

JOHNSON VILLAGE TRUSTEE BOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
WEDNESDAY, APRIL 6, 2016

**Present:**

Trustees: Gordon Smith, Walter Pomroy, David Goddette, Scott Meyer, Bob Sweetser  
Others: Sandy Miller (Interim Manager), Rosemary Audibert (Clerk), Troy Dolan, Tom Elwood, Lea Kilvadyova, Charles Gallanter

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

**1. *Call to Order***

Gordy called the meeting to order at 6:00.

**2. *Changes, Additions to Proposed Agenda***

It was agreed to add board organization, action authorized by the voters at the annual meeting, discussion of the joint meeting agenda, and an executive session requested by Sandy.

**3. *Review/Approve Meeting Minutes***

**Walter moved to approve the minutes of March 14, 2016 and the motion was seconded and passed.**

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

Rosemary will email out budget status reports for this month when they are completed.

Rosemary has an agreement from Union Bank amending our \$100K construction note for the School St. project so it will not be due until April 13, 2017. We can always pay it off early.

**Walter moved to sign the Allonge for Attachment to Note from Union Bank to extend the due date for the construction note and the motion was seconded and passed.**

**Walter moved to authorize Gordy to sign the audit engagement letter for the 2015 audit, Scott seconded and the motion was passed.**

**5. *WWTF Chief Operator Report and Action Items***

Tom said the wastewater plant ran well last month. Flows are a bit elevated due to snow melt and warm weather. Jeff Parsons got his Grade I DM provisional wastewater license. He has to get 10 credit hours and has up to 2 years to take the exam. Meanwhile, he can train and work under Tom's and Steve's licenses. He is still waiting for his water license.

The water plant is running well. We have some leaks. Water loss is about 26%. The Agency of Natural Resources is offering free leak detection services that Tom thinks we should take advantage of. Susan got the consumer confidence report completed. It should go out in this month's bills. We sampled both sources for PFOA's last week. It will take about 2 weeks to get results. Sandy said we are not required to test for PFOA's, but he discussed it with Tom, Scott, and Gordy. They thought our customers might want reassurance that there are no PFOA's in our water, since PFOA's have been in the news. It is \$300 per test but Sandy thought it would be worth it to be able to reassure people.

Tom said he had an issue with the controller at the water plant that our supplier was able to fix over the phone. Our controller may need to be replaced before long.

Walter asked if Tom sees Jeff being able to relieve Tom and Steve of some overtime and callouts. Tom said that is the idea.

Tom said he had a callout at Harvey's trailer park this month. There was 2 1/2 feet of water in the meter house. The pipe had blown off the end of the meter. That is our connection. It went through the customer's meter. Susan knows about it. It didn't go through the sewer.

#### **6. *Foreman Report and Action Items***

Troy said at the beginning of the month he had our digger truck and bucket truck tested and certified as required annually. The electric department installed a new service on School St. for lighting put in as part of the School St. project. Gordy asked who will pay the monthly bill for lighting on School St. Sandy said this was discussed previously. We will pay it, just as we pay for other street lights.

Troy said his crew has started doing right of way cutting and danger tree removal. There was one outage last month on 100C. A corroded wire failed. One customer was affected. During weekly sub inspection last week it was determined that Morrisville had a couple of sets of insulators that had failed or were going to fail. Troy and David Heller will meet to evaluate what needs to be done. Electricity will probably be out in the whole village for about 3 hours while repairs are done. At the same time our crew will do maintenance needed at the school. The outage will be at night.

The crew has started getting ready for cleaning sidewalks. Walter said he would like crosswalks painted as soon as possible.

Our group has been registered for a certified lockout/tagout training. Troy has been replacing worn out signs used during traffic control

Troy got two estimates for paving Pearl St. It will cost about \$6K for a top coat. Troy met with Brian Krause, Tom Elwood, and Jim MacDowell of Vermont Studio Center to discuss VSC's new water line. They determined that a maple tree on the corner will have to be removed. If it were to break, it could damage our power line. Jim verbally indicated VSC could contribute to the cost of removing the tree. They looked at where catch basins could be moved so as not to interfere with the new water line. Jim commented that VSC probably would be interested in assisting with the cost of repaving sidewalks.

Scott said he thought if their line crossed and disrupted roads and sidewalks it would be their cost. Why would we incur a cost? Troy said VSC could probably dig past that tree but they would tear its roots. The tree is already half dead. We own the tree. The agreement he made with Jim was that we would split the cost. The tree would create problems for us eventually anyway. Sandy said he let VSC know they will have to put sidewalks back to our spec.

Troy got quotes from 2 dealerships for replacement of the trucks discussed during budget development. The quotes for the two trucks to be replaced total about \$2K less than what was

budgeted. He would like to move forward with ordering the trucks. He handed out information about the quotes he got. One of the trucks he is considering has the capability of pulling the Vactor trailer. The truck we use now to pull it really shouldn't be pulling it.

Walter asked what kind of warranties the trucks come with. Troy said the Rams have a 3 year/36,000 mile full warranty and 5 year/100,000 mile power train warranty.

The quotes are with brand-new plows. Troy recommends buying Ram trucks. He talked to the other employees and that is what they agreed on. Gordy asked how much we are saving buying these as a municipality compared to what the trucks would normally sell for. Troy thinks we are easily saving \$6-8K on the pickup.

Troy asked what the decals on the trucks should say. He understands that the trucks used to say Village of Johnson Water & Light Department and then it was switched to Village of Johnson Public Works. Sandy said the electric department will be paying for 70% of the big truck and 90% of the smaller truck. Walter would prefer Public Works because in the future we may switch trucks around from department to department as we have in the past. Or they could just say Village of Johnson. Troy said it is the board's decision but he thinks he and his crew would prefer that the decal say Water & Light. The board agreed to put Water & Light on the decals.

The pickup Cliff is currently driving will go to the sewer department. We will need to get rid of the 3500 dump truck once we have a replacement for it. It was agreed to take the plow off the truck that is going to the sewer department and have it available in case it is needed. Bob said he had heard a complaint that Tom and Steve were using a village truck to plow their driveways. Sandy said that can't be happening now because they don't have a plow-equipped truck.

**Walter moved to authorize Sandy and Troy to purchase two Ram trucks as recommended by Troy and to authorize advertising the dump truck that is being replaced for sale and the motion was seconded and passed.**

Sandy said water and sewer will contribute back to electric and general once the truck is transferred to them.

Gordy asked if Troy and Brian have any idea of cost for the planned storm drain work. Troy said he brought an estimate to a previous meeting. He thinks the ballpark figure just for materials was \$11K.

Troy and Sandy said only one person has responded to the lineworker job posting and the person was not qualified. Troy said we used "lineworker" in the advertisement, but we may change it to "first class lineman" as many people searching online may only type in "lineman." Gordy suggested we could change it to second class if we don't get many responses. Troy agreed that we could, though he prefers a first class lineman. A second class lineman can do everything a first class lineman can do as long as a first class lineman is available.

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

Sandy said the earliest we could make the water/sewer rate increase effective would be May 1, for the June bill. Walter said he would prefer that ratepayers get a letter before the rate increase. **Walter moved to institute 2% water and sewer rate increases effective as of the May meter reading date, seconded by David.** Rosemary asked if the increases are to both usage and service charges. Board members said yes. **The motion was passed.**

Lea said she invited Planning Commission members to come and participate in discussion on the unified village/town plan. She sees the Planning Commission's role tonight as primarily listening to input. There will be an opportunity for more involved discussion at the Planning Commission meeting. She hopes to come back to the trustees in May either with a response to today's feedback or to see if there are more comments.

Gordy said on p. 39 "town and village joint public works superintendent" should be removed based on the direction we are going. In another place storm drains are referred to as owned by the village. Lea said Eric Osgood had also noted that. Walter said on p. 13 the plan refers to the village authorizing tax stabilization, but the village has never done so.

Walter said we should make sure the village center map is in the plan. He believes if a new map is approved then we can just have a quick meeting to change the plan. Sandy said a change to the map is considered a change to the plan and we have to go through the full process to do it. The map we currently have needs to be in the plan for village designation renewal. If the village center map is changed later the plan won't reflect that. We don't have to change the plan if we get a new village center boundary. That can be changed when the plan is renewed or amended. He is a little concerned about timing. If we wait until the unified plan is done it will put us way out in terms of village center designation renewal.

Lea said she suggests amending the existing village plan first by putting in the map, in order to meet the timeline for renewal, and also incorporating the map in the unified plan. Sandy asked how long that will take. Lea said it will take at least 2 months because we have to amend the plan, which requires that the Planning Commission and the trustees hold public hearings. We need to get the process going soon. She would like to discuss it with the Planning Commission next week. To meet the deadline of July 4 to get our renewal application in, we will need to hold public hearings outside of the regular meeting schedule. If we do that, we can meet the deadline. The Planning Commission needs to know what the boundary of the district will be.

Sandy said he thinks they only need to include the existing boundary map. We can't include the new boundary because it hasn't been approved by the downtown board. He would recommend that the board authorize Lea to work with the Planning Commission to get the ball rolling as soon as possible. The board agreed Lea is authorized to do so. Lea said applications for tax credits are due July 1. Our designation expires July 4. If someone applies for a tax credit and our designation has expired, even if we are in the grace period, they won't be eligible. That is why we are pushing to get our renewal in by July 1.

Lea said she needs clarity that at this time we would not be extending the boundary of the district – that the current district boundary is what the Planning Commission would consider for amendment to the plan. Sandy said he doesn't think that is what he was saying and he doesn't know that that is what the trustees want. What he was saying was that for purposes of submitting the renewal the map has to be in the village plan. The only map we can use is the existing map. If the trustees decide they want to have an amended map for the renewal that is a separate issue. Sandy said the board authorized Lea last month to prepare the renewal application. They will have to approve the final application. In that, he thinks the trustees will want to see boundary amendments. In order to submit the renewal we have to have the map incorporated into the village plan. We will put the existing map in the current village plan. When the existing village and town plans are replaced by the unified plan we will incorporate whatever map is in effect at that time into the unified plan.

Walter asked why the Planning Commission didn't change the land use districts to conform with the new form based code maps. Lea said they haven't changed it because they don't know if form based code will take effect or not. She consulted with LCPC about whether, if form based code is adopted, it will be in conflict with the plan. They said no, as long as the form based code is more specific and doesn't contradict what is in the plan. Walter said he thinks there is conflict, especially when we talk about the West Main Street district. The form based code committee wanted that to be stepped down from what is written in the unified plan. Community feedback indicates the community wants this district to change. The plan should at least reflect that the community has spoken about what they want this district to be. We have heard that people want this area to be different from what is in the old plan so he has a problem with rolling over what is in the old plan. The form based code committee's work has been ignored in this document.

Walter said he thinks the board needs to get brought up to speed on flood resiliency. He would like to know the real ramifications.

Walter said in the last couple of months the Brattleboro decision and new net metering rules have given us tools to control siting of renewable energy projects, but we aren't taking advantage of that in this plan. If we want to control siting this plan needs to be more specific. As it is now, it basically does nothing. In the Brattleboro decision the PSB said they were going to honor a plan because it was very specific. Our plan is not specific. We may want to get specific language. We may want strong language about ridgelines if we want a fighting chance against wind towers going up on Butternut Mountain.

Walter said Hyde Park's grant/loan solar program originated with an article they passed a year before. He read the article, which asked the voters to approve a community resiliency program to generate local electricity. He suggested something like the wording from the article could be included in the unified plan. Sandy said he thinks that would be wise. In addition we might need an article because it involves borrowing.

Lea said the April 12 Planning Commission meeting is another opportunity to keep the conversation going about the plan. Sandy said he can talk to Lea to make sure she

understands Walter's suggestions and if necessary Sandy can go to the Planning Commission meeting to help clarify.

Sandy asked if the trustees are interested in expanding the village center district. The main question seems to be how far to go on Railroad St. His general recommendation is to go as far as we think we can. The board agreed to go to Parker and Stearns if we can get it approved.

Lea said she sent out a letter to property and business owners in the village center district.

Lea said construction on the School St. project will start up again on April 18, Monday of spring break week at the school.

Lea heard from VTrans today on change orders 3 and 4. The guidance from VTrans is that Lea should deny Desroches' claim on the grounds that they did not follow the proper claim process as described in the VTrans spec book. The full amount Desroches submitted for payment was a little over \$30K. VTrans initially recommended paying a little less than \$16K. After evaluating the supplemental information Desroches provided they are now willing to add about \$800 to that amount. Lea would like to review this with Duncan. Should Desroches appeal, the appeal will come to the trustees, so Sandy recommends that the trustees not get into further discussion about the issue now. Sandy is okay with the dollar amount recommended for payment by VTrans. He asked Lea to confirm with Duncan that that is okay with the town. The state has tentatively agreed to expand the town's structures grant. Lea said they approved increasing the amount by the original almost \$16K. Now we are talking about \$830 more. They may be agreeable to amending the grant amount.

The Monthly Water System Operation Report for March has been submitted by Sandy.

The solar RFP/Q has been issued. Lea has gotten 3 questions. Sandy and Lea will attend a presubmission meeting tomorrow.

Scott said he noticed that a couple of parties are also looking at private lands. Do private landowners know about the option? Sandy said a lot of private landowners have been approached by various companies. Some landowners have asked us if we would be interested in working with them. Katie Orost is one of them. She had been working with SunCommon but was not willing to sign the 40 year easement they asked for. She is willing to sign a 25 year easement. Sandy thought it was appropriate for him to say that conceptually we are willing to work with private landowners. Walter said he probably wouldn't be interested in working with Katie if she isn't willing to give us a 40 year or longer deal. Sandy said our RFP was about our properties. Any of these other things are separate issues. How should he respond to Katie? Walter said he is always willing to listen to a proposal but if it's not a long term agreement he will be looking harder. Lea said the state hasn't outright said no yet to siting a project on the river park or talc mill properties.

Lea said she will ask if there is a Planning Commission member interested in representing the village on LCPC's Brownfields committee. Doug Molde will represent the town.

Sandy said we submitted the grant request to PACIF as discussed last month, but they did not want to fund the thermal imaging camera. They have not funded other applicants for the same purpose. Sandy wrote an extensive email justifying using grant funds for this purchase and urging them to change their policy. But their goal is to reduce claims they have to pay and even though we pay PACIF for workers' comp, it is passed through to the state's shared risk pool so preventing injury to firefighters is not a priority for this grant. Although they didn't want to pay for the base thermal imaging unit, they are willing to fund the additional safety accessories. They will let us revise our application to include additional items. Troy is proposing that we include a piece of line testing equipment and accessories. They told Troy that would cover that.

David asked if the thermal imager is going to be fully paid for by the fire department budget. Sandy said yes; it was already in the budget. The revised grant application he prepared includes \$2700 worth of safety features added to the base model thermal imager, 16 pairs of structural gloves for \$1200, 10 pairs of turnout boots for \$1850, Troy's item for \$1789, plus accessories. The total amount is \$7,922. If we get the grant we will get \$3,961.

Walter asked why we need the accessories for the thermal imager. Sandy said the accessories were part of the original submission and are included in the budget. Walter asked Troy why he needs the line tester. Troy said he asked for one at the first meeting he attended. He will buy it anyway because we really need it. Other utilities have them. Sandy said the expectation is that OSHA will require this type of equipment within a year.

**Walter moved to authorize Sandy to submit a revised grant application to PACIF as described and the motion was seconded and passed.**

Sandy hopes to have Trudell's review for the Loeffler sewer connection project for the May meeting.

Sandy said he had gotten more information about the Master License Agreement AOT wants us to sign. The annual charge would be \$350. He contacted VLCT and they said they haven't heard of problems caused by Master License Agreements. He respects the fact that this is a huge departure from the past. He understands that one community may have had issues but they may have more crossings. The annual cost to us will be \$350. There are not widespread issues with this. How much time and money do we want to spend fighting it? **Walter moved to authorize Sandy to sign the Master License Agreement with AOT in the amount of \$350 annually and the motion was seconded and passed.**

Sandy said he will start working on policies in the next few days.

We got a response on the Diane Geoffrey-Porter claim. They wrote that they didn't want to pay for any supplies or labor. In past discussions the board had not wanted to set the precedent of paying for supplies or labor as this is a private line and we are offering to work on it to be good neighbors. Walter said he feels that was our best offer and if they do not accept it we are done. Others agreed. Sandy said he thinks we have been more than fair.

Sandy got notification right after the last meeting that a decision on VPPSA Master Supply Agreement for Power Purchase # 14 was needed within a week. He consulted with Walter and Gordy on it. They asked him to look into a number of issues, specifically whether or not the agreement considered our revised numbers. When we talked about budgeting for electricity we asked VPPSA to modify the estimates because they were too high in certain respects. They did use our revised estimates. Gordy and Walter told him to go ahead and sign the agreement and he did. With this agreement they are trying to keep us at 95% or below of our expected demand so we shouldn't have too many problems with having to pay premiums for unused power as part of this agreement.

Sandy said there will be a #15 late in the year. The board may want to have the same questions asked and answered at that time. He spent some time with VPPSA staff reviewing their projections out until 2020. They project declining demand for us. Sandy felt the concerns Gordy and Walter had were answered.

The abridged power bill summary for February was distributed.

Troy looked at the net metering application for Rene & Cheryl Audet of 88 Gillen Avenue. He concluded the project looked okay.

Copies of the Master and JSC Water Meter Comparison were distributed. (*Troy left at 7:45.*)

**8. *Board Organization***

**Walter moved to elect Gordy as chair and the motion was seconded and passed.**

**David moved to elect Walter as vice chair and the motion was seconded and passed.**

**Walter moved to appoint Sandy Miller as Public Works Superintendent for as long as he is interim manager of the Village of Johnson and the motion was seconded and passed.**

**Walter moved to appoint Rosemary Audibert tax collector and the motion was seconded and passed.**

**Walter moved to set compensation for trustees at \$1200 for the chair and \$1000 for other trustees, the same as in previous years, with half to be paid by the electric department and half by the general fund and the motion was seconded and passed.**

**Walter moved to increase the salary of shared and village employees by 1% effective April 5, Bob seconded and the motion was passed.**

**David moved to increase the wage for first class linemen by \$3 per hour, effective April 7, seconded by Gordy.** Sandy clarified that the new per hour rates with this change would be \$32 for Nate, \$33 for Cliff and \$35 for Troy. Sandy said we didn't budget for a 1% increase along with the \$3 per hour increase. David clarified that his motion does not provide a 1% increase. **The motion was passed.**

Sandy said since it was already budgeted he told employees they could buy boots. He suggested they pay for them and then submit a bill as opposed to us giving them a check. Bob said he feels the benefits we provide are getting out of hand.

It was agreed that Walter will continue attending VPPSA meetings as the board's representative.

**9. *Executive Session***

**Walter moved to enter executive session for discussion of contract, legal and personnel issues, premature disclosure of which would put the village at a disadvantage, and the motion was seconded and passed. The board entered executive session at 8:10.** The board came out of executive session at 9:05.

**Scott moved to write a letter indicating that the Village of Johnson is not in agreement with regard to Ralph Labelle's March 18, 2016 letter or the consensus from the Department of Public Service regarding that letter, but in order not to cause harm due to a lengthy legal case that could impact ratepayers the Village will authorize a change in Mr. Labelle's rate from small commercial to residential retroactive to the date of his request, David seconded and the motion was passed.**

**10. *Other Business***

Sandy said the budget approved by the voters last night is \$347 less than the amount the board approved in December. He and Arjay will figure out a plan of action if there is need for one.

**11. *Adjourn***

**Walter moved to adjourn at 9:08 and the motion was seconded and passed.**

*Minutes submitted by Donna Griffiths*