



to folks amicably to try to resolve issues; increased enforcement of some of the zoning laws; boundary line adjustments – trying to add this in; solar is a big topic right now; looking at some commercial solar farms, no laws, APA would be involved, but the Town would have the last say; short term rental law in the works, it's important; RV's/campers – not permitted for seasonal use in the Town – the Town can amend that Zoning Law; sign ordinance – need to see what works best for the Town; storage units – not defined in Zoning Laws – may add as a category; in-law apartments – we're also working on this; Ms. Konis – driveway regulations? A lot more runoff from this on main roads; driveway permits come from the Highway Superintendent; Mr. Fallon – are there any rules/codes for use of parking for Town land? SLIC at Ski Bowl Park forever? Supervisor Hogan – we've been in touch with SLIC and will hopefully get them removed. Ms. Sherman commented re: an e-mail between Mr. Mangan and her son and asked for an answer my question. Supervisor Hogan – it's a process to update zoning codes with the APA; we're talking about what may be updated in our codes; please share any suggestions with us.

- d. BAR Compensation – Supervisor Hogan noted that BAR members put in a lot of extra work this year and should be compensated for their time; some BAR members in communities don't get paid, some pay a flat fee; what is the pleasure of the Board on this topic; the BAR has been paid for the regular time. Councilman Gonyo – I applaud anyone who volunteers for this position; I'm seeing less and less people volunteering for anything in our Community; in recognition of their extra work I would support a stipend – triple to \$150 for 3 days (\$50/per member) and an adjustment for the Chairman; Mr. Olesheski – there were 1 additional sessions? Supervisor Hogan – yes, we allocated just the two days previous.

#### **RESOLUTION #22 – 167**

Mr. Stevens made a Motion to approve additional payment (1 day per member & an adjustment for Chair) 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, Hogan, Arsenault, Stevens); Nays - 0.

- e. Safety Officer Compensation – Supervisor Hogan we have a fabulous Safety Officer and he does a lot of work; Town has had a lot of claims that were very high; Mr. Dunkley does a lot of work to help us reduce costs. Mr. Dunkley – not really prepared to speak tonight – since we started this program 3 years ago we dropped our accidents by 90%; \$90,000 in just one accident; some old accidents we're still paying for and they will stick with us for a little while; working with the County and use their programs for training, scheduling; accidents require investigations and it takes a lot of time; investigations are fair to all; PESH, MSHA – at least 10 extra hours per week, the Town has fallen behind in record keeping, we're up to date with training, thanks to M. Comstock, and we need to maintain this; run the Safety Committee, get agenda done, have special meetings; keeps tabs on Supervisors and Town employees; also work on inventories, it all takes time, in the long run it saves the Town money; Supervisor Hogan – he's too humble, worked hard on inventory to help us budget better; he does a lot of work to help the Town; we should consider compensating him; Mr. Gonyo – is there a State or County standard to follow; Mr. Olesheski – I tried to do the Safety Officer back in 2019, it's a hard job, it takes time; 10 hours a week is light at times; I am 100% in favor of doing some sort of compensation, not the Highway Superintendent's job to take Safety Officer payout of his budget; maybe look at what the County pays their Safety Officer; pull something together, maybe not tonight, but need to plan for it moving forward; Mr. Dunkley – I'll leave it up to the Town Board what the compensation would be; Mr. Gonyo – is this in addition to? Supervisor Hogan – a stipend of \$10,000 for the Safety Officer; Mr. Olesheski – out of the General Fund? Supervisor Hogan – yes; Mr. Olesheski – that's a sustainable number? Supervisor Hogan – not with the 0 levy increase; all in favor; Mr. Olesheski – he'll track his hours in case additional adjustments need to be made? Supervisor Hogan – yes.

### **RESOLUTION # 22 – 168**

Mr. Gonyo made a Motion to approve the stipend for the Safety Officer Position 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, Hogan, Arsenault, Stevens); Nays - 0.

- f. Temporary CDL Driver/Wingmen - Superintendent Comstock noted that an employee was in a bad motorcycle accident; I will need to fill a temporary CDL position for at least 6 months; I have a mechanic that is driving a small truck who can drive a large truck; need 2-3 wingman for winter as well; that's what I have for right now; driver is \$22+/hour; 2 wingman - \$19+/hour, I have one already; Supervisor Hogan – so you're looking for approval for a temporary CDL driver and wingmen? Mr. Comstock – yes; Mr. Gonyo – so this is above and beyond what the budget was set at? Mr. Comstock – yes; Supervisor Hogan – low end of \$22+? Mr. Comstock – yes; we need someone, we're short-handed already; it would be a full-time, temporary position; Mr. Gonyo – what is the policy to add benefits for an employee; Mr. Gonyo – I know you need the help, getting an answer to you sooner or later; can they work beneath their title? Mr. Comstock – yes; Mr. Stevens – what does that do to you mechanic position if you need them; Supervisor Hogan noted what the temporary position would entail; Mr. Olesheski asked what is your preferred approach? Mr. Comstock – I'd like to hire a CDL driver and keep mechanic in his position; Mr. Gonyo – are we approving a position or budget increase? Both.

### **RESOLUTION #22 – 169**

Mr. Gonyo made a Motion to amend the budget to accommodate hiring a temporary CDL driver 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, Hogan, Arsenault, Stevens); Nays - 0.–

### **RESOLUTION #22 – 170**

Mr. Gonyo made a Motion to amend the budget to accommodate hiring three (3) wingmen for the winter season at \$19.68/hour 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, Hogan, Arsenault, Stevens); Nays - 0.

- g. Old Glen Creek Road – not on public or private inventory; this is holding up the sale of the property for Mrs. McPhillips; Supervisor Hogan – Route 28 and Glen Creek Road; Mr. Comstock – this is where they did logging many years ago; up Glen Creek Road, a small road, I walked down it the other day – that's the old road, the Town, I don't believe, ever did any work on this road; Supervisor – we're 100% sure that it's not the 0.40 acres; Mr. Comstock – it is not part of the 0.40 acres; Mr. Olesheski – we can't abandon it if it's not ours; we acknowledge it, but we're not abandoning it; Mr. Gonyo – I agree; Supervisor Hogan letter to McPhillips stating it's not a road; all in favor.
- h. Budget Discussion – Supervisor Hogan – a brief description of where we're at; we'll hear from a couple of Department Heads; across all the budgets \$47,000 additional dollars to spread across highway, EMS/fire; 3% to Highway already; 7% increase in health insurance; 3% to remainder of employees – you get the picture, we've already spent the \$47,000; we'll need to take the scissors to the budget and cut \$47,000; what do your taxes pay for – assessment, fire/EMS, highway maintenance, waste disposal, library, planning & zoning, arts, economic development, etc.; we'll review the tentative budget as a Board; 9/27/22 Clerk will provide the tentative budget; we can pass the Resolution to break the tax cap, doesn't mean we will automatically do that; many times it hasn't happened; it's just being ready; we'll do a Notice of the Public Hearing between 9/27/22 and 10/13/22; aim to pass the Budget on 11/1 or 11/15, but it must be passed by 11/20/22; Supervisor Hogan went through some highlights; health center cutting back hours, practitioners; need to bring

them to the table for a conversation; adding Parks & Recreation Superintendent – building maintenance; I've talked to Counties; would be responsible for youth and senior programming, parks crews, grant writing, revenue from our Park; monies come from Youth Program Director, senior transportation; Mr. Gonyo – no line adding that to the budget? Supervisor Hogan – no; equipment to maintain sidewalks; hoping the Board will consider contracting out the mowing of the cemeteries – it takes the Parks crew most of the summer to just do cemeteries; Mr. Mosher – why don't we use prisoners? Supervisor Hogan – Sheriff's Office indicated that this is not an option; reviewed Highway, Fire and EMS; this is all within the tax cap; may need to increase the water rents at another meeting; Mr. Konis – how far behind are they? Supervisor Hogan – would end up being about \$27,000; Library would stay the same, Ms. Mason is not asking for anything; Mr. Gonyo with all of these allocations what does this say? Supervisor Hogan – it would be over \$1 million for all that is on the table; it would be huge, we can't pass as it is and we need to discuss it; Mr. Arsenault – do you have an idea where the fund balances are for Highway and General? Supervisor Hogan – projected fund balance for General Fund – \$935,512, Highway -over \$1 million; there's a fine line you want walk; we want to do something good with the tax money; gas costs this year were high, we're adjusting those projections; Mr. Comstock – over \$100,00 in repairs, large fleet, trucks, equipment, that has to be bumped up; \$30,000 to River Road project could be moved over – I am requesting that; it won't take this much money, it could be done with our budget; we just rented a tractor for mowing – two months rental \$12,000, new tractor \$197,000 we need another tractor, not new, can purchase the one we're renting can be purchased, minus the rental – can bring to a discussion; money in reserve fund that would cover this; summer line was cut down, could add another \$20,000 for item 4 for the dirt roads; Supervisor Hogan – is \$100,000 sufficient? Mr. Comstock - \$110,000 would be better; the last 5 years it was over \$100,000; Supervisor Hogan – you want another \$189,000 for a mower? Mr. Comstock – no I'm asking for \$60,000 for the mower we're currently renting; Supervisor Hogan – you want a new truck? Mr. Comstock – yes, replacing a 2012 pick-up truck; Supervisor Hogan – how about tandems? Mr. Comstock – receiving two now; at least one in another couple years - \$240,000 per tandem; Mr. Gonyo – will you get trucks before winter? Mr. Comstock – yes; Supervisor Hogan – you're not building anything up; Mr. Comstock – you should be buying 1 every two years; Supervisor Hogan – but the path you're on won't allow that; Mr. Arsenault – where is the money for the trucks? Supervisor Hogan – it's in another line; Supervisor Hogan – in 2017 the equipment line was carried over rather than going into the Fund Balance; Mr. Arsenault – if we have \$300,000 in reserve, why are we budgeting for it again? Supervisor Hogan – I was asked to put everything on the table; Mr. Arsenault – need to keep equipment purchases in line with budget; Mr. Gonyo – we went into this with the idea that we were not in a good place with equipment; Mr. Comstock – 2014 is my newest piece of equipment; Mr. Comstock asked where do you want me to cut? Ask the people, where do we cut? Mr. Arsenault – can't keep increasing the budget ! Mr. Comstock – we've been holding pretty steady; Mr. Gonyo – we've got a good idea of what Mr. Comstock needs; Mr. Stevens – how about sand? Mr. Comstock – we have about 2 years, so we'll need to look at this as well; **EMS** – Joe Connelly – this is going to be the year to get health benefits for our paramedics; we put it off knowing that you didn't want to break the tax cap; North Warren just recently passed a 30% increase to help with health benefits; one part-timer left to take a job at North Warren to get benefits; one left to go to Indian Lake for benefits; we'll be the only squad left with no benefits offered to their paramedics; I've budgeted with that 2% increase that's in there; in 2014 we passed the tax district; benefits were not on the radar at that time; paramedics need to see the recognition; asking for 1-2 board members to be on an EMS Committee so we can work better together to understand each other's budgets; Supervisor Hogan – thank you Joe; Mr. Gonyo – EMS Committee is myself and Mr. Stevens, we can definitely set up a meeting; Supervisor Hogan – in order to file a tentative budget – do we want to break the tax cap or don't we? Mr. Arsenault – no, Supervisor Hogan – no; Mr. Stevens – no; Mr. Olesheski – I never want to break the tax cap; Mr. Konis – I don't know how you can't with inflation; Supervisor

Hogan – we can bring it in under the tax cap; it will be a flat 2% for fire; no huge increase to EMS; it would also mean that he would depleting the Highway Reserve Fund; Mr. Olesheski – sustainable is a concern; not breaking it this year would it affect next year? Supervisor Hogan – yes.

- Mr. Olesheski – can we hear from the public? Privilege of the Floor for the \$350,000 for the re-val; Mr. Ashline – there were a lot more ups than downs, where is all the money going from the increase in taxes; Supervisor Hogan – for those that are paying more there are the same paying less; Mr. Ashline – how does it work out evenly; Supervisor Hogan – Mr. Stack from NYS Real Property will be here on 9/27/22 to explain it all to us; Supervisor Hogan – are we doing the re-val or not? Mr. Fallon – I’m in favor of the expense, if you would just put the numbers out there; Supervisor Hogan – the Town Board approved a re-val; the final will be published to the public; we do not have an Excel spreadsheet available; Mr. Konis - \$350,000 for the coming year, the re-val would take two years to do; Supervisor Hogan – even \$175,000 a year would break the cap; Mr. Konis – I understand what you’re saying; Mr. Gonyo – whether it’s \$350,000 or \$175,000 – either number would raise the tax cap; the purpose of this conversation is do we want to raise the tax cap in an effort to re-do the reval? The \$350,000 could be lower; Ms. Sabattis – didn’t we have a number at \$130,000 budgeted, then Ms. Williams said she could do it in house; where did that money go?

Supervisor Hogan – back to the Fund Balance; we go backwards every year we don’t break the tax cap, functionally going backwards; Ms. Konis – I know this is a hot topic, but I’d like to see the money still in there, we’re all upset with each other, there were mistakes in the reval; we don’t know how many properties we didn’t see, it could benefit the Town and/or property owners; it’s been such an argument between the people and the Town Board – it’s not necessary; Mr. Ashline – there were three quotes, you went with the highest; Mr. Olesheski – what was the plan regardless of who was going to do it? Supervisor Hogan – we’ve committed to every three years; Mr. Olesheski – my understanding is that Ms. Williams will not commit to doing this again; we do have to plan for this in at least 3 years; there is no way we’re doing this without exceeding the cap this year; we’ll be breaking the cap at some point; Mr. Ashline – spending \$350,000 every 3 years for a re-val; Mr. Olesheski – my concern is long term planning and sustaining things in the long term; Mr. Olesheski – please don’t quote me on her not wanting to do a re-val; Supervisor Hogan – for the purpose of discussion – what are we saying? Mr. Olesheski asked what if we go all in and the independent re-val comes in where we’re at? Ms. Konis – no, there were mistakes; Mr. Olesheski – you’re willing to gamble with your money and your neighbor’s to not break the tax cap; Mr. Mosher – be careful what you wish for, if a professional raises the appraised value of a property. Mr. Olesheski – the potential to raise the tax cap is what the resolution would be for? Supervisor Hogan – yes, there are other steps that we’ll need to get to that actual vote; Mr. Gonyo – we raise the tax cap, we cut and we’re still going to have \$47,000. Mr. Gonyo – I support raising the tax cap; Mr. Olesheski – we have to keep our options open. Supervisor Hogan – any hard no or hard yes? Mr. Arsenaault – I don’t agree with the reduction on the Health Center, I think it’s short-sighted; I think we’re setting a bad precedent. Mr. Gonyo – I agree with Mr. Arsenaault.

### **RESOLUTION # 22 – 171**

Mr. Gonyo made a Motion to set a date for the Public Hearing on the Tax Cap for September 27, 2022 at 7:30PM 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, Hogan, Arsenaault, Stevens); Nays - 0.

- i. Sewer Referendum – Mr. Filkins – who gets to vote? Supervisor Hogan noted that the Clerk can explain this; Clerk Comstock – only those within the district can vote; Mr. Filkins asked more specific questions that Supervisor Hogan answered re: who pays, for how long, etc.

### **RESOLUTION # 22 – 172**

Mr. Arsenault made a Motion to approve the monies needed to mail the Sewer District letter (not to exceed \$300.00) to all voters 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, Hogan, Arsenault, Stevens); Nays - 0

- j. Cormack Property – no direct road access; they did not offer it to Barton Mines; but offered to all other property owners; Mr. Gonyo – we made a commitment last October to get property back in the hands of the tax payers, it really has no use; Mr. Stevens, Mr. Gonyo, Mr. Olesheski and Mr. Arsenault – not interested in accepting this property.
- k. Front Street – Supervisor Hogan – there is no forward motion at this point; Mr. Crikelair believes that the MOU is satisfied; the Town Board does not agree with this; Mr. Olesheski – I stated previously, legal action to find out what our options are and enforce this agreement; Motion to move forward for legal action; Mr. Gonyo – can we hold off until the 18<sup>th</sup> as this could be a mute point; original motion not getting the support it needs, I'll be patient for another 12 days; we have given Mr. Crikelair too many opportunities; the Town has done all we've been asked to do; Mr. Crikelair has not; Mr. Fallon – just tell Mr. Crikelair no and he'll come to us; Mr. Gonyo – I'm not saying we don't call Front Street to task; if the sewer doesn't move forward, then proceed in a specific direction; Mr. Olesheski – I'll amend my original Motion;– once we have seen the results of the Special Election on 10/18/22 – if the sewer project still moves forward, no agreement or progress made with Front Street we will pursue to the fullest.

#### **RESOLUTION # 22-173**

Mr. Olesheski made a Motion to pursue legal action with Front Street after the results of the October 18, 2022 Special Election are available and moved its passage with a Second Motion from Arnold Stevens. With the following Board Members present voting in favor the Resolution is carried. Ayes – 4 (Olesheski, Gonyo, Arsenault, Stevens); Nays – 1 (Hogan).

- l. Public Hearing for Town Owned Property – Supervisor Hogan noted that we don't have a letter from Attorney and we will move to another Board Meeting.
- m. Occ Tax Applications - \$10,500 for all three (North Creek Depot Museum/GEM Theatre, Tannery Pond (tables & chairs), Johnsburg Historical Society); Mr. Olesheski – did we not approve the tables and chairs previously? Supervisor Hogan – I asked for clarification earlier today, some were donated previously; we tabled the table and chairs; all in favor for all three Occ Tax Applications.

#### **RESOLUTION # 22-174**

Mr. Stevens made a Motion to approve all three Occ Tax Applications 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, Hogan, Arsenault, Stevens); Nays – 0

- n. Michael Wilson has offered his services to help us with our IT set-up and take down of Town Board Meetings at \$15/hour (\$1,500 this year).

#### **RESOLUTION # 22-175**

Mr. Gonyo made a motion to approve the \$15/hour for Michael Wilson to set up and take down the Town Board Meetings 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, Hogan, Arsenault, Stevens); Nays – 0.

### 5. Committee Reports

- Mr. Arsenault gave an overview of the meeting about the managing of Tannery Pond.
- Fire/EMS Committee has made a commitment to meet more often.

6. Warrants –Supervisor Hogan asked if all had chance to review the Warrants, any questions or concerns?

General Fund:	\$ 37,512.27
Highway Fund:	\$ 38,687.46
Water District:	\$ 2,059.35
Trust & Agency:	<u>\$ 897.36</u>
TOTAL	\$79,156.44

**RESOLUTION # 22 – 176**

Mr. Olesheski made a Motion to approve and accept 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 – 5 (Olesheski, Gonyo, Hogan, Arsenault, Stevens); Nays – 0.

7. Privilege of the Floor

- Mr. Fallon – website for Town, doesn't have all that is offered in the area.
- Mr. Fallon – when are sidewalks going to be done? Mr. Gonyo – some will be done this year, will start next week and be done by Columbus Day.
- Mr. Fallon – re: Front Street - no more permits, no more work being done – simple as that; Mr. Gonyo – all is coinciding is purely coincidental; we will be taking Front Street to task; I don't want to see ORDA's project stopped because of this.
- Mr. Ashline – if ORDA is allowed to go to our public system will they pay full share; Mr. Gonyo – yes.
- Mr. Ashline – will Ms. Konis' letter ever be addressed about the inappropriate actions with BAR; Supervisor Hogan – it was addressed in an Executive Session and no action was taken.
- Mr. Ashline – where is the money for EMS – we're giving away too much money in this Town and it has to stop.
- Mr. Williams – if the sewer is voted in, what is the time frame? Mr. Gonyo – conservatively 2 years; Mr. Williams - why are delaying two weeks to go after Front Street; Mr. Gonyo – if we go after Front Street tonight, it would still hinder the ORDA project; Mr. Williams – we should have listened to Pete 3 months ago when ORDA wanted a leach field and for the Town to go after Front Street; Mr. Gonyo – our attorney did send Front Street letter.
- Mr. Williams – BAR Members are appointed not volunteers.
- Ms. Wood – thank you for the Occ Tax Applications being approved.
- Ms. Wood – can people meet with the Assessor throughout the year to discuss their assessment or do they have to wait for another re-val; Supervisor Hogan – any questions reach out with the Assessor and meet with her.
- Ms. Freebern – can we share costs with Minerva for Ms. Williams training?
- Mr. Mosher – ORDA can hook up to Front Street free of charge; why don't we just go after them now? There is no sunset date; force Front Street to put theirs in; Mr. Gonyo – I believe I've addressed this. Mr. Mosher – the contract is still valid.
- Mr. Filkins – I'd like to speak with the Committee when you meet with the Fire Departments; at some point in time, the insurance companies will get ahold of this and we can't prove that we have the protection they think we have; it's all going to blow up in our face at some point; Mr. Olesheski – we met with Mr. Simpson and the Chief's in Town, Albany is aware of our concerns and issues; there is not one good solution found at this point; some legislation as being addressed; talk of looking at the training requirements; it's a lot different than it used to be.
- Mr. Filkins – if the State steps in, it will take out all volunteer companies and we'd have to have a paid department.

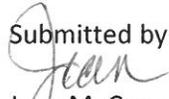
- Mr. Filkins – mowing of cemeteries – put it out to bid – split it up, bid on different cemeteries; all cemeteries will be a big company and big money; Supervisor Hogan – good idea.
- Mr. Filkins – when are we going to re-do Main Street?
- Mr. Filkins – Mr. Comstock is going to do sidewalks and then we'll tear up the road and the sidewalks.
- Ms. Sabattis – State Exemptions for Fire Fighters might be an option.
- Mr. Konis – I think that the Town Board could count 40% of the taxpayers in this Town are in disagreement with unfairness of the re-val it would be a good idea to break the tax cap to have it done professionally and right.
- Mr. Ashline – you people have made your decision.
- Mr. Gonyo – we're considering it.
- Mr. Konis – I'm asking you to pay attention to it.
- Ms. Cleveland – we want the potential re-val; just talking with the people in Bakers Mills, North River – they just don't understand; some folks just gave up and didn't grieve them; these people are networking with us to speak for them.
- Ms. Cleveland – I've never really known Mr. Mosher until this year and I hadn't been to Board Meetings previously – he's a tower of information, he's helped me understand the good and the bad of the Town; what I don't like is that he gets shut down at the Board Meetings; it's not fair to cut Mr. Ashline off; have privilege of the floor throughout the Meeting; Mr. Mosher needs to have the respect that he's due.
- Mr. Mosher – I have a law re: Privilege of the Floor, does anyone want to see it?

8. Motion to Adjourn Meeting

**RESOLUTION # 22 – 177**

Mr. Stevens made a Motion to adjourn the Meeting at 10:25PM 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 (Olsheski, Gonyo, Hogan, Arsenault, Stevens); Nays – 0.

Submitted by:

  
Jean M. Comstock  
Town Clerk

**PUBLIC HEARING FOR PROPOSED OVERRIDING OF TAX CAP  
SEPTEMBER 27, 2022 – 7:30PM  
AT TANNERY POND AND VIA ZOOM**

**NEXT REGULAR TOWN BOARD MEETING WILL BE HELD ON  
SEPTEMBER 27, 2022 – 7:00PM AT TANNERY POND AND VIA ZOOM with Guest  
Speaker John Stack – NYS Office of Real Property**