vote yes on VPPSA offering this to its members. The board agreed that they would be interested.

The board agreed that Lea and Duncan should draft a Memorandum of Understanding between the village and the school board for the School St. sidewalk easement.

People will soon be ready to place sculptures on the bases we have in place. Our insurance does not cover others' sculptures. VLCT PACIF recommends a hold harmless agreement. Does the board want to have a review or screening process for sculptures? It was agreed that after Johnson Works reviews the sculptures Duncan should review them and make a

decision. If there is a questionable sculpture or a public outcry about one, then the board will have the final say. Duncan showed the board a draft hold harmless agreement. It was agreed to add a sentence to the agreement stating that the board at its sole discretion may terminate a sculpture display for any reason. **Walter moved to approve the hold harmless agreement for sculptures, Chris seconded, and the motion was passed.**

The new line striper has arrived.

The town approved the other half of the Alliance Mechanical expenditure. We are on their schedule.

Walter said he dug up the grass strip outside his business and is planning to put in a flower bed in a 4x8 ft. box. Richard Whittemore asked him about it and said Duncan had told him he couldn't put in pavers on his grass strip. Duncan said we are clearly obligated under the maintenance agreement with VTrans to maintain things like the sidewalks, but it is not clear whether the agreement covers the grass strips. The board has expressed a desire for consistency with regard to the grass strips. That was one reason we agreed to take over mowing. What can individuals do with the grass strips in front of their properties? After considerable discussion, the board agreed that property owners can put what they want in their grass strip areas, as long as it doesn't impede snow removal, but the village will not be liable for any damage to plantings or other material put in the strips. Since Walter was doing this work, and the board had previously authorized Steve to provide some topsoil to people that were willing to try and reestablish grass, they agreed that Walters area0 could be considered a "test plot".

Duncan thinks it makes sense for the trustees to adopt a tax stabilization policy in line with the one adopted by the town. He distributed a version of the town's policy with the sections referring to statewide property tax removed, as they are not applicable to the village. (*Steve left at 7:37.*) Ellis asked for clarification. With a tax stabilization agreement in place, would we be losing income? Duncan said it would be made up for by other taxpayers. Walter said either that or the budget would be cut. The board will review the proposed policy.

The VTCMA 2013 Executive Salary & Benefits Report is available. It lists salaries and benefits for Vermont Municipal Managers and Administrators. Walter said he thinks Gordy and Eric should look at the report.

10. Review and Approve Minutes

Chris moved to approve the minutes of May 13 and May 28, 2013, with the changes suggested by Duncan and Steve, and the motion was passed.

11. Adjourn

Ellis moved to adjourn, Chris seconded, the motion was passed and the meeting was adjourned at 7:40.

Minutes submitted by Donna Griffiths