

Town of Johnsbury
Minutes of Town Board Meeting – April 5, 2022
7:00PM – Johnsbury Central School Cafetorium

PRESENT: Arnold Stevens – Councilman Peter Olesheski – Councilman
 Justin Gonyo – Councilman Gene Arsenault – Councilman
 Jean Comstock – Town Clerk

1. Meeting called to order at 7:05 PM; pledge led by Justin Gonyo;

Mr. Gonyo noted that the re-val process is not on the agenda for this evening, but privilege of the floor at the end of the meeting is available.

2. Approval of Minutes from March 15, 2022 Meeting

RESOLUTION #22 – 56

Mr. Stevens presented the following Resolution and moved its passage with a Second Motion by Mr. Olesheski to accept the Meeting Minutes from March 15, 2022. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes -4 (Stevens, Arsenault, Gonyo, Olesheski); Nays – 0

3. Correspondence from TOJCC read by Mr. Olesheski; response from Town Attorney read by Justin Gonyo. Mr. Olesheski noted that all correspondence is available on the table, including the letter from Mark Smith.

4. New Business:

- a. Proposal from Vinclette Law Firm for BAR representation as our Town Attorney is not available on this date; the proposal is not to exceed \$2,500/A13554.

RESOLUTION #22 – 57

Mr. Olesheski presented the Resolution and moved its passage with a Second Motion by Mr. Arsenault to accept the Proposal from Vinclette Law Firm, not to exceed \$2,500. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes -4 (Stevens, Arsenault, Gonyo, Olesheski); Nays – 0

- b. Pilot Proposal for Peaceful Valley Town Houses; Mr. Stevens asked if our Town Attorney has reviewed the proposal? Mr. Arsenault asked if they are still considered “affordable housing”? Mr. Gonyo noted that yes they are within the “affordable housing” guidelines. Mr. Olesheski noted that there is no indication that he is aware of that the Town Attorney has seen this. Is there a motion to accept the Proposal contingent upon our Attorney reviewing the Proposal.

RESOLUTION #22 – 58

Mr. Olesheski presented the following Resolution and moved its passage with a Second Motion by Mr. Stevens to accept the Pilot Proposal. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes -4 (Stevens, Arsenault, Gonyo, Olesheski); Nays – 0

- c. Authorization to hire Appraiser for Town owned properties.

RESOLUTION #22 – 59

Mr. Olesheski presented the Resolution and moved its passage with a Second Motion by Mr. Stevens to accept the hiring of an Appraiser. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes -4 (Stevens, Arsenault, Gonyo, Olesheski); Nays – 0. It was asked if the Appraiser could also do TPCC?

- d. Extend Occupancy Tax deadline, Mr. Gonyo asked if the Board was interested in this? Mr. Gonyo also noted that we don't have enough information available. Mr. Stevens and Mr. Olesheski agreed to table this until more information is available for the Board.
- e. Presented quotes from Mike Colvin for repairs to TPCC equipment to have Town Board Meetings in TPCC auditorium; Mr. Olesheski asked if we needed three (3) quotes per purchasing policy.

RESOLUTION #22 – 60

Mr. Arsenault presented the Resolution and moved its passage with a Second Motion from Mr. Olesheski to accept Mr. Colvin's quote and move forward with the repairs, contingent on the Town's Purchasing Policy. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes -4 (Stevens, Arsenault, Gonyo, Olesheski); Nays – 0

- f. Town Bookkeeper is asking for approval to attend Town Finance School May 16-17, 2022.

RESOLUTION #22 – 61

Mr. Arsenault presented the Resolution and moved its passage with a Second Motion from Mr. Olesheski to approve the Town Bookkeeper's attendance at the Town Finance School. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes -4 (Stevens, Arsenault, Gonyo, Olesheski); Nays – 0.

- g. Resolution for BAR appointment – there was no Resolution found for 12/3/21 appointment of Mr. Heidrich to the BAR. Previous sworn statement is now cancelled and a new Resolution and Swearing in will need to be completed as of this date. Mr. Olesheski also noted that we need to do better with recordkeeping.

RESOLUTION #22 – 62

Mr. Stevens presented the Resolution and moved its passage with a Second Motion from Mr. Olesheski to accept Mr. Heidrich's appointment to the BAR. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes – 4 (Stevens, Arsenault, Gonyo, Olesheski); Nays - 0

- h. Mr. Gonyo read Ms. Dingman's letter of intent to continue to serve as the Summer Youth Program Director. Mr. Ross noted to the Board that the Summer Youth Program is in Minerva this summer, and asked if the Town was aware of this?

RESOLUTION #22 – 63

Mr. Olesheski presented the Resolution and moved its passage with a Second Motion from Mr. Arsenault to accept Ms. Dingman's letter of intent and continue as Summer Youth Program Director. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes – 4 (Stevens, Arsenault, Gonyo, Olesheski); Nays – 0

- 5. Committee Reports – Mr. Stevens noted that the Solid Waste & Sewer Committee noticed that better signage for traffic at the Ski Bowl during the work being done needs to take place; vehicle hit post embedded in concrete; there needs to be flexible signage. Mr. Olesheski also noted that the Committee is looking into recycling at no cost or a profit to ourselves; Mr. Gonyo added that

we were going to discuss with other municipalities as well; waiting for a draft design of signs; Mr. Stevens indicated that a discussion centered around paying for disposal of our waste – weight, volume – currently use sticker process; some towns use scales and pay by weight; Mr. Arsenault and Mr. Olesheski noted that there was a meeting with TPCC as to the possible leasing of it; we, the Town Board, have looked at this issue for a while; it's a great gift to our community, however, it is expensive to maintain; good communication with TPCC personnel and we can help with /repairs and improvements; we are moving ahead with possible managing of it and taking the burden off the town and tax payers; it was a good meeting and there is another one planned.

6. Mr. Gonyo asked if all reviewed the ZEO Report and if there are any questions or concerns?

RESOLUTION #22 – 64

Mr. Stevens presented the Resolution and moved its passage with a Second Motion from Mr. Arsenault to approve the ZEO Report. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes – 4 (Stevens, Arsenault, Gonyo, Olesheski); Nays – 0

7. Mr. Gonyo asked if all Board Members reviewed the Warrants and if there were any questions?

RESOLUTION #22 – 65

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

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|---------------|---------------------|
| GENERAL FUND: | \$ 43,438.73 |
| WATER: | \$ 7,691.15 |
| LIBRARY: | \$ 558.72 |
| HIGHWAY: | <u>\$ 70,245.54</u> |
| | \$121,934.14 |

8. Privilege of the Floor: concerns from the public -

- Regarding 4C of the Agenda appraisal – wasn't this just done? Mr. Gonyo noted that the assessment was just done, not an appraisal.
- If Peaceful Valley contract is expired why are we approving? Approved contingent upon Town Attorney approval.
- Mr. (Jetson) Williams - Thank the Board for making a reasonable decision to listen to the people of the town, 79 on Zoom, 100 in person; not even on the agenda this week; January 2020 presentation re: assessment; lack of diligence of Board and Supervisor; let Maxwell to do assessment for \$135,000; no resolution; qualification letter for Assessor received; brand new assessor in Warren County, not same as Essex County; at that moment the Board failed the people, they should have done their homework at that time, not now. Warren J. Bueller – 30 years of experience, I spoke to him, would not recommend doing it in-house; no way to really grieve a town-wide assessment; asked for qualifications to be an assessor; any educational background on our assessor? Do your homework Town Board; no assessment since 1953; assessment continues; spoke with Christine Hayes – assessor or Horicon – incoming President; Warren is in Western NY, spoke with him for 45 minutes; our assessor gave me 10 minutes; spoke with Christine for about 45 minutes, less properties than Johnsbury; why not done in-house; best to have an outside assessment done; she's been following along with Johnsbury, she felt the Board wasn't supporting the assessor; takes years of experience to get to that point; you didn't do your homework; preliminary numbers came out; not a very

user friendly spreadsheet; meeting with Supervisor after meeting with assessor, she indicated “that’s not my job to read the numbers”; spoke to Board Member, also indicated that they did not look at the numbers; you set her up for failure as well as the people of Johnsbury; handout from concerned citizen (2 pages); reviewed handout; formulas changed, but not properly; Board please read this, do your homework; how do we contest mis-assessed property? No means or method to contest; we have an inexperienced and aggressive assessor doing an assessment; then it’s the Board’s job to step in and take over; calculations don’t make sense; Gore Mountain dropped by one million dollars – that doesn’t seem right; I am not an assessor, I’ve talked to those that are, we deserve better; Warren ‘wow, I don’t know what to say, you’re in a tough spot, convince your Board to hire someone and do it right”; the people in this Town deserve better; we may not be able to stop this, but the Board, could, today, make a resolution to bid out the assessment; break the tax cap to do an outside assessment, to restore trust in the community, this would be in your best behavior; no verification of her work by the Town Board or anyone else; if this were a bank, and your new teller made deposit errors, only recourse is to talk to the teller; our only option is to go back and talk to assessor; need to listen to the people, we’re asking for action and trust in this process to be restored; mistakes have been made; hoping the Town board would have recognized the errors; the people are asking for a separate company, take a larger sampling and compare to assessor and either validate or make notes; Mr. Gonyo asked Mr. Williams if he was speaking on his own behalf or with a group; Jim Williams – 250 in the group of TOJCC. Mr. Williams indicated he spoke with Thurman assessor and with 20 years experience says it’s too hard to do inhouse; put the brakes on, make a resolution to postpone.

- Pilot question – accept the pilot pending communication with attorney; we’re granting them exemption? Who did this? What is the tax rate? Assessed at 3 million and only giving the town \$8,000; nothing for school or county? Was the school and county even included in the talks 20 years ago? Town, County and School need to be included; Mr. Gonyo noted we will leave this up to our attorney, will not be approved if there are concerns.
- Mr. Holt – I think you’re moving too far ahead without talking to County or School? Should withdraw the resolution.
- Mr. Olesheski indicated that in the best interest of the Town, we’ll rescind our resolution on the pilot, if for no other reason than to have a complete Board and Supervisor meet and discuss; she’s more well versed in this situation.

- **RESOLUTION #22 – 66**

Mr. Olesheski presented the Resolution and moved its passage with a Second Motion from Mr. Stevens to rescind RESOLUTION #22-58 regarding the Pilot Agreement. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes – 4 (Stevens, Arsenault, Gonyo, Olesheski); Nays – 0.

- Ms. Lomax just wanted to let the Board know that the phone numbers are not working to get into meeting; Mr. Olesheski noted that there are 6500 that are out of service in the area.
- Some of us feel like you’re attacking the security of people’s homes, shame on the Board; balances are not the same; the leader of our community doesn’t want to get involved to find where the differences are to the tune of \$96 million dollars?!?!?!? We need a leader in this community; admit it’s a new process, educate us; you can’t de-value this school building.

- Mr. Morris - Regarding the pilot – the school was not approached re: this pilot; \$8,000 payment is ludicrous; you can say it's not for profit, but it's not; the Town is giving a break to a private company, why? Not requesting a tax break, but they are. ; we're all paying for their taxes rather than the Townhouses.
- Mr. Olesheski – we've put the pilot on hold, we were not provided enough information as a Board; not sure why the school and county was not included in this; Mr. Olesheski indicated that the Town Board will work with the Town Attorney and get to the bottom of it.
- You don't have control over the adoption of it? Attorney reference is a bit outdated and lacking in a full comparison; there are 393 of them he referenced one and it was cut and pasted; Town Board is saying it can't stop it; State Comptroller would investigate if over 25%; it was a flawed assessment; NYS created a law in 2018 re: assessment program, share services with other municipalities; doing this to save money, how much did we actually save? \$90,000-\$100,000 compared to \$135,000 to have an outside assessor; what prompted 2021 one person grieving? NYS does not require a re-assessment; it was the Town; individual concerns are important, but NYS did not require re-assessment, if 25% of grievance, it's out of the Town's hands and into NYS.
- Mr. Fallon – one question for the Board – how much money is set aside to fight this, is it in the budget? The people will pay for the legal fees and possible higher taxes.
- Mr. Ashline – vote on this now.
- Mr. Hughes – need a new code of conduct, this is big and you need to revisit this.
- Mr. Gonyo asked if there are any other privilege of the floor.
- Mr. Coyne – I only rent to those with low income, without the food pantry they couldn't live; you have to think about the people, they're going to be homeless; these people can't afford any more; rent, food, it's not fair, you have to think about the people.
- Mr. Gonyo – thank you to Jim (Jetson) Williams, and all others, for their input.
- Mr. (Jetson) Williams – need to hire an independent survey of larger number of properties and run their numbers and compare to assessors numbers; Mr. Gonyo are you presenting that to the Board as a resolution? Yes Mr. Gonyo and Mr. Olesheski – any discussion to accept this resolution to hire an outside company; Mr. Arsenaault – not ready to make the resolution, but good request, just not prepared to make it a resolution; noted that Mr. Gonyo and Mr. Olesheski vote Aye, Mr. Stevens and Mr. Arsenaault– vote no; Mr. Gonyo- 2 Ayes, 2 Nays, motion does not carry.
- Mr. Webb - Hope you aren't running again, people will not vote for any of you; you're all going down with your leader, enough with the grants; this is a crisis and our leader isn't even hear; I can't run a business up here; we're asking you to be human, be civilized; where is your true north?!?!? Where is the youth in our community; use your common sense; they don't even want to verify the numbers.
- Ms. Sponable - one more time just asking the Board to take a step back; I can't get homeowner's insurance due to the re-val numbers; we're not saying stop it; have someone professionally validate the numbers.
- We need a collector; was the data checked with the photos? This is why we're asking for a verification of work? Anyone on the Town Board that's an expert? I encourage you to find someone, an expert, to review her work; you put her in a very bad position, you're not willing to check her work; it's checks and balances, plain and simple;
- Mr. Amell - I take care of my house and my parent's house – my kids will never be able to afford these taxes and I'm asking why you're voting "no"; Mr. Arsenaault – there is good information, I'm not going to make an impulse vote without consulting with other Board Members and Town Supervisor; Mr. Stevens – the process was put to us "do we have confidence in our assessor", I said yes, I still stand behind her and her work.

- Mike Park – I've only been in the area for about 8 years; my property went up to \$325,000; you have faith in her, we the people don't.
- Mr. Ashline - I have a modular home, she didn't know that; \$179,000 for out buildings; your confidence needs to be backed up with facts
- Ms. Sears - Dan did our measurements, it may not have been Letitia; sizes that Dan gave Letitia were off dramatically; a lot of issues were the measurements and pictures.
- Mr. Gonyo wanted it noted that at 8:59 we lost internet, several minutes later it came back.
- Ms. Freebern - who is the BAR, is there a professional on the BAR?
- Mr. Lane - I had an independent assessment done and it was half of what the Town Assessor came up with.
- Mr. (Jetson) Williams; BAR is not the answer, I can fight my assessment, the others that can't go, don't have the means or the knowledge and they end up paying more; it needs to be validated; if enough people go to the BAR for grievance; simply put, do a professional audit and it's off you guys;
- Mr. Konis – Mr. Arsenault did you have someone looking over your shoulder throughout the years? Any harm in reviewing the numbers, Mr. Arsenault – it's a good point and well taken; Mr. Arsenault would you be willing to take time to talk to those in other counties; can we have an answer at the next Board meeting? Mr. Arsenault – I'll make a decision when I'm ready.
- Mr. Olesheski - I will not be at 4/19/22 Board Meeting, I'll be on vacation with my family.
- Mr. Konis - how many signatures would be needed on a petition to stop this? Mr. Gonyo – I don't know, but I will look into it.
- Ms. Monroe – when will Supervisor Hogan be back? Mr. Olesheski – 11th or 12th; Ms. Monroe - do you have a time frame to meet with her; who is the Deputy? Mr. Gonyo – Ms. Nightingale, and where is she?
- Why can't you make a decision? Mr. Olesheski - I have already spoken for myself; continuing this conversation is not going to help; the answer now is "no", we must come to an agreement as a Board. Then call a special meeting prior to you leaving for vacation.
- What is up with the Homestead act – Mr. Gonyo noted it does not come into play in this situation.
- Mr. Konis - you can move ahead with last year's assessment; I'll survive, but a lot of people won't;

9. Motion to Adjourn – at 9:13PM

RESOLUTION #22 - 67

Mr. Olesheski presented the Resolution and moved its passage with a Second Motion from Mr. Stevens to adjourn the Town Board Meeting. With the following Town Board Members present voting in favor, the Resolution is declared carried. Ayes – 4 (Stevens, Arsenault, Gonyo, Olesheski); Nays – 0.

Prepared by:

Jean M. Comstock
Town Clerk

***The Next Regular Town Board Meeting will be held
Tuesday, April 19, 2022 at 7:00PM
At TPCC and via Zoom***