

**Town of Johnsburg
Town Board Meeting
May 16, 2023**

In Attendance: Mark Smith – Supervisor
Justin Gonyo – Councilman
Jean Comstock – Town Clerk

Pete Hoskins – Councilman
Gene Arsenault – Councilman (via Zoom)

1. Pledge of Allegiance – led by Joe Connelly
2. Call the Regular Meeting to Order at 7:01PM
3. Approve the Minutes of April 18, 2023 – Supervisor Smith asked if all had a chance to review the Minutes, any discussion.

RESOLUTION # 23-92

Mr. Hoskins made a Motion to approve and accept the Meeting Minutes from the April 18, 2023 Town Board Meeting and moved its passage with a Second Motion from Mr. Gonyo. With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Gonyo, Hoskins, Arsenault); Nays – 0.

4. Resolution of Rate Increase for EMS – Joe Connelly gave an overview; Emergency Management Resources re: billing/rates; the rates in the packet are recommended rates from this company, across the board these are the rates; Supervisor Smith and I have a meeting next week; Mr. Hoskins asked percentage increases are lower for lower times of service; Mr. Connelly 60/40 ALS.

RESOLUTION # 23-93

Mr. Arsenault made a Motion to approve the rate increase for EMS and moved its passage with a Second Motion from Mr. Gonyo. With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Gonyo, Hoskins, Arsenault); Nays – 0.

5. Authorization to Accept Bid – Ski Bowl Disaster Resiliency Project; Mr. Gonyo asked if all the paperwork from the bidder is in order? Supervisor Smith indicated that it was and we're accepting this bid and awarding it to Jim Jones Excavating contingent upon EDA concurrence with the contract award. Mr. Hoskins noted that the other bid was twice as much.

RESOLUTION # 23 – 94

Mr. Hoskins made a Motion to accept the bid from Jim Jones Excavating with the contingency of EDA concurrence and moved its passage with a Second Motion from Mr. Gonyo. With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Gonyo, Hoskins, Arsenault); Nays – 0.

6. Lifeguard Hiring/Pay – Mr. Olesheski is asking for a Resolution from the Town Board to hire lifeguards at the rates listed for the summer season. Mr. Gonyo – are we budgeted for this? Supervisor Smith – yes, we're hiring three not four, this year and there is enough money for this.

RESOLUTION # 23 – 95

Mr. Gonyo made a Motion to approve the lifeguard pay for two returning life guards at \$16.64 and a new one at \$16.20 and moved its passage with a Second Motion from Mr. Hoskins. With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Gonyo, Hoskins, Arsenault); Nays – 0.

7. Ratify a Resolution to hire Laborer at \$15.00/hour and retro from date of hire; Mr. Gonyo – understand we have a quote of minimum wage, are we using this as a base is fine, but maybe change the wording; don't want a precedent about \$15/minimum wage for employees.

RESOLUTION # 23 – 96

Mr. Arsenault made a Motion to approve the \$15.00 pay rate for new hire with retro from date of hire and moved its passage with a Second Motion from Mr. Hoskins. . With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

8. Full-time Seasonal Laborer – Parks/Rec – Supervisor Smith – my understanding is this occurs each summer, it's in the budget, not a line item issue at \$15/hour; PH/JG; they can work in all areas of parks and rec.

RESOLUTION # 23 – 97

Mr. Hoskins made a Motion to approve a seasonal full-time laborer for parks and rec at \$15.00 and moved its passage with a Second Motion from Mr. Gonyo. . With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

9. Part-time seasonal laborer, for cemeteries and possibly at the transfer station; Supervisor Smith – there is \$6,500 in Cemetery Contract line, pull \$5,500 from it for this seasonal position and leave \$1,000 in that line. Mr. Hoskins, this would actually be a labor savings from the contracted amount.

RESOLUTION # 23 – 98

Mr. Hoskins made a Motion to approve the hiring of a part-time seasonal laborer and moved its passage with a Second Motion from Mr. Gonyo. With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

10. Creation of Capital Project Funds – Supervisor Smith – with sewer and water projects underway OSC very strongly recommends this; Bookkeeper and I sat down and worked this out – what comes out of funds, grants, etc. Mr. Arsenault – how do we fund them? Supervisor Smith – USDA/Loans – sewer.

RESOLUTION # 23 – 99

Mr. Gonyo made a Motion to approve the creation of the Capital Project Fund and moved its passage with a Second Motion from Mr. Hoskins. With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

11. Loan to Sewer Capital Fund – Supervisor Smith – we'll have to take out a Bond on the Sewer and we'd need to pay immediately, push the Bond out as long as possibly – Town Attorney, Mr. Hafner – suggested we try to get through this year; we'll need \$3,000,000 from General Fund (which we have), it will save us 6-9 months of interest; Mr. Gonyo – we pay the bills, get reimbursed? Supervisor Smith – yes; we'll take a Bond out for the full amount and USDA will pay as we go along. Mr. Arsenault – coming out of fund balance? Supervisor Smith – yes; Mr. Arsenault – any timing issue with interest rates? Supervisor Smith – we're shopping around; Mr. Gonyo – we wouldn't make any payments until January/February of 2024. Feds upped interest rate ¼ percent and will review again in June.

RESOLUTION # 23 – 100

Mr. Gonyo made a Motion to approve the loan to the Sewer Capital Fund and moved its passage with a Second Motion from Mr. Hoskins. . With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

12. Credit Card pre-payments – Supervisor Smith – credit card due dates don’t match with our Town Board Meetings – approving the pre-pay would eliminate late payments; Mr. Gonyo – have we reviewed this with our attorneys? Supervisor Smith – we have other pre-pays as well, electric, utilities.

RESOLUTION # 23 – 101

Mr. Arsenault made a Motion to approve the pre-payment of the credit card bills to avoid late fees and moved its passage with a Second Motion from Mr. Hoskins. . With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

13. Supervisor Smith – at a previous Town Board Meeting the re-use shed was presented to us; could we get an approval to install re-use shed? It will be volunteer-based; all are in favor of this.

14. ZEO Monthly Permit Report – in packet

15. Library Report – in packet; Town Clerk wanted to note that Ms. Mason just received a \$2,300 grant for the Library.

16. Supervisor’s Report – Supervisor Smith- have you all had a chance to review the Supervisor’s Report and are there any questions and/or concerns?

RESOLUTION # 23 – 102

Mr. Arsenault made a Motion to approve/accept the Supervisor’s Report and moved its passage with a Second Motion from Mr. Gonyo. . With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

17. Warrants – Supervisor Smith – this is about 45% of my time, to my knowledge everything is correct. Mr. Gonyo – Braley & Noxon is listed as Warrensburg, do we go to Warrensburg? It was noted that the bills are paid to the Warrensburg Office.

RESOLUTION # 23 – 103

Mr. Hoskins made a Motion to approve the Warrants and moved its passage with a Second Motion from Mr. Gonyo. . With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

General Fund:	\$ 59,413.59
Highway Fund:	\$ 43,685.60
Library Fund:	\$ 1,763.18
Water District:	\$ 8,961.19
Trust & Agency:	\$ 3,314.74
TOTAL	\$117,138.30

18. Move to Executive Session – at 7:25PM

RESOLUTION # 23 – 104

Mr. Gonyo made a Motion to move to Executive Session at 7:25PM to discuss a contract negotiation and moved its passage with a Second Motion from Supervisor Smith. . With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

RESOLUTION # 23 – 106

Mr. Gonyo made a Motion to exit the Executive Session and moved its passage with a Second Motion from Mr. Hoskins at 7:57PM. With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

Supervisor Smith noted that they discussed the extension for ORDA and that two Board Members to head up the negotiations to see if this is something we want to do will be Mr. Gonyo and Supervisor Smith.

RESOLUTION # 107

Mr. Hoskins made a Motion to approve Mr. Gonyo and Supervisor Smith to be the Negotiating Team for the ORDA Extension process and moved its passage with a Second Motion from Mr. Arsenault. With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

19. 255 Main Street – Septic Failure – letter from Mr. Epstein; Supervisor Smith – spoke with Town attorney re: what we can do; County not wanting to assist; after discussion – we’ve decided to take action ourselves, we’ve given the Owner every opportunity to repair it; a good septic system/leech field is needed; Supervisor Smith – I need a motion for the Town Board to act as the Local Board of Health – JG/PH; from this point on we are the Town Board of Health; in speaking with the Town Attorney – nothing will happen tonight, he recommends an emergency notice of violation with immediate remedy/action; Jim Jones – dug some test holes for them; Mr. Gonyo – for a PERC test? Jim Jones – not yet; Smith – put a collar & cap on? Mr. Gonyo – Mr. Epstein indicated that Jim Jones would be doing some work for him in the future; we’ve given him more than enough time to do something; Smith – we’re all frustrated with this; Notice of Violation and remedy – 30 days typically; asking him to have it pumped every day for 30 days or remedied, if not remedied, fines will be incurred; there is a good chance that when we issue this violation, Mr. Epstein may say no, vacate the building and leave it; Mr. Gonyo – he’s pushed us into this. As the Board of Health– emergency violation; can’t write this up tonight, need to issue ASAP; can we do a resolution to do the letter; Supervisor Smith – I suggest, elements of the letter, Board approval; historical data put in later – resolution done at this Board Meeting; Mr. Gonyo – do we need to do this much detail in the Resolution or can the Notice of Violation have the details; Mr. Hoskins – can it be remedied within 30 days? Supervisor Smith – I don’t know, but we need to get this remedied; certain things need to be done within a certain time frame; the Board Resolves that this is declared a public health emergency; emergency notice of violation with remedy; remedy – no more effluent out of tank, tank pumped daily, 30 days to remedy the situation.

RESOLUTION # 23 – 105

Mr. Gonyo made a Motion to approve the Town Board being the Local Board of Health and moved its passage with a Second Motion from Mr. Hoskins. With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

20. Privilege of the Floor –

- Ms. Konis – one of the billboard signs came down; wondering why Tannery Pond’s hasn’t come down? Sewer – I spoke with Colin Mangan today – where did ZEO get this power to tell the owner he doesn’t need to pump once a week, once a month; you don’t answer questions here, sent e-mails, you haven’t answered. Why can’t we know what you’re spending our money on?
- Ms. Sabattis – Dr. Rugge is our Health Officer – shouldn’t he be here to facilitate this emergency? Supervisor Smith – no.
- Mr. Horvath – thank you for approving the re-use shed, it’s a positive thing; let’s focus on the positives; possible volunteer and donations through Judy Brown and the Outreach Center.
- Mr. Walter – I sent multiple pictures, facts and figures – the Town is flooding private property through culverts; it’s illegal; have a letter from soil and water – the law is very specific; no planned outlet other than running on a Town Road; I’ve been lied to over and over again; no response from messages; what I’m asking as a tax payer do I have access to talk to Town Attorney and who will pay the bill? If I plug this and others have damage would I be held responsible? Could you ask the Town Attorney, my plan is to fill it; could someone find an

answer to that question? I don't want to fill it, but I will; Supervisor Smith – stop by the office, Walter – why? Supervisor Smith – I believe we're working on a solution.

- Mr. Mosher – it's hard to see in here; love me or hate me, isn't important, but you need to listen to me – raw sewage running down the street, the Supervisor and Board are not remedying this situation; law states that the septic must be updated and there's not enough property to do this; where is the 3-minute rule, it has to be posted; this is a clown show; you have heat coming down on you, I've called many people, politicians, etc. the heat is coming down.
- Mr. Ashline- Barton's has made a request for letters to be written; is this correct; Supervisor Smith – I'm working with Chuck and Barton's will do a presentation.
- Mr. Konis – thank you – it's all been kicked down the road for over a year now, you showed up with Mr. Gonyo and are working on this.

21. Motion to Adjourn

RESOLUTION # 23 – 108

At 8:35PM Mr. Gonyo made a Motion to Adjourn the Regular Town Board Meeting and moved its passage with a Second Motion from Mr. Hoskins. . With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Smith, Goyno, Hoskins, Arsenault); Nays – 0.

Prepared by:

Jean M. Comstock

Jean M. Comstock
Town Clerk

**THE NEXT REGULAR TOWN BOARD MEETING WILL BE JUNE 20, 2023 AT 7:00PM
AT TANNERY POND AND VIA ZOOM**