

Public Hearing on the North Creek Fire District Extension
Public Hearing on Fire Protection District Contracts
Town Board Regular Meeting

December 15, 2020

Resolutions #201 - 214

Town of Johnsbury
Public Hearing on North Creek Fire District Extension
Public Hearing on Fire Protection District Contracts
Regular Meeting of the Town Board
Zoom Meeting
December 15, 2020 7:00 PM

<https://us02web.zoom.us/j/2172603617>

Meeting ID: 217 260 3617

888 788 0099 US Toll-free

877 853 5247 US Toll-free

PRESENT: Andrea Hogan – Supervisor
Eugene Arsenault – Councilman
Arnold Stevens – Councilman
Laurie Arnheiter – Councilwoman
Justin Gonyo – Councilman
Kate Lorah - Town Clerk

Supervisor Hogan called the Public Hearing on North Creek Fire District Extension to order at 7:00. Bob Hafner explained the logistics of changing the boundaries of a district. Mr. Stevens asked for an explanation of why the Town wanted the change, and Ms. Hogan replied that the parcels in question are already being covered by the North Creek District. Bill Thomas elaborated by saying this change is a result of the Wevertown department having been dissolved, thus North Creek covering that area. Ms. Hogan closed the Public Hearing at 7:17.

The Public Hearing on Fire Protection District Contracts was opened at 7:18. Supervisor Hogan said the 2021 contracts are the same as 2020, with the exception of the departments being asked to wait for their money until after tax collection is complete. One department cannot wait, one department has not responded, and the others have agreed to wait. The Public Hearing was closed at 7:20.

Supervisor Hogan called the Regular Meeting to order at 7:20 and the pledge to the flag was led by Laurie Arnheiter.

Approval of Minutes December 1, 2020 meeting

RESOLUTION #201-20

Mr. Gonyo presented the following resolution and moved its passage with a second from Mr. Arsenault to approve the minutes from the December 1, 2020 meeting. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

Correspondence:

Scrap Metal Bid

Letter of interest – Animal Control Officer

Letter of interest – ZEO

Old Business:

• **Extension of North Creek Fire District and SEQRA**

Bob Hafner went through SEQRA item by item to get a response from all Board members on each. All questions were answered in such a way as to pose no environmental threat from the boundary change.

RESOLUTION #202-20

Mr. Gonyo presented the following resolution and moved its passage with a second from Mr. Stevens:

**RESOLUTION APPROVING ALTERATION OF BOUNDARY OF
NORTH CREEK FIRE PROTECTION DISTRICT AND
EXTENSION OF NORTH CREEK FIRE DISTRICT**

WHEREAS, the North Creek Fire District (“Fire District”) was duly established by the Johnsburg Town Board to serve certain areas of the Town of Johnsburg; and

WHEREAS, the North Creek Fire Protection District (“FPD”) was duly established by the Town Board to serve other areas of the Town of Johnsburg; and

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WHEREAS, the Town has for many years entered into a contract with the Fire District to provide fire protection services to a portion of the FPD as shown on the map on file with the Town Clerk (the "Extension Area"); and

WHEREAS, the Town Board has determined that it would be to the mutual benefit of the Town and the Fire District and in the best interests of the Town, the FPD, the Fire District and those persons and properties within the Extension Area for this area to become part of the Fire District and no longer be included within the FPD; and

WHEREAS, in order to make these changes, the Town Board needs to (1) alter the boundary of the FPD to exclude the Extension Area pursuant to Town Law Section 172-c, and (2) extend the Fire District to include the Extension Area pursuant to Town Law Section 170(2); and

WHEREAS, both the alteration of the FPD boundary and the extension of the Fire District require the Town Board to hold a public hearing;

WHEREAS, on December 1, 2020 the Town Board adopted an Order (the "Public Hearing Order") reciting the time and place of a public hearing on the proposed FPD boundary alteration and Fire District extension; and

WHEREAS, Notice of the Public Hearing was duly published, posted and included on the Town's website as required by law; and

WHEREAS, pursuant to Town Law Section 170(2), the Fire District Board of Fire Commissioners consented to the Fire District extension, which Consent was duly filed in the Office of the Johnsburg Town Clerk;

WHEREAS, a public hearing on the proposed FPD boundary alteration and Fire District extension was duly held on December 15, 2020 and the Town Board has considered the evidence given thereat together with other information; and

WHEREAS, the proposed actions are Unlisted Actions pursuant to the State Environmental Quality Review Act (SEQRA) and the Town has prepared Part 1 of a SEQRA Short Environmental Assessment Form (SEAF); and

WHEREAS, the Town Board has determined to conduct uncoordinated SEQRA review (as the New York State Comptroller is an Involved Agency) and has reviewed and fully considered the proposed actions and Part 1 of the SEAF, and has completed Part 2 of the SEAF by checking "No or small impact may occur" for all of the questions in Part 2; and

WHEREAS, the Town Board wishes to alter the FPD boundary and extend the Fire District as described in the Public Hearing Order in accordance with Town Law Article 11;

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NOW, THEREFORE, BE IT

RESOLVED, that the proposed actions will not result in any large or important impacts and, therefore, will not have a significant adverse impact on the environment and the Town Supervisor is authorized and directed to indicate this determination by checking the appropriate box on Part 3 of the SEAF and to file the completed SEAF as the Town Board's SEQRA Negative Declaration for the proposed actions; and it is further

RESOLVED, that the Johnsburg Town Board hereby determines that:

1. The FPD boundary alteration and Fire District Extension Area as described in the Public Hearing Order is in the public interest;
2. Notice of the Public Hearing was published and posted as required by law and is otherwise sufficient;
3. All property and property owners within the Fire District Extension Area are benefited thereby;
4. All property and property owners benefited are included within the limits of the Fire District Extension Area;

and be it further

RESOLVED, that the Town Board hereby approves and authorizes alteration of the FPD boundary to exclude the Extension Area in accordance with the boundaries and descriptions set forth in the previously described Public Hearing Order; and be it further

RESOLVED, that the Town Board hereby approves and authorizes extension of the Fire District to include the Extension Area in accordance with the boundaries and descriptions set forth in the previously described Public Hearing Order, and fire protection services shall be provided therein; and be it further

RESOLVED, that the Fire District shall be extended into the Extension Area of the FPD concurrently with the alteration of the boundary of the FPD effective 11:59 p.m., June 30, 2021, or, if later, the date of issuance of the consent of the State Comptroller's Office; and it is further

RESOLVED, that the portion of this Resolution which approves and authorizes alteration of the FPD boundary to exclude the Extension Area is subject to permissive referendum pursuant to Town Law Sections 91 and 172-c and shall not take effect until such time as provided. The Town Clerk is hereby authorized and directed to post and publish the notice required for Resolutions subject to permissive referendum and to do all other acts and things required in connection therewith; and it is further

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RESOLVED, that the portion of this Resolution which approves and authorizes the Fire District extension is subject to approval by the State Comptroller. The Town Supervisor, Town Clerk and Town Counsel are hereby authorized and directed to prepare and file an application for approval of the State Comptroller for extension of a Fire District for which it is proposed that an expenditure is to be financed by the issuance of bonds or notes of the Fire District and to do all other acts and things required in connection therewith; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this Resolution to be duly recorded in the office of the Clerk of Warren County and, within 10 days after its adoption, cause a certified copy of this Resolution to be filed with the State Department of Audit and Control at Albany, New York, all pursuant to Town Law 173(1); and be it further

RESOLVED, that alteration of the FPD boundary to exclude the Extension Area and extension of the Fire District to include the Extension Area are subject to the following:

1. Obtaining any required approval(s) of the New York State Comptroller's Office;
2. Permissive referendum in the manner provided in New York State Town Law Article 7; and
3. Adoption of a Final Order by the Johnsbury Town Board;

and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to execute and deliver such other agreements, instruments and other writings, and to take such further actions as they, in their sole discretion, deems necessary or desirable to carry out the intent of this Resolution; and be it

RESOLVED, that this Resolution shall take effect immediately except as limited by provisions relating to permissive referendum, State Comptroller approval and effective date.

Duly adopted this 15th day of December, 2020, by the following vote:

AYES:5

NOES:0

ABSENT:0

- **Fire Protection District contracts**

RESOLUTION #203-20

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to allow Supervisor Hogan to execute the Fire Protection District contracts. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **Scrap Metal Bids**

RESOLUTION #204-20

Mr. Gonyo presented the following resolution and moved its passage with a second from Ms. Arnheiter to accept the Scrap Metal bid from David Olden for \$30 per net ton for 2021. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **Lights-On Decorating Contest**

Supervisor Hogan announced that the winners of the Lights-On Decorating Contest are:

- Residential – the May Family on 23 Millington Road
- Business – Cafe Sarah
- Non-Profit – the Depot Caboose and the Outreach Center

The contest was judged by Joyce and Ron Vaneslow and Sue and Sterling Goodspeed. Each winner will receive \$300.

- **Tannery Pond Center MOU**

RESOLUTION #205-20

Mr. Gonyo presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the MOU Mr. Gonyo and Ms. Arnheiter created with Tannery Pond, with the understanding that it is a living document. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **Appointment to Warren County Youth Board**

RESOLUTION #206-20

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to reappoint Peter Olesheski to the Warren County Youth Board. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **Legal Services Agreement**

RESOLUTION #207-20

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Arnheiter to allow Ms. Hogan to sign the Legal Services Agreement with Miller, Mannix which was approved by the Board on December 1, 2020. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **ORDA use of Ski Bowl Park**

Ms. Hogan explained the attempt made to clarify TOJ agreement with ORDA relating to the maintenance of trails, specifically on the town transfer station. The town needs to apply to the DEC for approval of any activity on a capped landfill, and ORDA's grooming of Nordic trails across the landfill jeopardizes the Town's position with DEC.

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It was agreed that ORDA would provide the Town with a map we would use as an amendment to the 2017 agreement, which we could then take to the DEC to explain the grooming activity and ask for their approval.

ORDA notified Supervisor Hogan today that, in their opinion, they have the right to operate anywhere in the Ski Bowl they wish. She is asking for Board guidance on how to proceed - do you want to pursue formal amendment of the agreement and engage the town's attorney in this process, or do you agree that ORDA's area of operation is basically anywhere they please? She is asking this because the next step is to go to the DEC with information on use of the landfill. "I do not believe we currently have given permission to Gore to operate there, and I want this permission memorialized before I go to DEC".

A discussion took place on Gore's rights versus access to recreation for the community.

Mr. Arsenault expressed concern over ORDA's opinion that they have the right to do anything they please wherever they please. Mr. Stevens agreed.

Ms. Hogan further explained that if the DEC were to come in and see the grooming over the capped landfill, which they had not approved, they (DEC) would come after the Town.

Mr. Stevens said that he would approve grooming and maintenance over the landfill, but wants further discussion and clarification on ORDA's opinion that they have the right to do anything they please wherever they please.

RESOLUTION #208-20

Mr. Gonyo presented the following resolution and moved its passage with a second from Ms. Arnheiter that the Town Board acknowledges that ORDA wants to groom and maintain the area of Ski Bowl Park over the capped landfill for Winter recreational activity and authorizes the Supervisor to approach DEC to discuss approval for that activity. With 3 members voting in favor the resolution is declared carried. Ayes – 3 (Stevens, Arnheiter, Gonyo) Nays – 2 (Hogan, Arsenault)

New Business:

- **Senior Transportation**

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Ms. Hogan talked about the weekly bus trips to Glens Falls the Town has provided to seniors. Community Action (who provides the service) has agreed to go from weekly trips down to once a month.

Mr. Gonyo asked about the cost savings. Ms. Arnheiter mentioned the difficulty in coordinating doctor appointments for one trip a month for seniors. She suggested looking into other possibilities for senior transport. Ms. Hogan suggested a trial period going once a month, while looking into other options.

RESOLUTION #209-20

Ms. Arnheiter presented the following resolution and moved its passage with a second from Mr. Arsenault to approve a three-month trial period with Community Action having the senior bus trips move to once a month instead of every week, with the understanding that other options for senior transport will be explored. With 4 members voting in favor the resolution is declared carried. Ayes – 4 (Hogan, Arsenault, Stevens, Arnheiter) Nays – 1 (Gonyo)

Mr. Gonyo explained his vote, stating that for a savings of about \$9000 a year, he does not agree with cutting services.

• Proposal to move fuel tanks behind town hall

Matt Olden has noticed a shift in the Red Barn and is concerned that if part were to collapse, the fuel tanks would be damaged. He received a quote to move the tanks outside for \$3300 from GA Bove. He needs to get a second quote according to the procurement policy.

RESOLUTION #210-20

Ms. Arnheiter presented the following resolution and moved its passage with a second from Mr. Gonyo to approve “not-to-exceed” \$3500 for moving the fuel tanks to a location outside the Red Barn. With 5 members voting in favor the resolution is declared carried. Ayes – 4 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **Metal recycling contract**

We partner with Warren County for all recycling except metal (tin cans and such). The Town has contracted with Kelman in the past. They pay \$100 per gross ton, which is the same as 2020.

RESOLUTION #211-20

Ms. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to approve the contract with Kelman for removal of metal recycling in 2021. With 5 members voting in favor the resolution is declared carried. Ayes – 4 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

Mr. Gonyo said he has taken on a project he feels important for economic development, which is day care. He is looking for the Town to have municipally supported day care.

Committee Reports:

- Personnel

Mr. Stevens asked about progress on getting a bookkeeper. There is no candidate right now.

- Economic Dev./Marketing

Ms. Arnheiter will follow up with Gore on proposal for marketing.

ZEO, Animal Control, Assessor Reports

In Board packets.

Supervisor's Monthly Report

RESOLUTION #212-20

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Ms. Stevens presented the following resolution and moved its passage with a second from Ms. Arnheiter to approve the Supervisor's Monthly Report. With 5 members voting in favor the resolution is declared carried. Ayes – 4 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

Approval of Warrants

General Fund (Total \$27,671.09)
Highway Fund (Total \$13,561.24)
Library Fund (\$726.14)
Water District (\$5904.26)
Trust and Agency (\$83.96)
Total all warrants \$47,946.69

RESOLUTION #213-20

Mr. Gonyo presented the following resolution and moved its passage with a second from Mr. Arsenault to approve the warrants. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

Privilege of the Floor

Jack McArdle referred to senior transportation and stated that in a small community, we need to take care of our fellow citizens.

Motion to adjourn

RESOLUTION #214-20

At 8:30 Ms. Arnheiter presented the following resolution and moved its passage with a second from Mr. Gonyo to adjourn. With 5 members voting in favor, the resolution is declared carried. Ayes - 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays- 0

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Next meeting Tuesday, January 5, 2021 7 pm
Online Zoom Meeting

Prepared by:

Kathleen C. Lorah