

Town of Johnsburg  
Town Board Minutes  
February 7, 2023

In Attendance:           Andrea Hogan – Supervisor   Justin Gonyo – Councilman  
                              Pete Hoskins – Councilman   Arnold Stevens – Councilman  
                              Gene Arsenault – Councilman   Robert Hafner – Town Attorney  
                              Jean Comstock – Town Clerk

Town Board Meeting called to order at 7:00PM

1. Pledge of Allegiance led by – Tom Volcheck/Tom Ordway
2. Approval of January 17, 2023 Town Board Meeting Minutes –  
**RESOLUTION # 23-34**

Mr. Gonyo made a Motion to accept the Meeting Minutes of the January 17, 2023 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 – 4 (Gonyo, Stevens, Arsenault, Hoskins); Nays – 0.

Supervisor Hogan – this meeting will be very different from our Usual Town Board Meetings. It may look a bit scripted to you in places and, to be honest, it is. NYS Law is very prescriptive as to how things must be handled. We have reviewed the law and we will follow it. For the armchair attorneys out there, rest assured, every step of the processes we are going to go through has been reviewed by the Town’s Attorney. We know the law and we are following it. In the case of filling the Supervisor’s position the law reads: **Whenever a vacancy occurs or exists in any Town Office, the Town Board or majority of the Members thereof, may appoint a qualified person to fill the vacancy.** This means the Town Board is unable to vote to fill a seat that has not already been vacated. Because of this, I am resigning now, effective immediately. Supervisor Hogan handed in her Letter of Resignation, effective immediately, and presented it to the Town Clerk, who accepted the Letter of Resignation. Councilman Stevens will run the meeting until a new Supervisor is chosen and seated.

Before I go I want to thank the people of the Town for the opportunity to serve. I am proud of the work that this Board has done. I am proud of the relationships we have built and the forward motion we are seeing on important projects. I am excited for my own new adventures and for the future of this Town that my family and I call home.

3. Mr. Stevens – we will now consider the appointment of an individual to serve as Supervisor until December 31, 2023.
4. Mr. Gonyo would request an Executive Session at 7:05.

**RESOLUTION # 23-35**

Mr. Gonyo made a Motion to enter into Executive Session 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 – 3 (Gonyo, Stevens, Arsenault); Nays – 0; Excused – Mr. Hoskins

**RESOLUTION # 23-36**

Mr. Gonyo made a Motion to adjourn the Executive Session at 7:33PM 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 (Gonyo, Stevens, Arsenault, Hoskins); Nays – 0.

The Town Board returned from Executive Session at 7:34PM – no decisions were made during the Executive Session.

Mr. Arsenault has gone home and will join via Zoom.

Mr. Gonyo – we have a quorum and will continue with the Regular Town Board Meeting.

5. Old/New Business

- a. Surplus Parks Equipment - Mr. Olesheski has made a request to have two (2) old Parks & Rec mowers (Cub Cadet LTX 1050 Lawn Tractor and Cub Cadet RZT Zero Turn Mower) designated as surplus equipment and looking for approval to post for auction. This should help generate a little bit of funding which can be used to purchase new equipment, but will also free up storage at the Kellogg Building. Mr. Hoskins noted that it a great move to have a Parks & Rec Department and that they are doing sidewalks, it's great for the Town.

**RESOLUTION # 23-37**

Mr. Hoskins made a Motion to deem the equipment as surplus equipment for the Parks/Rec Department and allow the Parks & Rec Director to sell at auction 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, Stevens, Arsenault, Hoskins); Nays – 0.

- b. Parks equipment – The Parks & Rec Department has been asked to take on the maintenance of the sidewalks. Mr. Olesheski believes he can accomplish this with the personnel he is currently budgeted for but needs a piece of equipment. He is asking for approval to purchase a Ventrac SSV for \$26,401.25. In addition he is asking for approval to purchase a John Deere lawn tractor which will replace several old mowers and will allow for more efficient maintenance of the cemeteries. This piece of equipment is on State contract and will cost \$4,732.21. Mr. Olesheski is also asking for approval to purchase a John Deere Gator for park and trail maintenance. This is listed on State contract at \$10,855.81. Total for all equipment is \$41,989.27. The Parks budget currently has \$50,000 in the new equipment line and an additional \$20,000 in the trail maintenance line. While this would be more than enough to cover these expenses, we could also consider taking these purchases from surplus sales tax income (at this time we anticipate over \$280,000 in over-budget income in 2022 sales tax income).

**RESOLUTION # 23-38**

Mr. Hoskins made a Motion to approve all three (3) purchases for the Parks & Rec Department totaling \$41,989.27 and authorizing the Supervisor to execute all of the paperwork related to the purchases 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, Stevens, Arsenault, Hoskins); Nays – 0.

Mr. Smith – no input from the public when making a purchase of \$41,000+? Mr. Stevens – that's correct.

- c. AED equipment for the Parks Department – Mr. Olesheski is looking to purchase new AED Units for the beach and ball fields. Quote of \$3,228. Mr. Gonyo asked if we could table this discussion and approval as there are questions on how we're going to monitor and manage accessibility to this equipment. Mr. Hoskins noted that we probably do have time to table this. Mr. Gonyo noted he will reach out to Mr. Olesheski to see how we can manage this.
- d. Committee Assignments – Friends of the Park Parks Advisory Committee – Mr. Stevens noted that he'd like to add the following to the formal Committees for the Town. Committee – Friends of the Park Advisory Committee to include: Phil Sangster, Chris Heidrich, Judy Brown, Jill Broderick, Bob Nettle, Steve Kahrs, Peter Horvath, Jane Peter, Dick Carlson, Julia Howard,

Michele Pearsall, Kim Smith, Joe San Antonio, Ashley Snow and Kelly Nettle as Chair. I'd also like to add Andrea Hogan to the Sewer Committee. These are appointments of the Supervisor and do not require a vote. Mr. Gonyo asked if this is a standing committee and what is the purpose? Mr. Hoskins noted effectively already established as a 501(c)3, to support the Supervisor, they can raise money, work together with the Town – volunteer; the Town is still responsible for the programs and facilities; very common in cities and towns around the country. Mr. Gonyo – what about ORDA? Mr. Hoskins - they're only concerned about their part of the park; Friends of the Park are there to help the Supervisor; Mr. Williams – then you're undermining the new Parks & Recreation Director? Mr. Hoskins - it's purely for support only; I've run this type of thing previously. Mr. Gonyo - I would vote to table this as well.

- e. Ski Bowl Drainage Mitigation Grant Resolutions – Mr. Stevens asked if Mr. Hoskins was more familiar with these than I? Mr. Hoskins – not at all. Town Attorney – Mr. Bob Hafner reviewed the Resolution – doesn't commit to any funds, just moves it to the next step; it looks pretty straight forward; Mr. Hoskins - it won't help us to delay at this point; Mr. Hafner– you've already applied for the Grant, engineer has done the plans.

**RESOLUTION # 23 – 39**

Mr. Gonyo, under the advice of Counsel, I make a Motion to approve that since we are using Federal funds, the Town cannot dispose of this property or to use it for any other purpose 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 (Gonyo, Stevens, Arsenault, Hoskins); Nays – 0.

**RESOLUTION # 23 – 40**

An additional Resolution needs to be approved accepting the EDA approval of the plans for the drainage mitigation project and putting the project out to Bid. Mr. Gonyo made a Motion to approve this 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 (Gonyo, Stevens, Arsenault, Hoskins); Nays – 0.

- f. Solid Waste Agreement with Warren County – this is identical to the one we're already operating under.

**RESOLUTION # 23-41**

Mr. Gonyo made a Motion to accept the Solid Waste Agreement with Warren County 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 (Gonyo, Stevens, Arsenault, Hoskins); Nays – 0.

- g. Real Property Tax Exemption Law – Mr. Gonyo – this is the Tax Exemption for the First Responders law; Mr. Dunkley and other fire departments have been instrumental in getting this up and running. Looking for Board approval to set a Public Hearing for February 21, 2023.

**RESOLUTION # 23 – 42**

Mr. Gonyo made a Motion to set the Public Hearing for February 21, 2023 for Proposed Law #1-2023 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 – 4 (Gonyo, Stevens, Arsenault, Hoskins); Nays – 0.

- h. Gore Village – no update at this time, have not heard from them.

- i. Sewer Engineering Bid Acceptance – The Town put out a bid for Engineering for the next phase of the Sewer Project.

**RESOLUTION # 23 – 43**

Mr. Gonyo made a Motion to accept the bid for the engineering for the next phase of the sewer project 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, Stevens, Arsenault, Hoskins); Nays – 0.

- j. Water District Bids – John/Nick from Cedarwood – 2 bids total; J&K Trucking and Rozell East; recommending J&K Trucking. Mr. Gonyo – you’ve identified them as a competent contractor; Nick – called references; John – identified they’ve completed quality work; John & Nick answered the Town Board’s questions; all as highlighted in the RFP; John – need Resolution of award from the Board tonight; Mr. Gonyo – you’re comfortable with their numbers? John – yes, compared all numbers, no red flags; Mr. Hoskins – how much is the contingency? John - \$5 million project; Mr. Hoskins – you can cover the change orders? John – yes; if anything major comes up, we’ll have contingency to cover it and will come to Board; Mr. Gonyo – you’ll be handling the change order process? John – yes, we’ll handle everything from here on out and will come to the Board for formal approval; John – demo and mixer are extra; no asbestos that we can see; scraping the tank for lead, if anything changes we’ll bring it to the Board; John – lead report will be sent to Board and contractor.

**RESOLUTION # 23 - 44**

Mr. Hoskins made a Motion to accept the bid award 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, Stevens, Arsenault, Hoskins); Nays – 0.

- k. Water Connection Billing rates for specific addresses – Town employees working with the Auditor; EFC \$3 million Grant; Dollar General not billed, old Stewart’s, new Stewart’s – all will be looked at; Mr. Hoskins – thank you to the Auditor for catching this; rates will be adjusted as such; 5 edu – \$1,600/connection fee – Dollar General; new Stewart’s – 4 edu; Mr. Gonyo – we may not have a number for each right now? Mr. Gonyo – as I’m reading this, we’re adjusting EDU for three locations.

**RESOLUTION # 23 -45**

Mr. Gonyo made a Motion to approve adjusting the EDU’s for these three properties 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 (Gonyo, Stevens, Arsenault, Hoskins); Nays – 0.

- l. Phones – Administrative Clerk – Joann Morehouse did some research and the Town can save money monthly by putting all Town Buildings on VOIP with SLIC. Question came up about landline at some buildings for emergencies should internet go down, there wouldn’t be any phone services. Mr. Hoskins noted that with the savings the Town will be seeing a landline can be added as needed.

**RESOLUTION # 23-46**

Mr. Gonyo made a Motion to approve switching all Town Buildings to VOIP through SLIC 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 (Gonyo, Stevens, Arsenault, Hoskins); Nays – 0.

6. Budget Amendments Bookkeeper asked to have \$2406 moved from A599 Fund Balance to A7110.4 Parks. Items were ordered with the expectation they would come out of the 2022 budget; billing did not come in time to be included in the January 17, 2023 AOV. Asking for approval to have \$8,540 moved from A599 Fund Balance to A1910.4 the amount necessary to cover the cost of 2023 insurance.

**RESOLUTION # 23 – 47**

Mr. Gonyo made a Motion to approve the Budget Amendments 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 (Gonyo, Stevens, Arsenault, Hoskins); Nays – 0.

7. ZEO Monthly Report is in the Board Packet.
8. Committee Reports – no Committee Reports at this time.
9. Warrants – Mr. Gonyo is asking to ratify and affirm Revised Abstract 021 from 2022 to change an amount that was input incorrectly (was \$68,456.51, should have been \$6,846.51). Also looking for acceptance of Abstract 003 for 2023 vouchers.

**RESOLUTION # 23-48**

Mr. Gonyo made a Motion to ratify Abstract 021 and accept Abstract 003 of 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, Stevens, Arsenault, Hoskins); Nays – 0.

**Abstract #021**

General Fund	\$ 45,512.56
Highway Fund	\$ 32,825.76
Library Fund	\$ 3,420.50
Water District	<u>\$ 2,173.15</u>
<b>TOTAL</b>	<b>\$ 83,931.97</b>

**Abstract #003**

General Fund	\$ 151,601.07
Highway Fund	\$ 36,373.26
Library Fund	\$ 1,877.31
Water District	\$ 6,159.40
Trust & Agency	<u>\$ 176,526.40</u>
<b>TOTAL</b>	<b>\$ 372,537.44</b>

10. Privilege of the Floor – Mr. Stevens opened Privilege of the Floor, please come up to the podium, state your name and comments.
  - Ms. Wood – Queensbury is having the same Supervisor situation – can we ask for names of applicants for the Supervisor. Town Clerk provided the names of interested candidates for Interim Supervisor.
  - Ms. Gadway – sent an e-mail through the Town website and never received a response – re: using the Town Beach for a fishing derby; please give Pete Olesheski a call, we’ll get it put together; Mr. Gonyo also noted - let the Board know if you need anything.
  - Ms. Konis – where do we stand on the septic system on Main Street; are we still paying for this; how many other systems are we having problems with; where do we stand on sidewalks? Are we finishing them up? Mr. Gonyo - Mr. Comstock, Mr. Hoskins and I met and as soon as the weather allows – East side of Main first, then the West side of Main; Mr. Hoskins – we will be working with the Business Alliance; Ms. Konis – is the equipment for sidewalks – both sides; Mr.



Olesheski – yes; but you need to understand that where snow has been put already this year, we'll do the best we can to clear it all. Mr. Olesheski – we are responsible for the sidewalks; Tom Ordway – the County owns the roads; Ms. Konis – we have the mosaic so we can't snow blow snow up on it; also, re-vals – where do we stand with this; Mr. Gonyo – no action is being taken with that until we have further discussion with our assessor.

- Ms. Nessel – address the concern re: Friends; in 1999 the Advisory Committee was formed to try to figure out what to do with the burned down building; this group met through to 2007-2008; we were encouraged to form a non-profit, able to do more fund raising; with Andie McKee's death, she was Chairman; 2008-2009 – building our Vision 2020, it was presented, the Town Board accepted that vision; Board advised the Committee to become a non-profit; our roll has always been that of advising; during the Organizational Meeting I noticed it wasn't listed and that's what we're doing at this meeting; it's just helping the community; 7000 hours of volunteer hours – Mr. Hoskins – I couldn't have said it better.
- Mr. Konis – I would encourage you all to develop a good system for opposite side of the street parking in helping out Mr. Olesheski with moving the snow; I've talked to several business owners to come up with a solution. Bids – surprised excepting the bids without getting the results of the lead testing first; any geo-technical testing done? Mr. Gonyo – the number that came in there is enough in contingency for the lead testing.
- Mr. Ashline – where we go now with a new supervisor? Who do we vote on? What are the rules? How are we proceeding with the process? Mr. Hafner – when the Town Board decides how they're going to proceed; deputy – would not be at the County on our behalf; 2<sup>nd</sup> deputy – Mr. Stevens is acting; applications have been received, it's up to the Board to decide; it would take a unanimous vote; – do they have to live in the Town? Mr. Hafner – yes; Mr. Gonyo – the 4 of us need to work together; Mr. Ashline – can you tell us what the vote tonight was? Mr. Gonyo – there was no vote.
- Mr. Allen – why the deputy refuses to do the job, why not let her resign and hire a deputy that would do the job. Mr. Gonyo – Kate Nightengale will be filling in as Deputy Supervisor.
- Mr. Fallon – it would be highly appropriate to thank those that applied for the position of interim Town Supervisor; surprised you couldn't make a decision, but you could at least thank them.
- Ms. Konis – bathroom walls are very thin, asking someone not to resign; Mr. Gonyo – it was in Executive Session and cannot be discussed; Ms. Konis – it feels like we're being left in the dark. Mr. Arsenault – we need more respect. Mr. Gonyo – not appropriate for any of us to discuss Executive Session; this process is not over yet; Mr. Gonyo – we asked Mr. Hoskins to join the meeting; Ms. Konis - so here we are again, no answers.
- Ms. Sabattis – I'm concerned about the Deputy never being here; we need a leader in case of an emergency situation.
- Mr. Williams – the Town is going through some struggles, the Board has to have heard the dissatisfaction from the group; the lack of respect for the common knowledge to those sitting in this room is discouraging; being open to the people and our knowledge is what it should be; no one is asking that you know all the answers, just the common courtesy to open it up, get other perspectives, it's the type of open government we want and need; you have the opportunity to do that now; I implore to not continue to do business as usual, create a new climate.
- Mr. Olesheski – re: truck purchase? We have a split department now – we need more than two trucks for both departments – an extra truck and plow would be handy. Mr. Hoskins – my fault we did not cover that. Mr. Stevens – is it within budget? Mr. Olesheski – in equipment line and with sales tax revenue; I don't have a number, but about \$300,000 of surplus revenue is expected; Mr. Hoskins – with the explanation we just received I make a motion to approve this purchase PH/AS; Mr. Olesheski – with the shortage of fleet vehicles right now, Mr. Olden is following all procurement policies; and it's not to exceed \$76,000. If we don't act now, that's

the reality, we'll miss our opportunity; Mr. Gonyo – we have nothing in our hands to approve, have we gotten 3 bids, I can't support it at this time; Mr. Olesheski – I was led to believe that the Board had this information for tonight's meeting; Mr. Olden is very conscious of Town policies; prior to making the purchase he'll have it all in writing; Mr. Hoskins – State is not offering State contract pricing, but will get a 5% discount; Mr. Olesheski – Mr. Olden did mention this issue; any other quotes would be hypothetical quotes; this truck is a left over 2022, has 30 miles on it; I understand your reluctance; Mr. Gonyo – we need to have something in our hands, I can't vote in favor of this; Mr. Konis – GM fleet has released their allotment and prices are going down; Mr. Stevens – table this action and discussion for now? Mr. Gonyo – have Mr. Olden put it on paper and get it to us.

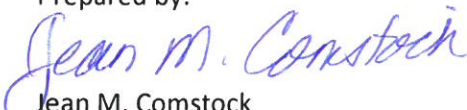
- Ms. Nettle – Mr. Williams' comments were well said. I've sensed the frustration from folks over the last 8 months; I understand your frustration, but I had to learn that it's not the way things are done, there is a procedure that has to be outlined and business would not get done; in the best interest in moving the meeting along is that you go through the business and go to privilege of the floor, to state concerns and not necessarily answer questions; you can have a workshop, deliberate a specific issue, I'd like to find out if there is a way to have those public discussions to have people meet and discuss issues; pitch in ideas, Board can take in the ideas; can we look into this.
- Mr. Ashline – will the deputy supervisor have the power to vote at the next meeting? Mr. Gonyo – no.
- Mr. Stevens – I've served with several different supervisors, I've agreed and disagreed with all; it has been a privilege and an honor for me to serve with Andrea Hogan for the past 5 years and previously at the Outreach Center; she has done an excellent job doing her best to serve the needs of this community.

11. Adjourn Meeting –

**RESOLUTION # 23 – 49**

Mr. Stevens made a Motion to adjourn the Town Board Meeting at 9:14PM 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, Stevens, Arsenault, Hoskins); Nays – 0.

Prepared by:

  
Jean M. Comstock  
Town Clerk

**Public Hearing for the Real Property Tax Exemption Law at 7:00PM at Tannery Pond  
and via Zoom.**

**Regular Town Board Meeting will follow the Public Hearing at Tannery Pond and via  
Zoom**