



Johnstown Common Council
Business Meeting - Council Chambers, City Hall
Monday, October 17, 2022 @ 6:00 p.m.

AGENDA

We will broadcast using Facebook Live. The public can view the meeting from the official City of Johnstown Facebook page: [City of Johnstown, New York](#)

- CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE
- ROLL CALL OF COUNCIL
- PUBLIC SESSION – Any person wishing to address the Council regarding city business will be permitted to speak for three (3) minutes. A council member will monitor Facebook during the session and read comments to the Council. There is no exchange of dialogue during this portion of the meeting. Profane language, obscene conduct, or disruptive comments are not acceptable and will not be allowed.
- PRESENTATIONS – N/A
- PUBLIC HEARING – N/A
- APPROVE MINUTES
 1. September 19, 2022
- APPROVE CLAIMS AND ACCOUNTS
- REPORTS FROM CITY DEPARTMENTS
- REPORTS FROM COUNCIL LIAISONS
- LOCAL LAW – N/A
- ORDINANCE – N/A
- MAYORAL APPOINTMENTS – N/A
- RESOLUTIONS
 1. Overtime – Exempt Employees
 2. Bond – Build price increase for dump truck
 3. Budget Transfer
- DISCUSSION
- ANNOUNCEMENTS
 1. Trick or Treat – Monday, October 31st 6-8pm
 2. Election Day – Tuesday, November 8th
 3. Veterans' Day – Friday, November 11th; City Offices Closed
 4. Veterans' Day Garbage Collection – Ward 1 (Friday collection day) will be collected on Monday the 14th
 5. Holiday Parade – Friday, December 2nd. Anyone interested in participating can pick up a form in the Clerk's Office or on our website.
 6. Business Meeting – Monday, November 21st @ 6pm
- EXECUTIVE SESSION – Only if necessary
- ADJOURN



Johnstown Common Council

Business Meeting - Council Chambers, City Hall
Monday September 19, 2022 @ 6:00 p.m.

MINUTES

This meeting was broadcast using Facebook Live. The public was able to view the meeting from the official City of Johnstown Facebook page: [City of Johnstown, New York](#)

The proceedings of this meeting were taped for the benefit of the City Clerk; the minutes are not a verbatim record of the proceedings, therefore the minutes are not a word-for-word transcript.

CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE – Amy Praught, Mayor

ROLL CALL OF COUNCIL – Carrie M. Allen, City Clerk

IN ATTENDANCE:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Amy Praught, Mayor | <input checked="" type="checkbox"/> Thomas Herr, City Treasurer |
| <input checked="" type="checkbox"/> Scott Jeffers, Council Member-at-Large | <input checked="" type="checkbox"/> Michael J. Poulin, City Attorney |
| <input checked="" type="checkbox"/> Bradley Hayner, Council Member Ward 1 | <input checked="" type="checkbox"/> Carrie M. Allen, City Clerk |
| <input checked="" type="checkbox"/> Scott Miller, Council Member Ward 2 | <input type="checkbox"/> Bruce Heberer, Fire Chief |
| <input checked="" type="checkbox"/> Eric Parker, Council Member Ward 3 | <input checked="" type="checkbox"/> David F. Gilbo, Chief of Police |
| <input checked="" type="checkbox"/> Max Spritzer, Council Member Ward 4 | <input checked="" type="checkbox"/> Christopher J. Vose, City Engineer |
| | <input checked="" type="checkbox"/> Diedrie M. Roemer, Director, Senior Citizens Program |

ABSENT

Bruce Heberer

PUBLIC SESSION – No speakers

PRESENTATIONS – N/A

PUBLIC HEARINGS – N/A

APPROVE MINUTES

- August 15, 2022
Motion to approve – Council Member Hayner
Seconded – Council Member Spritzer
Discussion: None
Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

APPROVE CLAIMS AND ACCOUNTS

- Motion to approve, upon review – Council Member Parker
Seconded – Council Member Hayner
Discussion: None
Ayes: 5

Noes: 0
Absent: 0
Abstain: 0

REPORTS FROM CITY DEPARTMENTS

- Reports are attached hereto and made part of the meeting minutes.
 - Parker asked what the next step was in the foreclosure process. Attorney and Clerk stated that a 30 Day Notice must be served on each previous property owner, after that time the City will secure the properties and auction the properties.
 - Parker questioned ADA compliance sidewalks. Engineer stated that the sidewalks are made ADA compliant when we pave the road, as part of the CHIPS Program.

REPORTS FROM COUNCIL LIAISONS

- Eric Parker; Water Dept.
 - Accounts Receivable \$194k, Accounts Payable \$623k; Deposits 544k
 - No other business as City is handling day to day operations
 - Mayor stated the Board made claims against City during meeting and she wanted to address. Vose prepared a report and it will be provided to Council and posted on Website and Facebook for residents to review.

- Chris Vose; Joint Sewer Board
 - Signed Letter of Intent, sent to their attorney to review.
 - Arcadis prepared grant application for sludge dryer and it has been submitted, grant awards are expected in early 2023
 - PESH inspector on site and did random samplings, will come back at a later date and do a full 8 hour inspection on breathing apparatus and environment; no hazardous levels were detected
 - Mayor asked if he had been contacted by anyone regarding smoke testing in the City – Vose has not.
 - Miller voiced concerns as to the plant not being mowed; if there were any staffing issues. Vose will look in to.
 - Miller asked what plan was for sludge dryer. Will dryer be big enough for all sludge. Vose stated that was the plan.
 - Miller also is concerned as to the number of licenses held by employees. What is the plan moving forward, feels it is the same situation as the Water Board is facing currently. Vose will speak to the plant director.

- Scott Jeffers, Planning Board
 - Church site plan was approved at the old Ptech/Jansen Ave School

- Scott Miller, Assessor
 - School tax bills mailed due without penalty by Sept. 30th
 - STAR credit checks will be mailed to property owners by end of Sept.
 - All exemptions due by March 1st
 - All STAR exemptions are processed directly with NYS at www.tax.ny.gov/star

LOCAL LAW – N/A

ORDINANCE – N/A

MAYORAL APPOINTMENTS

65. Appointment to Board of Assessment Review Board – Lindsay Hinkle
Presented by Councilmember Hayner Seconded by Councilmember Spritzer
Discussion: None
Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

RESOLUTIONS

66. Contract w/ Arcadis for ongoing site management work at the former Karg Bros. Tannery
Presented by Councilmember Miller Seconded by Councilmember Jeffers
Discussion: Spritzer asked if there was a cost increase from previous years. Vose stated it was minimal, Clerk believed it was only a couple hundred dollars increase.
Ayes: 5
Noes: 0
Absent: 0
Abstain: 0
67. Authorize Greenman-Pedersen, Inc. to solicit sealed bids for the Cork Center Reservoir Dam, Phase II Valve Replacement Project
Presented by Councilmember Parker Seconded by Councilmember Hayner
Discussion: Hayner asked if this was to replace valves that can't be shut off. Mayor agreed. Vose stated valves allow to control water level.
Ayes: 5
Noes: 0
Absent: 0
Abstain: 0
68. Contract w/ Greenman-Pedersen, Inc. to prepare and submit annual certifications relating to Cork Center and Cold Brook Dam.
Presented by Councilmember Spritzer Seconded by Councilmember Jeffers
Discussion: None
Ayes: 5
Noes: 0
Absent: 0
Abstain: 0
69. NYS DOT acquisition / offer of settlement for property at St. Hwy. 247; Warren Creek-Red School House Map 31, Parcels 3&4 for culvert replacement and maintenance
Presented by Councilmember Jeffers Seconded by Councilmember Parker
Discussion: Parker asked where this property is located. Vose stated it's in the Town of Johnstown.
Ayes: 5
Noes: 0
Absent: 0
Abstain: 0
70. Enter into an agreement w/ PNJ Technology Partners to provide service and support for 2 factor authentication
Presented by Councilmember Hayner Seconded by Councilmember Spritzer
Discussion: Parker asked if this is something we don't have but should have. Mayor stated we do have it currently through ATEC, PNJ is our new IT company and this is a separate contract with them. Gilbo said that it is needed for employees using tablets, phones outside of work in order to authorize they are the correct user.
Ayes: 5
Noes: 0
Absent: 0
Abstain: 0
71. Advertise for Bids – City owned property; 237 N. Perry St.
Presented by Councilmember Miller Seconded by Councilmember Hayner
Discussion: Parker confirmed that this is the former HiWay Oil. Will be reviewed by Codes and Engineer and final approval by Council. It is a "diggable" site. This was an EPA cleanup site. They removed old tanks and

contaminated soil. They may want to recoup some or all of the money they spent for cleanup. Gilbo started he has started to ticket vehicles parking there. Spritzer asked what it is currently classified as for zoning; believe its residential/commercial

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

DISCUSSION – N/A

ANNOUNCEMENTS

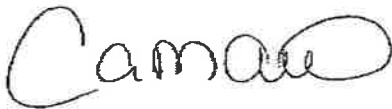
1. Proclamation – National Recovery Month
2. Columbus Day – Monday, October 10th; City Offices Closed
3. Harvest Festival – Saturday, October 15th
4. Farmers Market – Tuesday evenings from June 28th- October 11th 3 pm - 6 pm
5. Budget talks have begun for 2023 Budget
6. Citizens Band – thanked the Council and DPW for the bench and ramp for the Bandshell
7. Football banners have been hung on Main Street
8. Thanked DPW for all their work on getting City ready for the court's 250th Anniversary
9. Councilmember Hayner and his wife have recently purchased and opened Perry Lanes
10. Business Meeting – Monday, October 17th @ 6pm

EXECUTIVE SESSION – N/A

MOTION TO ADJOURN at 6:40 p.m.

- Council Member Hayner
Seconded – Council Member Spritzer
Discussion: None
Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Respectfully submitted,



Carrie M. Allen, City Clerk



Resolution No. 1, 2022

Council Member Hayner presented the following Resolution and moved its adoption:

AUTHORIZE AMENDMENT TO EMPLOYEE HANDBOOK; OVERTIME – EXEMPT POSITIONS

WHEREAS, an Employee Handbook was adopted by the Common Council by Resolution #29 on April 18, 2005; and

WHEREAS, an amendment to the Employee Handbook was adopted by the Common Council by Resolution #78 on October 21, 2019 stipulating that non-union employees who report time to the payroll system are eligible for overtime pay in excess of seven hours and weekly time worked in excess of thirty-five hours; and

WHEREAS, pursuant to FLSA Overtime Guidelines the following employees are exempt from overtime pay: Deputy Treasurer, Human Resource Manager, Engineer, Deputy Engineer, Police Chief, Police Captain, Fire Chief and Executive Director of Johnstown Senior Center; and

WHEREAS, upon review and approval by the Mayor, compensatory time can be earned due to emergency and/or extraordinary circumstances. Compensatory time guidelines are part of the Employee Handbook.

NOW, THEREFORE, BE IT

RESOLVED, that these amendments be made part of the City of Johnstown Employee Handbook adopted April, 2005.

Seconded by Council Member: _____

Adopted by the following vote:

	YES	NO	ABSTAIN	ABSENT
Ward 1 – Council Member Hayner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 2 – Council Member Miller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 3 – Council Member Parker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 4 – Council Member Spritzer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member-at-Large Jeffers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS				
RESULT	Passed / Failed			

Adopted by the Common Council on October 17, 2022	Resolution # <u>1</u> , 2022 is hereby approved
_____ Carrie M. Allen, City Clerk	_____ Amy Praught, Mayor



October 17, 2022

Resolution No. 2, 2022

Council Member Miller presented the following Resolution and moved its adoption:

BOND RESOLUTION CHANGE – APPROVE AN INCREASE IN THE AMOUNT OF \$2,750.00 FOR THE BUILD PRICE OF DUMP TRUCK

WHEREAS, the Common Council approved a Bond Resolution on July 28, 2021, attached hereto as Schedule "A"; and

WHEREAS, the Bond included a dump truck in the amount of \$145,000; and

WHEREAS, from the time the City received a quote from Henderson Products to build the truck, there has been an extreme increase in material costs; and

WHEREAS, the cost to build the dump box of the dump truck has increased by \$2,750.00; and

WHEREAS, Henderson Products has provided the City with a Price Adjustment Detail, attached hereto as Schedule "B".

NOW, THEREFORE BE IT,

RESOLVED, the Common Council hereby approves, and authorizes, the Price Adjustment Detail for the additional build cost for the plow trucks in the amount of \$2,750.00.

Seconded by Council Member _____

Adopted by the following vote:

	YES	NO	ABSTAIN	ABSENT
Ward 1 – Council Member Hayner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 2 – Council Member Miller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 3 – Council Member Parker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 4 – Council Member Spritzer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member-at-Large Jeffers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS				
RESULT	Passed / Failed			

Adopted by the Common Council on October 17, 2022 _____ Carrie M. Allen, City Clerk	Resolution # _____, 2022 is hereby approved _____ Amy Praught, Mayor
---	--

Resolution No. 50, 2021

Council Member Hayner presented the following Resolution and moved its adoption:

BOND RESOLUTION OF THE CITY OF JOHNSTOWN, FULTON COUNTY, NEW YORK,
AUTHORIZING VARIOUS PROJECTS IN AND FOR THE CITY, STATING THE
ESTIMATED TOTAL COST THEREOF IS \$12,254,500 APPROPRIATING SAID AMOUNT
THEREFOR, AND AUTHORIZING THE ISSUANCE OF, NOT TO EXCEED, \$12,254,500
BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION

THE COMMON COUNCIL OF THE CITY OF JOHNSTOWN, NEW YORK, HEREBY RESOLVES (**by the favorable vote of not less than two-thirds of all the members of said Common Council**) AS FOLLOWS:

Section 1. The City of Johnstown, in Fulton County, New York (herein called the "City"), is hereby authorized to construct, acquire or undertake the various projects as described in **column A of Schedule I**, attached hereto and hereby made a part hereof, at the estimated maximum costs indicated in **column B of said Schedule I**, including all furnishings, equipment, machinery, apparatus, and ancillary and related site work. The estimated total cost of said projects, including preliminary costs and costs incidental thereto and the financing thereof, is \$12,254,500 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of bonds of the City in the principal amount of \$12,254,500 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the aggregate principal amount of not to exceed \$12,254,500 are hereby authorized to be issued in the principal amounts indicated in **column C of said Schedule I** for each of the respective objects or purposes indicated in **column A of said Schedule I**, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3.

(a) The respective periods of probable usefulness of the specific objects or purposes and classes of objects or purposes for which said bonds are authorized to be issued, within

the limitations of §11.00 a. of the Law as referenced in **column E of said Schedule I**, are set forth in **column D of said Schedule I**

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Common Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancements, are hereby delegated to the City Treasurer, the chief fiscal officer of the City.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "Leader-Herald," a newspaper having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Seconded by Council Member Iannotti

Adopted by the following vote:

	YES	NO	ABSTAIN	ABSENT
Ward 1 – Council Member Hayner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 2 – Council Member Iannotti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 3 – Council Member Parker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 4 – Council Member Spritzer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member-at-Large Talarico	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	5	0		
RESULT	Passed / Failed			

Adopted by the Common Council on July 28, 2021	Resolution # <u>50</u> 2021 is hereby approved
_____ Carrie M. Allen, City Clerk	_____ Vernon F. Jackson, Mayor

SCHEDULE I

A	B	C	D	E
<u>Project Description (object or purpose)</u>	<u>Estimated Maximum Cost</u>	<u>Amount of Bonds Authorized</u>	<u>Period of Probable Usefulness</u>	<u>PPU Section 11.00 a. Reference</u>
Acquire and install LED street lights	\$1,000,000.00	\$1,000,000.00	30	5
Lighting upgrades at DPW building	\$60,000.00	\$60,000.00	10	13
Heating system upgrades at DPW building	\$140,000.00	\$140,000.00	10	13
DPW building envelope improvements	\$95,000.00	\$95,000.00	10	12(a)(3)
Acquisition of two plow trucks	\$400,000.00	\$400,000.00	15	28
Acquisition of a dump truck	\$145,000.00	\$145,000.00	15	28
Acquisition of new live body on trucks	\$52,500.00	\$52,500.00	15	28
Acquisition of heavy-duty pick-up trucks	\$70,000.00	\$70,000.00	15	28
Acquisition of a heavy-duty truck	\$75,000.00	\$75,000.00	15	28
Acquisition of a heavy-duty truck	\$40,000.00	\$40,000.00	15	28
Acquisition of roll-off set up for truck	\$55,000.00	\$55,000.00	15	28
Parking lot improvements	\$250,000.00	\$250,000.00	10	20(f)
Construction of a salt bin	\$370,000.00	\$370,000.00	10	12(a)(3)
Reconstruction of DPW roof	\$1,100,000.00	\$1,100,000.00	10	12(a)(3)
Acquisition of police vehicles	\$215,000.00	\$215,000.00	3	77
Various water system improvements	\$7,187,000.00	\$7,187,000.00	40	1
Acquisition of heavy-duty vehicles	\$130,000.00	\$130,000.00	15	28
Acquisition of a fire truck	\$635,000.00	\$635,000.00	20	27
Acquisition of an ambulance	\$235,000.00	\$235,000.00	10	27-a
Totals:	<u>12,254,500.00</u>	<u>\$12,254,500.00</u>		



Price Adjustment Detail

COP: 257239

Date Prepared: 8/23/2022

Bill To: NAVISTAR, INC, NY

Customer PO: D-044816-124

End User: City of Johnstown

Quote: 150807

Order Summary:

PO Value Per Build	\$ 41,872.00
Quantity of Builds	1
Total PO Value	\$ 41,872.00
Required Price Adjustment Per Build	\$ 2,750.00
Quantity of Builds	1
Total Required Adjustment	\$ 2,750.00

Signature

Date

Notes:

Due to the extreme increase in material cost from the time this order was quoted to the time Henderson Products is manufacturing this equipment, Henderson Products request this adjustment to cover the increased material costs.

Your signature above is agreement to pay the invoiced amount listed in the Total Required Adjustment line upon completion of our work.



Resolution No. 3, 2022

Council Member Parker presented the following Resolution and moved its adoption:

2022 BUDGET TRANSFER

WHEREAS, the City Treasurer is requesting a budget transfer in the amount of \$18,000.00 from the Engineer's Landfill Disposal line; A8161.454 to the Engineer's Parks Supplies line; A1710.418; and

WHEREAS, this transfer is needed in order to cover the cost of adding power in the city parks.

NOW, THEREFORE BE IT,

RESOLVED, the Common Council hereby approves that the City Treasurer make a budget transfer in the amount of \$18,000.00.

Seconded by Council Member _____

Adopted by the following vote:

	YES	NO	ABSTAIN	ABSENT
Ward 1 – Council Member Hayner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 2 – Council Member Miller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 3 – Council Member Parker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 4 – Council Member Spritzer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member-at-Large Jeffers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS				
RESULT	Passed / Failed			

Adopted by the Common Council on October 17, 2022 _____ Carrie M. Allen, City Clerk	Resolution # _____, 2022 is hereby approved _____ Amy Praught, Mayor
---	--