

Town of Johnsburg
Minutes of Town Board Meeting – July 19, 2022
7:00 PM at Tannery Pond and Zoom

Present: Andrea Hogan – Supervisor Joann Morehouse – Deputy Town Clerk
 Pete Olesheski – Councilman Justin Gonyo – Councilman
 Gene Arsenault – Councilman (via Zoom)
 Arnold Stevens - Councilman

1. Public Hearing Open at 7:00PM - Councilman Gonyo – presentation by Jamie Herman – Chief Executive Officer of the Rural Water Association. Public health and preserving the environment are the two major concerns. It’s good for economic development. NYS Rural Water Association – 1400 members – villages, towns, State & Federal agencies, HOA’s, etc. Presentation by Councilman Gonyo. Committee made up of volunteers, started out in 2015 as a few concerned citizens and has grown over the years. We’re at a critical juncture with the town sewer system. Please reference the Power Point presentation that is part of the recording under the Town Board tab of the website. Public Hearing closed at 9:09PM
2. Regular Town Board Meeting called to order at 9:18PM.
Pledge of Allegiance led by Mr. Olesheski.
3. Correspondence – Councilman Gonyo read letter of resignation from Janet Konis as Chairman of the BAR; Councilman Gonyo read letter from Brian & Tammy Sponable
4. Audit – Supervisor Hogan noted that we received a letter from the State Comptroller’s Office indicating an upcoming audit; this is a good thing and I had asked for 2 years ago.
5. Approval of Minutes from June 21, 2022 Board Meeting. Supervisor Hogan asked if all had a chance to review the Minutes and if there were any questions, concerns or changes.

RESOLUTION # 22-122

Mr. Stevens made a Motion to approve the Minutes of the June 21, 2022 Town Board Meeting 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 – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

6. New/Old Business:

- a. Mileage Compensation – Supervisor Hogan noted that the mileage compensation has changed since the beginning of the year from 58.5 to 62.2 and suggested we make this adjustment.

RESOLUTION #22 – 123

Mr. Gonyo made a Motion to approve the change in mileage compensation 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 – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- b. Investment Policy – Supervisor Hogan stated that she had been looking at the Town’s Investment Policy and would like to bring it up to date, the Town Bookkeeper needs to look it over more closely and will bring it back to the Board at another date.

- c. Cell Phone Reimbursement – Supervisor Hogan noted that the Town reimburses several Town Employees as they use their cell phones for Town business and would like to have Joann Morehouse added as her duties have increased and she uses her phone for work.

RESOLUTION #22 – 124

Mr. Gonyo made a Motion to approve reimbursement to Joann Morehouse for use of her cell phone for Town business 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 – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- d. BAR Minutes – Supervisor Hogan indicated that the minutes from the Board of Assessment Review had not been typed up, the audio recording is all that was available; Joann Morehouse will type these minutes up with overtime pay at a rate of \$23.25 per hour. Mr. Olesheski asked if they really needed to be typed since they were recorded? Mr. Hafner, the Town Attorney indicated “yes, the minutes are supposed to be kept by the BAR and the BAR is supposed to provide them to the Town Clerk and that did not happen”.

RESOLUTION #22 – 125

Mr. Gonyo made a Motion to have the BAR Minutes typed up by Joann Morehouse at \$23.25 per hour for maximum of 10 hours and moved its passage with a Second Motion from Mr. Olesheski. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0

- e. Safe Employee of the Quarter – Supervisor Hogan asked the Deputy Clerk who was selected as the Safe Employee for the Quarter – Deputy Clerk indicated that Jason Persons had been chosen by the Safety Committee.
- f. MEO/CDL Opening in Highway Department – Supervisor Hogan indicated that the Highway Superintendent is asking for approval to fill an open position for a MEO/CDL. There was some discussion about rate of pay and title of the position and it was decided that it would be paid at a labor position with labor rate.

RESOLUTION # 22 – 126

Mr. Gonyo made a Motion to approve new hire at labor rate and moved its passage with a Second Motion from Mr. Olesheski. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0

- g. Attendance at Highway School – Supervisor Hogan indicated that Superintendent Comstock and Deputy Dunkley would like to attend Highway School for CHIPS & Bridge NY; Mr. Olesheski noted that he felt it is very important to encourage them to take advantage of these educational opportunities.

RESOLUTION # 22 – 127

Mr. Stevens made a Motion to approve attendance for Mr. Comstock and Mr. Dunkley at Highway School and moved its passage with a Second Motion from Mr. Gonyo at \$2,300. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- h. Supervisor Hogan is requesting approval for ratification of authorization for Darrah Surveying at the Glen Creek Bridge project at \$1,650.

RESOLUTION # 22 – 128

Mr. Stevens made a Motion to approve ratifying the survey work by Darrah Surveying for the Glen Creek Bridge project at \$1,650 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 – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- i. On-call services from JMT Engineering. Supervisor Hogan indicated that we have been using JMT Engineering or the Highway and would like to do a contract with them annually for professional services. Before we execute this contract Mr. Gonyo asked if it was something that should be put out to bid. Supervisor Hogan stated that it's not required as it's Professional Services, but if the Board would like to, we certainly can. Mr. Gonyo stated that he would prefer to put the work out to bid as there are other companies out there that also offer these services. Mr. Olesheski agreed and asked what affect this would have on the work we've already contracted to do with them; Mr. Gonyo noted that this contract is above and beyond what we already have with them and it shouldn't affect anything.

RESOLUTION # 22 – 129

Mr. Gonyo made a Motion to authorize an RFP for Highway engineering services and moved its passage with a Second Motion from Mr. Olesheski. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- j. Durkin Road Proposal – Superintendent Comstock would like to move forward with this project, and it now needs to be professionally engineered. Supervisor Hogan noted that we have a proposal from JMT Engineering for the Durkin Road repairs to be completed in the amount of \$8,500.

RESOLUTION # 22 – 130

Mr. Gonyo made a Motion to authorize \$8,500 for repairs to Durkin Road and moved its passage with a Second Motion by Mr. Stevens. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- k. Mine Permit – Supervisor Hogan indicated that we have a proposal from JMT Engineering for \$1,200 for engineering services to expand the mine area at the Highway Garage and is looking for approval. This is a small parcel of land that was donated to the Town.

RESOLUTION # 22 – 131

Mr. Gonyo made a Motion to accept the Proposal from JMT Engineering for \$1,200 to expand the mine area at the Highway Garage 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 – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- l. Ratify pre-pay for Highway Department Trailer – Supervisor Hogan is asking for approval to ratify the pre-pay of the trailer for the Highway Department as well as approval for expenses to go pick-up the trailer. The \$2,150 will come out of the Bond and the travel expenses out of the Highway line (5130.4) not to exceed \$2,500.

RESOLUTION # 22 – 132

Mr. Gonyo made a Motion to approve the pre-payment of \$2,150 for the trailer and travel expenses to pick-up the trailer and moved its passage with a Second Motion from Mr. Stevens. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- m. National Grid payment for moving poles – Supervisor Hogan is asking for approval of payment to National Grid in the amount of \$22,883 with the understanding that these services may be more or may be less, to move the poles at the Glen Creek Bridge Project. Mr. Olesheski indicated it feels like extortion on the part of National Grid, Mr. Arsenault noted we should investigate solar. CHIPS money will cover part of this cost. It's been a policy of National Grid's for several years, it's just now being enforced. We can delay the

project another year, but we'd lose the FEMA monies. The project is on hold right now until National Grid receives the check.

RESOLUTION # 22 – 133

Mr. Arsenault made a Motion to approve payment to National Grid to move the poles to allow the work on the Glen Creek Bridge to occur and moved its passage with a Second Motion from Mr. Olesheski. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- n. Monitor Building and Re-building of Dugouts – Mr. Gonyo would like to put this out to bid for the Monitor Building and re-building of the dugouts that were destroyed in two separate storms in 2019 at the Ski Bowl. Supervisor Hogan noted that we have the parts/materials for the Monitor Building (a pavilion type structure) which will be located at corner across from The Phoenix at the North end of Town. Both of these projects were to be started a few years ago and that volunteers were going to do the work, but that never happened.

RESOLUTION # 22 – 134

Mr. Gonyo made a motion to put this work out for RFP's for this work and moved its passage with a Second Motion from Mr. Olesheski. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- o. Sewer District Formation and Town Attorney, Mr. Hafner, explained the options we have and the good and bad of each; Mr. Hafner also read the Resolution changes if it is approved tonight to create the District; there are other options at this point – (1) No Action; (2) Resolution for a Permissive Referendum; (2) Resolution for a Mandatory Referendum; (3) Delay Action. Mr. Hafner explained that there are time constraints with each type of Election. Mr. Olesheski suggested moving forward with either Permissive or Mandatory Referendum and that “no action” is not an option for him at this time. Mr. Gonyo asked for clarification of dates/referendums, Mr. Hafner noted that to be on for the General Election all would need to be done and turned into the County by August 8, 2022 this may not be a valid option; for Special Election there are specific time constraints with regards to the General Election timing and he will get more accurate information to the Board. Mr. Hafner would offer his suggestion of not allowing Absentee Ballots as there is much more work involved and not a lot of time. Mr. Olesheski indicated he'd make a Motion to create the Sewer District with the Mandatory Referendum (special or general election – whichever can happen sooner), Mr. Gonyo agreed with this Motion. Mr. Hafner will make changes to the title and parts of the Resolution and get the updated one to the Town. Mr. Arsenault wants it on record acknowledging the 7 years of hard work by the Committee. Mr. Olesheski would also like to see more informational meetings prior to the public voting.

RESOLUTION # 22 – 135

Mr. Olesheski made a Motion to move to create the Sewer District subject to Mandatory Referendum 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 – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

Sewer Grant Letter from USDA – Mr. Stevens would like it to be noted that he also has been a member of the Sewer Committee for several years; Supervisor Hogan is asking for permission to execute all paperwork associated with the Grant.

RESOLUTION # 22 – 136

Mr. Gonyo made a Motion to allow Supervisor Hogan to execute the USDA paperwork regarding the Grant and moved its passage with a Second Motion by Mr. Stevens. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

p. Historian Report.

7. Supervisor Hogan noted she had received two (2) proposals (one for \$1,800 and one for \$1,650) for the appraisal of the three Town properties that were discussed at the last Town Board Meeting. Supervisor Hogan is asking for approval to ratify the authorization for an appraisal for Town properties.

RESOLUTION # 22 – 137

Mr. Stevens made a Motion to approve the authorization to ratify approval of an appraisal for \$1,650 (Supervisor Hogan noted the report should be available at the August 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 – Gonyo, Arsenault, Stevens, Hogan, Olesheski not in the room); Nays – 0.

8. Committee Reports – Mr. Gonyo noted that he missed a meeting with Superintendent Comstock and they will need to catch up regarding the sidewalks.
9. Supervisor’s Reports – Supervisor Hogan asked if all had a chance to review the Supervisor’s Reports and if there were any questions or concerns?

RESOLUTION # 22 – 138

Mr. Stevens made a Motion to accept the Supervisor’s Reports and moved its passage with a Second Motion by Mr. Gonyo. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 4 – Gonyo, Arsenault, Stevens, Hogan; Olesheski – not in room); Nays – 0.

10. Supervisor Hogan noted that FOIL requests are getting burdensome and we may need to close the Zoning Office to public interaction for a period of one week, possibly two, in order to honor these large scale requests.
11. Warrants – Supervisor Hogan asked if all had reviewed the Warrants and if there were any questions or concerns?

RESOLUTION # 22 – 139

Mr. Gonyo made a Motion to accept the Warrants 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 – Gonyo, Arsenault, Stevens, Hogan, Olesheski not in the room); Nays – 0.

GENERAL FUND:	\$ 122,717.63
HIGHWAY:	\$ 61,014.08
HEAVY EQUIPMENT:	\$ 2,150.00
EMS:	\$ 149,878.75
LIBRARY:	\$ 2,087.41
WATER DISTRICT:	\$ 14,678.49
TRUST & AGENCY:	\$ 1,239.85
TOTAL	\$ <u>353,766.21</u>

12. Before we go to Privilege of the Floor, Supervisor Hogan asked if the Board has any authority if someone uses profanity at a public meeting? Town Attorney, Mr. Hafner – you can set a rule at the beginning that you’re not accepting this type of behavior, or you’ll be removed by the Sheriff; you have a right to run your meeting and request that it be limited to the topics at hand.

13. Privilege of the Floor


- Ms. Wood asked that the Board consider not looking at moving any Town Offices to the Scout Hall as it will take away from residents being able to rent it.
- Mr. Sponable would like to know what will be done about laws broken by BAR and residents should be notified of this. Mr. Sponable noted that he could file an Article 28 with the Supreme Court and probably win. Just wondering why some appraisals were accepted and some weren't if they were professionally done. Ms. Sponable wants to know if all of this is falling on deaf ears as in the other meetings, can folks be interviewed; Mr. Olesheski – all that was presented to us is taken seriously and I have questions as well, this won't happen tonight; as serious as the allegations are, I'm taking it very seriously; Ms. Sponable – what time frame are we looking at? Mr. Olesheski – I don't know, I'm making a list for our Attorney; Mr. Gonyo – we'll table this conversation until we can prove the legitimacy of the content of the allegations; Mr. Konis indicated he is concerned about the people affected and the time frame made. Mr. Olesheski – I'd support a Public Meeting for the SCAR process; we need to get it right;
- Mr. Mosher asked what has happened to the MOU re: Front Street and the Town?
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14. Motion to Adjourn at 10:40PM

RESOLUTION # 22 – 140

Mr. Stevens made a Motion to adjourn the Regular Meeting 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 – Gonyo, Arsenault, Stevens, Hogan) Nays – 1 (Olesheski)

Prepared by:


Jean M. Comstock

Town Clerk

The Next Regular Town Board Meeting will be held
August 16, 2022 at 7:00PM
at Tannery Pond and Via Zoom