

Town Board Meeting Minutes October 3, 2023

In Attendance: Mark Smith – Supervisor Justin Gonyo – Councilman
Arnold Stevens – Councilman Gene Arsenault – Councilman
Jean Comstock – Town Clerk

1. Pledge of Allegiance – Liz Cleveland
2. Call the Regular Meeting to Order at 7:00PM

3. Approval of September 5, 2023 Minutes

RESOLUTION # 23-181

Mr. Hoskins made a Motion to approve the Town Board Meeting Minutes of September 5, 2023 and moved its passage with a Second Motion for Mr. Stevens. With the following Board Members present voting in favor of the Resolution it is carried. Ayes -4 (Smith, Hoskins, Stevens, Arsenault); Nays - 0; Abstain - 1 (Gonyo).

4. Town Board Discussion:

- Water meters – Supervisor Smith – I have discussed with Cedarwood, more to it than just buying the meters; commercial plumber would have to inspect homes for code water lines in order to put meters in; what we are going to do is we're updating the EDU's for now; we'll update those and get different information; Mr. Hoskins – dual system with a flat rate and one with usage; Mark – yes, software will support this. If there are no objections, we'll wait on this.
- Lawsuit with Peaceful Valley Ridge – we won the lawsuit, they're appealing that asking for us to offer them another 15 year Pilot; previously Board did not want to do another pilot with them; Board Members – no; Mr. Arsenault – if they lose, will we get reimbursed for lawyer fees? Supervisor Smith – I believe so.

5. Resolution to approve the Tannery Pond Lease Agreement – Mr. Gonyo – I have a couple of concerns - Operating Support Payments (page 6) – utilities, ..., refer to Article 18 – re: public sewer, landlord will continue to provide sewer service; am I reading it wrong or is it contradicting itself? Article 18 needs to either be amended or erased; Mr. Arsenault – we felt it was important that the public oversee the sewer system; Supervisor Smith – language still needs to be clarified; the Town maintains the equipment; Justin – change 'charges' to "repairs"; the Town would be paying for the EDU's even if the lease isn't signed; 18 – take out last sentence; Supervisor Smith – is that agreeable; Exhibit E – list of repairs by landlord – I don't see where we can sign ourselves up for these amount of repairs with no dollar amounts assigned to them over 5 years; \$495,000+ over the next 5 years; take out Exhibit E entirely; we'll make safety related repairs and work on other repairs as the budget allows; Supervisor Smith – I agree; Mr. Arsenault – the foundation for that discussion was we as the landlord do the repairs, our performance over the last few years has not been good (from a Town perspective); they were looking for some assurance that the program would move forward in a reasonable way; we haven't done the maintenance required; Mr. Ashline – what will a yearly cost be? Supervisor Smith - \$67,000 a year; 0 year signing the document - \$75,000 or what's left on their line whichever is less? About \$280,000 over 4 years; Ms. Gillespie – you can't just answer a question about money without context from the TPCC Board; we need to get on our feet with fundraising; Ms. Preuninger – there are grants available as well; Ms. Gillespie – grants wouldn't be for operating costs; Ms. Murray – to get grants we have to lease the building or own it; Ms. Sponable – things haven't been done over the last five years; was there money set aside in the Budget? Why didn't we keep it up? Supervisor Smith – as far as I know it was not budgeted, it was probably an attempt to keep taxes down; Mr.

Arsenault – it speaks to the issue to have the operation take over; we’ve invested; emergencies came up and funds went into that; as a community we are unable to maintain it without raising taxes; need to find some middle ground; I was very impressed with them with their business plan; after 5 years we can get to a smaller number; we need to help them through with this; Supervisor Smith – they’re doing a great job, I believe in what they’re doing; my concern with terms and conditions of the agreement; is this the right solution? If this was a start-up business after 5 years you should be on your own; Ms. Gillespie – again it’s out of context; Supervisor Smith – a building like this would be \$15,000 to rent in the City; we talking about exchange of goods and services; Mr. Arsenault – why has it taken this long to review and discuss the document? Mr. Gonyo – Exhibit E – projects/enhancements and timeline – no costs within a short time frame; it’s a non-starter for me; Mr. Gonyo – the terms in the agreement are very specific as to what the Town will do for TPCC; their business plan is referenced several times; I am proposing to take part of the business plan and agreement and make them deliverable; have them let us know where they’re at with goals; they are all activities that they would be doing anyway and they should report within 30 days of the goal completion; Ms. Gillespie – we’re living up to our goals, we’re hoping the Town can come up with a plan to help with capital projects; Justin – we need to rework Exhibit E; it’s laid out clearly financially; share you goals with us, if you don’t achieve your goals how do we justify public funds; Mr. Hoskins – I think what Mr. Arsenault has outlined is good; both sides have done a good job; this is not an adversarial contract, it’s risky on both sides; they need a lease to move forward; it is a shared property; let’s look at this as a partnership; there has to be a level of good faith on both sides; you pay to be on the Board; Justin – I am in support of the organization and what they do, being a 501c3 is helpful; I want to see it all happen; we’re committing to a 20-year agreement, I want to make sure that Town; Mr. Ashline – no one here is saying we’re against TPCC, in a perfect world this building is not essential, we can’t commit to an unknown figure; Ms. Cleveland – the people should have a say; Supervisor Smith – it’s open to a Permissive Referendum should we vote on this tonight; Mr. Williams – let’s say this gets done and we’re at year 12 and it’s wildly successful, what are the limits of their success and our 30% of payments; Supervisor Smith – there’s a 10 year look back in the agreement; there’s no intent from TPCC to bankrupt the Town; we’re working on sustainability; Ms. Nettle – what if there was not a Tannery Pond Center; what’s the alternative to this lease; this seems like a good partnership for the long run; no alternative at this point; Supervisor Smith – we are all in agreement on this, no Resolution tonight, look it over again, Exhibit E; vote and then it can go to Permissive Referendum, or no vote and go to a Special Election; Mr. Hoskins – we can make these changes within a couple hours; we’re close to having a real agreement; let’s take the next week or so; Mr. Stevens – I’ve listened to all sides; discussions are needed; Mr. Arsenault – I agree with Mr. Hoskins; we need to act on this sooner rather than later; Supervisor Smith – Mr. Gonyo and myself will talk to TPCC Board Members and in a couple of weeks we review; Supervisor Smith – could I get a Motion to table until next meeting?

RESOLUTION # 23 – 182

Mr. Gonyo made a Motion to table approving the TPCC Lease Agreement until more discussion can take place between the two parties and moved its passage with a Second Motion from Mr. Stevens. With the following Board Members present voting in favor of the Resolution, it is carried. Ayes – 5 (Smith, Stevens, Hoskins, Gonyo, Arsenault); Nays - 0

6. Reaffirm sale of Town properties; Supervisor Smith – I spoke with lawyer, this requires a Permissive Referendum, which means the public has 30 days to submit a petition to Town Hall if you’re against the sale of these properties. Mr. Arsenault – how many signatures would be needed on the petition for the Permissive Referendum? Supervisor Smith – 5% of the voters in the Town of Johnsbury.

RESOLUTION # 23- 183

Mr. Stevens made a Motion to Reaffirm the Sale of Town properties and moved its passage with a Second Motion by Mr. Gonyo. With the following Board Members present voting in favor of the Resolution, it is carried. Ayes – 5 (Smith, Stevens, Hoskins, Gonyo, Arsenault); Nays - 0

7. Resolution to set a Public Hearing for the Tax Cap on Tuesday, October 17, 2023 at 7:00PM; it looks like we'll be about 6% above tax cap; we're funding EMS, 15% increase in health care; 3% for collective bargaining; there are a number of reasons why this is happening; Supervisor Smith – can I get a Motion for Public Hearing?

RESOLUTION # 23 – 184

Mr. Hoskins made a Motion to approve setting the Public Hearing for the Tax Cap on Tuesday, October 17, 2023 at 7:00PM prior to the Regular Town Board Meeting and moved its passage with a Second Motion from Mr. Gonyo. With the following Board Members present voting in favor of the Resolution, it is carried. Ayes – 5 (Smith, Stevens, Hoskins, Gonyo, Arsenault); Nays - 0

8. Municipal Solutions – Supervisor Smith – Municipal Solutions will help us with the monies/payments, etc. for the water lines; can I get a Motion?

RESOLUTION # 23 – 185

Mr. Gonyo made a Motion to approve the contract with Municipal Solutions and moved its passage with a Second Motion from Mr. Hoskins. With the following Board Members present voting in favor of the Resolution, it is carried. Ayes – 5 (Smith, Stevens, Hoskins, Gonyo, Arsenault); Nays - 0

9. Snowblower attachment – Supervisor Smith – PPP is looking for approval for a snowblower attachment to the Ventrac machine.

RESOLUTION # 23 – 186

Mr. Stevens made a Motion to approve the purchase of the snowblower attachment for the Ventrac machine and moved its passage with a Second Motion from Mr. Gonyo. With the following Board Members present voting in favor of the Resolution, it is carried. Ayes – 5 (Smith, Stevens, Hoskins, Gonyo, Arsenault); Nays - 0

10. Wood fibers for playground – Supervisor Smith - Friends of the Park are helping with \$4,000; Town would be responsible for the other \$4,000 for PPP to put the wood fibers down at the new playground at Scout Hall.

RESOLUTION # 23 – 187

Mr. Hoskins made a Motion to approve the purchase of the wood fibers for the playground at Scout Hall with \$4,000 coming from Friends of the Park and moved its passage with a Second Motion from Mr. Stevens. With the following Board Members present voting in favor of the Resolution, it is carried. Ayes – 5 (Smith, Stevens, Hoskins, Gonyo, Arsenault); Nays - 0.

11. PPP Laborer – Supervisor Smith – this is a salary adjustment; in that hierarchy that we approved previously, the intent is to equalize the positions. Mr. Gonyo – we've made a lot of salary adjustments in this department, I'll vote yes, but this needs to stop.

RESOLUTION # 23 -188

Mr. Stevens made a Motion to approve the salary adjustment for the PPP Laborer and moved its passage with a Second Motion from Mr. Hoskins. With the following Board Members present voting in favor of the Resolution, it is carried. Ayes – 5 (Smith, Gonyo, Stevens, Arsenault, Hoskins); Nays - 0 ; AS/PH.

12. PPP laborer 3 hire - \$15.00/hour – that position was filled, then Ray retired; lateral move to Transfer Station; would like to advertise and hire.

RESOLUTION # 23 – 189

Mr. Hoskins made a Motion to approve the PPP Laborer 3 for \$15/hour and moved its passage with a Second Motion from Mr. Gonyo. With the following Board Members present voting in favor of the Resolution it is carried. Ayes – 5 (Smith, Gonyo, Stevens, Arsenault, Hoskins); Nays – 0

13. Transfer Station attendant at 40 hours at \$15/hour.

RESOLUTION # 23 – 190

Mr. Gonyo made a Motion to approve the 40 hour Transfer Station Attendant at \$15/hour and moved its passage with a Second Motion from Mr. Hoskins. With the following Board Members present voting in favor of the Resolution it is carried. Ayes – 5 (Smith, Gonyo, Stevens, Arsenault, Hoskins); Nays – 0

14. Committee Reports – none.

15. Historian Report – in packet

16. Supervisor’s Report – Supervisor Smith – I have reviewed, could I get a Motion.

RESOLUTION # 23 – 191

Mr. Hoskins made a Motion to approve the Supervisor’s Report and moved its passage with a Second Motion from Mr. Gonyo. With the following Board Members present voting in favor of the Resolution it is carried. Ayes – 5 (Smith, Gonyo, Stevens, Arsenault, Hoskins); Nays – 0

17. Warrants – Supervisor Smith – if you’ve all reviewed and have no questions, could I get a Motion.

RESOLUTION # 23 – 192

Mr. Arsenault made a Motion to approve the Warrants and moved its passage with a Second Motion from Mr. Hoskins. With the following Board Members present voting in favor of the Resolution it is carried. Ayes – 5 (Smith, Gonyo, Stevens, Arsenault, Hoskins); Nays – 0

WARRANTS:

GENERAL FUND:	\$ 82,591.67
HIGHWAY FUND:	\$ 128,948.46
WATER IMPROVEMENT FUND:	\$ 191,584.10
SEWER DISTRICT PROJECT:	\$ 26,720.00
LIBRARY FUND:	\$ 3,836.66
WATER DISTRICT:	\$ 8,774.95
TRUST & AGENCY	<u>\$ 2,278.80</u>
TOTAL:	\$ 444,734.64

18. Privilege of the Floor

- Mr. Tom Cunningham – is your prime objective growth and development; Supervisor Smith – we’re all concerned about this; Mr. Cunningham - you gave away prime land to the State with the bypass; Mr. Hoskins – we’re in the middle of a comprehensive plan and how we can use the land we have, it’s part of the process; Mr. Cunningham – that’s your problem and you should have been working on it all along.
- Mr. Bruce Ashline – this Board and previous Board – we’re not intending to be adversarial; I like TPCC – thank Mr. Gonyo for stepping up; we need people to know what’s happening, we need an open government.
- Ms. Kelly Nettle – winter is coming, need to change the Local Law about parking on Main Street, it is a problem; on 10/12/23 – Park Development Plan here at TPCC; thank our Supervisor for his very lucid commentary about the Town and its needs and how to move forward.

19. Motion to Adjourn

RESOLUTION # 23 – 193

Mr. Gonyo made a Motion to Adjourn the Town Board Meeting at 8:20PM and moved its passage with a Second Motion from Mr. Hoskins. With the following Board Members present voting in favor of the Resolution it is carried. Ayes – 5 (Smith, Gonyo, Stevens, Arsenault, Hoskins); Nays – 0

Prepared by:

Jean M. Comstock

Jean M. Comstock
Town Clerk

THE NEXT TOWN BOARD MEETING WILL BE HELD ON OCTOBER 17, 2023 AT TANNERY POND AND VIA ZOOM, WITH A PUBLIC HEARING BEING HELD AT 7:00PM RE: LOCAL LAW 3-2023 – TAX CAP AND THE REGULAR MEETING BEING HELD IMMEDIATELY AFTER.