

July 30, 2024

Town Board Meeting

In Attendance: Kevin Bean – Supervisor Anna Bowers – Councilwoman
Paul Heid – Councilman Arnold Stevens – Councilman
Jim Williams – Councilman Jean Comstock – Town Clerk

1. Pledge of Allegiance – led by Kevin Fusco.
2. Call to Order the Regular Meeting at 7:00PM.
3. Approve the Minutes of the July 16, 2024 Town Board Meeting
RESOLUTION # 139 – 24
Mr. Williams made a Motion to approve and accept the Meeting Minutes of July 16, 2024 and moved its passage with a Second Motion from Mr. Heid. With the following Members voting in favor of the Resolution, it is carried. Ayes -5 (Bean, Bowers, Heid, Stevens, Williams); Nays – 0.
4. Resolution To Deem the John Deere Zero Turn Mower as Surplus Equipment –
RESOLUTION #140 – 24
Ms. Bowers made a Motion to approve putting the John Deere mower out for auction and moved its passage with a Second Motion from Mr. Heid. With the following Members voting in favor of the Resolution, it is carried. Ayes -5 (Bean, Bowers, Heid, Stevens, Williams); Nays – 0.
5. Resolution to Approve Agreement for the Warren County Planning Department to Submit the Smart Growth Community Planning and Zoning Grant – Supervisor Bean in a conversation with the County, they are putting together a grant to help us get monies to help hire someone to help with zoning laws. AS/PH; Ms. Bowers – on Comp Plan prior to being on the Board – can I be added to the meetings; when contracts are awarded will it coincide with the approval of the Comp Plan; Supervisor Bean – we’re looking to mesh planning/zoning with Comprehensive Plan; plant the seed that whoever from the town helps with this, they need to be aware of zoning and planning and they won’t benefit from these changes; those on the Comp Plan that have been on for a long time and wouldn’t benefit from any changes. Mr. Ashline – before anything is passed it would be brought to the public? Supervisor Bean – yes, this is just the beginning, some things need to be addressed. Ms. Bowers – very excited this is happening and that the County is working with us; Mr. Williams – what is the size of the grant and is there a match requirement? Ms. Nettle – Smart Growth is 100% free money; Mr. Hoskins – what is the time frame of the Comprehensive Plan? – Ms. Bowers - final draft February, adopt it February/March if all goes well.
RESOLUITON # 141 – 24
Mr. Stevens made a Motion to approve the Agreement for the Warren County Planning Department to Submit the Smart Growth Community Planning and Zoning Grant on our behalf and moved its passage with a Second Motion from Mr. Heid. With the following Members voting in favor of the Resolution, it is carried. Ayes -5 (Bean, Bowers, Heid, Stevens, Williams); Nays – 0.

6. Resolution to Approve Agreement with Warren County Local Tourism and Convention Development – Supervisor Bean - this is basically additional monies from occ tax monies to the Town; Ms. Bowers – the reason it’s a Resolution is that it’s because it wasn’t in the budget this year at the County; that’s why we have to pass a Resolution; spending by a certain amount of time, not a concern; Mr. Heidrich – is that an increase? Ms. Bowers – we got \$20,000 instead of \$15,000; Mr. Williams – as I look at the breakdown, I would urge you to advocate for more money – same as Stony Creek and Thurman; others get more money; while we might not have the beds for them to stay in, they do come to ski; Supervisor Bean – if you’d like to go back and look at this meeting it had a spirited conversation, it did not go unnoticed and concerns were raised. Ms. Nettle – do we have numbers from ORDA? Supervisor Bean – I’d have to get numbers from ORDA and get back to you; Ms. Nettle – there is a company in Saratoga that does a development plan; Ms. Bowers – more people at the table (Chestertown/Brant Lake/Horicon), all at the table; Mr. Fusco – is there a formula? Supervisor Bean – there is, I don’t have that with me; there is more to Warren County than Lake George; this is a bit of a learning curve for me and it has been educational. Mr. Morris – spoke with Christine Norton in February, we were discussing numbers and I alone made \$24,000 in Occ Tax; Mr. Heidrich – invited Christine Norton and County Buildings to a STR meeting; need all the input; the TOJ has over 400 short term rentals; Christine may have more numbers for us; Supervisor Bean – Granicus is a company she’s using to get us more money for the STR. Mr. Heidrich – please attend the meeting and voice opinions at that time.

RESOLUTION # 142 – 24

Mr. Heid made a Motion to approve the Agreement with Warren County Local Tourism and Convention Development and moved its passage with a Second Motion from Ms. Bowers. With the following Members voting in favor of the Resolution, it is carried. Ayes -5 (Bean, Bowers, Heid, Stevens, Williams); Nays – 0.

7. Resolution Authorizing the Implementation and Funding of Transportation Project through Bridge NY (Culvert on Riverside Station Road)
8. Resolution Authorizing the Implementation and Funding of a Transportation Project through Bridge NY (Culvert on Crane Mountain Road)
- Supervisor Bean – I got ahead of myself on these two – this will need to be tabled until we can get the bonding done. Mr. Stevens – could we have at the next Town Board Meeting?
- Supervisor Bean – yes.

RESOLUTION # 143 -24

Mr. Williams made a Motion to table items 7 & 8 and moved its passage with a Second Motion from Ms. Bowers. With the following Members voting in favor of the Resolution, it is carried. Ayes -5 (Bean, Bowers, Heid, Stevens, Williams); Nays – 0.

9. Resolution to Approve Budget Line and Transfers and Amendments
- Mr. Williams – one of the transfers is for a flagpole – this is not “Town” money, it’s money raised by the Garden and it’s been held for that.; Law Contractual – this is legal work for the Town; Mr. Hoskins – a \$30,000 increase; Supervisor Bean – we’ve spent \$30,00 so far; Mr. Konis – is part of this for water and sewer? Supervisor Bean – yes; Mr. Konis – will this be repaid? Supervisor Bean – yes.

RESOLUTION # 144 – 24

Ms. Bowers made a Motion to approve the Budget Line and Transfer Amendments and moved its passage with a Second Motion from Mr. Heid. With the following Members voting in favor of the Resolution, it is carried. Ayes -5 (Bean, Bowers, Heid, Stevens, Williams); Nays – 0

10. Resolution for Re-Certification of Record of Activities – Town Clerk explained the process for this **RESOLUTION # 145-24**

Mr. Williams made a Motion to approve the Re-certification of the Record of Activities and moved its passage with a Second Motion from Ms. Bowers. With the following Members voting in favor of the Resolution, it is carried. Ayes -5 (Bean, Bowers, Heid, Stevens, Williams); Nays – 0.

11. Board Discussion – State Route 8 Garage Property – Mr. Stevens – we’ve tabled this many times; all “I’s” dotted and “t’s” crossed; all info that has been generated, nothing from our own Town Attorney, to move forward, have our Town Attorney give us advice/wisdom to move forward; Supervisor Bean – County Attorney understands where we stand on this; we will only take possession of it is if we have a letter stating that we will not be responsible for any remediation after the sale; DEC is looking for repayment for remediation that they have already been done; I want an ironclad agreement so we’re not responsible for any further remediation; Mr. Stevens – State has indicated that the Town will not receive that type of letter from NYS in correspondence from the State; I’m not an attorney and I’d like to have our attorney look at this; Ms. Bowers – an overabundance of caution being a new board member; it does seem like no lawyer will give us that type of letter, a lot of people put time into this project and there’s money put aside to work on it; need to do some research before the next Board Meeting; let’s see what we can find; Mr. Ashline – if we don’t get the magic letter, we don’t get the property; Mr. Heid – I realize there’s been a lot of work on this, but we don’t want to leave the Town open, that’s my concern. Supervisor Bean – it my last conversation with Mr. Ellman from the County, we’re dealing with the State and DEC, I’ll believe it when I see it; Mr. Williams – I reached out to the Project Manager – I asked for the report, I was told it’s FOILable; Ms. Bowers – DEC is very understaffed at this time; this could be a part of it as well; Ms. Nettle – any consideration of what the Town wants to do with the property should we acquire it? Some want a flower garden, we need to know where we’re going with the property, we have enough parks and we can’t deal with what we have.

12. Supervisor’s Report – Supervisor Bean there will be a Budget Committee Meeting Thursday at Tannery Pond; I have been in touch with realtors re: properties for sale; Mr. Hoskins – Budget Committee? Who is that? Supervisor Bean – the Budget Committee will be attending – Mr. Hughes will be co-chairing with Mr. Bernat; Mr. Hoskins - You’ve had time for staff in-put? Supervisor Bean – yes, including health care; Mr. Hoskins – Solid Waste will have some input on the Budget as well.

RESOLUTION # 146 – 24

Ms. Bowers made a Motion to approve and accept the Supervisor’s Report and moved its passage with a Second Motion from Mr. Heid. With the following Members voting in favor of the Resolution, it is carried. Ayes -5 (Bean, Bowers, Heid, Stevens, Williams); Nays – 0.

13. Committee Reports –

Mr. Heid

- Solid Waste – I’ll refer to Mr. Hoskins on Solid Waste – Mr. Hoskins – had a recent meeting and the public attended as well, will have follow-up meetings; signage will be put up; I put together a compilation of hauls from 2023 and 2024 – costs for the different types of materials; how to save money, rates/scale; a number of things to discuss. Supervisor Bean – asked Mr. Olesheski – did the power get transferred? Mr. Olesheski – we’re still working on it, one more phone call away from getting that in the home stretch; Supervisor Bean – the scale will be placed up by the re-use shed. Mr. Hoskins – pay by the weight and will be charged by weight now.

Anna Bowers

- Marketing – the designs for the hamlet signs went to Garnet Signs and we are waiting to hear back on a price.
- Occ Tax – nothing at this time.
- New ZEO – William Welch; Joann Morehouse has taken on a lot of responsibility and Kevin's desk was covered as well; things are going to take time; please be kind and understanding; there will be priorities.
- Comp Plan – Draft will be done at the end of October;
- Website – we will have something for the Town to review in August.
- Child Care – met with the Rockefeller Foundation, a study would be a good idea; funds from ARPA; a deep dive for our needs.
- Personnel – Ms. Bowers – I have a statement I'd like to read; I will give a copy to the Town Clerk (please see attachment to these Meeting Minutes for Ms. Bowers statement).

Jim Williams

- Sewer - public comment phase, we're out of that, DEC has requested further information; have approval for a contingency plan; next step will be USDA approval;
- Parks – a couple of issues we're working on with ORDA; no water feature or lights – electricity was inadvertently turned off in April when ORDA was working on it; the Town was assured they were taking care of it; National Grid – the Town needed to get the service started; we again were assured that it would all be taken care of; ORDA did work that wasn't agreed on with National Grid, another inspection will need to be done; brought up the issue with the local ORDA representative along with the electric at Minder Lodge; I was hung up on, the people of Johnsbury were hung up on; sent a text re: the generator and have not heard anything as of yet; ORDA needs our cooperation, they do not have a snowmaking easement from the Hudson River, I've been discussing this with them, goes through Parcel B; they will need cooperation for final water and sewer hookup; temporary solution for sewer, they need to change their tone with the Town; 8 weeks ago there was supposed to be a check in the mail for the water hook-up, still have not received; need to look at the opportunities with all contracts; ORDA is no different that Word of Life – all responsible for water, sewer, fire and EMS; we need to tax ORDA and get monies; have not been paying water for Minder Lodge; the days of giving things away is over and they need to become partners with the Town.
- Longest Day Race took place; 85 athletes; it was a resounding success; \$500 donation to the Johnsbury Youth Committee; Ms. Bowers – will they be coming back? Mr. Williams – they will be doing the Moose River Plains next time.

Arnold Stevens

- Storm Water Mitigation – all but completed; it's a functional addition;
- Water Tank Replacement – progress is moving forward; no time line right now; this is the water tower across from Austin Pond Road.

Paul Heid - Trying to do tourism for the Town; adventure dual sport run – did last weekend; 40 people attended; businesses were good to the attendees.

14. Warrants – Mr. Williams – just to clarify, Voucher 551 is the electrical inspection and we'll probably have another one.

RESOLUTION # 147 – 24

Mr. Stevens made a Motion to approve the Warrants and moved its passage with a Second Motion from Mr. Heid. With the following Members voting in favor of the Resolution, it is carried. Ayes -5 (Bean, Bowers, Heid, Stevens, Williams); Nays – 0.

GENERAL FUND:	\$ 34,953.36
HIGHWAY FUND:	\$ 38,342.31
WATER IMPROVEMENT PROJECT:	\$109,396.30
SEWER DISTRICT PROJECT:	\$ 1,169.57
SKI BOWL MITIGATION PROJECT:	\$ 56,538.43
LIBRARY FUND:	\$ 338.80
WATER DISTRICT:	\$ 973.86
TRUST AND AGENCY:	<u>\$ 849.96</u>
TOTAL:	\$242,562.59

15. Privilege of the Floor –

- Mr. Olesheski – 4th of July Celebration – thank you to local sponsors and businesses; best celebration in a while; I appreciate all the families, businesses, music and activities; thank the Board for their support; PPP – 2nd line dance night at Ski Bowl Park – had a lot of fun last week; 6-8PM – Jeff Reynolds is the instructor, you can be a beginner, bring kids, families, friends, local organizations selling concessions; Ms. Bowers – thank you to Pete Olesheski, you did a great job; Mr. Olesheski – I had a lot of help; Mr. Heid – late band after the fireworks – there were a lot of people, pleasantly surprised; Mr. Olesheski – we were still out of there by about 11:30.
- Mr. Ashline – commend Mr. Williams for staying on the ORDA project; Article in Sun re: property values in Warrensburg, no increase in property taxes; discipling an employee – we can't go to Town attorneys with everything; Heid – I have OOG – we would be in violation; Hoskins – it's not something we should just set aside, it should be addressed.
- Mr. Heidrich –thank you to Supervisor Bean for the exceptional work during the recent tornado; updates helped alleviate the anxiety of the people; thank you to Mr. Heid, EMS and Fire and Highway – plans to help out elderly and disabled; I am on the BAR – someone stated that the members were not sworn in? This bothered me, it hurts the community when untruthful statements are made; I recently FOILED any BAR information from the Town; Bean – who generated the letter? Heidrich – Janet Konis (Deputy Supervisor Konis' wife); false accusations throughout the community and I don't understand why? Information is available at the Town Clerk's office, it could have been avoided should the information been asked prior to any misinformation is put out there; it's concerning to me; I need some answers because I don't understand this written statement; Supervisor Bean – I was not aware of this letter; Mr. Heidrich - you all promised us transparency; Ms. Bowers – was this an e-mail or a letter? Mr. Heidrich – it was a letter I FOILED; is anything based on facts? Hearsay, is there an agenda we don't know about? This is our community, why are we threatening people. Mr. Heid – I don't believe the Board has threatened anyone; Mr. Williams – we get complaints and opinions all the time; it does not make it an Agenda; Mr. Konis – my wife is her own person; Ms. Bowers – it does not include myself or Mr. Stevens; Ms. Lomax – I am the longest standing BAR member – each oath is on file; Ms. Ashe – was that e-mail responded to by a Town Official? Supervisor Bean – I don't know? Ms. Ashe – anyone can send an e-mail and if it was responded to that would indicate an Agenda; Mr.

Williams – I responded to it; does not make it an agenda. (attached to Minutes are Mr. Heidrich's notes)

- Mr. Fallon – what are we going to do to make sure Waynestock has power? Mr. Williams – Mr. Olesheski is working on it; ORDA official stated it's under control; Jamie Martin stated we'll make it work; it's not the preferred plan, but the event will happen; I share the frustration, we're getting pointed in a lot of different directions and it is frustrating; I am putting my trust in Jamie Martin and the electricians.
- Mr. Hoskins – there's clearly personnel issues that are confidential and unresolved; they need to be addressed, resolved and made public; there is a process that needs to be followed; meet with attorney and Board to resolve it; Ms. Bowers – there is an issue that needs to be addressed.
- Ms. Sabattis – there is a company, Mediation Matters – helps with personnel issues; sit down and hash things out without lawsuits; Ms. Bowers – great idea, thanks for suggesting that.
- Mr. Fusco – get ahead of it at the Ski Bowl – County has some rather large generators as does Gore, let's not wait until the last minute; Supervisor Bean – I've spoken to Jamie Martin, but it's still worrisome; Mr. Konis – we have generators; Mr. Olesheski – thanks that would be plan C or D; we have a couple of back up plans; Charlie Rawson has a couple of options as well; tap into Minder and the Pavilion; don't panic, I'm there every day with Youth Program; I understand the frustration, just have faith that we'll make it happen; Ms. Bowers – you and Jamie will not let us down; Mr. Olesheski – Jamie Martin is phenomenal;
- Ms. Lomax – do the construction people have generators? Mr. Williams – yes, they tap into the well and electricity.
- Supervisor Bean – any further comments for Privilege of the Floor?

16. Adjourn

RESOLUTION # 148 – 24

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

Prepared by:

Jean M. Comstock

Jean M. Comstock
Town Clerk

**THE NEXT REGULAR TOWN BOARD MEETING WILL BE HELD ON
AUGUST 13, 2024 AT 7:00PM AT TANNERY POND AND VIRTUAL**

****Statement to the Board and Audience****

For the community members here tonight - so that you can better understand: Last week I asked for an executive session to be put on the agenda and on Monday, I clarified the reasons: to discuss the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, discipline, suspension, dismissal, or removal of a particular person or corporation. I also requested to have the town's attorney present to help guide the conversation towards the most productive outcome and, should any board member misinterpret town rules or misunderstand procedure, to redirect us in the correct direction.

This executive session was pulled from tonight's agenda, citing advice from our town's attorney; however, no one has actually spoken to me or responded to my emails and the town's attorney has not spoken to me directly so the reasoning is confusing, to say the least.

As it is a personnel matter, I will be reading a statement. To the members of the community here tonight, this means I will be limited in the specifics I can share which, I understand, may prove frustrating. However, I believe that what I have to say needs to be said.

As co-chair of the personnel committee, it is my duty to ensure that all procedures are followed correctly, to evaluate situations objectively, and to avoid rushing to judgment and punitive measures. Recently, I received an email that directed me to set up a meeting with the clearly stated intention of having an employee written up.

I found this email unprofessional and potentially harmful, as it bypassed necessary investigatory steps. Given previous similar correspondence, I expressed discomfort with the email's tone. I indicated this and that I would be seeking legal counsel for guidance and would not arrange the meeting as requested.

The response I received did not address any of my concerns, reinforcing my initial worries.

This situation prompted my request for an executive session. My intent was to allow the board, with legal advice, to discuss my concerns and ensure that we handle this and all personnel issues appropriately. I have observed a pattern of reactionary responses towards employees, perhaps stemming from misunderstandings regarding their roles and responsibilities, as well as improper methods of addressing employee issues.

As co-chair of the personnel committee, this situation places me in a difficult position. I am committed to maintaining professional boundaries and ensuring fair treatment for all involved, without worry of retaliatory actions against me for doing so.

Thank you.

Handwritten signature

I want to express my sincere gratitude for your exceptional leadership and dedication during the aftermath of the recent storm and tornado. Your proactive efforts in keeping the community informed about power restoration were invaluable. Your consistent updates provided much-needed reassurance and helped to alleviate anxiety among residents.

I would also like to extend my appreciation for your swift action in securing dry ice for the community. This thoughtful gesture provided much-needed relief during the power outage.

Your collaboration with the emergency personnel, including the multiple fire departments and town safety officer, was instrumental in ensuring the safety and well-being of our community. Their combined efforts are truly commendable.

Thank you again for your unwavering commitment to the residents

I would like to express my sincere gratitude for the exceptional work of your team in responding to the recent storm and tornado. The collaborative efforts of Councilman Paul Hyde, Town of Johnsburg EMS Joe Connolly, our local fire departments, and Town Highway Department Supervisor Fred and Deputy Supervisor Mike in identifying and assisting high-risk community members during the power outage and road blockages is a testament to the strength of our community.

This proactive approach to disaster planning is commendable and serves as a model for other communities. Your team's dedication and hard work have undoubtedly made a significant difference in the lives of many.

Chris Idendrich

Thank you again for your leadership and the collective efforts of the team.

Now I sit on the Board of Assessment Review during grievance day a person mentioned who was grieving his assessment stated that he heard that not all members took an oath.

This concerned me greatly about False accusations that spread through the community. I foiled from the town any current information on Board of assessment review. The letter I received from this foil request surprised me and gave me a cause of concern. I do not understand and would like clarification from town board (transparency was a campaign slogan) is there an agenda that the good people of the town of Johnsbury are unaware.

First I am responding to the recent accusation that no members of the Board of Assessment Review (BAR) have taken the oath of office. This statement is categorically false and demonstrates a complete disregard for the integrity of the board and the accuracy of public records.

As you are aware, the town clerk maintains official records of all oaths of office administered to elected and appointed officials. This information is publicly accessible and could have easily been verified before making such a serious and unfounded allegation.

The BAR is a critical component of the town's assessment process, and our members are committed to fulfilling their duties in accordance with all applicable laws and regulations. To suggest otherwise is not only inaccurate but also undermines the public's trust in the assessment process.

I urge you to retract this false statement and take steps to verify information before making public accusations.

Now onto some other statements in this letter are also concerning.

- 1) Replacement of two town employees. These two people have always been accurate, honest, capable, knowledgeable, and willing to help. Is there an agenda here the Towns people do not know about? Has there been an illegal act? Or is this call for removal based on made up statements that are untrue?
- 2) I would like clarification because I really do not understand this written statement and why it has been made.

Written statement calling for a change in planning, and zoning boards. Why? I know some of these people. They have been in this community for years, make their livings here and are truly vested in this community. They are honest hard working and are community minded people. What is the accusation or reason for calling for removal based on fact. Have these board members been told the reason and were they given an opportunity to respond.

What is going on here?

Next the statement “that we have not taken care of (name mentioned but I will not repeat it) and his snow banks from Tops that he is pushing on to Town sidewalks. Is incredibly false and should be retracted. I have watched the county plow snow off the road onto sidewalks. To blame this individual is incredibly naive. There is no room for placement of snow. It must be removed Parks and rec(under Pete) have been working hard on this issue and should be commended.

Again I would like to know what is going on here, because I don't understand these statements. These statements were written by

the deputy supervisor wife. Again is there a hidden agenda that the good people of Town of Johnsbury are unaware.

I would like answers that are true and based on fact.