

**Minutes of the Town of Johnsburg
Public Hearing & Regular Meeting
October 17, 2017
Tannery Pond Community Center
228 Main Street, North Creek, NY**

Public Hearing on Tax Cap

Town Clerk Jo A Smith read the legal notice which was in the Sun Community Paper. Public Hearing by the Town of Johnsburg Town Board For A Local Law of the Town of Johnsburg, Warren County, New York to Override the tax levy limit established in General Municipal Law 3-c: Notice is hereby given that the Town Board of the Town of Johnsburg, Warren County, New York, will meet and hold a public hearing thereon at 7:00 pm on Tuesday, October 17, 2017 at the Tannery Pond Center, 228 Main Street, NY for the purpose of considering a Proposed Local Law entitled " A Local Law to Override the tax levy limit established in General Municipal Law 3-c" at which time and place said Town Board will consider the proposed Local Law and hear all persons interested in the same. The purpose of this Proposed Local Law is to allow the Town Board of the Town of Johnsburg, Warren County, New York to override for Budget Year 2018, the tax levy limit established in General Municipal Law 3-c. BY ORDER OF THE TOWN BOARD OF THE TOWN OF JOHNSBURG, NEW YORK. Dated: September 19, 2017 Jo A Smith Town Clerk

Councilman Arsenault explained purpose of having the Public Hearing for the Board to hear comment and the possibility of overriding the Tax Cap each year faced with

Mrs. Peg McClean requested that Mr. Arsenault talk a little louder because she couldn't hear him.

Councilman Arsenault the purpose of our meeting today is to consider an override of the Tax Cap we are required by law to hold a public hearing and to hold a discussion and consideration of if we want to override the tax cap it should be clearly understood that by taking attraction here tonight that it doesn't mean we will override the tax cap it just gives us the option to be able to consider it and to approve if we want if we don't take this action we are not allowed to. The Budget is the 2018 Budget has been prepaid and available for the public, has been, the budget as prepared does meet the tax cap but he thought it proper to at least have this discussion weather we want to give ourselves the opportunity to have the advantage to consider it when going over the budget if we felt it was necessary that is why we are holding this public hearing. Welcome any comments that anyone has about it, from the board or the public.

Mrs. Kelly Nettle so the budget is at a point where we don't need to raise the tax cap simply holding the public hearing in case something comes up

Mr. Arsenault we are not going to talk through the budget tonight because of so much content on the agenda so coming to our next meeting which is November 9th we will do a walkthrough of the budget and talk about it and kind of discuss the changes to the budget and that but this is necessary because of a timely basis the tax cap is at 1.08% which means we are allowed to increase our budget by only 1.08% as compared to 2017 putting a cloud over what you are trying to do employee's raises, insurance expense going up and all of that very quickly gone and you are faced with and then the consideration you are faced with ok now how do we move forward and how do we fund some of the projects that we want and that is where we need to have this discussion as what we want to do because year on year we are faced with this tax cap and he understands well he partially understand why the tax cap is there in place to try to manage the taxation of the municipalities and schools but it does put a chilling effect on what you are trying to do and the challenges that you are faced with so it is a struggle

Mr. Bob Nettle did you say the new budget is not going above the tax cap

Mr. Arsenault as it is prepared it is not it is at the tax cap

Mr. Nettle at 1.08

Mr. Arsenault correct

Mr. Bob Nettle that's not even at the cost of living increase is it

Mr. Arsenault no and he doesn't feel it's fair the way the tax cap is set up

Mr. Nettle just feels that if we can't keep up with the cost of living that it's a direct indication right off the bat that some work in the Town is not going to be done and he is in the business to keeping buildings up and all that kind of stuff and there are all kinds of work that needs to be done.

Mr. Olesheski stated that we would be using from the fund balance and the reserve

Mr. Arsenault stated that over time we have acquired a very strong fund balance so what he did was he reached down into the fund balance and bring up money and kind of put a tag on it saying this is going to be dedicated towards this project

Mr. Arsenault what is our vision for our community in 20 years, what are our top three goals that we want to accomplish with in the upcoming years – then how to we fund it that is why he went into the fund balance and moved that up to keep at the 1.08%.

Ms. McClean asked if they fine us or do we lose out if we go over the cap

Mr. Arsenault stated no there is a small remittance from the state and we are finding many Towns are doing this because of the percentage of the cap, if you stay within the tax cap after 4 or 5 years you have depleted your fund balance so low you can't do it anymore

Ms. Deane Wood asked what the 1.08 = to in dollars

Mr. Arsenault stated he would have to look at the budget but it's probable under \$40 thousand

Mr. Arsenault stated the budget is available at the Town offices for anyone to pick up

Ms. McClean asked if we went along with the sewer system would we over the tax cap then.

Mr. Arsenault stated no because they would be their own district, so it doesn't play into that tax cap

Ms. Nightingale stated she loves being within the tax cap, but it scares her that if we don't pass this just in case if there were any oversights

Mr. Nettle asked Ms. Nightingale with the money being taking out of the fund balance in anyway is that going to affect the solar

Ms. Nightingale absolutely not

Ms. Nightingale stated that we are not going to buy a program

Mr. Olesheski doesn't see the need to bust the cap this year. He is pretty satisfied with the budget the Mr. Arsenault prepared.

Ms. Nightingale stated that she would like to see the percent to stay but once the public puts their feedback in if for some reason they have missed something she would like to see the ability to be able to raise it even a quarter of a percent if needed.

Mr. Arnold Stevens no input from the public yet on the Budget so if we limit ourselves at the 1.08% which Mr. Nettle stated it's not even equal to the cost of living.

Mr. Joel Beaudin this is just in case you need to go over the cap

Mr. Arsenault yes

Mrs. McClean doesn't want them to pass the law to override the tax cap.

On motion of Mr. Olesheski and seconded by Ms. Nightingale the public hearing was closed at 7:24 p.m.

Public Hearing on Sewer District

Town Clerk Jo A Smith read the legal notice which was in the Sun Community Paper. PUBLIC NOTICE is hereby given to all persons in the Town of Johnsbury and Hamlet of North Creek that a public hearing will be held on 17 October 2017, at 7 PM at Tannery Pond Community Center during the Town of Johnsbury Board meeting, to review a Map Plan and Report for the Town of Johnsbury for a proposed Sewer District in the hamlet of North Creek. The purpose of the meeting is to inform the community about the required steps necessary to create a sewer district in order to seek funding to construct it. All persons interested are invited to attend this hearing and be heard. Written comments may be submitted to: Town of Johnsbury, Town Board. BY ORDER OF THE TOWN BOARD OF THE TOWN OF JOHNSBURG, NEW YORK. Dated: September 19, 2017 Jo A Smith Town Clerk

Mark Parobeck read a 30-year-old story on his life and the Town of Johnsbury along with a statement pertaining to Beck's and the process to replacing Sewer, creating a Sewer District in the Hamlet of North Creek, new laws in 2014 for septic's

Mr. Parobeck went on to state that the Map, Plan, and Report are years away without a District formed.

Mr. Jack McArdle asked what the difference is between a waste water system and a sewer district.

Mr. Parobeck stated it was the same thing

Mr. McArdle do we still need our septic systems

Mr. Parobeck if you are in one of the districts where the Sewer District is established you will not need a septic system anymore.

Mr. Cork Nester In the areas where the district will those residence be required to hook in and is there a cost

Mr. Parobeck no hook up cost but there is cost to be part of the system

Mr. Nestor so the town will be providing the hook up for free

Mr. Parobeck yes, the town will be providing to hook into the system for free

Mrs. McClean so I have to pay for the piping going to my house

Mr. Parobeck no the piping would be provided by the grant money and the other funds that will be raise to for the Sewer District

Mr. Parobeck so no cost to a home owner but to new people that want to come into that district for example build a house they will have to pay a hook up charge, a current established home in the district we have a few maps with the district there is phase one which we would start with and would concentrate on the most urban core of North Creek from the Train Station up to the laundry, including the Front Street Area and the nursing home which are areas that simple need large waste water for processing capabilities and more modern ones

Ms. Nightingale stated definition of a hook up cost and operation cost and then let Mr. Parobeck go all the way through the presentation before we start asking questions

Mrs. McClean objects because if they have a question about something they need to ask then

Mr. Parobeck stated he can do it either way

Ms. Nightingale stated that hook up is where you are hooking up to the system that is going to be installed the first round will include that, that's the goal get the grant money, so you don't have a hook up cost you will have a yearly operational cost

Mrs. McClean asked what the cost is

Mr. Parobeck stated it was in the presentation the hole reason to establish the bare bones sewer district in North Creek is simple so they can raise money and can apply for grants in New York State from the federal government from the dairy department USD, almost every week in the News Paper there is an article because we live in New York State we have Governor Cuomo who has a clean water initiative going on he established a brand new one at the beginning of the year he had one going on before he is the candidate for the environment paper from last week 44 million dollars in grant 3 million going to

Saratoga County water authority that's awesome I believe we can have a shovel ready project in North Creek we have a need for a public sewer but right now we don't have the means to attempt to raise the money until we establish a Sewer District and that is what this presentation is about

Mr. Olesheski stated that he thought Mr. Nester and Ms. Arnheiter had asked this question at a previous meeting would you have the option to Not hook up to the system or must you if you live in the district where you have a brand-new system must you hook up

Mr. Parobeck stated he did not know and he didn't think the answer was in the site plan, but you would be crazy not to hook into a public sewer system because it would increase property values

Ms. Nightingale stated she was pretty sure the Towns attorney said that you must hook up once you have established the district

Mr. Parobeck so there is always going to be a downside to it

Mr. Parobeck creating a Sewer District in the Hamlet of North Creek, go to the second page which is an overview of the overall and will establish where we are in the process of the Sewer District, where the District Boundary is and is going to spend a lot of time why, the reasons forming the district, why we want a district in North Creek.

It's very simple the overall process page 3 a few years ago he thinks it started in 2013 there was the project conception of and grant money provided we wanted to investigate a report, Map, Plan for a sewer district in North Creek which was done in 2013 with a lot of fact finding that was done and this large report which some of you have read is the combination of the money spent, time spent, of energy spent and that leads us to the current step. The current step is we need a District formation, a district creation, we need that again so we can solicit funds from New York State, so we can get into, so instead of Frontier Town being open and awarded 10 million dollars, 18 million dollars to build a sewer district a bridge to now where a sewer district nowhere we could tell Governor Cuomo why don't you give money right here in North Creek we will put up brewery hear but we can't without a public sewer district we can solicit those funds and can ask for those great projects that exist, that might exist, or dream about and then the rest of the marathon forming a sewer district is such a tiny piece of the puzzle if we form that, that's when all the real work begins, the bonding, secure grants, doing proper building reports this is just a feasibility study, engineering that's the term, land agreement, bidding, agreement construction and operations of such system. There is a lot to do. Next Page.

What has been completed and next steps, the project history, Feasibility Study in 2013, Map, Plan and report by Cedarwood Engineering in 2016-2017, from that the sewer commission was re-established and now we are on to the next step and that why we are here tonight to inform you of what we have done and hopefully begin the process by premises referendum to form a sewer district, so we can apply for grants.

The Why – why we need a sewer district in the urban area of North Creek the first things are we want to take control of the process, rather than being mandated by the DEC. As more septic systems fail and pollution creeps into the Hudson, it becomes likely that the DEC and the State will ultimately force North Creek to build a public sewage system. This actually happened in Warrensburg before the town decided to put in a sewage system. So, what better than to do the sewer system.

Eliminate the costly repair of failed septic systems by homeowners and businesses that are now required by the NYS DEC 2014 design guidelines.

The life span of a leach field is about 25 years. Many of North Creek's septic fields are probably much older than that. Today's design guidelines require a serve field for use when the existing field is no longer usable. In the Urban core of North Creek, many businesses and residences do not have suitable room for septic system replacement as mandated by current codes or the setbacks by the DEC guidelines.

We want to keep commercial business in town and attract new businesses. Developers realize the cost of installing and maintaining private septic systems and will naturally seek towns like Queensbury and Warrensburg with public wastewater treatment facilities where such intensive investment in septic is not a requirement to building. It is extremely expensive to install septic systems now. It's not just digging in the ground and putting a few pipes in.

Increase tax revenue for the community and create jobs by beginning a revitalization and investment in town based around the creation of a public wastewater system.

Mr. Parobeck think establishing a public waste water system would get developers here. Even more than that it would keep our current business viable and here.

Mr. David Waite explained that he is the owner of Izzy's Deli & Market is currently struggling with the DOH for their septic system because it's old and it doesn't meet the current code and to just through hoops and ask the neighbors to build a sewer system on their property because there's isn't big enough and nobody is going to allow him to build his septic on their property this is 2017 we need a septic system in this town and it will

make the town move forward and not backwards we really need this for all of our business

Mrs. Peg McClean stated that there isn't a lot of land in Town to develop

Mr. Parobeck stated well maybe develop isn't the correct word maybe maintain in the town

Mr. Matt Thomas stated he sees the benefits for the business no doubt but none for the residential home - you say it increase the property value by what

Mr. Parobeck asked Mr. Thomas how old his septic system was

Mr. Thomas responded he wasn't sure but most people only pump there's every 5 years and have hear stories that it's only going to take the gray water and you still need a holding tank so still have to pump the tank on top of paying these fees

Mr. Parobeck stated that a private septic / leach field in the town

Mr. Thomas mainly where this is going to be is sand and doesn't see a problem with drainage

Mr. Nettle stated maybe that is part of the problem it's going to fast into the Hudson River

Mr. Thomas so are you going to do this even in 13th Lake for everyone that is never the River

Mr. Parobeck with difference is the urban density of the town 13th lake, Brant Lake, Lake George especially lots of news in the Sun Community News this summer about a home owner that need to receive a variance to rebuild their septic system. It took them 6 months to get variance.

The concentration is in the urban core which is this district and the urban core is – I don't have a study for that that it probable pollutes the Hudson River and that is where DEC might step in some day and mandate a system being built that is what they did to Warrensburg

Ms. Deana Wood stated she was living in Warrensburg then all of that was going on and it's nothing like what we have here

Mr. Parobeck stated he isn't comparing us to Warrensburg but DEC is much stricter than they used to be.

Mrs. McClean stated that they wouldn't let us drain into the Hudson and they had pictures of up here and down in New York and we were cleaning up the Hudson and they did, and you couldn't drain into the Hudson anymore. The Hudson has been cleaned up and if someone is polluting it then get rid of them. So, don't tell me it's draining into the Hudson.

Mr. Parobeck it's not draining directly into the Hudson but through the filtering process of the ground water

Mrs. McClean can understand that but not like it was

Mr. Parobeck certainly not like it was

Mr. Nessel you are talking about percolation but another very serious situation because of all of the sewers and septic tanks and leach fields in the Town of Johnsbury are leaching from their tanks in the same ground that the town is pumping out there drinking water, where are we getting our drinking water all of the wells are right around here and right around here are where the septic tanks are, so we are between a rock and a hard spot

Mrs. McClean asked where are the wells where

Mr. Arseneault stated most of the wells are at the Ski Bowl Park and behind Town Hall

Mrs. McClean oh so these are not draining into them and they are drilled wells

Mr. Jack McArdle so you are running one line from my house on Bridge Street right out to the main sewer line and the sewage coming out of the house is going to come into that line and there is nothing in between and the sewer line

Mr. Parobeck yes

Mr. McArdle and that is with every one of the units you are talking about

Mr. Parobeck yes

Mr. McArdle has another question which is if you are doing this with the 267 units phase 1 at 4 million dollars and phase 2 which you are not even talking about when that will

come into effect and that's going to be another 5 million for 667 more units why wouldn't you just do it right from the start and do the whole thing using the same plan as the water district that already exist you apply for the grant you replace the water line and replace the sewer lines

Mr. Parobeck thinks that is brilliant and he thinks we should do that but right now we are stuck between a rock and a hard place without the district being formed.

Mr. McArdle said if you formalize the sewer district why not do it right and do it all at one time what are you going to do phase one and tear up the streets and a couple of years later come back we already know that half of the pipes down in town every winter we watch the pipes being dug up because of the wisdom before they put the new main water line down the street and left the old pipe in the ground and went around it to the individual buildings and now those lines are failing why not just do it right the first time bit the bullet if you are going for a grant for all of it

Mr. Parobeck again he thinks he is right, but we can't shoot for the moon unless we have a Sewer District and that is why we are here

Mr. Parobeck we are not formally creating a District tonight it is simply a

Mr. Matt Thomas asked if you did formally form a district there still would be a vote on the set fees etc

Mr. Parobeck the reason we want to form a district is because we want to raise money to build that sewer district the money is available in New York State right now and so the time it right to – I can read through the grants that are in here but there is a lot of them and having a shovel ready project is how you get money from the Government as far as he knows –

Mr. Parobeck - The district Boundary going to skip for a moment and go to the point that was just made How Much is costs are goal is to make it affordable as possible and this a very basic chart of how much money needs to be raised to bring the cost down for the typical residential home owner in the district to an affordable rate of under five hundred dollars hopefully less than that but we wouldn't even begin seeking construction until we are certain that we can guarantee cost under that fee and will be supported by commercial businesses some commercial business like the Copperfield will pay much more than five hundred a year to get rid of their waste because they have more fluid discharge a residential doesn't have much discharge a five hundred dollar cost Mr. Thomas where would we make you happy five hundred a year or three hundred a year at what point that

cost taken into account that maybe in another 10 years you have to replace your leach field maybe Jim will have to bring his equipment out and dig something up and maybe you will have to pay Schrade two hundred to pump it

Mr. Matt Thomas was initially told it was anywhere from two hundred to a thousand

Mr. Parobeck state he thinks any more than five hundred dollars a year for a home owner is un acceptable

Mrs. Walters asked for how long because we only pay two hundred and fifty every five or so years to have it cleaned out

Mr. Parobeck stated well you are very lucky

Mrs. Walters stated for five hundred a year she could have them come pump it every six months

Mr. McArdle stated it was a 30 year pay back so they would pay it for thirty years

Ms. Nightingale stated you would pay it for as long as the house is in existence

Mr. McArdle stated no it states a 30 year pay back

Ms. Nightingale asked if the price would go down

Mr. Parobeck stated he thinks so but he can't speak for what that states

Mr. Tom Suozzo at Cedarwood Engineering so the chart is based on grant funding and there is also loans so when the debt has been paid off hypothetically the fees would drop but there is also the operations and maintance costs, electricity for the pump stations, general cleaning of the lines, an operator cost so it could drop some degree but sometimes what happens because he doesn't want to miss lead anybody is as time goes on and we are – we talked early about inflation costs and living costs sometimes after 30 years out well gee we finally paid off our debt service put the other costs to operate maybe above or below there is a 30 year payback period on loans it could hypothetically drop from the \$497 but it is hard to say

Mr. McArdle so basically in a 30-year period if I put five hundred a year in the bank and I have a failure on my septic system then I have fifteen thousand dollars to replace it so right now I'm better off having my septic pumped every seven eight years for the cost of

\$250 bucks why would I want to spend five hundred a month for the next 30 years so why would I want to spend that kind of money when I can do it for \$250.00 dollars so if you ask Matt Thomas how much is he will to spend \$250 dollars every five years

Mr. Suozzo that argument is always made and is a valid but septic's and leach field do fail over time items do plug them up and then you have to rebuild them and what was said early about business they are going to be stifled - they can't - DOH won't let them expand or add seats - nobody knows what kind of system they have and they are very admit about no expansion until you take care of that problem so yes I think the way I look at it and I don't want to get philosophical here but the businesses here are a part of everything here so yes as a home owner you can take care of your system but down town North Creek business need to prosper – fortunately there isn't an option for the residence and one for business the way it is set up in New York State is everyone has to come together

Ms. Nessel asked what do you mean by seats do you mean toilets

Mr. Suozzo no seat at a table

Mr. Joel Beaudin part of the committee just wants to clarify that our whole goal here is the community and business down town if you don't want to see North Creek grow, if you don't want to see business grow then you don't need a sewer district at all so that is what its part of and unfortunately the residence here is part of it and they have to be part of it by law so the residence, the nursing home, the housing development, the meal site, the manor, all of those will be included in this project so do the voters of the district want to see business grow to you want to see North Creek grow or not you if you don't then vote against it it's as simple as that

Ms. McClean who can vote on it

Ms. Nightingale stated she could answer that questions because she has had several conversations with the Town's Attorney on this and 95 % correct if you start out small like zones 1 and 4 and that is the first round

Mr. Suozzo 1, 2 and 4

Ms. Nightingale ok zones 1, 2 and 4 the first round if it goes to permissive referendum which it probably will is that every person who owns a lot in those three zones, and is a registered voter in the Town of Johnsburg will get a vote

Mr. McArdle asked what about people that have second homes

Ms. Nightingale main address and you must be a registered voter in the Town of Johnsbury – this is exactly the same thing as we did with the EMS District got voted in you have to be a registered vote in the Town of Johnsbury

Mr. McArdle so this is affecting a much smaller group and those people are paying money in and eventually he is sure this is going to end up as a line item in the Town Budget somewhere down the road the same way as the districts for the fire the district for the EMS if he is not mistaken so it appears to him that everyone in the Town should have a vote on this

Ms. Nightingale no just in the district

Ms. Nightingale once this becomes a Sewer District the only people paying for it are the people in that District the Town will no longer spend a dime on it

Mr. McArdle so it's the Town residence so no Town Board members because none of you are in the district

Ms. Nightingale asked Mr. McArdle if you wanted to run for Town Board

Mr. McArdle no but you guys can't dictate what's going on if you are not in that same district right

Ms. Nightingale but that is when you have the permissive referendum, so you can vote it's not us choosing who can vote it New York State Law she is pretty sure

Mr. Suozzo stated just taking a small step back there's three ways just the primary way the districts are being considered is one sometimes things are so back that the people request the town do something, the other is a town takes the initiative to form the district that is this situation and my understand is that we have what we are doing tonight and if they decide to go forward with it they pass a resolution now that doesn't mean it's done this is where it gets interesting if the people in that district either 5% of the property owners or 100 people and in this case would be 5% because it is so small get a petition for a permissive referendum they have ten days to publish that they passed the resolution and the people have 30 days to submit a petition saying that they want to go to a referendum that they want a vote just the property owners and that is how it goes

Mr. McArdle the property owners or the registered voters in the area

Mr. Suozzo said he has documents that states property owners

Ms. Nightingale stated that would be great because they have been giving different advice

Mr. Suozzo stated property owners stated you can level the web link with Ms. Nightingale it's with Lamont Engineers conjunction with DEC and stuff and it lays out the whole process what you can do and can't do and what recourse for the people and stuff like that

Ms. Nightingale and as a Board we can make that happen without the petition which is probably what we would do because we don't want to force it without them getting to vote on it

Mr. McArdle the questions is why did they leave out the recommendation that we are disusing now in the subsection three which is the Town Hall and the School and the properties going up main street when it's a gravity system why would you included the area for the flats and would all flow in the gravity system he's not against having a sewer system he just thinks we should do it right the first time – take the time and think it out and include as much as we possibly can and go for the grant the right way because if you don't do it and the price is what it is right now and you only do recant groups it always comes back to bit you in the but if you don't do it right the first time then it will cost you more in the long run when you try to do it over or add on if you have a price now and know what it is to do phase 1 and phase 2 complete why not do it that way take the initiative and do it that way and do it right it will take care of down town and everything else and then you have more people in it

Mr. Wayne LaMothe because a lot of the grants have a cap on how much you can apply for because they don't want all the money to go to one community if they got sixty million in the pool this year they are going to put a ten-million-dollar cap that is why you do it incrementally

Mrs. McClean then you apply for the grant again when you do another section

Mr. LaMothe if you perform correctly on the first one yes

Mr. McArdle but if your two phases right now are at 5 million then you are under the ten

Mr. Parobeck ten is a hypothetical number

Mr. Olesheski so permissive referendum to create a district as proposed and not needing a second referendum to add another piece

Ms. Nightingale it could end up that way when you start adding on it repeats – you do another public hearing like this

Mr. Olesheski so there is a possibility that if we went ahead and the first district was established that we may never actually to be able to build it out to its full capacity because of the people in the second section don't like the way it played out in the first piece

Ms. Nightingale that is correct

Mr. Matt Thomas and some of the people in the second sections is going to be more Town of Johnsburg voters like Circle Ave has three or four permanent residence

Ms. Nightingale is hoping Mr. Suozzo is correct

Mr. Matt Thomas then you go to Holcomb Street or the Flats and they are almost all are
Everyone was talking at once

Mr. Matt Thomas stated that some homes don't have a number, and some are historical at least that is how it looks on the paper and wondering why some are included and some are excluded

Ms. Nettle questions goes to the actual district when she looks at the map and maybe she can't see the tinny print she doesn't see it going to out the northern most point of town beyond the train station beyond the used to be the old ice cream place out past Joe Connally up to Route 28 there and you have that triangular portion of land that is probable the only place that could be expansion in town other than down River Road why isn't that included – maybe it is and she just can't see it

Mr. Parobeck guest the way he is going to answer this is a report was prepared and they were was thousands of dollars spent on it and we can debate the details of it for ever – the details however for it is built well that is really where all those details will be sorted out my the commissioners by the construction documents there is no way he can personal answer right now he wasn't privy to – he had just bought the Valhous in 2013 and started on his little project when Mr. Tom Suozzo was back at Cedarwood Engineering

with his partners and associates making the plan – The plan is to start somewhere and that is all he can speak to the – let's look at the When in the best case scenario assuming there is a sewer district formed and assuming the commissioners and town and county officials and state senator who actual – he has a letter from the State Senator who said as far as the implantation and this is Betty Little letter from 2015 as far as the implantations of a waste water system the plan and desire to implant that would have to be achieved locally and that is what we are doing tonight once the agreement has been reached on implantation the Town could apply for with her support competitive grants to offset the cost so the best case senior 2021 when construction would begin so there is a district formed and remains theoretical if ever

Ms. Nettle her question is if you are going to form a sewer district does that mean that the formation of the sewer district is tied to this design or can this design change once the district is formed

Mr. Parobeck the design can change to the best available option at the time there is nothing set in stone yet because there needs to be flexibility because simply fi the process is set into motion there will be bids for lands that will need to be purchased and if those lands can't be purchased then the design has to be changed

Mr. Olesheski stated that the district boundary isn't going to change

Ms. Nettle well looking at future development yes, it is a problem for her and where is Gore Mountain on this

Mr. McArdle if you are forming a sewer district way wouldn't you include everything phase 1, Phase 2 and then if you turn around and say ok let apply the grant for just the area of phase 2 but you already have a sewer district that already acumpus everything and then later on you come in and add phase 2 or you have phase 1a, phase 1b then phase 2 why wouldn't you have the sewer district for everybody from the beginning otherwise you will be doing this later on

Mr. Joel Beaudin asked Mr. Parobeck to give them a little history of the sewer commission and the work that has gone into this because they have considered may aspects of this

Mr. Parobeck thinks the answer to the questions is if they put everyone in the district then does it become – how do you exclude people from paying the fee

Ms. Nightingale once you establish a sewer district then everyone in the district is paying

So, she doesn't know how you could

Mr. Parobeck he thinks they just wanted to simplify as much as possible just to see if they could start a process

Mr. McArdle does this mean possible later having two, three, four, five sewer districts

Mr. Parobeck no they would be joined to the initial sewer district and that is something New York State and DEC is very firm about they will not allow you to have in one area – it has to – once you start the process whatever come on line then has to be joined to the established district

Ms. Nightingale if you took it a different way and said that North Creek is doing a sewer district and Wevertown is going to do a sewer district then because they are much farther apart but in the Township, would be separate

Mr. Parobeck there is a page that states waste water treatment plants and it does talk about Gore Mountain and there has been a lot of talk about it and they haven't arbitrarily Cedarwood hasn't arbitrarily presented this report and it's not going to address everything we can constant pick at it we can constantly say there is items lacking to it but for us it's a place to start and they have looked at Gore Mountain can process 60,000 gallons per day of fluent and they don't use nearly that maybe they use that on February 12th – Bone is shaking his head no – Bone stated at their biggest compacity it is only 50 % - Mr. Parobeck stated that they would like to get waste water there if it possible and it's in the Map, Plan & Report – if possible they don't know if that is the best route yet but it is under consideration

Mr. Walter asked if you own a residence in town and the system has failed and no one is living in the house do you have an option of tearing that down and not hooking up to the septic system or the sewer system

Mr. Parobeck stated that in Saratoga Springs what they do is – knows there is a property there with no water and no sewer there but it has the right to have both of those thinks sometime in the future there is a fee but it is very minimal like 50 dollars a year 25 dollar a year it's like buy a car there has to be a contractual agreement between the property owner and the sewer district but it's not going to be five hundred a year because you aren't putting fluent into the system

Mr. Walter this particular case why it's not being used is because of surface water being drained onto the property which he has no control over and it's not practical to restore it or to have the house fixed at this point

Mr. Parobeck ok so

Mr. Walter doesn't want to get into this but it's the Towns responsibility why it's not being used why would he have to pay a sewage district fee

Mr. Parobeck stated you are right and maybe we will have to work that out maybe we will have scenario like that maybe then can go to a type of arbitration within the commission but yes

Ms. Nightingale stated that it seems to be coming hard and fast, but they still have more to do before they can even pass the resolution for the sewer district there are more steps involved there will be a whole other meeting or two this is really the beginning

Mr. Parobeck and even if the district is formed doesn't mean we are going to build a sewer as a matter of fact it is still a little shot in the dark it means the work can begin it means the conversations can be had it means our senators are politicians the people that have the pockets out there can be approved with the project that they can support they can't support a theoretical project they can say oh that really sounds great do your homework and come back to me this is in part doing the homework so we can take our homework to them and say you know teacher hear is what we have done what is our grade now is it a millions dollars is it two millions or are you going to pay for the whole thing

Mrs. Walters from a resident point of view I don't have my residence there making money to what to pay five hundred dollars a year for something that I haven't had to pay anything for because she doesn't have money coming in unless his business has five hundred to give her

Mr. Parobeck and the way we have address that is I think we are going to have a system to help with that perhaps for certain individuals

Mr. Parobeck this is where the debate is philosophical we are residence of Johnsbury he loves going to Izzy's and to Café Sarah loves supporting the business there but he knows the struggle will only become harder for them in the future and we will risk losing them and also he believes there is some – he doesn't think residential septic systems are going to last forever and he think ultimately there will be a time when they fail and it used to be

a few years ago you just had them dug up and now he knows he thinks the zoning enforcement officer has to be part of that process and he remembers a circumstance 6 or 8 months ago where there was a sewer well a septic system residential that failed and was tied into their neighbors and it wasn't as simple as just getting Mr. Jones out there and digging things up and starting again it became a process in 2017 and it's only going to get more complicated where it's residence or commercial

Mrs. McClean agrees a sewer system for down town would be great but doesn't know how they can develop because there is no property, but we do understand there is a need there, but we can't understand why it should cost us five hundred dollars because most of that down there is business

Mr. Arsenault thinking back think about what the west side of main street was back in the 50's and 60's think of every building that was there and what is there today

The list: Fire House, Baroudi Block, Red Dinner, Theater, Lomax Clothing
Everything has changed now they are gone and something different has come in it's hard to separate from the personal responsibility and cost of this to step back and look at it as the community and that is what we are trying to create is history dialog for it or against it we talked on the budget side about vision and this is where we as the community have a vision of what we want – but think about it you may say no that isn't what I want because it's more of a cost to me but if you think about that vision and – the way you look at this is this is one of the keystones in that vision and think of the time when the water district was created – he is sure the same kind of conversations where had about the fairness, the equity, how it's being done, how much it costs and today it's something we just take for granted and it moves on – this project is extremely expensive and we have never encounter anything like this and all we can do is ask questions like we have and try to get the best estimate that we can even at the end of the day we don't know the estimates are hard just like operations and maintance it could change

Mrs. McClean would this provide jobs and a fair amount of jobs

Mr. Arsenault sort of and if we support the businesses in the community and able to support that phase and attract new business in it's going to help all of us, it will help us with our property values, attract new business, bring jobs to us, create a broader and stronger tax base so at the end of the day it helps us all, helps us in our home values, and he can't say to you - you should vote for this but you need to step back and look at it and the community and this is a good healthy dialog and important and it's not going to be the only dialog

Mrs. McClean does it go along with our vision for the Town or we have a vision

Mr. Arsenault that is a work in progress as we talk about ok as we build the vision for the budget

Mrs. McClean do we have a plan for the town

Mr. Arsenault how do we want our resources spent and how do we want our community to be

Mrs. McClean to is for granted that you had a vision

Mr. Arsenault, it really matters is what do the people want the town to be in 10 years, 20 years, 30 years, what do we want it to look like

Ms. Nightingale we do have a vision and it was in 1992 was the original vision and got rewritten and just finalized less than a year ago

Ms. Baker-Wood asked if that plan was some where

Ms. Nightingale said yes

Mr. Arsenault stated that we had to put town resource towards it and it was fairly expensive that document which cost us 15 to 18 thousand dollars probable generated millions of dollars in grants from that because we had created the vision and every time that we were working with Wayne LaMothe and we needed to go out for a grant all he needed to do was lay the vision down

Mr. Parobeck that is the same things trying to establish a sewer district it provided the vision, so they can go out and have the county representative and state representatives try to solicit funding so that we can make this an affordable project and bring the costs down well below five hundred dollars

Mrs. Walter inquired about developing land along Route 28

Mr. Arsenault it's limited access

Mr. Parobeck if he said the word development he shouldn't have let that word come out of his mouth there are vacancies on main street and if they were able to tap into a sewer

line and not have to consider building or where they could protentional but a waste water system or a septic field might become a commercial business

Mrs. Walter stated she guess she would see it differently if she was putting a business downtown because I would be generating money to help pay for it but as a resident

Mr. Arsenault yes but when you step back and look at it we are a community and what do we need to do to support this community and so many times there are opportunities for businesses to come in and they say do you have a municipal septic system and the answer is no that is the end of the conversation if you are looking for hotels and growth of business

Mr. Parobeck and as residence do you like to walk down town and visit the businesses

Mr. Olesheski we all share the same vision for North Creek wanting the see the businesses we see the benefits to the community as a whole however only the residence living there are shouldering the cost it's really easy to say come on guys you pay the five hundred a year and it's going to help us all and again wants to make it very clear he is not opposed to the creation of a sewer district he can see the benefits for the business community he can see the benefits for the future expansion of North Creek he can also see the concerns that everyone has expressed this is a very uncomfortable situation for someone that lives in the hamlet of Johnsburg he doesn't want to stand in the way of something but he also doesn't want to doesn't want residence to feel like he is pushing it on them to be honest when they talk about the different ways the district could be created he would almost rather see it come to the Board as a petition because then they would really know how the people that live in that proposed district feel about the project his concern is that creating the initial district the way it's been proposed what it does is it limits the number of residential voters and it give the upper hand to the business owners and so maybe if they own a business and live in the town

Mr. Matt Thomas that is what scares him is down the road and the expansion and prices possible voting it down and the other district is no businesses and they vote it down then we are stuck with the burden of it all

Mr. Olesheski stated that is why he asked if there had to be second referendum because again this is just an observation the way it seems to him the way the two pieces where opposed was if we can limit residential voting the first time around and get an initial district established then we can just add on later

Mr. Parobeck doesn't think that is why it came out with the map, plan, report for the area that has the highest concentration

Mr. Olesheski since we are on concentration talking about business verses residential properties, so this chart is great but when your brother came and gave us a presentation everything is not equivalent a single-family home versus an apartment building versus a business like the Copperfield so it's going to be based on his understanding was water usage

Mr. Parobeck water usage yes which equates to discharge

Mr. Olesheski another problem that we have we do not have meter water usage so right now you take a house like Mr. Matt Thomas for example these houses that they are living in where built and for a long time housed a family with 4, 5, 6 people living in them so there going to pay the same now that there is one person living there as someone right next door who has

Ms. Nightingale yes because that building has the capability of because it has that many bedrooms so yes, we can't, what are you going to do when the house sells and now it's a 6-person family in there charge them more – if we metered water

Mrs. Walter stated that they have a swimming pool, so they are charged double their water bill

Mr. Olesheski is that a consideration in this as Mr. McArdle already pointed out we already need improvements in the water system why are we not looking to couple all of this together to as opposed to piecemealing things together and again he's not opposed to having a sewer district in North Creek but there are lots and lots of questions and in your WHEN page to even think we would be at a point where we could put something on the 2017 ballot as a referendum

Ms. Nightingale that was a mistake

Mr. Matt Thomas stated because of that it makes people really nerves but to hear that there is going to be other meetings is good

Ms. Nightingale that is why coming to meetings is important to get the information out

Mr. Matt Thomas stated the Mr. McArdle went back down to the city to find in his mail about this and lucky he is retired but he came back up just for this and a lot of people can't do that

Ms. Nightingale so there will be more meets and to be honest with you the best way to vote on something like this is not in a regular election you do it separately

Mr. Olesheski stated that if it's option B would be every property owner whether a register voter in Johnsborg or not if that is the case you couldn't do that – the last point he makes is if he knew that every single property owner within the proposed district was not going to have a vote then he would find it very hard to support sending it to permissive referendum – it maybe state law but he doesn't see the fairness in it excluded people who are property owners and not

Ms. Nightingale they were excluded from the EMS district vote

Mr. Olesheski well that is different because that was town wide the was the Town of Johnsborg and the margin of people that were excluded

Ms. Nightingale a lot of second owners that don't vote here

Ms. Arnheiter it seems obvious to her that if you start at the bank or Mongeons and go down main street you excluded most of the business most business owners don't live in the Town of Johnsborg all those people can't vote unless like Mr. Olesheski stated everyone gets a vote based on the if you don't live here you don't get to vote most of your businesses don't live here so if everyone gets to vote then it is fair

Mr. Suozzo believes it states every property owner gets to vote

Mr. Parobeck stated they are working with the law and here tonight they have a secondary opinion on the law

Mrs. Nessel would like to suggest anyone leaving here with questions that they write the questions down and turn them into the Town Board, so they can get them to the committee

Mr. Suozzo stated fairness water meters DEC and DOH push water Meters and sometimes like North Creek the lines freeze up so people run their water all winter that gets very expensive so he is not saying that is the only reason but for some reasons why there are a disincentive to do that he is working with Willsborough now and they have an

overlap and right now they are moving to put everyone on meters because everyone is complaining so it is a questions of fairness and the right way to do it

Mr. LaMothe one point to add we started this project in 2013 money was applied for in 2012 and then the feasibility study came out which was all of an updated on the action plan of the First Wilderness Corridor once the feasibility report was done it was recommended to submit map and report plan but this is 2017 so it has been a four year process and you still have a long way to go part of which was doing all of this and he thinks Izzy's is a prime example if you go in know and get a business permit you have to show that your septic system is in conformance around Lake George DEC is starting to mandate inspection and compliance with the code if they do that in North Creek you could have an empty Main Street because there is not enough land to have a conforming septic system as an this is just an example but he is sure nobody wants to see this for Main Street and nobody is going to try to get a building permit because the county is going to come and look at it and they are going to say what is in the ground prove what is there and it has to be incompliance before we will give you a building permit so the focus on the business community is what really drove this process to begin with and then the additional areas where added on

Mr. Crikelair would make a case to the residential home owners because not everyone maintains there septic systems the same way some folks pump it out every couple of years and some folks don't pump it out at all to sell your house without a validation to have a working compliant septic system and as the regulations have been tightened and stiffened that becomes an increase test a lot of the properties on Main Street have no market value because they can't comply with that so a home owner for an amount for a cost can replace the tank and leach field the cost would be more than five hundred a year if selling a house the buyer will want a building inspection and you will have to have the proof that they system is effective and not you will have to put money up then to get if fixed to sell it so it is not home owner viruses business

Mr. Parobeck so it follows up what Mr. LaMothe stated in 2014 the regulations became tougher and now in 2017 the building inspectors and finally checking up and these are the new test that we must do so it will not affect just main street but residents as well

Mr. Arsenault good decision and thanked Mr. Parobeck for his presentation and for the community for their good input

On motion of Ms. Nightingale and seconded by Mr. Olesheski the public hearing was closed at 8:49 p.m.

Regular Meeting

Councilman Arsenault called the meeting to order at 8:50 p.m. and the pledge to the flag was led by Councilman Arsenault.

PRESENT:

Eugene Arsenault -- Councilman
Arnold Stevens -- Councilman
Councilman - Peter Olesheski, Jr
Katharine Nightingale -- Councilwoman
Jo A Smith -- Town Clerk

Absent: Supervisor - Ronald Vanselow

APPROVAL OF MINUTES FOR REGULAR MEETING October 3, 2017

RESOLUTION #159-17

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to accept and approve the minutes of the October 3, 2017 Regular Town Board Meeting.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale)

CORRESPONDENCE:

William Thomas re: Public Hearing of on Sewer District

I am unable to attend tonight's meeting, but have the following comments / questions.

1. Will there be a referendum on the district formation, if so, when will it be held, if not, how do residents have a voice in the formation?
2. Who would be eligible to vote in a referendum? Register voters only, or all homeowners in the district.
3. Will there be a "not to exceed number" for yearly assessment in the referendum?

4. Will I still need a septic system on my property?
5. Who pays for hookup to my residence?
6. Is my vote equal in value to a business persons vote?
7. How many eligible voters are there in the phase 1 project?

These questions mainly relate to the vote on establishment of the district. If there is no vote, how else can the district be formed? The document is 87 pages, I had to have one made for me on the 6th of October. The document should be made available to all residents of the district before the public hearing for review.

COMMITTEE REPORTS:

Occupancy Tax Application

Mr. Olesheski stated that the Committee had received an Occupancy Tax Application from Julie Wolf for Nightmare on Main Street with a request of \$2,500. The Committee is recommending that the award be \$1,500.00.

RESOLUTION #160-17

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Stevens to approve and accept the Occupancy Tax Application from Julie Wolf in the amount of \$1,500.00 for Nightmare on Main Street.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays - 0

Occupancy Tax Changes

Mr. Olesheski presented the following changes for the Occupancy Tax Procedure

1. The Committee would like the Town Board to commit \$10,000 in Occupancy Tax Funding to put toward a direct PR campaign, which would be contingent on Wayne LaMothe from Warren County finding money to match it (either as part of their current set-aside money or in addition to) Wayne has indicated to the Business Alliance that he is fairly certain that he can find money to match...
2. Using the remaining funds, the Committee would like to have a fall application deadline (November 17) and a spring application deadline (April 15) - not all available money will necessarily get awarded, but may be held over to the next application period

*We ask that the Town Board not make awards of Occupancy Tax funding outside of the two application periods

3. The Committee would like to roll out a new and improved application and instructions for this fall (Emily is drafting). There would also be a form that groups could use to notify the Committee if they are awarded money, but the scope of their project changes during the year

4. Prior to the application deadline in fall/spring, the Occupancy Tax Committee would like to hold a public workshop or two, which would provide information and feedback to those organizations working on or planning to file an application for funding

5. During the deliberation process to make Occupancy Tax Awards, the Committee would like to invite all applying organizations to come and give a brief presentation/answer questions for us (not mandatory)

6. The Committee would like to clarify/simplify the requirements for filing for reimbursement from the Town (Mr. Olesheski plans to discuss this with Sherry Williams, the Towns Bookkeeper)

7. The Committee would like organizations that receive funding awards to be required to file a follow-up report/evaluation, whether they actually used the funding for what they applied for in fulfillment of the purpose that they stated or not

Mr. Olesheski also presented this Draft Copy of the Occupancy Tax Application which is a fillable form.

Application for Grant

from the Warren County Occupancy Tax Local Distribution

Contact Information

Organization

Organization's Web Address:

Contact Name:

Address

Phone Number:

E-mail:

Project Name

Project Classification (select the ONE classification that best fits your objective)

- o Advertising or Marketing Campaign
- o New or Improved Visitor Service or Facilities
- o Startup of New Event
- o New Feature for Existing Event
- o Tourism Research or Study
- oOther.]

What is the total cost of this project?

Please attach budgets, vendor quotes, ad expenses, etc.

How much money are you requesting from occupancy tax?

DO NOT OVERESTIMATE. THE ACCOMMODATIONS OF OUR AREA WORK HARD TO BUILD AND ADMINISTER THIS FUNDING SOURCE. APPLICATIONS WITH UNREASONABLE DOLLAR REQUESTS BEYOND WHAT THE PROJECT REQUIRES WILL NOT BE CONSIDERED.

Has the above project received occupancy tax money before?

Explain this project. (What is it? Why should it take place? How long will it last and how many people will benefit?)

Explain why your project will attract more people to the Town of Johnsburg, and the possible economic benefits that could be realized from this project's completion.

Please state how strongly you agree or disagree with the following statements. Please score as fairly as you can. The scores will not determine funding levels but rather provide a more thorough understanding of your goals:

(The following questions have been condensed for the minutes this is a fillable form – with 1 through 10 – 1 being strongly disagree; 5 agree; 10 strongly agree)

1. This project will attract people to the Town of Johnsburg who live farther than 30 minutes away.
- 2) This project will help inform guests about tourist assets within the Town of Johnsburg.
- 3) This project will have lasting positive effects on the community after the project is complete.
- 4) This project gives visitors from outside the area reason to stay overnight.
- 5) This project is newsworthy and deserving of media attention beyond the local newspaper.
- 6) This organization has the staff, time, and resources necessary to complete this project within the next 12 months.

Provide a brief history of your organization below. Please attach your year-end budget from the last fiscal year to your submission.

Please provide any further comment helpful to those considering your application.

Mr. Olesheski would like the Board to approve the suggested 7 items along with the application.

Occupancy Tax

RESOLUTION #161-17

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Stevens to approve and accept the 2017 suggested changes for the Town of Johnsbury Occupancy Tax Procedure: Town Board to commit \$10,000 in Occupancy Tax Funding to put toward a direct PR campaign, which would be contingent on Wayne LaMothe from Warren County finding money to match it; Using the remaining funds, the Committee would like to have a fall application deadline (November 17) and a spring application deadline (April 15); *We ask that the Town Board not make awards of Occupancy Tax funding outside of the two application periods; new and improved application and instructions. There would also be a form that groups could use to notify the Committee if they are awarded money, but the scope of their project changes during the year; Prior to the application deadline in fall/spring, the Occupancy Tax Committee would like to hold a public workshop or two, which would provide information and feedback to those organizations working on or planning to file an application for funding; During the deliberation process to make Occupancy Tax Awards, the Committee would like to invite all applying organizations to come and give a brief presentation/answer questions for us (not mandatory); The Committee would like to clarify/simplify the requirements for filing for reimbursement from the Town; The Committee would like organizations that receive funding awards to be required to file a follow-up report/evaluation, whether they actually used the funding for what they applied for in fulfillment of the purpose that they stated or not

along with the following condensed fillable

Application for Grant

from the Warren County Occupancy Tax Local Distribution

Contact Information

Organization

Organization's Web Address:

Contact Name:

Address

Phone Number:

E-mail:

Project Name

Project Classification (select the ONE classification that best fits your objective)

- o Advertising or Marketing Campaign
- o New or Improved Visitor Service or Facilities
- o Startup of New Event
- o New Feature for Existing Event
- o Tourism Research or Study
- oOther

What is the total cost of this project

Please attach budgets, vendor quotes, ad expenses, etc.

How much money are you requesting from occupancy tax?

DO NOT OVERESTIMATE. THE ACCOMMODATIONS OF OUR AREA WORK HARD TO BUILD AND ADMINISTER THIS FUNDING SOURCE. APPLICATIONS WITH UNREASONABLE DOLLAR REQUESTS BEYOND WHAT THE PROJECT REQUIRES WILL NOT BE CONSIDERED.

Has the above project received occupancy tax money before? Yes No

Explain this project. (What is it? Why should it take place? How long will it last and how many people will benefit?)

Explain why your project will attract more people to the Town of Johnsburg, and the possible economic benefits that could be realized from this project's completion.

Please state how strongly you agree or disagree with the following statements. Please score as fairly as you can. The scores will not determine funding levels but rather provide a more thorough understanding of your goals:

(The following questions have been condensed for the minutes this is a fillable form – with 1 through 10 – 1 being strongly disagree; 5 agree; 10 strongly agree)

1. 1. This project will attract people to the Town of Johnsburg who live farther than 30 minutes away.
- 2) This project will help inform guests about tourist assets within the Town of Johnsburg.
- 3) This project will have lasting positive effects on the community after the project is complete
- 4) This project gives visitors from outside the area reason to stay overnight.
5. This project is newsworthy and deserving of media attention beyond the local newspaper.
6. This organization has the staff, time, and resources necessary to complete this project within the next 12 months.

Provide a brief history of your organization below. Please attach your year-end budget from the last fiscal year to your submission.

Please provide any further comment helpful to those considering your application.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays - 0

Phone System upgrade for the remained of the Town Buildings

Mr. Olesheski stated that it would be \$316.00 a month for all the Town Buildings to be all on the phone system which is installed at the Town Hall.

RESOLUTION #162-17

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Stevens to approve and accept the remainder of the Town Buildings to be added to the phone system at the Town Hall which will total \$316.00 a month.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays - 0

Cycle Adirondacks

Mr. Olesheski stated that he, Joann Morehouse and Lisa Salomon met with Cycle Adirondacks who would like to use the Ski Bowl Wednesday August 22, 2018 to Friday August 24, 2018 as part of their weeklong tour, with North Creek being their final overnight community. Mr. Olesheski requested that the Board give permission and to accept and sign their 2018 Community Memorandum of Understanding.

RESOLUTION #163-17

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to approve and accept Lisa Salomon as liaison and signing of the

2018 Community Memorandum of Understanding

Introduction: Cycle Adirondacks would like to partner with the Hamlet of North Creek, Town of Johnsbury and Warren County to host the 2018 weeklong event. This Memorandum of Understanding (MOU) is an agreement that you will welcome us, allow us to publicize North Creek and the surrounding region, and work with us on event logistics.

Details: The 2018 tour is scheduled for August 18-24. We would like to partner with North Creek as the final overnight community on the 2018 weeklong tour. Specific dates are:

Wednesday, Aug. 22: Event Arrival

Thursday Aug. 23: Out-and-back rides (two distances, off bike activities)

Friday, Aug. 24: All Ride to Finish Community

What We Provide: At its heart, Cycle Adirondacks is about communities, people and landscape. We pride ourselves in telling the stories of this special place through community engagement and the power of providing our guests with an instant and lasting sense of place. The result is an event that celebrates Adirondack communities and culture at every opportunity. To do so, we provide the following elements:

- An influx of 200 cyclists and another 50 volunteers and vendors
- Leadership from Cycle Adirondacks Co-Directors

- Seed money for a community generated grant project
- Volunteer Event Teams to work with community volunteers
- Showers and sanitation equipment for all event participants
- Emergency medical crews on duty, plus road-safety teams on the route
- Coordination with local emergency services
- Catered food and beverage service for main cyclist meals
- A beer and wine garden at a designated community entertainment space
- A recycling and composting program to eliminate up to 80 percent of landfill waste

What We Ask You to Provide: We work to be as self-contained as possible so as not to over-burden host communities, but we do ask for help in a few ways. The principal need is for space - we ask you to help us find open space of up to 5 acres, ideally with large grassy areas for tent camping, plus access and parking areas for a small fleet of large trucks and other vehicles. We can be flexible in using whatever space(s) you have in or near your town. Among the other components we ask your help with:

- A Volunteer Coordinator to secure local volunteers and serve as the main event contact
- Teams of local volunteers to commit to short 2-3 hour shifts
- A community entertainment space where beer and wine can be served
- An entertainment act for at least one evening designed to bring community members out to the event
- Any required local permitting and licenses
- Access to water and power
- Access to sanitary sewer at overnight location to drain shower water (grey water)

In Addition: We encourage our host towns to roll out the red carpet for our riders - they're vacationers who will be truly interested in your town, and they have money to spend. You can stage an activity that reflects local culture, offer tours or guided trips, or assemble a fair where vendors may sell art, crafts, foods, clothing, etc. The possibilities are as wide as your imagination. We want our riders to remember your town as a highlight of their trip - and come back to visit again.

Your Community's Pledge: As appropriate representatives of the Hamlet of North Creek, Town of Johnsburg and Warren County we agree to welcome Cycle Adirondacks to our town and partner with the event to make it a success for everyone involved. Cycle Adirondacks has our permission to use our community's name, information and images to promote the event.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays - 0

OLD BUSINESS:

NEW BUSINESS:

MOVE BUDGET FROM TENTATIVE TO PRELIMINARY

RESOLUTION #164-17

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to move the Town of Johnsbury's Budget for 2018 from Tentative to Preliminary.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays - 0

Resolution to Advertise for a Public Hearing on the 2018 Budget and the Johnsbury Fire Protection District for November 9, 2017 at the Wevertown Community Center.

RESOLUTION #165-17

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to approve and accept a legal ad for a Public Hearing on the 2018 Town of Johnsbury Budget and for the Fire Protection District for considering proposed funding for 2018.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays – 0

TAX CAP

RESOLUTION #166-17

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Stevens to pass the following Local Law:

Local Law No 1 of the year 2017 - Town of Johnsbury, County of Warren, NY

A local law to override the tax levy limit established in General Municipal Law 3-c

Be it enacted by the town board of the town of Johnsbury as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Johnsbury pursuant to General Municipal Law § 3-c, and to allow the Town of Johnsbury to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Johnsbury, County of Warren is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of state.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Stevens, Nightingale) Nays – 1 (Olesheski)

2018 TRANSFER STATION CLEAN-UP CARD

The Town Clerk presented the Board with a copy of the 2018 Resident Clean Up with no changes from 2017 and inquired if the Board would like to issue them again. Mr. Olesheski liked the idea of have the hours included on them.

RESOLUTION #167-17

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to approve and accept the Transfer Station Clean-up Card for 2018

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays – 0

UPPER HUDSON TRAILS ALLIANCE & SKI BOWL PARK ROAD

Grant Request

Ms. Kelly Nettle explained that Upper Hudson Alliance, Inc. wishes to apply for the town to Parks and Trails NY for a Stewardship and Public Access Capacity grant. This grant awards up to \$50,000 and requires a 15% match (\$7,500) of which 50% (\$3750) can be in-kind. It is due Dec. 8, 2017. Specifically, we would focus on improvements to the Schaeffer hiking trail, trail signage, rehabilitation of existing Mt. biking trails in Ski Bowl Park, and promotion of the trails. We have no budget yet, but it will not be more than a \$50,000 request; there will be a 50% in-kind match and we will work on obtaining other funding for the rest of the match. We need the town's permission to apply.

Memorandum of Understand Between UHTA and Town

Ms. Nettle went on to state that she would like to see the following Memorandum of Understand Between UHTA and Town of Johnsbury accepted.

Since 2013, the Town of Johnsbury has invested in a 16 km Mt. biking trail system in Ski Bowl Park with funding support from NYS Office of Parks and Rec, the North Creek Business Alliance, and NYS Department of Environmental Conservation. This trail network attracts bikers eight months a year and skiers in the winter. In December, 2016, the town was awarded \$50,000 from the NYS Department of State through the Local Land and Water Revitalization grant to be used for the creation of a town-wide recreational assessment plan for trail construction to connect other hamlets to Ski Bowl Park. This recreational plan will be done in stages and constructed as funding becomes available. Phase I is the North Creek-North River connection.

Upper Hudson Trails Alliance, Inc., or UHTA, formed to advocate for a town-wide system of biking, hiking, and ski trails in 2015. The Alliance views this system as an

important economic engine for the community and a valuable asset to the town. Although we have presented ideas and discussed UHTA's involvement, we would like to formalize our supporting role in the development and maintenance of the trail network with a Memorandum of Understanding with the Town.

Upper Hudson Trails Alliance will:

- Provide volunteer maintenance of the town trails at Ski Bowl Park and for other connecting trails as they are built outside of the park. Volunteers will be using hand tools; only those who are certified by DEC to use a chain saw will do so.
- Help raise money through grant writing or events to fund construction of trails and/or to assist the town in meeting any match that is required.
- Advocate for the town's interest with NYS DEC, private property owners, and NYS as needed. 57% of town land is state-owned and overseen by DEC. It is important that folks like UHTA members who know the land be able to negotiate with DEC in order to produce trails which are high quality and cost-effective.
- Assess trail repair needs and improvements, and submit costs to be budgeted to the town each August.

The Town of Johnsbury will:

- Permit volunteers to work on town land and hold insurance that covers the volunteers working on the trail system.
- Agree to submission of funding applications in pursuit of funding for trail construction after consultation.
- Help UHTA maintain the integrity of the trail system, keeping it open to the public and free of charge without limitations by others.

UHTA hopes to build an advocacy for our town trails similar to that of Barkeaters Trail Alliance in the Saranac-Lake Placid region where 60 plus volunteers will turn out for trail maintenance days several times a year. With every kilometer of trail constructed, the town is building an asset that needs to be taken care of. We offer to do that and more.

Suggested Resolution: Be it resolved, that the Town of Johnsbury, agrees to work with UHTA, as described above, as its partner and advocate in developing and maintaining a town-wide trail system for biking, hiking, and skiing.

Ski Bowl Road South Proposal

Proposal: Build a connection between Duke Hill road and the temporary Highway Access road which will allow one-way traffic to occur.

- Traffic enters Ski Bowl Park Road South off 28.
- Traffic going to the pavilion/courts/ski area continues to enter at the existing Y by the community perennial bed and, instead of turning around and coming back the same way when leaving, would continue northwest, onto the current Duke Hill road, and

follow a newly constructed connection which would hook up with the highway road which then exits back onto the beginning of Ski Bowl Road South where traffic enters the park.

Rationale:

- A one-way loop will create a more convenient and safer traffic flow
- It will open up more parking for large events and the winter skiers

What needs to be done:

- Move baseball court material (okayed by Matt Olden who will mark out a spot for the material)
- 2-3 pine trees limbed; one large pine cut; smaller growth cut
- Excavation and road building material brought into place
- One-way signs installed
- Duke Hill closed off from Tri-County/Highway end
- Current parking above/behind yurt expanded 20-30' towards Rt.28
- Mapping changes of Ski Bowl Road need to be made which will terminate the "town road" designation of the currently blocked off section that passes through the ski area and in front of the yurt. A name change should be considered with Tri County Nursing Home and HHHN for their piece of the road

Cost to TOJ:

- Work will be supervised by Superintendent Dan Hitchcock
- Excavation will be done by Mike Quintavalle and/or ORDA; fuel costs for Quintavalle (\$300-500)
- Most road materials will be supplied by existing stockpiles owned by highway department
- Item #4 needs to be purchased from Adirondack Portable to firm up the road surface; available at \$6/ton. Estimated 40 tons may be needed thus an expenditure of \$240 max
- Best estimate is the cost will range between \$550-\$750

Stakeholders: TOJ Board, Friends of the Parks, ORDA, TOJ Highway Department

- 3 of 4 board members have seen the location of the loop connector
- ORDA, both current and past managers, have seen location
- Friends have advocated concurs that this is a good project for the park
- TOJ Highway Department approves

Timetable:

- Two –three days to prepare site, build road, expand parking
- Highway ready to begin; waiting to hear on Mr. Quintavalle's availability and/or Gore's time table.

Need: Board permission to move ahead with this project and an agreement to cover the costs.

Memorandum of Understand Between UHTA and Town

Mr. Olesheski stated that he would like to have the Town's Attorney look at it first so he would like to see it tabled.

RESOLUTION #168-17

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to table the Memorandum of Understanding between HHTA and the Town until the Town's Attorney could look at it.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays - 0

Grant Request

RESOLUTION #169-17

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Stevens to approve and grant permission to the Upper Hudson Alliance, Inc. to apply for the Town to Parks and Trails NY for a Stewardship and Public Access Capacity grant. This grant awards up to \$50,000 and requires a 15% match (\$7,500) of which 50% (\$3750) can be in-kind. It is due Dec. 8, 2017.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays - 0

Ski Bowl Road South Proposal

Ms. Nightingale stated that this is one of the items that is in the negotiating contract with ORDA so could the Board get back to Ms. Nessel about it. Ms. Nessel stated yes.

Resolution to Advertise for a Public Hearing on November 9, 2017 on the Proposed Local Law to Amend Johnsbury Local Law 2-2008 entitled "A Local Law providing for an exemption to Cold War Veterans from Real Property Taxations: to remove the 10-year limitation

RESOLUTION #170-17

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to approve and accept advertising to amend Johnsbury Local Law 2-2008 Entitled “A Local Law providing for an exemption to Cold War Veterans from Real Property Taxation”

WHEREAS, the Johnsbury Town Board wishes to consider adoption of Local Law No.: 2 of 2017 to amend Johnsbury Town Johnsbury Local Law 2 OF 2008 Entitled “A Local Law providing for an exemption to Cold War Veterans from Real Property Taxation” to provide for an extension of the Cold War Veterans Exemption to qualifying owners of qualifying real property for as long as they remain qualifying owners without regard to the ten (10) year limitation in accordance with New York State Real Property Tax Law §458-b, and

WHEREAS, this legislation is authorized in accordance with New York State Real Property Tax Law §458-a and New York State Municipal Home Rule Law §10, and

WHEREAS, the Town Board wishes to set a public hearing concerning adoption of this Local Law,

NOW, THEREFORE, BE IT

RESOLVED, that the Johnsbury Town Board shall meet and hold a public hearing at the Wevertown Community Center at 7:00 p.m. on Thursday, November 9^h, 2017 to hear all interested persons and take any necessary action provided by law concerning proposed Local Law No.: 2 of 2017, and

BE IT FURTHER,

RESOLVED, that the Town Board further authorizes and directs the Johnsbury Town Clerk to publish and post a Notice of Public Hearing concerning proposed Local Law No. 2 of 2017 in the manner provided by law.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays - 0

Acceptance of Bid on Glen Creek Bridge repairs – Resolution confirming emergency and awarding contract to Northwoods Concrete

RESOLUTION #171-17

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to approve and accept the

RESOLUTION CONFIRMING EMERGENCY AND AWARDING CONTRACT TO NORTHWOODS CONCRETE

WHEREAS, on or about _____, 2017, the Town of Johnsbury suffered a sever storm event that caused significant damage to the Glen Creek Bridge located in the Town; and

WHEREAS, the Glen Creek Bridge is a critical piece of highway infrastructure in the Town of Johnsbury providing access, including emergency access, to properties within the Town; and

WHEREAS, the Town Board has reviewed the facts and circumstances surrounding the storm and damages caused to the Glen Creek Bridge and finds same to be an emergency requiring immediate repairs; and

WHEREAS, the Town's procurement policy last updated 2014, as well as General Municipal Law Section 103 allow for the awarding of contracts without public bidding in the event of a bona fide emergency; and

WHEREAS, the damages to the Glen Creek Bridge constitute an emergency and a threat to the health, safety and welfare of the inhabitants of the Town, including much needed EMS, Fire and similar protection services to properties accessed by the Glen Creek Bridge; and

WHEREAS, the Town Highway Superintendent has obtained a quote from Northwoods Concrete work for repairs to the Glen Creek Bridge as set forth in a proposal dated October 9, 2017, and the Town Board wishes to accept and authorize same.

NOW THEREFORE BE IT:

RESOLVED, that the damages caused to the Glen Creek Bridge are hereby deemed to be an immediate threat to the health, safety and welfare of the inhabitants of the Town of Johnsbury, constituting an emergency situation requiring immediate attention; and be it further

RESOLVED, that the proposal from Northwoods Concrete dated October 9, 2017 is approved subject to form and substance approval by counsel to the Town; and be it further

RESOLVED, that the deputy supervisor is authorized to execute any and all contracts for such proposal, and that the funds be so appropriated for the sums and work set forth therein; and be it further

RESOLVED, that this resolution shall take effect immediately.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays - 0

WARRANT FOR October 17, 2017

RESOLUTION #172-17

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Stevens to pay the following certified bills:

General Fund (Total \$47,443.05) - Claims # 17-1027 to 17-1029; 17-1031; 17-1046 to 17-1052; 17-1056 to 17-1070; 17-1077 to 17-1078; 17-1080 to 17-1081; 17-1083 to 17-1087

Highway Fund (Total \$32,404.77) - Claims #17-1030; 17-1032 to 17-1045; 17-1050; 17-1052; 17-1088 to 17-1090

Water District (Total \$10,426.54) – Claims # 17-1053 to 17-1055; 17-1079; 17-1082; 17-1091

Public Library Fund (Total \$1,413.93) – Claims #17-1071 to 17-1076

Trust & Agency Fund (Total \$1,188.18) – Claims #17-1052

Total all warrants \$92,876.47

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale) Nays – 0

PRIVILEGE OF THE FLOOR

Mr. & Mrs. Dan Walters regarding their property on Fairview Ave and the water draining onto their property. They presented photos and stated that this has been going on so some time now and when they spoke with Mr. Hitchcock he referred them to the Board. Mr. Walters stated that he re-directed the water and then it ran down the road and around the corner to the McClean's home and into their basement. Mr. McClean stated that something had to be done about this problem which has been ongoing for years. Ms. Nightingale stated that she would look at the site to see if a solution could be found.

Mr. Filkins inquired about a walkway into the bottom of the Museum. Mr. Filkins went on to state that ever since then did the parking lot and landscaping at the Train Station they are unable to use the bottom door because of the water trench that is there now. Mr. Filkins is wondering if they could put a board walk across that to be able to have access. Mr. Filkins also inquired about the lights on Main Street when the rest would be done and why the ones that are installed aren't working. Ms. Nightingale stated that the guys at the Railroad are building the lights and all of them need to be installed before they would be working because they are all on the same circuit.

On Motion of Ms. Nightingale and seconded by Mr. Olesheski the meeting was adjourned at 10:33 p.m.

The next regular Town Board meeting will be held at 7:00 p.m. on November 9, 2017 at Wevertown Community Center, Wevertown, NY

Prepared by Jo A Smith, Town Clerk
