**Minutes of the Town of Johnsburg**

**Special Meeting**

**Tannery Pond Community Center**

**2370 State Route 28**

**August 6, 2018**

Minutes of the Special Meeting of the Town Board of the Town of Johnsburg held on Monday, August 6, 2018 at 5:30 PM at the Tannery Pond Community Center, 228 Main Street, North Creek, NY

Supervisor Hogan called the meeting to order at 5:30 p.m. and the pledge to the flag was led by Eugene Arsenault.

**PRESENT:** Andrea Hogan - Supervisor

Eugene Arsenault - Councilman

Arnold Stevens - Councilman

Peter Olesheski, Jr - Councilman

Laurie Arnheiter - Councilwoman

Kate Lorah - Town Clerk

**New Business:**

* Land Transfer from Front Street

Andrea Hogan explained the purpose of the land transfer from Front Street to the Town of Johnsburg is to facilitate the building of potential future trails at the Ski Bowl and the new placement of Gore’s lift. The land to be transferred is about 10.5 acres out of the 119.57 acres of Tax Map Parcel 66.-1-18.11.

***RESOLUTION #101-18***

Arnold Stevens motioned to approve a letter (with the Town being co-applicant) to the APA requesting a minor permit amendment to APA Permit 2006-123, transferring 10.5 acres from Front Street to the Town of Johnsburg. The motion also is to authorize the execution of the transfer by Supervisor Hogan after legal review. A second was made by Gene Arsenault and with 5 members voting in favor, the resolution is declared carried. Ayes-5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

* WIIA grant resolutions

Ms. Hogan said the Water Infrastructure Improvement Act (WIIA) grant is due September 7, and it is necessary to pass a resolution for the Town Board to act as Lead Agency for the State Environmental Quality Review (SEQR) for this project.

***RESOLUTION #102-18***

Mr. Arsenault made a motion seconded by Mr. Stevens as follows:

# A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACT AS LEAD AGENCY FOR THE SEQR PROCESS OF THE TOWN OF JOHNSBURG WATER SYSTEM UPGRADE PROJECT

**WHEREAS,** the Town of Johnsburg will be requesting funding from the State of New York for the above referenced project and is required to complete the SEQR process to comply with funding requirements.

**WHEREAS,** the SEQR process requires a Lead Agency be designated to facilitate review.

**WHEREAS,** the Lead Agency will solicit input from agencies on the environmental impact of the above referenced project.

**WHEREAS,** the Lead Agency will review input and make a declaration on the impact of the above referenced project consistent with SEQR guidance.

**WHEREAS,** the Lead Agency will notify other agencies as to declaration of impact.

# NOW AND THEREFORE IT BE

# RESOLVED, that the Town shall cause to be circulated a letter to all known involved and interested agencies notifying those agencies with a summary information on the project and the Town Board is hereby designated as Lead Agency.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

* Alcohol at Riverfront Park during Tannery Pond event, August 25

Supervisor Hogan stated that Tannery Pond is requesting permission to have alcohol at LOCAL LOGGING LIVE! On August 24 and 25.

***RESOLUTION #103-18***

Laurie Arnheiter motioned, with a second from Mr. Arsenault, to permit Tannery Pond to have alcohol at LOCAL LOGGING LIVE! On August 24 and 25. Four members voted in favor and the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Olesheski, Arnheiter) Nays- 1 (Stevens)

* Letter to APA re: River Rd., National Grid application

Ms. Hogan addressed the situation on River Road, where National Grid has applied to the APA to place additional power poles. The Town has no say in the installation of poles but does have a say in the placement of them.

Mr. Arsenault asked where the Town stands on this. Ms. Hogan replied that currently, the Town is responsible for maintenance of the road as far as Spruce Ridge. As soon as a homeowner farther on the road receives a certificate of occupancy, the Town’s responsibility for road maintenance will be extended to that residence. This is why pole placement is crucial, she explained.

Mr. Arsenault then asked how Dan Hitchcock feels about the issue. According to Mr. Hitchcock’s letter to the APA, “If power poles are installed prior to road improvements, the road can not be maintained year-round.” “What does Dan suggest?” asked Gene Arsenault. Ms. Hogan said that he had not been specific with a solution.

Ms. Arnheiter stated that Mr. Hitchcock should be at a board meeting to discuss.

Mr. Arsenault agreed, adding that Matt Fuller should be present as well.

Mr. Arsenault asked that Mr. Hitchcock, Mr. Fuller, and Tracy from National Grid all attend the next board meeting. All members agreed.

Andrea Hogan said that no opinion letter will be written to the APA at this time and “we’ll see what happens at the next board meeting.”

**Old Business:**

* Telephone system upgrade

Ms. Hogan gave some background on this topic, saying that in February a Frontier technician came to install the remaining equipment at the highway garage and Wevertown. The tech said he didn’t think the equipment would work properly, given the distances between buildings. He was and still is unwilling to put this opinion in writing, fearing he would lose his job. Frontier finally agreed to cancel that part of the contract but wanted to charge a fee of over $1000 for restocking. Ms. Hogan has negotiated the restocking charge down to $584.69. She said that at this point there are two options. One is to pay the fee, leaving the highway garage and Wevertown unconnected to the central system. The other option is to allow installation of the equipment and see if it works.

After much discussion about who was involved in the decision-making process last year, pricing of various pieces of equipment, conversations with Frontier, and terms of the agreement, Mr. Arsenault stated that it makes no sense to have entered a contract which has no recourse if the equipment doesn’t work properly. He went on to say that the Town is a good customer and that Frontier charging a restocking fee is poor business.

Both Mr. Arsenault and Ms. Arnheiter suggested proceeding with the installation if Frontier will make the assurance that if the equipment does not work properly, they (Frontier) will remedy any issues. Mr. Olesheski agreed to reenter the process to work with his contact at Frontier to rectify the situation.

* Reallocation of Occupancy Tax award for Pop-up Park

Ms. Hogan said that Mr. Olesheski had received correspondence from Karl Varnai regarding the Occ Tax award for the Pop-up Park, specifically the need for an umbrella organization to hold some insurance for him. The Business Alliance agreed to be his umbrella, but this means the Occ Tax award has to be amended to have the recipient be the Business Alliance rather than Mr. Varnai. Mr. Olesheski said the Occ Tax committee has not dealt with the contracts and that this change doesn’t have to go through the Town Board. He said that the Supervisor’s office can simply amend the contract and let the Business Alliance take the project under their umbrella. Mr. Arsenault asked Peter Olesheski to review the purpose of the project. Mr. Olesheski explained that the project is for better viewing and enjoyment of the mosaic wall, with seats and tables taking up about two parking spaces. He went on to explain that Warren County officials involved have said that the project is doable, that they want to work out some traffic/safety concerns but have given their approval.

***RESOLUTION #104-18***

Mr. Olesheski moved, with a second from Mr. Stevens to approve the amending of the Occ Tax contract for the Pop-up Park to the Business Alliance, with the award amount remaining the same. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter)

Nays- 0

At 6:15 Ms. Hogan motioned to enter Executive Session. Gene Arsenault seconded. With 5 members voting in favor, the motion is carried. Ayes-5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

Executive Session ended at 6:30

**Motion to adjourn** – The motion to adjourn was made by Pete Olesheski and was seconded by Laurie Arnheiter at 6:31 pm. With five in favor the motion is carried. (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays – 0

The next regular Town Board meeting will be held at 7:00 p.m. on August 21st, 2018 at Tannery Pond Community Center, 228 Main Street, North Creek, NY.

Prepared by:

Kathleen C. Lorah, Town Clerk