

**Town of Johnsbury**  
**Minutes of Town Board Meeting – July 19, 2022**  
**7:00 PM at Tannery Pond and Zoom**

Present:                   Andrea Hogan – Supervisor                   Joann Morehouse – Deputy Town Clerk  
                              Pete Olesheski – Councilman               Justin Gonyo – Councilman  
                              Gene Arsenault – Councilman (via Zoom)  
                              Arnold Stevens - Councilman

1. Public Hearing Open at 7:00PM - Councilman Gonyo – presentation by Jamie Herman – Chief Executive Officer of the Rural Water Association. Public health and preserving the environment are the two major concerns. It's good for economic development. NYS Rural Water Association – 1400 members – villages, towns, State & Federal agencies, HOA's, etc. Presentation by Councilman Gonyo. Committee made up of volunteers, started out in 2015 as a few concerned citizens and has grown over the years. We're at a critical juncture with the town sewer system. Please reference the Power Point presentation that is part of the recording under the Town Board tab of the website. Public Hearing closed at 9:09PM
2. Regular Town Board Meeting called to order at 9:18PM.  
Pledge of Allegiance led by Mr. Olesheski.
3. Correspondence – Councilman Gonyo read letter of resignation from Janet Konis as Chairman of the BAR; Councilman Gonyo read letter from Brian & Tammy Sponable
4. Audit – Supervisor Hogan noted that we received a letter from the State Comptroller's Office indicating an upcoming audit; this is a good thing and I had asked for 2 years ago.
5. Approval of Minutes from June 21, 2022 Board Meeting. Supervisor Hogan asked if all had a chance to review the Minutes and if there were any questions, concerns or changes.

**RESOLUTION # 22-122**

Mr. Stevens made a Motion to approve the Minutes of the June 21, 2022 Town Board Meeting and moved its passage with a Second Motion from Mr. Arsenault. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

6. New/Old Business:
  - a. Mileage Compensation – Supervisor Hogan noted that the mileage compensation has changed since the beginning of the year from 58.5 to 62.2 and suggested we make this adjustment.  
**RESOLUTION #22 – 123**  
Mr. Gonyo made a Motion to approve the change in mileage compensation and moved its passage with a Second Motion from Mr. Arsenault. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.
  - b. Investment Policy – Supervisor Hogan stated that she had been looking at the Town's Investment Policy and would like to bring it up to date, the Town Bookkeeper needs to look it over more closely and will bring it back to the Board at another date.

- c. Cell Phone Reimbursement – Supervisor Hogan noted that the Town reimburses several Town Employees as they use their cell phones for Town business and would like to have Joann Morehouse added as her duties have increased and she uses her phone for work.

**RESOLUTION #22 – 124**

Mr. Gonyo made a Motion to approve reimbursement to Joann Morehouse for use of her cell phone for Town business and moved its passage with a Second Motion from Mr. Arsenault. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- d. BAR Minutes – Supervisor Hogan indicated that the minutes from the Board of Assessment Review had not been typed up, the audio recording is all that was available; Joann Morehouse will type these minutes up with overtime pay at a rate of \$23.25 per hour. Mr. Olesheski asked if they really needed to be typed since they were recorded? Mr. Hafner, the Town Attorney indicated “yes, the minutes are supposed to be kept by the BAR and the BAR is supposed to provide them to the Town Clerk and that did not happen”.

**RESOLUTION #22 – 125**

Mr. Gonyo made a Motion to have the BAR Minutes typed up by Joann Morehouse at \$23.25 per hour for maximum of 10 hours and moved its passage with a Second Motion from Mr. Olesheski. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0

- e. Safe Employee of the Quarter – Supervisor Hogan asked the Deputy Clerk who was selected as the Safe Employee for the Quarter – Deputy Clerk indicated that Jason Persons had been chosen by the Safety Committee.

- f. MEO/CDL Opening in Highway Department – Supervisor Hogan indicated that the Highway Superintendent is asking for approval to fill an open position for a MEO/CDL. There was some discussion about rate of pay and title of the position and it was decided that it would be paid at a labor position with labor rate.

**RESOLUTION # 22 – 126**

Mr. Gonyo made a Motion to approve new hire at labor rate and moved its passage with a Second Motion from Mr. Olesheski. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0

- g. Attendance at Highway School – Supervisor Hogan indicated that Superintendent Comstock and Deputy Dunkley would like to attend Highway School for CHIPS & Bridge NY; Mr. Olesheski noted that he felt it is very important to encourage them to take advantage of these educational opportunities.

**RESOLUTION # 22 – 127**

Mr. Stevens made a Motion to approve attendance for Mr. Comstock and Mr. Dunkley at Highway School and moved its passage with a Second Motion from Mr. Gonyo at \$2,300. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- h. Supervisor Hogan is requesting approval for ratification of authorization for Darrah Surveying at the Glen Creek Bridge project at \$1,650.

**RESOLUTION # 22 – 128**

Mr. Stevens made a Motion to approve ratifying the survey work by Darrah Surveying for the Glen Creek Bridge project at \$1,650 and moved its passage with a Second Motion from Mr. Arsenault. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- i. On-call services from JMT Engineering. Supervisor Hogan indicated that we have been using JMT Engineering or the Highway and would like to do a contract with them annually for professional services. Before we execute this contract Mr. Gonyo asked if it was something that should be put out to bid. Supervisor Hogan stated that it's not required as it's Professional Services, but if the Board would like to, we certainly can. Mr. Gonyo stated that he would prefer to put the work out to bid as there are other companies out there that also offer these services. Mr. Olesheski agreed and asked what affect this would have on the work we've already contracted to do with them; Mr. Gonyo noted that this contract is above and beyond what we already have with them and it shouldn't affect anything.

**RESOLUTION # 22 – 129**

Mr. Gonyo made a Motion to authorize an RFP for Highway engineering services and moved its passage with a Second Motion from Mr. Olesheski. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- j. Durkin Road Proposal – Superintendent Comstock would like to move forward with this project, and it now needs to be professionally engineered. Supervisor Hogan noted that we have a proposal from JMT Engineering for the Durkin Road repairs to be completed in the amount of \$8,500.

**RESOLUTION # 22 – 130**

Mr. Gonyo made a Motion to authorize \$8,500 for repairs to Durkin Road and moved its passage with a Second Motion by Mr. Stevens. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- k. Mine Permit – Supervisor Hogan indicated that we have a proposal from JMT Engineering for \$1,200 for engineering services to expand the mine area at the Highway Garage and is looking for approval. This is a small parcel of land that was donated to the Town.

**RESOLUTION # 22 – 131**

Mr. Gonyo made a Motion to accept the Proposal from JMT Engineering for \$1,200 to expand the mine area at the Highway Garage and moved its passage with a Second Motion from Mr. Arsenault. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- l. Ratify pre-pay for Highway Department Trailer – Supervisor Hogan is asking for approval to ratify the pre-pay of the trailer for the Highway Department as well as approval for expenses to go pick-up the trailer. The \$2,150 will come out of the Bond and the travel expenses out of the Highway line (5130.4) not to exceed \$2,500.

**RESOLUTION # 22 – 132**

Mr. Gonyo made a Motion to approve the pre-payment of \$2,150 for the trailer and travel expenses to pick-up the trailer and moved its passage with a Second Motion from Mr. Stevens. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- m. National Grid payment for moving poles – Supervisor Hogan is asking for approval of payment to National Grid in the amount of \$22,883 with the understanding that these services may be more or may be less, to move the poles at the Glen Creek Bridge Project. Mr. Olesheski indicated it feels like extortion on the part of National Grid, Mr. Arsenault noted we should investigate solar. CHIPS money will cover part of this cost. It's been a policy of National Grid's for several years, it's just now being enforced. We can delay the

project another year, but we'd lose the FEMA monies. The project is on hold right now until National Grid receives the check.

### **RESOLUTION # 22 – 133**

Mr. Arsenault made a Motion to approve payment to National Grid to move the poles to allow the work on the Glen Creek Bridge to occur and moved its passage with a Second Motion from Mr. Olesheski. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- n. Monitor Building and Re-building of Dugouts – Mr. Gonyo would like to put this out to bid for the Monitor Building and re-building of the dugouts that were destroyed in two separate storms in 2019 at the Ski Bowl. Supervisor Hogan noted that we have the parts/materials for the Monitor Building (a pavilion type structure) which will be located at corner across from The Phoenix at the North end of Town. Both of these projects were to be started a few years ago and that volunteers were going to do the work, but that never happened.

### **RESOLUTION # 22 – 134**

Mr. Gonyo made a motion to put this work out for RFP's for this work and moved its passage with a Second Motion from Mr. Olesheski. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

- o. Sewer District Formation and Town Attorney, Mr. Hafner, explained the options we have and the good and bad of each; Mr. Hafner also read the Resolution changes if it is approved tonight to create the District; there are other options at this point – (1) No Action; (2) Resolution for a Permissive Referendum; (2) Resolution for a Mandatory Referendum; (3) Delay Action. Mr. Hafner explained that there are time constraints with each type of Election. Mr. Olesheski suggested moving forward with either Permissive or Mandatory Referendum and that “no action” is not an option for him at this time. Mr. Gonyo asked for clarification of dates/referendums, Mr. Hafner noted that to be on for the General Election all would need to be done and turned into the County by August 8, 2022 this may not be a valid option; for Special Election there are specific time constraints with regards to the General Election timing and he will get more accurate information to the Board. Mr. Hafner would offer his suggestion of not allowing Absentee Ballots as there is much more work involved and not a lot of time. Mr. Olesheski indicated he'd make a Motion to create the Sewer District with the Mandatory Referendum (special or general election – whichever can happen sooner), Mr. Gonyo agreed with this Motion. Mr. Hafner will make changes to the title and parts of the Resolution and get the updated one to the Town. Mr. Arsenault wants it on record acknowledging the 7 years of hard work by the Committee. Mr. Olesheski would also like to see more informational meetings prior to the public voting.

### **RESOLUTION # 22 – 135**

Mr. Olesheski made a Motion to move to create the Sewer District subject to Mandatory Referendum and moved its passage with a Second Motion from Mr. Gonyo. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.

Sewer Grant Letter from USDA – Mr. Stevens would like it to be noted that he also has been a member of the Sewer Committee for several years; Supervisor Hogan is asking for permission to execute all paperwork associated with the Grant.

### **RESOLUTION # 22 – 136**

Mr. Gonyo made a Motion to allow Supervisor Hogan to execute the USDA paperwork regarding the Grant and moved its passage with a Second Motion by Mr. Stevens. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 5 – Olesheski, Gonyo, Arsenault, Stevens, Hogan); Nays – 0.



p. Historian Report.

7. Supervisor Hogan noted she had received two (2) proposals (one for \$1,800 and one for \$1,650) for the appraisal of the three Town properties that were discussed at the last Town Board Meeting. Supervisor Hogan is asking for approval to ratify the authorization for an appraisal for Town properties.

**RESOLUTION # 22 – 137**

Mr. Stevens made a Motion to approve the authorization to ratify approval of an appraisal for \$1,650 (Supervisor Hogan noted the report should be available at the August Town Board Meeting) and moved its passage with a Second Motion from Mr. Gonyo. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 4 – Gonyo, Arsenault, Stevens, Hogan, Olesheski not in the room); Nays – 0.

8. Committee Reports – Mr. Gonyo noted that he missed a meeting with Superintendent Comstock and they will need to catch up regarding the sidewalks.
9. Supervisor’s Reports – Supervisor Hogan asked if all had a chance to review the Supervisor’s Reports and if there were any questions or concerns?

**RESOLUTION # 22 – 138**

Mr. Stevens made a Motion to accept the Supervisor’s Reports and moved its passage with a Second Motion by Mr. Gonyo. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 4 – Gonyo, Arsenault, Stevens, Hogan; Olesheski – not in room); Nays – 0.

10. Supervisor Hogan noted that FOIL requests are getting burdensome and we may need to close the Zoning Office to public interaction for a period of one week, possibly two, in order to honor these large scale requests.
11. Warrants – Supervisor Hogan asked if all had reviewed the Warrants and if there were any questions or concerns?

**RESOLUTION # 22 – 139**

Mr. Gonyo made a Motion to accept the Warrants and moved its passage with a Second Motion from Mr. Arsenault. With the following Board Members present voting in favor, the Resolution is carried. (Ayes – 4 – Gonyo, Arsenault, Stevens, Hogan, Olesheski not in the room); Nays – 0.

GENERAL FUND:	\$ 122,717.63
HIGHWAY:	\$ 61,014.08
HEAVY EQUIPMENT:	\$ 2,150.00
EMS:	\$ 149,878.75
LIBRARY:	\$ 2,087.41
WATER DISTRICT:	\$ 14,678.49
TRUST & AGENCY:	\$ 1,239.85
TOTAL	\$ <u>353,766.21</u>

12. Before we go to Privilege of the Floor, Supervisor Hogan asked if the Board has any authority if someone uses profanity at a public meeting? Town Attorney, Mr. Hafner – you can set a rule at the beginning that you’re not accepting this type of behavior, or you’ll be removed by the Sheriff; you have a right to run your meeting and request that it be limited to the topics at hand.

13. Privilege of the Floor

- Ms. Wood asked that the Board consider not looking at moving any Town Offices to the Scout Hall as it will take away from residents being able to rent it.
- Mr. Sponable would like to know what will be done about laws broken by BAR and residents should be notified of this. Mr. Sponable noted that he could file an Article 28 with the Supreme Court and probably win. Just wondering why some appraisals were accepted and some weren't if they were professionally done. Ms. Sponable wants to know if all of this is falling on deaf ears as in the other meetings, can folks be interviewed; Mr. Olesheski – all that was presented to us is taken seriously and I have questions as well, this won't happen tonight; as serious as the allegations are, I'm taking it very seriously; Ms. Sponable – what time frame are we looking at? Mr. Olesheski – I don't know, I'm making a list for our Attorney; Mr. Gonyo – we'll table this conversation until we can prove the legitimacy of the content of the allegations; Mr. Konis indicated he is concerned about the people affected and the time frame made. Mr. Olesheski – I'd support a Public Meeting for the SCAR process; we need to get it right;
- Mr. Mosher asked what has happened to the MOU re: Front Street and the Town?

14. Motion to Adjourn at 10:40PM

**RESOLUTION # 22 – 140**

Mr. Stevens made a Motion to adjourn the Regular Meeting and moved its passage with a Second Motion from Mr. Arsenault. With the following Board Members present voting in favor the Resolution is carried (Ayes – 4 – Gonyo, Arsenault, Stevens, Hogan) Nays – 1 (Olesheski)

Prepared by:

Jean M. Comstock  
Town Clerk

The Next Regular Town Board Meeting will be held  
August 16, 2022 at 7:00PM  
at Tannery Pond and Via Zoom

**RESOLUTION APPROVING ESTABLISHMENT OF  
NORTH CREEK SEWER DISTRICT  
AND SUBMITTING THE QUESTION OF  
WHETHER TO ESTABLISH SUCH SEWER DISTRICT  
TO A VOTE**

**RESOLUTION NO.: 22 - 135**

**INTRODUCED BY: Supervisor Hogan  
WHO MOVED ITS ADOPTION: Councilman Olesheski**

**SECONDED BY: Councilman Gonyo**

WHEREAS, the Johnsburg Town Board (the "Board") is considering forming the North Creek Sewer District (the "District") in accordance with Article 12-A of New York Town Law to provide sewer service to an area in the Hamlet of North Creek, and

WHEREAS, a Map, Plan and Report has been prepared by Cedarwood Engineering Services PLLC (the "Map, Plan and Report") concerning the proposed North Creek Sewer District (the "District"), filed in the Johnsburg Town Clerk's Office and made available for public inspection, and

WHEREAS, the Map, Plan and Report delineates the boundaries of the proposed Sewer District, a general plan of the proposed system, a report of the proposed wastewater treatment system, a report of the proposed method of operation, all outlets and the terminus and course of each proposed main sewer or drain together with the location and a general description of all sewage disposal plants, pumping stations and other public works, if any, and is consistent with, so far as possible, any comprehensive plan for sewers developed and maintained pursuant to General Municipal Law §99-f,, and

WHEREAS, as Lead Agency, the Johnsburg Town Board conducted coordinated State Environmental Quality Review Act (SEQRA) Review, with the Project being a Type I Action and the Town Board issued a SEQRA Negative Declaration for this Project on July 20, 2021

WHEREAS, on July 19, 2022 subsequent to the filing of the Map, Plan and Report with the Town Clerk, the Town Board adopted an Order (the "Public Hearing Order") reciting (a) the

boundaries of the proposed District; (b) the proposed services and the proposed method of operation; (c) the maximum amount proposed to be expended for the services; (d) the plan for financing the project; (e) the cost of the District to the typical property and the typical one or two family home (if not the typical property), including cost of hook-up ; (f) the fact that a Map, Plan and Report describing the proposed District and services is on file in the Town Clerk's Office; and (g) the time and place of a public hearing on the proposed District, and

WHEREAS, the Map, Plan and Report makes it clear that the cost of connection during construction is included in the costs of the District so those properties will not have to pay a hook-up fee, but the cost of hook-up for future property connections will have to be paid by property owners, and

WHEREAS, the Public Hearing Order had ambiguous language that lead some persons to conclude that property owners would have to pay a connection fee even if they were connecting during original construction, which is not the case, and

WHEREAS, the Town Clerk re-published to Public Hearing Order again with the ambiguous language in Paragraph 5 clarified, and

WHEREAS, the Town Board affirms and ratifies such clarification of the Public Hearing Order, and

WHEREAS, copies of the Public Hearing Order were duly published and posted and were filed with the Office of the State Comptroller, all as required by law, and

WHEREAS, prior to publication of the Public Hearing Order, a detailed explanation of how the estimated cost of the District to the typical property and typical one or two family home (if not the typical property) were computed was filed with the Town Clerk for public inspection and placed on the Town website (as detailed in the Map, Plan and Report), and

WHEREAS, a public hearing on the proposed Sewer District was duly held on July 19<sup>th</sup>, 2022 and the Town Board has considered the evidence given together with other information, and

WHEREAS, the Town Board wishes to establish the proposed District as detailed in the Map, Plan and Report in accordance with Town Law Article 12-A,

NOW, THEREFORE, BE IT

RESOLVED, that the Johnsburg Town Board hereby determines that:

1. Notice of Public Hearing was published and posted as required by law and is otherwise sufficient;
2. All of the property and property owners within the District are benefited thereby;
3. All of the property and property owners benefited are included within the limits of the District;
4. It is in the public interest to establish the District as described in the Map, Plan and Report: and

BE IT FURTHER,

RESOLVED, that the Town Board hereby approves the establishment of the District in accordance with the boundaries and descriptions set forth in the Map, Plan and Report, and the services described in the Map, Plan and Report may be provided subject to the following:

1. Approval by those authorized to vote at a general or special election in the manner provided in New York State Law; and
2. The adoption of a Final Order by the Johnsburg Town Board; and



BE IT FURTHER,

RESOLVED, that this Resolution would be subject to permissive referendum upon filing of a Petition all in accordance with the provisions of New York State Town Law Articles 7 and 12-A; and

BE IT FURTHER,

RESOLVED, that pursuant to Town Law Section 94, the Town Board on its own motion hereby submits the question of whether such sewer district shall be established to the vote of the property owners within such proposed sewer district in accordance with New York State law; and

BE IT FURTHER,

RESOLVED, that the Town Clerk shall prepare a list of those authorized to vote; and

BE IT FURTHER,

RESOLVED, that the exact date of such election shall be set by the Town Board at a future meeting.

Duly adopted this 19<sup>th</sup> day of July, 2022, by the following vote:

AYES: 5 (Olesheski, Gonyo, Hogan, Stevens, Arsenault)

NOES: 0

ABSENT: 0

NAME (ON TAX BILL)	ADDRESS (ON TAX BILL)	TAX MAP #
Crik Capital Partners, LLC David C. Crikelair	31 Swifts Lane Darien, CT 06820	66.46-1-5 138 Front Street
Dougherty, Catherine M	11441 Whippoorwill Road Houston, TX 77024	66.46-1-2 30 Front Street
Frontstreet Mtr. Dvpt, LLC David Crikelair	11441 Whippoorwill Road Houston, TX 77024	66.-1-17 State Route 28
Front Street Mountain Dev., LLC	11441 Whippoorwill Road Houston, TX 77024	66.46-1-14 11 Mill Lane
Front Street Mountain Dev., LLC	11441 Whippoorwill Road Houston, TX 77024	66.46-1-13 9 Mill Lane
Front Street Mountain Dev., LLC	11441 Whippoorwill Road Houston, TX 77024	66.46-1-8 Front Street
Front Street Mountain Dev., LLC	11441 Whippoorwill Road Houston, TX 77024	66.46-1-9 Front Street
Front Street Mountain Dev., LLC	11441 Whippoorwill Road Houston, TX 77024	66.46-1-7 Front Street
Front Street Mountain Dev., LLC	11441 Whippoorwill Road Houston, TX 77024	66.46-1-6 Front Street
Front Street Mountain Dev., LLC	11441 Whippoorwill Road Houston, TX 77024	66.46-1-12 7 Mill Lane
Front Street Mountain Dev., LLC	11441 Whippoorwill Road Houston, TX 77024	66.46-1-1 Ski Bowl Road
Front Street Mountain Dev Co David Crikelair	11441 Whippoorwill Road Houston, TX 77024	66.-1-18.11 79 Ski Bowl Road
Front Street Mountain Dev Co	11441 Whippoorwill Road Houston, TX 77024	65.-1-3.1 State Route 28
Come By Chance LLC (Jennifer Zimmerman)	PO Box 243 North Creek, NY 12853	66.10-1-13 243 Main Street
Come By Chance LLC (Jennifer Zimmerman)	PO Box 243 North Creek, NY 12853	66.10-1-14 247 Main Street
Wing Development LLC Robert Wing	317 Back to Sodom Road North Creek, NY 12853	66.10-1-42 267 Main Street
Wing, Robert	317 Back to Sodom Road North Creek, NY 12853	66.10-1-41 33 Ordway Lane
Cocozzelli, Fred Pompeo Burnham, Emily Jane	170 Claremont Ave., Apt. 2 New York, NY 10027	66.10-2-14 250 Main Street
Cocozzelli, Fred Pompeo Burnham, Emily Jane	170 Claremont Ave., Apt. 2 New York, NY 10027	66.10-2-16 Main Street
Broderick, William	830 Atateka Drive Chestertown, NY 12817	66.10-1-9 Route 28N
Broderick, William Broderick, Jill	830 Atateka Drive Chestertown, NY 12817	66.10-1-10 235 Main Street
McAlonen, John P	3239 Route 28 North Creek, NY 12853	66.10-2-35 Maiden Lane
McAlonen, John P	3239 Route 28 North Creek, NY 12853	66.10-2-36 Maiden Lane

NAME (ON TAX BILL)	ADDRESS (ON TAX BILL)	TAX MAP #
<b>Buck, Wren Nettle</b> , Nettle, Wil Trustees of the Nettle Family Robert W. & Kelda Nettle	1390 So. Johnsbury Road Johnsbury, NY 12843	66.10-1-70 Main Street
<b>Buck, Wren Nettle</b> , Nettle, Wil Trustees of the Nettle Family Robert W. & Kelda Nettle	1390 So. Johnsbury Road Johnsbury, NY 12843	66.10-1-71 Main Street
Hinckley, Christine	PO Box 253 North Creek, NY 12853	66.10-1-55 Main Street
Hinckley, Christine	PO Box 253 North Creek, NY 12853	66.10-1-56 296 Main Street
North Creek Center LLC ??	550 Latona Road Bldg. E, Suite 501 Rochester, NY 14626	66.10-1-43 273 Main Street
North Creek Center LLC ??	550 Latona Road Bldg. E, Suite 501 Rochester, NY 14626	66.10-1-49.2 Main Street
320 Main LLC John McAlonen	3239 State Route 28 North Creek, NY 12853	66.10-2-37 Maiden Lane
320 Main LLC John McAlonen	3239 State Route 28 North Creek, NY 12853	66.10-2-38.2 Maiden Lane
320 Main LLC John McAlonen	3239 State Route 28 North Creek, NY 12853	66.6-2-1 320 Main Street
Smith, Michael J Smith, Lori, L	PO Box 290 North Creek, NY 12853	6.10-1-68 268 Main Street
Adirondack Hospitality Ventures LLC Keir Weimer	3 Sydney Hill Road Saratoga Springs, NY 12866	66.10-1-69.1 264 Main Street
227 Main North Creek LLC (waiting on return phone call)	910 Sunset Drive San Carlos, CA 94070	66.10-1-66 272 Main Street
Baroudi, Philip Attn: Rebecca Mulvey	PO Box 287 North Creek, NY 12853	66.10-1-67 3 Baroudi Lane
Bowers, Michael DBA Choptank Mills Assoc't.	PO Box 183 North Creek, NY 12853	66.10-1-65 274 Main Street
Greenan, Michael Cavan, John	PO Box 594 Allendale, NJ 07401	66.10-1-64 276 Main Street
Bressi, Joelene Living Trust Burke, Brian T Living Trust	36 Ironwood Road New Hartford, NY 13413	66.10-1-63 280 Main Street
Eager, Jeffrey A	PO Box 454 Minerva, NY 12851	66.10-1-46 287 Main Street
M&R Prestigious Properties LLC ??	5 Woodcrest Lane Goshen, NY 10924	66.10-1-16 251 Main Street
Harrington, Sean	333 Scott Avenue Syracuse, NY 13224	66.10-2-15 248 Main Street
Community Bank, National Michael Joyce	5790 Widewaters Pkwy DeWitt, NY 13214	66.10-2-17 244 Main Street

Premier Properties of the North Country Ltd. Epstein & Epstein, Esq.	5 Long Mtn Ct Hopewell Junction, NY 12533	66.10-1-34 255 Main Street
Equity Trust Co – Custodian FBO Sandra S Engle Pratt IRA	PO Box 323 North Creek, NY 12853	66.10-1-49.1 295 Main Street
Kingfish Holdings LLC ??	8 The Greens Dover, DE 19901	66.46-1-4 140 Front Street
DaSilva, Margaret	PO Box 592 North Creek, NY 12853	66.10-2-19 238 Main Street
EC Gore, LLC ??	85 Railroad Place Saratoga Springs, NY 12866	66.46-1-3 28 Front Street
Freebern, Andrew Freebern, Melissa	3037 State Route 8 North Creek, NY 12853	66.10-2-12 254 Main Street
Ferrillo, Martin Dooley, Radana	5 Oakbrook Blvd. Saratoga Springs, NY 12866	66.10-1-35 257 Main Street
Feiden, John J Feiden, Katherine A Feiden, Kathleen	2143 State Route 28N Minerva, NY 12851	66.10-2-13 252 Main Street
Smith, Richard Smith, Lisa	78 Scotch Bush Road Burnt Hills, NY 12027	66.10-1-36 259 Main Street
Adirondack Supply Richard Green	2373 State Route 28 North Creek, NY 12853	66.10-2-11 256 Main Street
Williams, Sarah B Williams, Jeremy	PO Box 615 North Creek, NY 12853	66.10-1-72 260 Main Street
Konis, Geoffery S Konis, Janet R	PO Box 151 North Creek, NY 12853	66.10-1-37 261 Main Street
Citizen Telecom/Frontier Communications c/o Duff & Phelps, LLC William M Edwards, III VP	PO Box 2629 Addison, TX 75001	66.10-1-39 263 Main Street
112 Ski Bowl Rd., LLC Hal G. Payne, CEO	641 Lexington Ave., Fl 31 New York, NY 10022	66.-1-16 112-126 Ski Bowl Road
11 Clinton Street Inc. ??	7 Clinton Street Saratoga Springs, NY 12866	66.10-2-33 227 Main Street
Pastewski, Justyna	60-26 61 <sup>st</sup> Street Maspeth, NY 11378	66.10-2-40 7 Maiden Lane
Gaetcher Realty, LLC	PO Box 123 North Creek, NY 12853	66.10-1-61 282 Main Street
ECFK Properties LLC Frank H. Klippel, Charles F. Klippel, Eric T. Klippel	23 Morse Memorial Hwy Olmstedville, NY 12857	66.10-1-60 284 Main Street
Dmars II Realty Ltd Diana Espalza	91-05 77 <sup>th</sup> Street Woodhaven, NY 11421	66.10-1-51 307 Main Street
PMG Management Attn: Tom Pierson	PO Box 6 North Creek, NY 12853	66.10-1-59 288 Main Street
Kernell, John	13 Woodcock Lane East Hampton, NY 11937	66.10-1-1 158 Ski Bowl Road





DARRAH LAND SURVEYING, PLLC  
59 Lake Avenue, Lake Luzerne, NY 12846  
(518)798-4692

July 19, 2022

Andrea Hogan, Supervisor  
Town of Johnsburg  
219 Main Street  
North Creek, NY 12853

Via email: supervisor@johnsburgny.com

RE: Survey cost proposal for property located off Railroad Place in the Hamlet of North Creek, Warren County tax parcel 66.6-2-3 and a portion of 66.5-1-10.

**SCOPE OF SERVICES:**

1. All work is relative to mapping prepared by this office in 2021 for the proposed transfer of property from Warren County to the Town of Johnsburg in the vicinity of Waterfront Park off Railroad Place.
2. Municipal coordination with the Town of Johnsburg Planning Board will be performed to guide the proposed subdivision through the approval process.
3. All work will be conducted following the Code of Practice for Land Surveys, prepared by The New York State Association of Professional Land Surveyors, last revised July 18, 1997.

**SCHEDULE:**

We will coordinate with your schedule and the Planning Board schedule to complete the approval process.

DARRAH LAND SURVEYING, PLLC  
59 Lake Avenue, Lake Luzerne, NY 12846  
(518)798-4692

**FEE:**

**All fees are relative to the rates established by service agreement WC 52-21**

Senior Surveyor - Office .....\$ 75.00 per hour  
Licensed Land Surveyor/Municipal Representation.....\$ 95.00 per hour

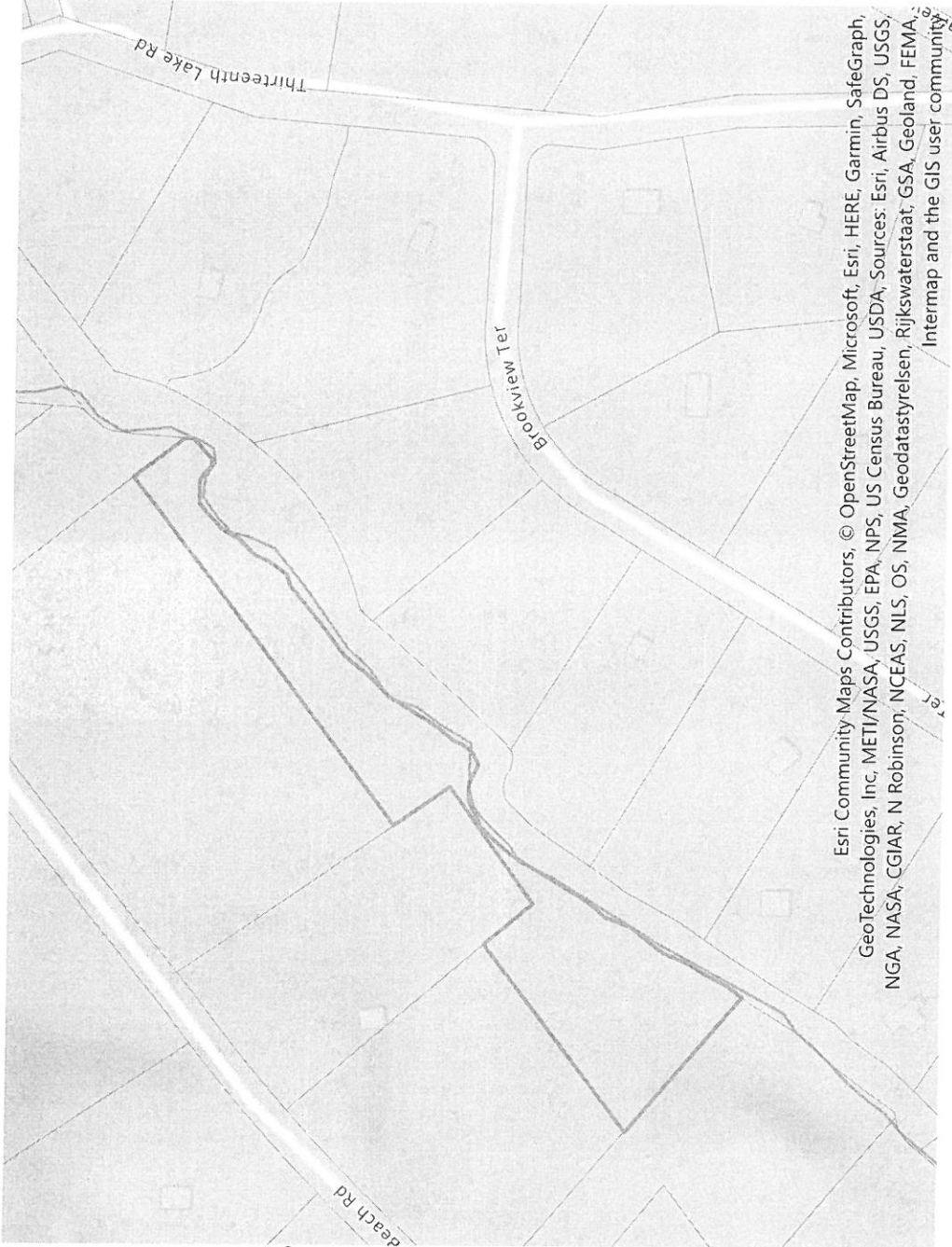
We appreciate the opportunity to provide you with this quote for professional surveying services and look forward to working with you.

If you have any questions or concerns, please call me at 518.798.4692.

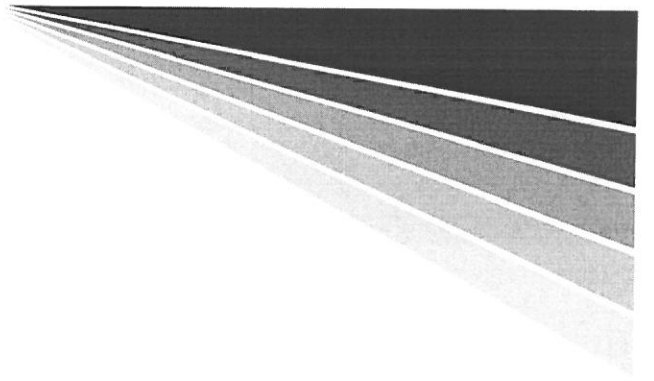
Sincerely,

Via email: [supervisor@johnsburgny.com](mailto:supervisor@johnsburgny.com)

Kristin M. Darrah, PLS



Cormack Parcel



August 5, 2022

Mrs. Andrea Hogan  
Town Supervisor  
Johnsburg Town Hall  
219 Main Street  
North Creek, NY 12853  
Email: [supervisor@johnsburgny.com](mailto:supervisor@johnsburgny.com)

RE: Proposal for Engineering Services  
Mining Permit Modification Comments # 50064  
Town of Johnsburg, Warren County, New York  
JMT Job No. 18-04354

Dear Mrs. Hogan:

JMT of New York, Inc. (JMT) is pleased to provide engineering services to support addressing NYSDEC comments provided by email on October 14, 2020.

We propose to provide the following Scope of Services for this proposal:

**Phase 1 – NYSDEC Comment Response**

1. JMT will respond to comments received from NYSDEC. The scope of services will include the response to the following comments provided by NYSDEC:
  - a) Please provide a map that shows the LOM boundary relative to the surrounding property lines and include applicable setback distances. Specifically, it appears as though mining operations (primarily a large stockpile) may be located outside the LOM boundary to the north. Warren county GIS shows the stockpile encroaching on the northern property parcel. Please clarify.
  - b) Is there a scale on the mine plan map and reclamation plan map that I'm missing? The key says scale: as shown. Please clarify or provide a scale for the mine plan map and reclamation plan map.
  - c) Please remove the current topo lines from the reclamation plan map where possible so as to more clearly show the reclamation topography.
  - d) There appears to be a large knob in the northeastern portion of the reclamation plan map that is not there on the mine plan map. All stockpiled material must be removed at the time of reclamation. Please clarify.
  - e) How will the mining activities in the newly acquired 0.8 acre parcel be visually screened, how will dust be mitigated, how will stormwater be controlled in this area, how will the mining of this parcel affect noise originating from the site?
  - f) Will the new parcel be reclaimed in the same manner currently approved for the existing LOM area?

**FEES**

Following are estimated engineering fees to perform the scope of work as previously described.

<b>Phase 1 – NYSDEC Comment Response</b>	<b>\$ 1,200.00</b>
--	--------------------

**ASSUMPTIONS / EXCLUSIONS**

- Addressing the comments does not guarantee approval. NYSDEC comments are from 2020. Regulatory agency may provide additional comments due to age of comments and date of last onsite survey.
- JMT will superimpose the property line onto the map from a tax map in an effort to satisfy the comment listed under 1a above. It is possible this will not suffice, and the Town will need a Boundary Survey conducted of this parcel to satisfy the comment by NYSDEC.
- JMT will make the submission to NYSDEC electronically.

JMT proposes to be reimbursed for professional engineering services to be performed for the Town of Johnsbury based on a lump sum amount of \$1,200 as described in the fees section of this proposal. Project billing will occur monthly based on a percent complete. Work beyond the project scope will be conducted under a supplemental agreement or on a time and material basis if the client chooses to do so at the rates provided below: Included below is a list of personnel that would be associated with this project.

<u>Title</u>	<u>Rate</u>
Section Head	\$175/hr
Senior Engineer	\$135/hr
Project Engineer	\$114/hr
Design Engineer	\$95/hr
Engineering Tech / Drafter	\$85/hr
Administrative Assistant	\$57/hr
Mileage	At Federal Rate
Non-Salary Expenses	At Cost

**REPRODUCTION COSTS**

Paper Prints	8.5" x 11"	\$0.08
	11" x 17"	\$0.15
Color Drawings		\$10.00
Color Copies		\$1.00

If you are in agreement with the work to be performed and cost associated with the work, please sign the service agreement and return one copy to our office for processing. Once signed, an executed copy will be returned to you for your records. Please contact me at (518) 782-0882 or jsableski@jmt.com if you need any additional information.

Very truly yours,

JMT of New York, Inc.

  
Jason C. Sableski, P.E.  
Project Manager

  
Christina Minkler  
Vice President

CC: Christina Minkler, P.E. (JMT)  
Fred Comstock, (Town)



## TERMS & CONDITIONS

### A. General Provisions

JMT agrees that this proposal shall remain open for 60 days from the date of this proposal. Acceptance of the proposal after the end of the 60 day period is valid if JMT elects, in writing, to reaffirm the proposal and waive its right to re-evaluate and resubmit the proposal.

JMT reserves the right to renegotiate the contract which this proposal, if accepted, will comprise, on or after six (6) months from the date of this proposal, provided the Client is given 30 days of notice in writing, if salaries or operational costs increase in a sufficient amount. Our present quotation is based upon current salaries and operational costs.

It is understood and agreed that once work is started on this project by JMT, only the Client or its duly authorized representative has the authority to order the work stopped on his behalf and only upon giving JMT, 10 days of notice in writing, as to when the work shall stop. The Client further agrees to be liable and pay to JMT, for all labor done, work performed, materials furnished, and expenses incurred up to and including the day work is stopped in accordance with the notice.

JMT will provide the Client with data on electronic files; however, the Client acknowledges that data stored on electronic media can deteriorate undetected or be modified without the JMT's knowledge. Therefore, electronic files are provided without warranty or obligation on the part of JMT as to accuracy of information contained on the electronic files. All information on the electronic files must be independently verified by the Client and the Client agrees to indemnify and hold JMT harmless from any and all claims, damages, losses, and expenses including but not limited to attorney's fees arising out of the use of the electronic files.

### B. Time of Payments and Litigation Expenses

JMT will submit monthly certified invoices for services rendered during the preceding month. Payments are due and payable within 30 days from the date of invoice. If Client fails to pay the full amount due for services and expenses within 30 days after date of invoice, the amount due will include a charge at the rate of 1-1/2% per month of the outstanding balance from said 30th day. In addition, in the event any invoice has not been paid in full by its due date, JMT may, after giving three (3) days written notice to Client, suspend services under this Agreement until Client has paid in full amounts due JMT for services, expenses and interest.

In the event JMT deems it necessary to refer any unpaid invoices to its attorneys for the purposes of instituting collection or mechanic's liens proceedings, Client agrees to pay JMT's attorney's fees, court costs, and litigation expenses, including fees for expert witnesses, trial and deposition transcripts, cost of printing briefs, and travel expenses for witnesses, attorneys and employees.

In the event Client asserts a claim against JMT and/or JMT's subconsultants for any act arising out of performance of the services provided herein, whether by an original action, or by counterclaim set-off or other defense to any mechanic's lien or other claim asserted by JMT as a result of Client non-payment of fees and expenses for services rendered, and if Client fails to prevail in such action, counterclaim, set-off, or defense, Client agrees to pay all attorney's fees, costs and litigation expenses (including fees for expert witnesses, trial transcripts and deposition transcripts) incurred by JMT and/or JMT's subconsultants in opposing any such action, counterclaim, set-off or defense.

JMT may withhold the delivery, signature or sealing plans and specifications, and may repossess all plans and specifications previously delivered to or otherwise made available to Client, their agents or assigns, without incurring any liability for direct and/or consequential damages to Client or anyone claiming through them or on their behalf whenever JMT deems it necessary to ensure payment for services rendered. Should any claim for such damages be made, Client agrees to hold JMT harmless from all litigation expenses incurred by JMT as defined herein.

**C. Additional Services**

In the event additional services beyond those identified in the Scope of Work are required by the Client or by circumstances beyond JMT's control, JMT will furnish such services upon written authorization of the Client. Payment for Additional Services will be charged at the following hourly rates which are inclusive of labor, overhead, payroll burden and profit.

<u>Classification</u>	<u>Hourly Rate</u>
TBD at time of change.	

Any changes to the previously approved submittals will be considered a change in scope of services and JMT will be entitled to additional compensation at the rates herein specified.

**D. Insurance**

JMT maintains Professional Liability, General Liability and Workmen's Compensation Insurance. On request, JMT will furnish Client certification of insurance.

**E. Termination**

In the event of termination of this Agreement by Client, Client shall pay JMT for services (including additional services) rendered, performed, or procured through such phase, including Expenses, at the rates stated in the Agreement, plus all termination expenses. Termination expenses mean additional Reimbursable Expenses directly attributable to termination.

**F. Indemnification and Limitation of Liability**

Except as otherwise agreed, JMT shall hold harmless and indemnify the Client against injury, loss or damage arising out of the negligent acts, errors or omissions of JMT. The Client agrees to limit JMT's liability hereunder to Client and to all Construction Contractors and Subcontractors on the project, due to such negligent acts, errors or omissions, such the total aggregate liability of JMT to all those named shall not exceed JMT's total fee for services rendered on this project.

**G. Standard of Care**

JMT shall perform the services in a manner consistent with the degree of skill and care ordinarily exercised by members of the same profession currently practicing under the same conditions.

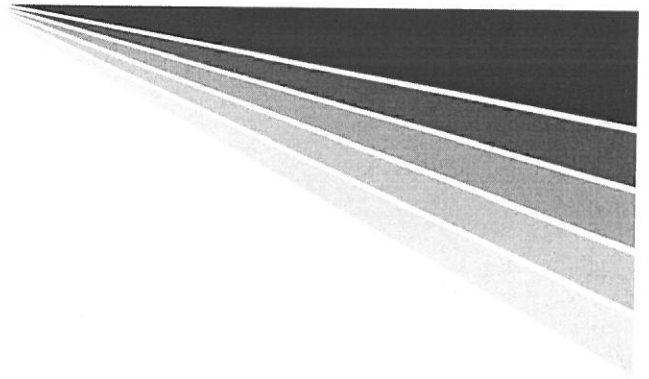
WE HEREBY AUTHORIZE JMT OF NEW YORK, INC. TO PROCEED IN ACCORDANCE WITH THE ABOVE PROPOSAL. IF ANY PROFESSIONAL SERVICES ARE ORDERED BY A REPRESENTATIVE OF THE CLIENT, FOR ITEMS LISTED ABOVE WITH A RETURNED ACCEPTANCE, THE PRICES AND TERMS OF THIS PROPOSAL SHALL BE IN EFFECT.

FOR: MINING PERMIT MODIFICATION COMMENTS      PROPOSAL: DATED 8/5/22

ORGANIZATION: \_\_\_\_\_      DATE: \_\_\_\_\_

BY: \_\_\_\_\_      TITLE \_\_\_\_\_

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August 4, 2022

Mrs. Andrea Hogan  
Town Supervisor  
Johnsburg Town Hall  
219 Main Street  
North Creek, NY 12853  
Email: [supervisor@johnsburgny.com](mailto:supervisor@johnsburgny.com)

RE: Proposal for Engineering Services  
Durkin Road NYSDOT Highway Work Application Support  
Town of Johnsburg, Warren County, New York  
JMT Job No. 22-02452

Dear Mrs. Hogan:

JMT of New York, Inc, (JMT) is pleased to provided engineering services in support for a Non-Utility NYSDOT Highway Work permit application.

We propose to provide the following Scope of Services for this proposal:

### **Phase 1 – Base Mapping**

1. JMT will provide base mapping for the project to generate plan sheets to identify limits of paving. The scope of services will include the following.
  - a. Base mapping will be downloaded from the NYS GIS Database to use the latest available aerials (2018) to construct plan view sheets to show the limits of the paving within the vicinity of NYS Route 28. The mapping will also be utilized to illustrate the required MPT within the planned work zone.

### **Phase 2 – Engineering Drawings**

1. JMT will provide limited engineering drawings to show the proposed paving work within the vicinity of Durkin Road at NYS Route 28. The scope of the services will include but not limited to the following items.
  - a. Cover Sheet
    - i. Showing project location and itemized list of included sheets.
  - b. Proposed Site Plan Sheet
    - i. Sheet will identify limits of proposed work and existing conditions based off the existing aerial data. The approximate State highway ROW will be superimposed from existing mapping, if available.
  - c. Details Sheet
    - i. The sheet will provide paving details from the NYSDOT Standard sheets for work scheduled within the NYSDOT ROW.
  - d. Maintenance and Protection of Traffic (MPT) Sheet
    - i. The sheet will provide signage, notes and details required for a temporary work adjacent to the State Highway in accordance with the NYSDOT Standard sheets and in conformance with the National Manual on Uniform Traffic Control Devices.

### **Phase 3 – Construction Estimate**

1. JMT will provide a construction estimate for the work involved within the NYS Route 28 ROW to determine an estimated value of work for the applicant to use on the application. The scope of the services will include, but not limited to, the following items.
  - a. Work items and cost will be determined in conformance with NYSDOT item numbers. These work items will be limited to the following items:
    - a. Asphalt items
    - b. Excavation/milling items
    - c. MPT items

### FEES

Following are estimated engineering fees to perform the scope of work as previously described.

<b>Phase 1 – Base Mapping</b>	<b>\$ 850.00</b>
<b>Phase 2 – Engineering Drawings</b>	<b>\$ 6,450.00</b>
<b>Phase 3 – Construction Estimate</b>	<b>\$ 1,200.00</b>
	<b>\$ 8,500.00</b>

### ASSUMPTIONS / EXCLUSIONS

- The Town will complete and submit the Non-Utility Highway Work Permit Application (Form PERM 33) to NYSDOT. All permit fees will be paid by the Town and are not included within the scope of work.
- The Town will provide a schematic to JMT for the intended paving limits within the vicinity of NYS Route 28.
- No onsite consultation is included during construction.
- No grading plan will be provided.
- The Town will facilitate all coordination efforts with NYSDOT.
- All proposed work shown on the engineered details sheet will be in conformance with NYSDOT item numbers.
- No separate specifications will be provided. All work items required within the NYSDOT ROW will be shown on the engineered drawings with NYSDOT item numbers.
- The limits of paving abutting State Route 28 shoulder from Durkin Road are assumed to not exceed 70 lineal feet. The area of interest to be shown on the drawings along Durkin Road are assumed to not exceed 70 lineal feet, measured from the intersection of State Route 28 at Durkin Road.
- The engineered drawings will be prepared for permitting application purposes and will not be detailed at a level adequate for bidding purposes.

JMT proposes to be reimbursed by the Town of Johnsbury for professional engineering services to be performed based on a not to exceed amount described in the fees section of this proposal. Project billing will occur on a time and material basis and will not exceed the quoted amount unless a change in scope is requested by the Client. Included below is a list of personnel (2022 Hourly Billing Rates) that would be associated with this project.

<u>Title</u>	<u>Rate</u>
Section Head	\$175/hr
Senior Engineer	\$135/hr
Project Engineer	\$114/hr
Design Engineer	\$95/hr
Engineering Tech / Drafter	\$85/hr



Administrative Assistant	\$57/hr
Mileage	At Federal Rate
Non-Salary Expenses	At Cost

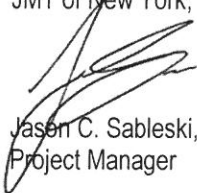
**REPRODUCTION COSTS**

Paper Prints	8.5" x 11"	\$0.08
	11" x 17"	\$0.15
Color Drawings		\$10.00
Color Copies		\$1.00

If you are in agreement with the work to be performed and cost associated with the work, please sign the service agreement and return one copy to our office for processing. Once signed, an executed copy will be returned to you for your records. Please contact me at (518) 782-0882 or jsableski@jmt.com if you need any additional information.

Very truly yours,

JMT of New York, Inc.

  
Jason C. Sableski, P.E.  
Project Manager

  
Christina Minkler  
Vice President

CC: Christina Minkler, P.E. (JMT)  
Fred Comstock, (Town)

## TERMS & CONDITIONS

### A. General Provisions

JMT agrees that this proposal shall remain open for 60 days from the date of this proposal. Acceptance of the proposal after the end of the 60 day period is valid if JMT elects, in writing, to reaffirm the proposal and waive its right to re-evaluate and resubmit the proposal.

JMT reserves the right to renegotiate the contract which this proposal, if accepted, will comprise, on or after six (6) months from the date of this proposal, provided the Client is given 30 days of notice in writing, if salaries or operational costs increase in a sufficient amount. Our present quotation is based upon current salaries and operational costs.

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JMT will submit monthly certified invoices for services rendered during the preceding month. Payments are due and payable within 30 days from the date of invoice. If Client fails to pay the full amount due for services and expenses within 30 days after date of invoice, the amount due will include a charge at the rate of 1-1/2% per month of the outstanding balance from said 30th day. In addition, in the event any invoice has not been paid in full by its due date, JMT may, after giving three (3) days written notice to Client, suspend services under this Agreement until Client has paid in full amounts due JMT for services, expenses and interest.

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<u>Classification</u>	<u>Hourly Rate</u>
TBD at time of change.	

Any changes to the previously approved submittals will be considered a change in scope of services and JMT will be entitled to additional compensation at the rates herein specified.

**D. Insurance**

JMT maintains Professional Liability, General Liability and Workmen's Compensation Insurance. On request, JMT will furnish Client certification of insurance.

**E. Termination**

In the event of termination of this Agreement by Client, Client shall pay JMT for services (including additional services) rendered, performed, or procured through such phase, including Expenses, at the rates stated in the Agreement, plus all termination expenses. Termination expenses mean additional Reimbursable Expenses directly attributable to termination.

**F. Indemnification and Limitation of Liability**

Except as otherwise agreed, JMT shall hold harmless and indemnify the Client against injury, loss or damage arising out of the negligent acts, errors or omissions of JMT. The Client agrees to limit JMT's liability hereunder to Client and to all Construction Contractors and Subcontractors on the project, due to such negligent acts, errors or omissions, such the total aggregate liability of JMT to all those named shall not exceed JMT's total fee for services rendered on this project.

**G. Standard of Care**

JMT shall perform the services in a manner consistent with the degree of skill and care ordinarily exercised by members of the same profession currently practicing under the same conditions.

WE HEREBY AUTHORIZE JMT OF NEW YORK, INC. TO PROCEED IN ACCORDANCE WITH THE ABOVE PROPOSAL. IF ANY PROFESSIONAL SERVICES ARE ORDERED BY A REPRESENTATIVE OF THE CLIENT, FOR ITEMS LISTED ABOVE WITH A RETURNED ACCEPTANCE, THE PRICES AND TERMS OF THIS PROPOSAL SHALL BE IN EFFECT.

FOR: DURKIN ROAD NYSDOT HIGHWAY WORK APPLICATION SUPPORT

PROPOSAL: DATED 8/4/22

ORGANIZATION: \_\_\_\_\_ DATE: \_\_\_\_\_

BY: \_\_\_\_\_ TITLE \_\_\_\_\_

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**secretary johnsburgny.com**

---

**From:** carrie seaman <seamancarrie@yahoo.com>  
**Sent:** Tuesday, August 9, 2022 11:11 AM  
**To:** secretary johnsburgny.com  
**Subject:** Letter for

Good morning,

I have attached the letter for the town board requesting permission to serve alcohol at our wedding reception. Please let me know if any further information is needed.

Thank you  
Carrie Varney

August 9, 2022

Dear members of the town board,

My fiancé and I have reserved the Tannery pond center for our wedding on June 17th 2023. We are writing to request permission to serve our guests alcoholic beverages at our reception. I am available to answer any questions should you need more information.

Thank you for your consideration,  
Carrie Varney

**AMENDMENT TO  
FINANCIAL ASSISTANCE AWARD**

GRANT     COOPERATIVE AGREEMENT

FEDERAL AWARD ID NUMBER  
01-79-15123

CFDA NO. AND NAME

11.307 Economic Adjustment Assistance Program

PROJECT TITLE

North Creek Ski Bowl Disaster Resiliency Project

RECIPIENT NAME

Johnsburg, Town

AMENDMENT NUMBER

2

STREET ADDRESS

219 Main Street

EFFECTIVE DATE

CITY, STATE, ZIP CODE

North Creek, New York 12853-2310

EXTEND PERIOD OF PERFORMANCE TO  
(IF APPLICABLE)

12/31/23

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$ 285,600.00	\$	\$	\$ 285,600.00
RECIPIENT SHARE OF COST	\$ 71,400.00	\$	\$	\$ 71,400.00
TOTAL ESTIMATED COST	\$ 357,000.00	\$	\$	\$ 357,000.00

REASON(S) FOR AMENDMENT:

1. Revise the Construction Start Date to 4/8/23.
2. Revise the Construction Completion Date to 12/31/23.

This Amendment Document (Form CD-451) signed by the Grants Officer constitutes an Amendment of the above-referenced Award, which may include an obligation of Federal funding. By signing this Form CD-451, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Amendment offer and de-obligate any associated funds.

SPECIAL AWARD CONDITION(S)

LINE ITEM BUDGET

OTHER(S):

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

Linda Cruz-Carnali, Regional Director

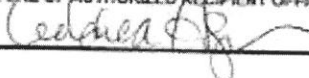
LINDA CRUZ CARNALI

Digitally signed by LINDA CRUZ CARNALI

DATE

PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

Andrea Hogan, Town Supervisor



Form 2022-07-25 10:12:50 -4498

DATE

8/10/22



**MEMORANDUM OF AGREEMENT**  
**Between the Town of Johnsbury and the**  
**Lake Champlain – Lake George Regional Planning Board**

This Memorandum of Agreement is between the Lake Champlain – Lake George Regional Planning Board, hereafter called the "LCLGRP", and the Town of Johnsbury, hereafter called "Town", to fully execute the objectives, tasks and deliverables under the Economic Development Administration (EDA) Disaster Supplemental Grant Project #01-79-15123, *North Creek Ski Bowl Disaster Resiliency*.

The LCLGRP agrees to perform the following services:

1. Perform all management tasks for the grant, including coordinating with the Town and project partners and compiling all narrative and fiscal information (receipts, vouchers, etc.) for the project, and
2. Write quarterly reports and produce reimbursement requests. Staff will then provide paperwork to the Town for signature and official submission to EDA, and
3. Assist in the completion of the project.

for a sum of no more than \$10,000. It is understood that the LCLGRP will invoice the Town quarterly:

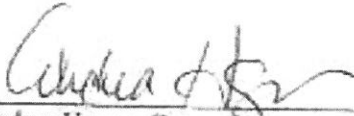
- October – December 2021: \$2,000
- January – March 2022: \$2,000
- April – June 2022: \$2,000
- July – September 2022: \$2,000
- October – December 2022: \$2,000

Invoices will be sent within thirty (30) days after a standard quarter has ended.

It is understood that the Town will reimburse the LCLGRP for tasks undertaken within thirty (30) days of submission of a request. The Town will also provide the LCLGRP with any and all assistance needed for task performance and completion.

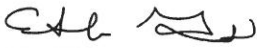
This agreement is in effect immediately upon acceptance of both signatures until EDA Project

#01-79-15123 is closed out with the funding agency. This agreement may be amended or expanded upon at any time, only in writing and signed by both parties.



Andrea Hogan, Supervisor,  
Town of Johnsbury

9.27.21  
Date



Elizabeth Gilles, Director  
Lake Champlain – Lake George Regional Planning Board

9/30/21  
Date

Pursuant to Town Law, §64(2), a town board may acquire by lease, purchase or eminent domain procedures land required for any town purpose (see also Town Law, §§81, 220; cf. 1981 Opns St Comp No. 81-203, p 216). As a general rule, when real property is no longer needed for town purposes, a town board, upon adoption of a resolution subject to permissive referendum, may convey the real property (Town Law, §64[2]; see, e.g., 1981 Opns St Comp No. 81-5, p 4; cf. County Law, §215(8) and Real Property Tax Law, §1166, exempting real property acquired by a county by tax title from certain procedural requirements generally applicable to the disposition of county real property).<sup>1</sup>

Section 94 provides that a town board, on its own motion, may cause to be submitted for voter approval any board resolution against which a petition for permissive referendum could be filed pursuant to Town Law. Since section 64(2) provides that a board resolution for the sale of real property is subject to the permissive referendum petition process, the town board, on its own motion without the necessity of a petition, may submit such a resolution to voter approval (see Ecker v Town of West Seneca, 87 Misc 2d 322, 384 NYS2d 613).

Finally, we note that, although section 64(2) contains no competitive bidding requirement (see, e.g., Opn No. 81-5, *supra*), the town board, when selling unneeded real property, has a fiduciary duty to secure the best price obtainable in its judgment or the most beneficial terms in the public interest.

The method of sale chosen is within the board's discretion, but should be the one which the board believes will yield the best price or maximum financial benefits (*id.*). To fulfill this fiduciary duty, the board should take appropriate measures, which may include obtaining one or more appraisals and utilizing a real estate broker to identify potential buyers



**APPRAISAL OF REAL PROPERTY**

**LOCATED AT:**

ANDREWS RD  
T/O JOHNSBURG, NY 12843

**FOR:**

T/O JOHNSBURG  
219 MAIN STR NORTH CREEK, NY

**BY:**

JIM BEATY

# LAND APPRAISAL REPORT

File No. **EDWARDS RD**  
**EDWARDS RD**

**IDENTIFICATION**

Borrower **N/A** Census Tract \_\_\_\_\_ Map Reference **MSA 24020**  
 Property Address **ANDREWS RD**  
 City **T/O JOHNSBURG** County **WARREN** State **NY** Zip Code **12843**  
 Legal Description **133.-1-34 BOOK 972 PAGE 105**  
 Sale Price \$ **N/A** Date of Sale **N/A** Loan Term \_\_\_\_\_ yrs Property Rights Appraised  Fee  Leasehold  De Minimis PUD  
 Actual Real Estate Taxes \$ **3848** (yr.) Loan charges to be paid by seller \$ **N/A** Other sales concessions **N/A**  
 Lender/Client **T/O JOHNSBURG** Address **219 MAIN STR NORTH CREEK, NY**  
 Occupant **VACANT** Appraiser **JIM BEATY** Instructions to Appraiser **VACANT LAND REPORT**

**NEIGHBORHOOD**

Location	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural	Employment Stability	<input type="checkbox"/> Good	<input checked="" type="checkbox"/> Avg	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
Built Up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input checked="" type="checkbox"/> Rapid	<input type="checkbox"/> Steady	Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	Recreational Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Present Land Use	<input type="checkbox"/> 50 % 1 Family	<input type="checkbox"/> % 2-4 Family	<input type="checkbox"/> % Apts.	Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> % Industrial	<input type="checkbox"/> 50 % Vacant	<input type="checkbox"/> % Condo	Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)	Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(*) From <b>N/A</b> To <b>N/A</b>			Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	<input type="checkbox"/> % Vacant	General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single Family Price Range \$	<b>100,000</b> to \$	<b>300,000</b>	Predominant Value \$	Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single Family Age	<b>NEW</b> yrs. to	<b>145</b> yrs.	Predominant Age		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<b>50</b> yrs.					

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise) **VACANT WOODED PARCEL WITH ACCESS ON LOGGING TRAIL OFF GOODMAN ROAD IN THE TOWN OF JOHNSBURG. ANDREWS ROAD AS LOGGING TRAIL AT CURRENT TIME WITH 4-WHEEL DRIVE ACCESS ONLY. MIX OF HARDWOOD AND PINE WITH ROLLING TERRAIN. VARYING STYLES OF HOMES AND VACANT LANDS IN THE AREA; WITHIN 4 MILES OF GORE MOUNTAIN AND HAMLET OF NORTH CREEK WITH SCHOOL.**

**SITE**

Dimensions **NO ROAD FRONTAGE** = **181.53** Sq Ft or Acres  Corner Lot  
 Zoning classification **APA (8.5 RURAL USE)** Present improvements  do  do not conform to zoning regulations  
 Highest and best use:  Present use  Other (specify) **DEVELOPED**  
 Elec.  Public  Other (Describe) **AT ROAD**  
 Gas   
 Water   
 San Sewer   
 Underground Elect & Tel.   
 OFF SITE IMPROVEMENTS  
 Street Access:  Public  Private  
 Surface **MACADAM**  
 Maintenance:  Public  Private  
 Storm Sewer  Curb/Gutter  
 Sidewalk  Street Lights  
 Topo **ROLLING**  
 Size **ABOVE AVERAGE**  
 Shape **IRREGULAR**  
 View **WOODS**  
 Drainage **AVERAGE**  
 Is the property located in a HUD Identified Special Flood Hazard Area?  No  Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions) **LOGGING TRAIL ACCESS OFF GOODMAN ROAD; ROLLING WOODED PARCEL WITH IRREGULAR SHAPE;**

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	Subject Property	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	<b>EDWARDS RD JOHNSBURG</b>	<b>174 ARMSTRONG RD BAKERS MILLS</b>	<b>STATE RTE 8 JOHNSBURG</b>	<b>3633 STATE RTE 8 WEVERTOWN</b>
Proximity to Subj		<b>2 MILES</b>	<b>3 MILES</b>	<b>1.75 MILES</b>
Sales Price	<b>N/A</b>	<b>\$ 219,000</b>	<b>\$ 99,900</b>	<b>\$ 184,900</b>
Price	<b>N/A</b>	<b>\$1500/AC</b>	<b>\$740/AC</b>	<b>\$1607/AC</b>
Data Source	<b>INSPECTION</b>	<b>COUNTY,MLS</b>	<b>COUNTY,MLS</b>	<b>COUNTY,MLS</b>
Date of Sale and	<b>DESCRIPTION</b>	<b>DESCRIPTION</b>	<b>DESCRIPTION</b>	<b>DESCRIPTION</b>
Time Adjustment	<b>07/21/2022</b>	<b>04/11/2022</b>	<b>03/07/2022</b>	<b>02/11/2022</b>
Location	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>AVERAGE</b>
Site/View	<b>181.53 AC</b>	<b>145.8 ACRES</b>	<b>135 ACRES</b>	<b>112 acres</b>
TOPO	<b>ROLLING</b>	<b>ROLLING</b>	<b>ROLLING</b>	<b>ROLLING</b>
VIEW	<b>WOODS</b>	<b>MNTS</b>	<b>WOODS</b>	<b>MNTS</b>
ACCESS	<b>TRAIL</b>	<b>PUBLIC RD</b>	<b>PUBLIC RD</b>	<b>PUBLIC RD</b>
OTHER	<b>NONE</b>	<b>HUNTING CAMP</b>		
Sales or Financing				
Concessions	<b>133.-1-34</b>	<b>147.-1-76&amp;77</b>	<b>131.-1-16</b>	<b>118.-1-6</b>
Net Adj (Total)		<b>Plus <input type="checkbox"/> Minus <input checked="" type="checkbox"/> \$ 54,800</b>	<b>Plus <input checked="" type="checkbox"/> Minus <input type="checkbox"/> \$ 7,200</b>	<b>Plus <input type="checkbox"/> Minus <input checked="" type="checkbox"/> \$ 37,000</b>
Indicated Value of Subject		<b>\$ 164,200</b>	<b>\$ 107,100</b>	<b>\$ 147,900</b>

Comments on Market Data: **COMPS ARE ALL VACANT WOODED PARCELS WITHIN THE SUBJECT MARKET AREA; ALL COMPS WITH RESIDUAL ACRES ADJUSTED AT \$700/ACRE.**

Comments and Conditions of Appraisal: **MARKET APPROACH USED FOR VALUE;**

Final Reconciliation: **MARKET APPROACH USED;**

**ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF** **07/21** **2022** **to be \$** **150,000**

Appraiser(s) *Jim Beatty* Review Appraiser (If applicable)  Did  Did Not Physically Inspect Property

# Photograph Addendum

File No.

EDWARDS RD  
EDWARDS RD

Borrower <b>N/A</b>	
Property Address <b>ANDREWS RD</b>	
City <b>T/O JOHNSBURG</b>	County <b>WARREN</b>
State <b>NY</b>	Zip Code <b>12843</b>
Lender/Client <b>T/O JOHNSBURG</b>	Lender's Address <b>219 MAIN STR NORTH CREEK, NY</b>
Appraiser <b>JIM BEATY</b>	Appraiser's Address



**Subject Front**



**Subject Rear**

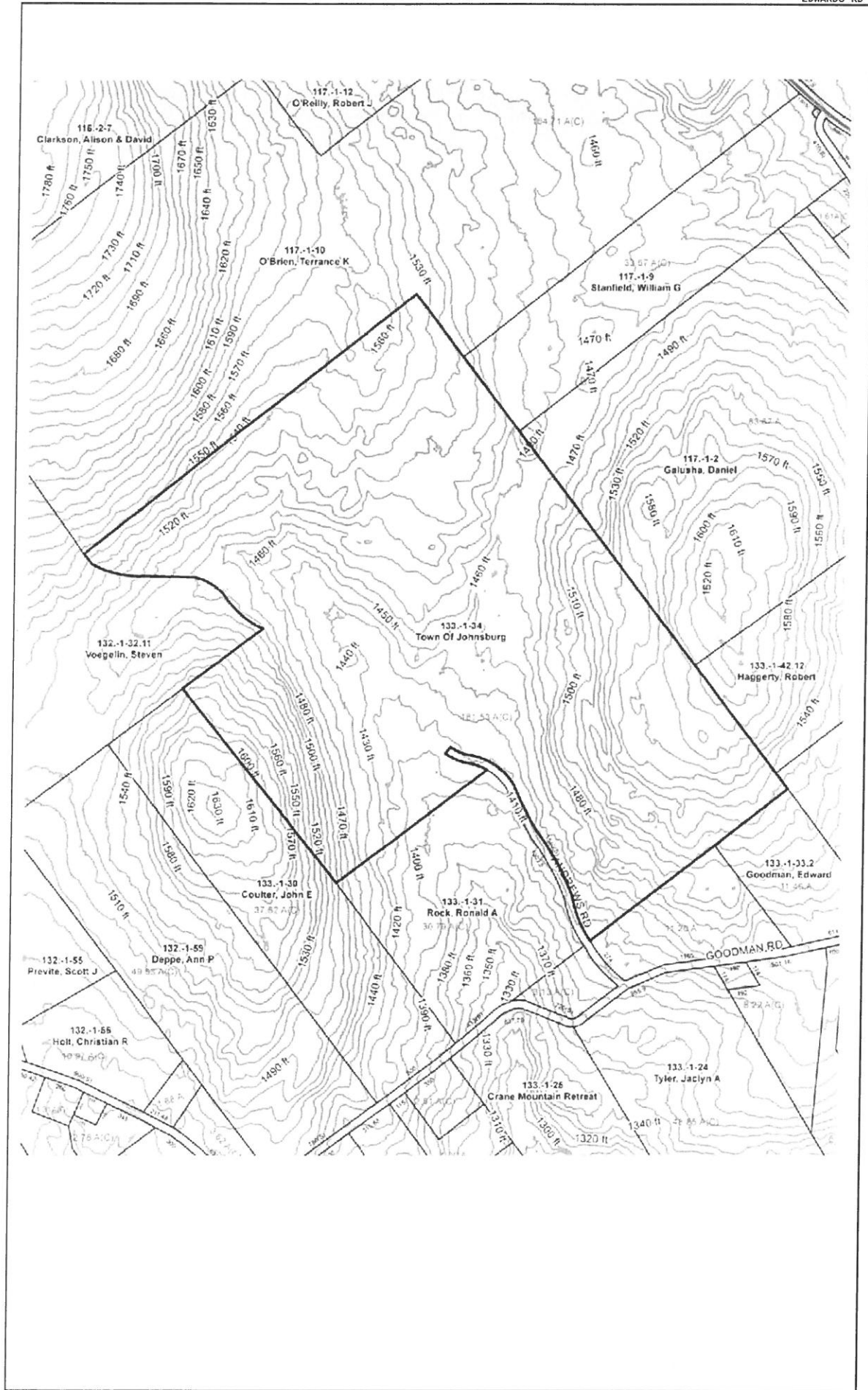


**Subject Street**



*Edwards*

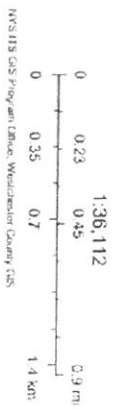


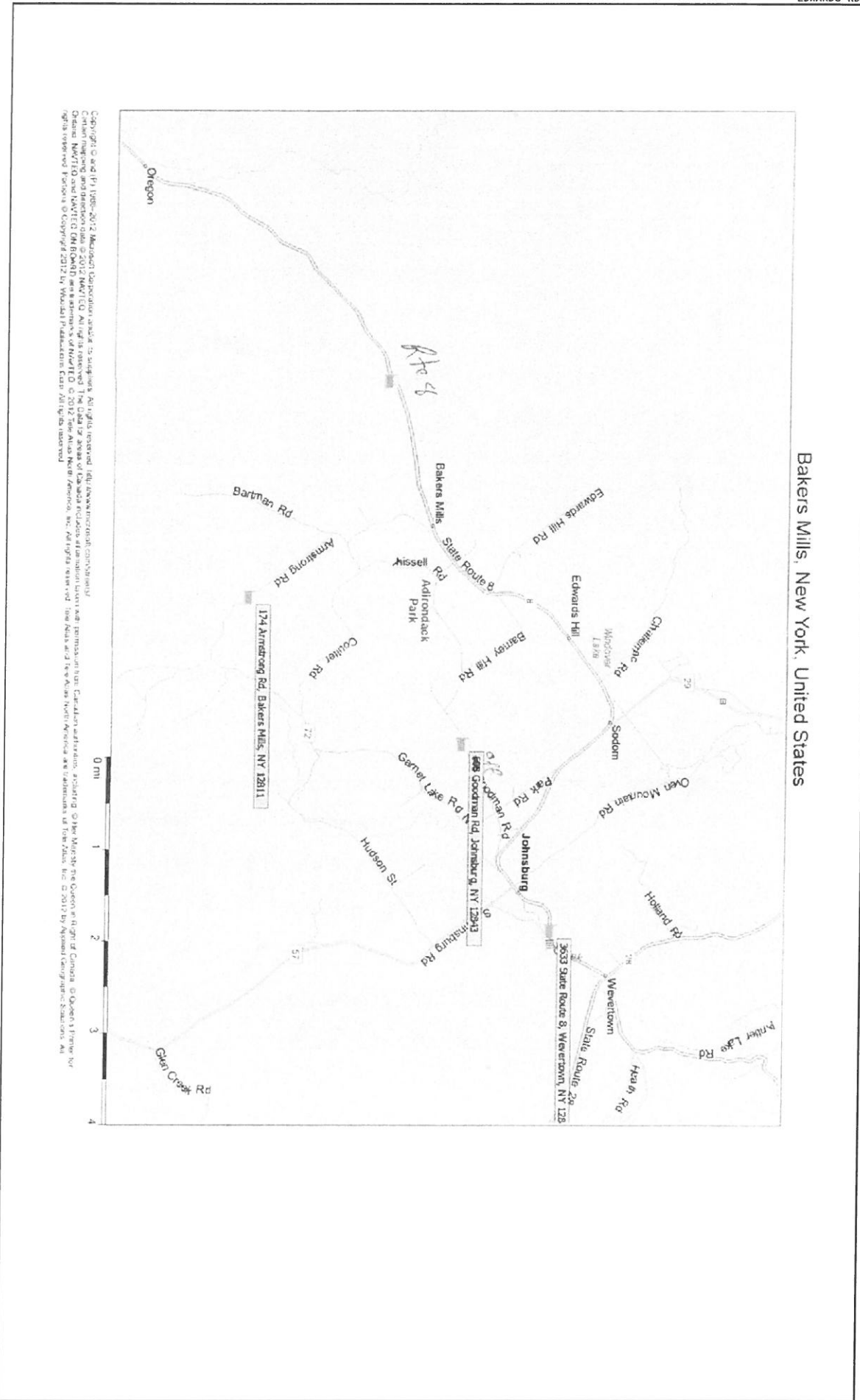


133. andrews



June 28, 2022  
Town Boundaries

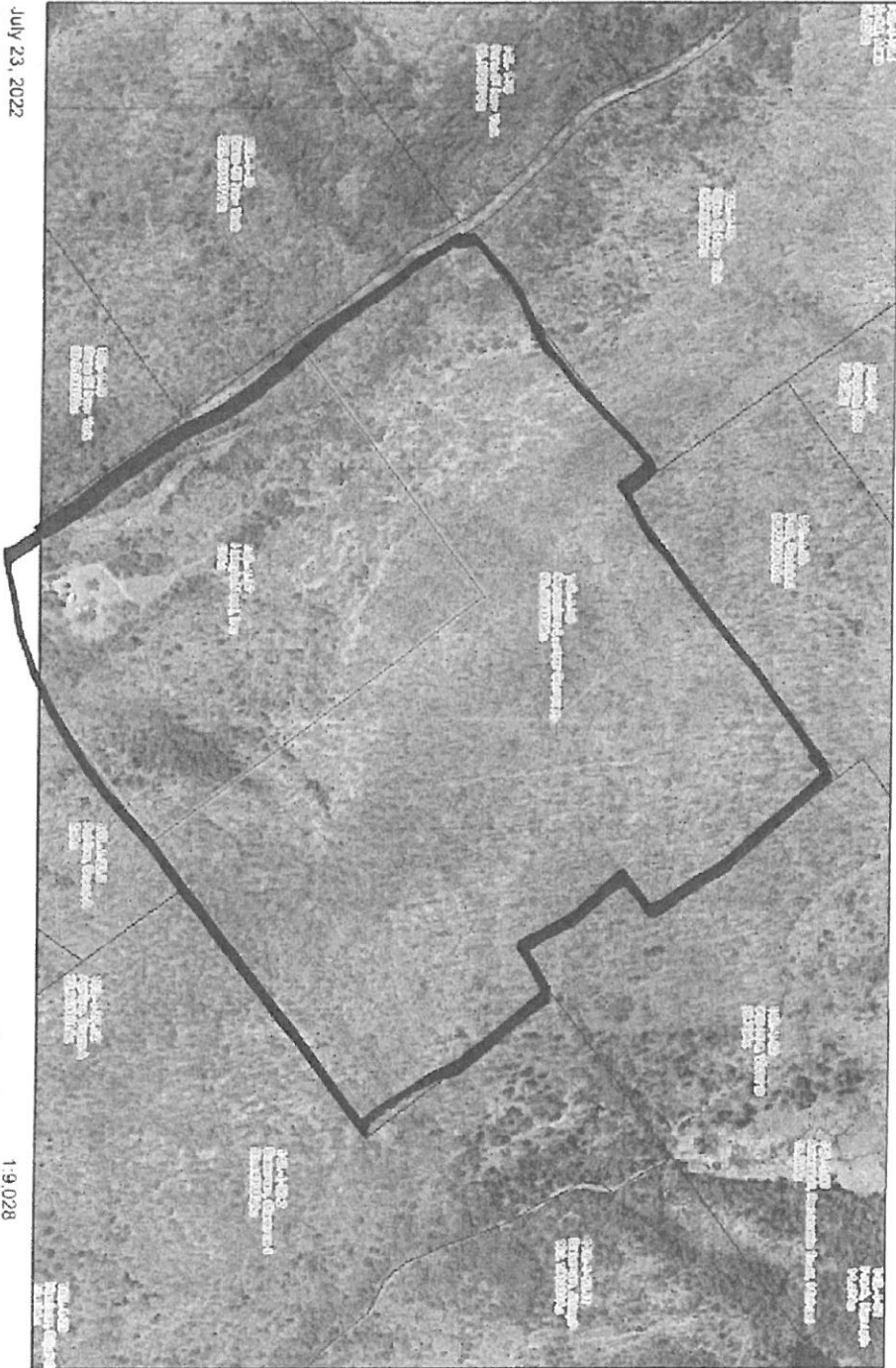




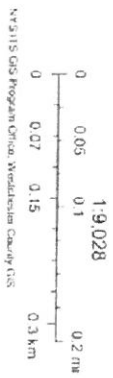
Bakers Mills, New York, United States

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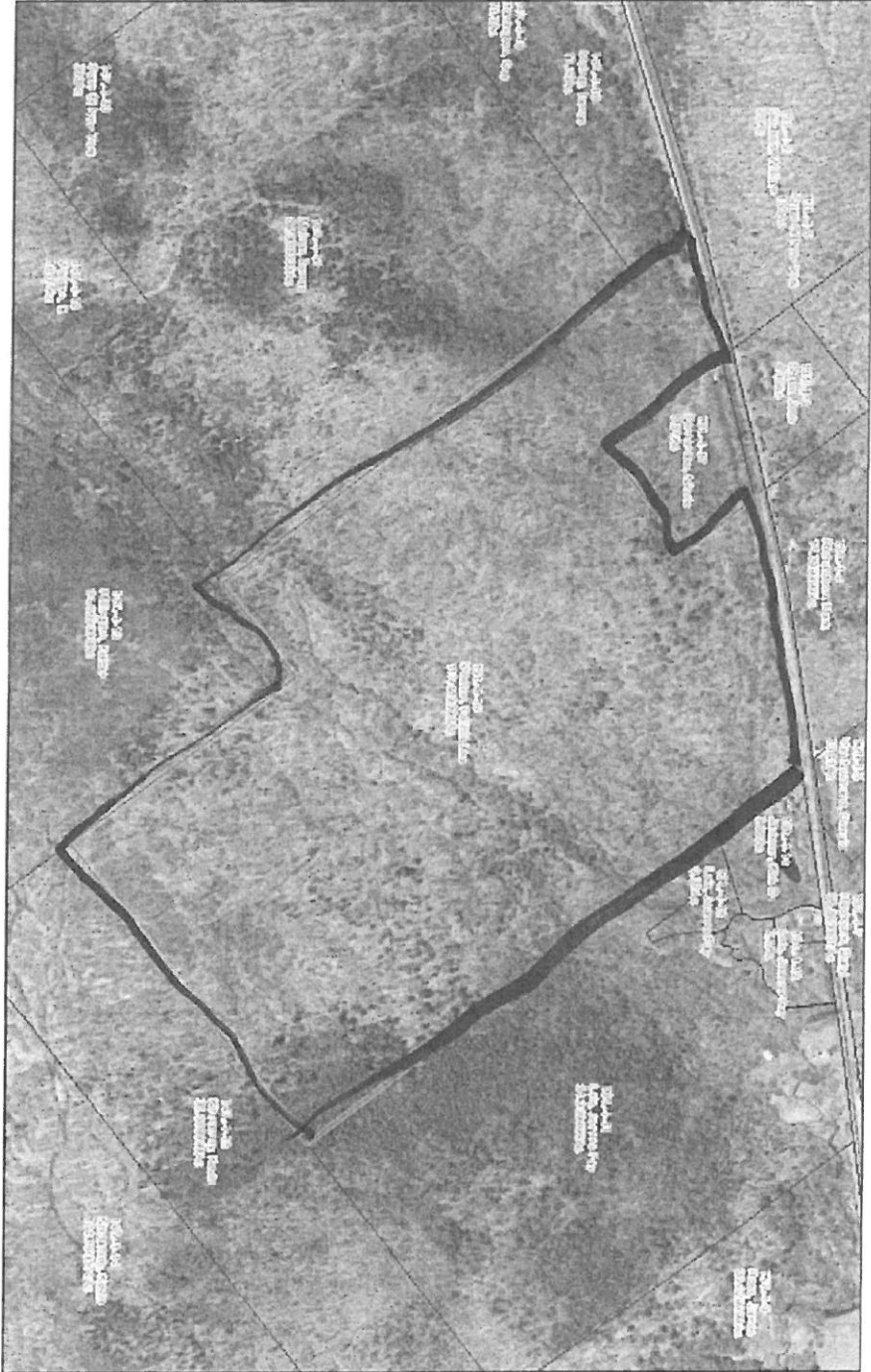
174 armstrong



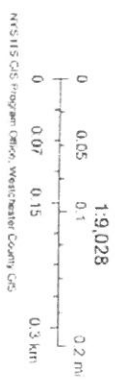
July 23, 2022  
Parcels  
Town Boundaries



July 23, 2022  
Parcels  
Town Boundaries



rd  
8





3633 rte 8



**BEATY APPRAISALS**

**James Edward Beaty**  
Licensed Real Estate Appraiser  
P.O. Box 4235  
Queensbury, NY 12804  
(518) 743-0305

**Experience:**

1987 – Present: Fee Appraiser for Glens Falls National Bank, Glens Falls, NY  
(Warren, Washington, Saratoga and Essex Counties)

ERC Relocation Reports for the following:  
Prudential Management Company  
Coldwell Bankers Relocation Company  
Cendant Mobility Service

## Partial List of Additional Clients:

City of Glens Falls  
Glens Falls Hospital Credit Union  
Troy Savings Bank  
TD Banknorth  
Warren and Washington County Social Services  
Rural Development  
Town of Queensbury  
Town of Fort Edward  
Lake George/Lake Champlain Regional Planning Board  
Several Local Attorneys

**Education:** 2009 **RE-1 Introduction to Residential Income Property Valuation (20 hours)**  
2009 **Statistics Modeling and Finance(15 hours)**  
2009 **R11 Advanced Residential Applications and Case Studies (15 hours)**  
2009 **Residential Report Writing and Case Studies (15 hours)**  
2009 **R9 Residential Sales Comparison and Income Approach (30 hours)**  
2009 **R8 Residential Appraisal Site Valuation And Cost Approach(15 hours)**  
2009 **R7 Residential Market Analysis and Highest and Best Use(15 hours)**  
2002 Manfred Real Estate Learning Center – AQ-1 Appraisal Qualifying  
Manfred Real Estate Learning Center – Evolution of the American Home (7.5 Hours)  
Manfred Real Estate Learning Center – Home Construction (7.5 Hours)  
2000 Manfred Real Estate Learning Center – New FHA/HUD Guidelines (7.5 Hours)  
1998 NYS Society of Real Estate Appraisers – Relocation Appraisal (7.5 Hours)  
1997 Applied Income Property Valuation (G-3, 30 Hours)  
1996 Albany Center for Real Estate Education – Performing a Construction Inspection  
(22.5 Hours)  
1992 Principles of Income Property Appraising (G-2, 30 Hours)  
Introduction to Income Property Valuation (G-1, 30 Hours)  
NYS License for Real Estate Appraiser (#47-0723)  
1991 State Required R-1, R-2 and Standards Ethics Course (30, 30 and 15 Hours  
Respectively)  
1990 Member of NYS Society of Real Estate Appraisers  
1989 Advanced Residential Appraisals Course (15 Hours)  
New York State Brokers Course (30 Hours)  
1986 Siena College Real Estate Appraisal (45 Hours)  
1976 SUNY Plattsburg Degree in Marketing (B.S.)



UNIQUE ID NUMBER  
47000000723

*State of New York*  
*Department of State*  
**DIVISION OF LICENSING SERVICES**

FOR OFFICE USE ONLY  
Control  
No. 1547381

PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE  
EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.

EFFECTIVE DATE  
MO. DAY YR.  
02 11 22

BEATY JAMES E  
C/O BEATY APPRAISALS  
P O BOX 4235  
379 BAY RD  
QUEENSBURY, NY 12804

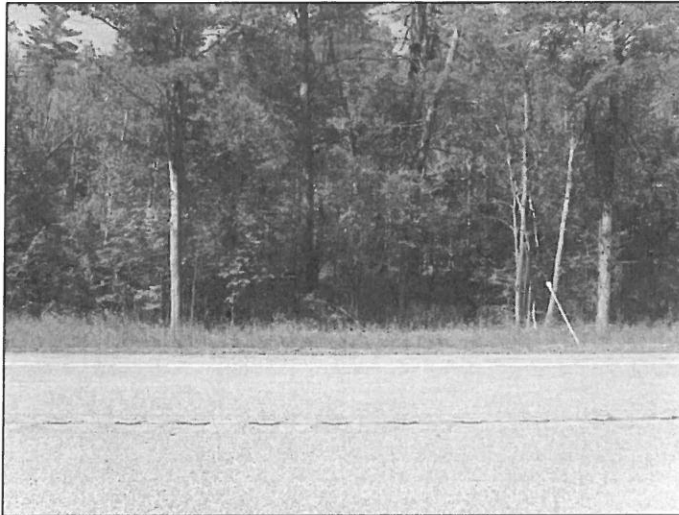
EXPIRATION DATE  
MO. DAY YR.  
02 10 24

HAS BEEN DULY LICENSED TO TRANSACT BUSINESS AS A  
R. E. APPRAISER

In Witness Whereof, The Department of State has caused  
its official seal to be hereunto affixed

ROBERT J. RODRIGUEZ  
ACTING SECRETARY OF STATE

DOS-1098 (Rev 3-01)



**APPRAISAL OF REAL PROPERTY**

**LOCATED AT:**

ST RTE 28  
T/O JOHNSBURG, NY 12843

**FOR:**

T/O JOHNSBURG  
219 MAIN STR NORTH CREEK, NY

**BY:**

JIM BEATY

# LAND APPRAISAL REPORT

File No. **state route 28**  
**ST RTE 28**

**IDENTIFICATION**

Borrower **N/A** Census Tract \_\_\_\_\_ Map Reference **HSA 24020**

Property Address **ST RTE 28**

City **T/O JOHNSBURG** County **WARREN** State **NY** Zip Code **12843**

Legal Description **151.-1-12**

Sale Price \$ **N/A** Date of Sale **N/A** Loan Term \_\_\_\_\_ yrs Property Rights Appraised  Fee  Leasehold  De Minimis PUD

Actual Real Estate Taxes \$ **856+-** (yr) Loan charges to be paid by seller \$ **N/A** Other sales concessions **N/A**

Lender/Client **T/O JOHNSBURG** Address **219 MAIN STR NORTH CREEK, NY**

Occupant **VACANT** Appraiser **JIM BEATY** Instructions to Appraiser **VACANT LAND REPORT**

**NEIGHBORHOOD**

Location	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural	Good	Avg	Fair	Poor
Built Up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input checked="" type="checkbox"/> Rapid	<input type="checkbox"/> Steady	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Present Land Use	<input checked="" type="checkbox"/> 50 % 1 Family	<input type="checkbox"/> % 2-4 Family	<input type="checkbox"/> % Apts.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> % Industrial	<input type="checkbox"/> 50 % Vacant	<input type="checkbox"/> %	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(*) From <b>N/A</b>	To <b>N/A</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	<input type="checkbox"/> % Vacant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single Family Price Range \$	<b>100,000</b> to \$	<b>300,000</b>	Predominant Value \$	<b>160,000</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Single Family Age	<b>NEW</b> yrs to	<b>145</b> yrs.	Predominant Age	<b>50</b> yrs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments including those factors, favorable or unfavorable, affecting marketability (e.g public parks, schools, view, noise) **VACANT WOODED PARCEL WITH 620' ON STATE RTE 28 JUST SOUTH OF PASCO RD IN THE TOWN OF JOHNSBURG. MIX OF HARDWOOD AND PINE WITH ROLLING TERRAIN. VARYING STYLES OF HOMES AND VACANT LANDS IN THE AREA; WITHIN 7 MILES OF GORE MOUNTAIN AND HAMLET OF NORTH CREEK WITH SCHOOL.**

**SITE**

Dimensions **620'** = **48.42** Sq Ft or Acres  Corner Lot

Zoning classification **APA (8.5 RURAL USE)** Present improvements  do  do not conform to zoning regulations

Highest and best use:  Present use  Other (specify) **DEVELOPED**

Elec. <input checked="" type="checkbox"/>	Public <b>AT ROAD</b>	Other (Describe)	OFF SITE IMPROVEMENTS	Topo <b>ROLLING</b>
Gas <input type="checkbox"/>			Street Access: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	Size <b>AVERAGE</b>
Water <input type="checkbox"/>			Surface <b>MACADAM</b>	Shape <b>RECTANGLE</b>
San. Sewer <input type="checkbox"/>			Maintenance: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	View <b>WOODS</b>
<input type="checkbox"/> Underground Elect. & Tel.			<input type="checkbox"/> Storm Sewer <input type="checkbox"/> Curb/Gutter	Drainage <b>AVERAGE</b>
			<input type="checkbox"/> Sidewalk <input type="checkbox"/> Street Lights	

Is the property located in a HUD Identified Special Flood Hazard Area?  No  Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions) **ROLLING WOODED PARCEL WITH LONG RECTANGLE SHAPE;**

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	Subject Property	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	<b>ST RTE 28 JOHNSBURG</b>	<b>ST RTE 28N NORTH CREEK</b>	<b>3087 N GORE RD NORTH CREEK</b>	<b>484 BARTMAN RD BAKERS MILLS</b>
Proximity to Subj		<b>9 MILES</b>	<b>10 MILES</b>	<b>6 MILES</b>
Sales Price	<b>N/A</b>	<b>\$ 80,000</b>	<b>\$ 70,000</b>	<b>\$ 74,900</b>
Price	<b>N/A</b>	<b>\$2857/AC</b>	<b>\$3333/AC</b>	<b>\$3571/AC</b>
Data Source	<b>INSPECTION</b>	<b>COUNTY,MLS</b>	<b>COUNTY,MLS</b>	<b>COUNTY,MLS</b>
Date of Sale and	<b>DESCRIPTION</b>	<b>DESCRIPTION</b>	<b>DESCRIPTION</b>	<b>DESCRIPTION</b>
Time Adjustment	<b>07/21/2022</b>	<b>09/29/2021</b>	<b>10/19/2021</b>	<b>ACTIVE LISTING</b>
Location	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>AVERAGE</b>
Site/View	<b>48.42 AC</b>	<b>28.28</b>	<b>21.41 AC</b>	<b>21.36 AC</b>
TOPO	<b>ROLLING</b>	<b>ROLLING</b>	<b>ROLLING</b>	<b>ROLLING</b>
VIEW	<b>WOODS</b>	<b>MNTS</b>	<b>MNTS</b>	<b>WOODS</b>
ACCESS	<b>PUBLIC RD</b>	<b>PUBLIC RD</b>	<b>PUBLIC RD</b>	<b>PUBLIC RD</b>
OTHER	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>STREAM</b>
Sales or Financing	<b>151.-1-12</b>	<b>32.-1-5</b>	<b>33.-1-4.4</b>	<b>147.-1-4.2&amp;4.3</b>
Concessions				
Net Adj. (Total)		<input type="checkbox"/> Plus <input type="checkbox"/> Minus \$	<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ <b>25,000</b>	<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ <b>9,000</b>
Indicated Value of Subject		<b>\$ 80,000</b>	<b>\$ 95,000</b>	<b>\$ 83,900</b>

Comments on Market Data: **COMPS ARE ALL VACANT WOODED PARCELS WITHIN THE SUBJECT MARKET AREA; ALL COMPS WITH RESIDUAL ACRES ADJUSTED AT \$1000/ACRE.**

Comments and Conditions of Appraisal: **MARKET APPROACH USED FOR VALUE;**

Final Reconciliation: **MARKET APPROACH USED;**

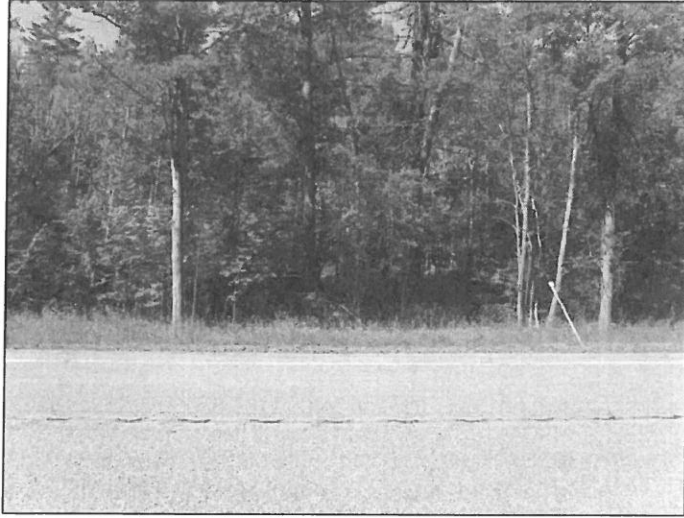
ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF **07/21** 2022 to be \$ **83,000**

Appraiser(s) *Jim Beatty* Review Appraiser (if applicable)  Did  Did Not Physically Inspect Property

# Photograph Addendum

File No. state route 28  
ST RTE 28

Borrower <b>N/A</b>	
Property Address <b>ST RTE 28</b>	
City <b>T/O JOHNSBURG</b>	County <b>WARREN</b>
State <b>NY</b>	Zip Code <b>12843</b>
Lender/Client <b>T/O JOHNSBURG</b>	Lender's Address <b>219 MAIN STR NORTH CREEK, NY</b>
Appraiser <b>JIM BEATY</b>	Appraiser's Address



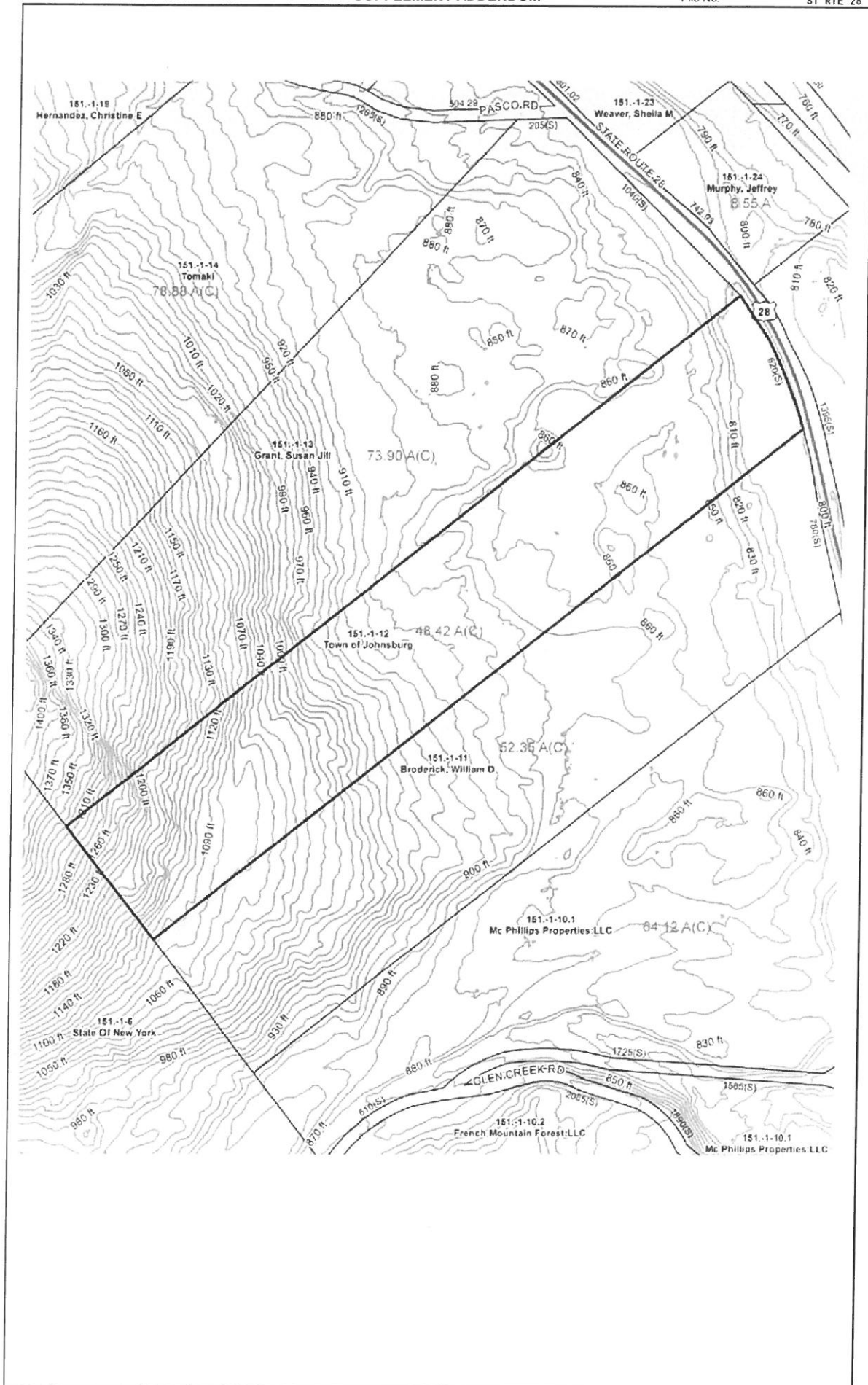
**Subject Front**



**Subject Rear**



**Subject Street**





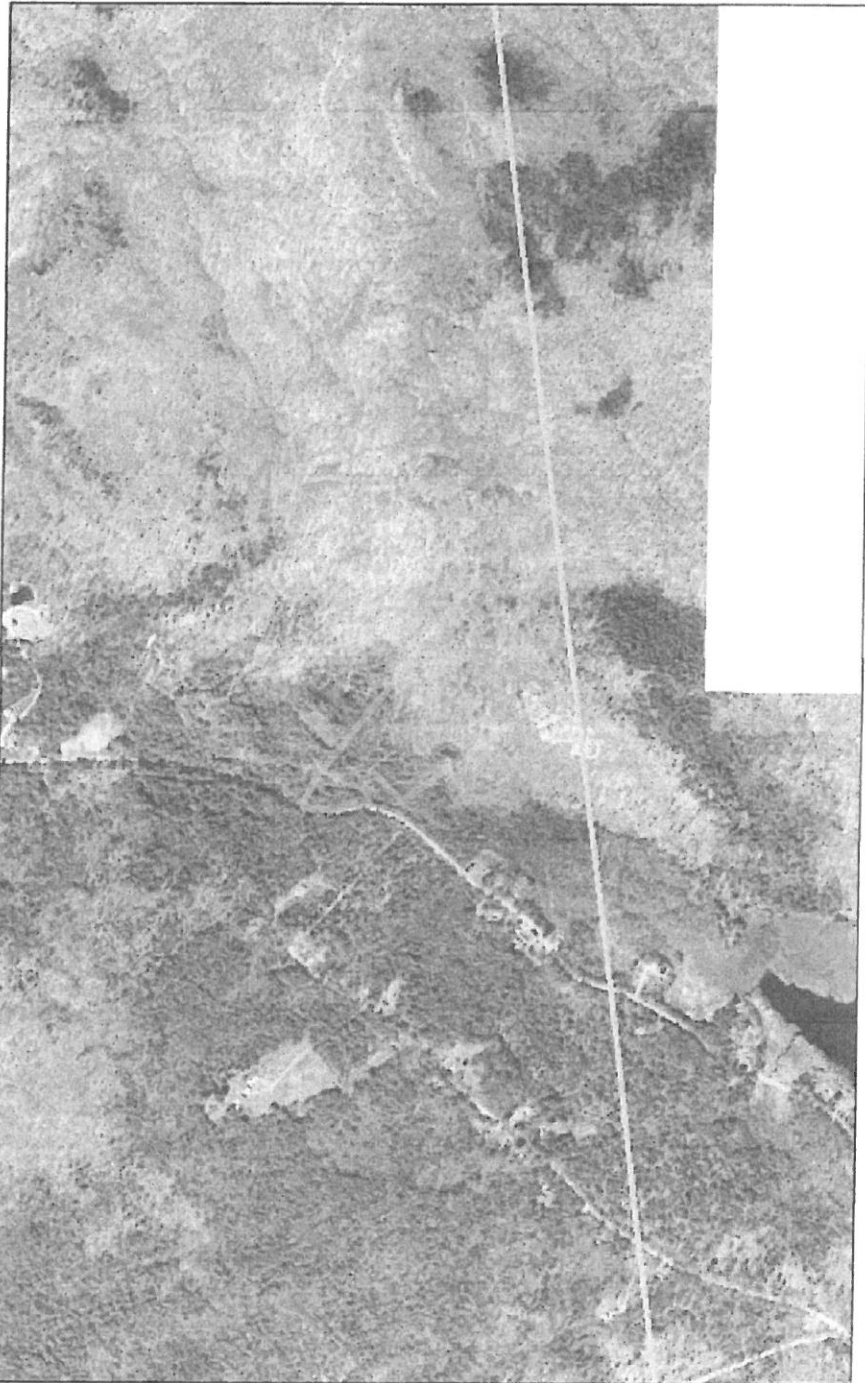






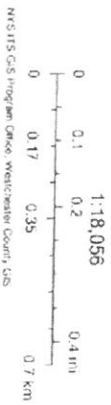


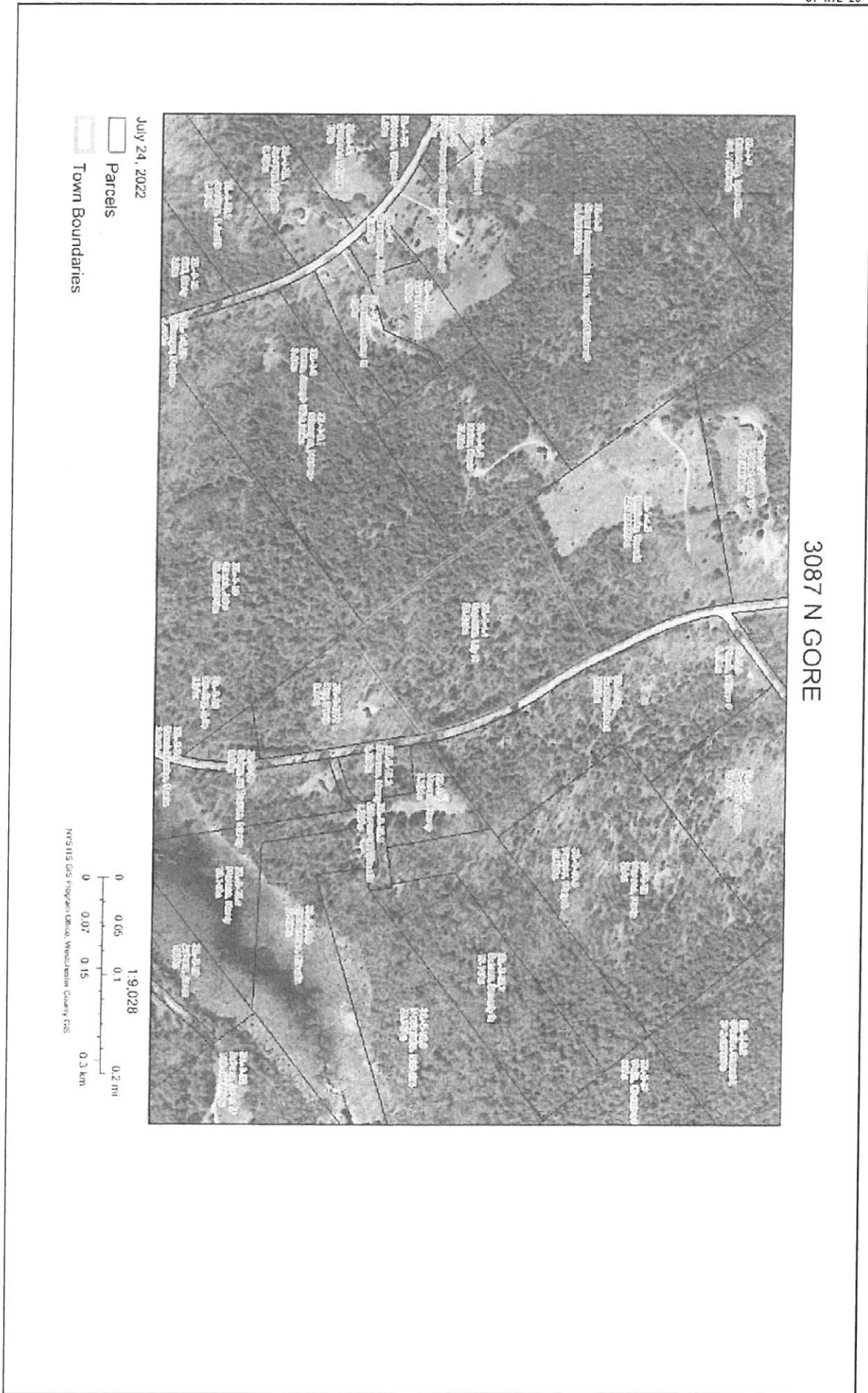
RTE 28N2



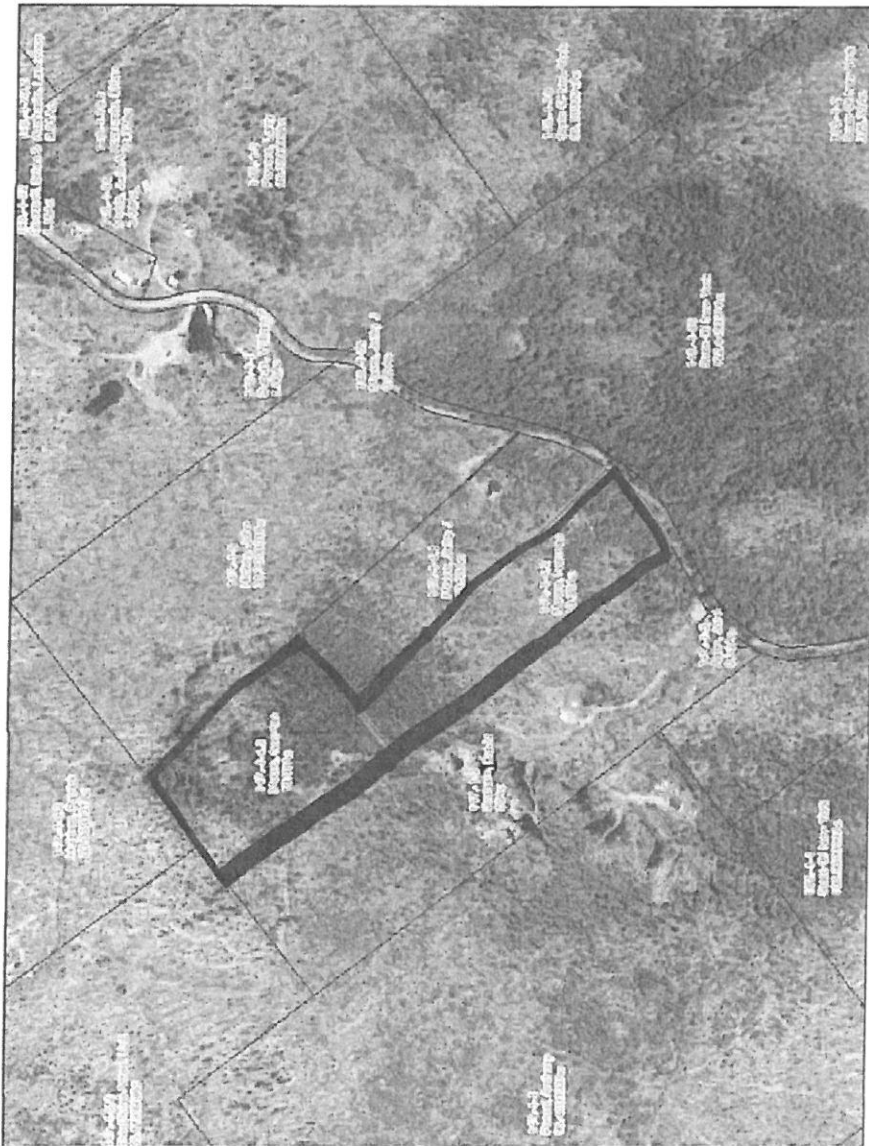
July 24, 2022  
Town Boundaries

*Comp 1*

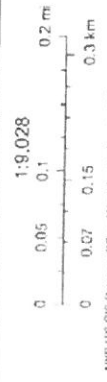




484 BARTMAN



Comp 3 (2 parcels)



**BEATY APPRAISALS**

**James Edward Beaty**  
Licensed Real Estate Appraiser  
P.O. Box 4235  
Queensbury, NY 12804  
(518) 743-0305

**Experience:**

1987 – Present: Fee Appraiser for Glens Falls National Bank, Glens Falls, NY  
(Warren, Washington, Saratoga and Essex Counties)

ERC Relocation Reports for the following:  
Prudential Management Company  
Coldwell Bankers Relocation Company  
Cendant Mobility Service

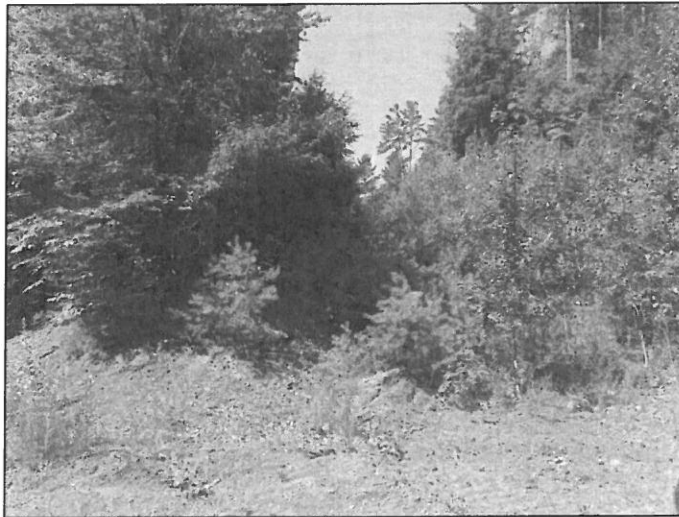
## Partial List of Additional Clients:

City of Glens Falls  
Glens Falls Hospital Credit Union  
Troy Savings Bank  
FD Banknorth  
Warren and Washington County Social Services  
Rural Development  
Town of Queensbury  
Town of Fort Edward  
Lake George/Lake Champlain Regional Planning Board  
Several Local Attorneys

**Education:** 2009 RE-1 Introduction to Residential Income Property Valuation (20 hours)  
2009 Statistics Modeling and Finance (15 hours)  
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NYS License for Real Estate Appraiser (#47-0723)  
1991 State Required R-1, R-2 and Standards Ethics Course (30, 30 and 15 Hours  
Respectively)  
1990 Member of NYS Society of Real Estate Appraisers  
1989 Advanced Residential Appraisals Course (15 Hours)  
New York State Brokers Course (30 Hours)  
1986 Siena College Real Estate Appraisal (45 Hours)  
1976 SUNY Plattsburg Degree in Marketing (B.S.)

UNIQUE ID NUMBER 47000000723	<i>State of New York</i> <i>Department of State</i> <b>DIVISION OF LICENSING SERVICES</b>	<b>FOR OFFICE USE ONLY</b> <b>Control</b> <b>No. 1547381</b>
PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.		<b>EFFECTIVE DATE</b> MO. DAY YR. 02 11 22
BEATY JAMES E C/O BEATY APPRAISALS P O BOX 4235 379 BAY RD QUEENSBURY, NY 12804		<b>EXPIRATION DATE</b> MO. DAY YR. 02 10 24
HAS BEEN DULY LICENSED TO TRANSACT BUSINESS AS A R. E. APPRAISER		
<small>In Witness Whereof, The Department of State has caused          its official seal to be hereunto affixed.</small> <b>ROBERT J. RODRIGUEZ</b> <b>ACTING SECRETARY OF STATE</b>		

DOS-1098 (Rev. 3/01)



**APPRAISAL OF REAL PROPERTY**

**LOCATED AT:**

GARNET LAKE RD  
T/O JOHNSBURG, NY 12843

**FOR:**

T/O JOHNSBURG  
219 MAIN STR NORTH CREEK, NY

**BY:**

JIM BEATY



# LAND APPRAISAL REPORT

File No. **GARNET LAKE**  
Map Reference **GARNET LAKE RD**

**IDENTIFICATION**

Borrower **N/A** Census Tract \_\_\_\_\_ Map Reference **MSA 24020**

Property Address **GARNET LAKE RD**

City **T/O JOHNSBURG** County **WARREN** State **NY** Zip Code **12843**

Legal Description **133.-1-17.12**

Sale Price \$ **N/A** Date of Sale **N/A** Loan Term \_\_\_\_\_ yrs Property Rights Appraised  Fee  Leasehold  De Minimis PUD

Actual Real Estate Taxes \$ **592+-** (yr.) Loan charges to be paid by seller \$ **N/A** Other sales concessions **N/A**

Lender/Client **T/O JOHNSBURG** Address **219 MAIN STR NORTH CREEK, NY**

Occupant **VACANT** Appraiser **JIM BEATY** Instructions to Appraiser **VACANT LAND REPORT**

**NEIGHBORHOOD**

Location	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural	Employment Stability	<input type="checkbox"/> Good	<input checked="" type="checkbox"/> Avg	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
Built Up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input checked="" type="checkbox"/> Rapid	<input type="checkbox"/> Steady	Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> X Stable	<input type="checkbox"/> Declining	Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> X In Balance	<input type="checkbox"/> Over Supply	Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> X 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	Recreational Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Present Land Use	<b>60</b> % 1 Family	% 2-4 Family	% Apts.	% Condo	% Commercial	Adequacy of Utilities	<input type="checkbox"/>	<input type="checkbox"/>
Change in Present Land Use	<input checked="" type="checkbox"/> X Not Likely	<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)		Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Predominant Occupancy	<input checked="" type="checkbox"/> X Owner	<input type="checkbox"/> Tenant	% Vacant		Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Single Family Price Range \$	<b>100,000</b> to \$	<b>300,000</b>	Predominant Value \$		<b>160,000</b>	Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Single Family Age	<b>NEW</b> yrs to	<b>145</b> yrs	Predominant Age		<b>50</b> yrs	General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise) **VACANT WOODED PARCEL WITH 162' ON N GARNET LAKE RD AT INTERSECTION WITH PARK RD IN THE TOWN OF JOHNSBURG. MIX OF HARDWOOD AND PINE WITH ROLLING TERRAIN. VARYING STYLES OF HOMES AND VACANT LANDS IN THE AREA; WITHIN 6 MILES OF GORE MOUNTAIN AND HAMLET OF NORTH CREEK WITH SCHOOL.**

**SITE**

Dimensions **162' ON RD** = **10.00 AC** Sq Ft or Acres  Corner Lot

Zoning classification **APA (8.5 RURAL USE)** Present improvements  do  do not conform to zoning regulations

Highest and best use:  Present use  Other (specify) **DEVELOPED**

Elec.	<input checked="" type="checkbox"/> X	Public	Other (Describe) <b>AT ROAD</b>	Topo	<b>ROLLING</b>
Gas	<input type="checkbox"/>			Size	<b>AVERAGE</b>
Water	<input type="checkbox"/>			Shape	<b>IRREGULAR</b>
San Sewer	<input type="checkbox"/>			View	<b>WOODS</b>
	<input type="checkbox"/>	Underground Elect. & Tel.		Drainage	<b>AVERAGE</b>

OFF SITE IMPROVEMENTS

Street Access:	<input checked="" type="checkbox"/> X Public	<input type="checkbox"/> Private
Surface:	<b>MACADAM</b>	
Maintenance:	<input checked="" type="checkbox"/> X Public	<input type="checkbox"/> Private
	<input type="checkbox"/> Storm Sewer	<input type="checkbox"/> Curb/Gutter
	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Street Lights

Is the property located in a HUD Identified Special Flood Hazard Area?  No  Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions) **ROLLING WOODED PARCEL WITH ROLLING TERRAIN;**

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

**MARKET DATA ANALYSIS**

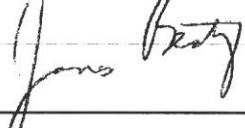
ITEM	Subject Property	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	<b>GARNET LK RD JOHNSBURG</b>	<b>HOLLAND RD NORTH CREEK</b>	<b>AUSTIN POND RD NORTH CREEK</b>	<b>SCHROON RIVER RD WARRENSBURG</b>
Proximity to Subj		<b>2 MILES</b>	<b>4.5 MILES</b>	<b>11 MILES</b>
Sales Price	<b>N/A</b>	<b>\$ 32,000</b>	<b>\$ 30,000</b>	<b>\$ 48,500</b>
Price	<b>N/A</b>	<b>\$4432/AC</b>	<b>\$3000/AC</b>	<b>\$3589/AC</b>
Data Source	<b>INSPECTION</b>	<b>COUNTY,MLS</b>	<b>COUNTY,MLS</b>	<b>COUNTY,MLS</b>
Date of Sale and Time Adjustment	<b>07/21/2022</b>	<b>05/06/2022</b>	<b>09/10/2021</b>	<b>10/01/2021</b>
Location	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>AVERAGE</b>	<b>AVERAGE</b>
Site/View	<b>10.00 AC</b>	<b>7.22 AC +4170</b>	<b>10.00 AC</b>	<b>13.51 AC -5265</b>
TOPO	<b>ROLLING</b>	<b>ROLLING</b>	<b>ROLLING</b>	<b>ROLLING</b>
VIEW	<b>WOODS</b>	<b>WOODS</b>	<b>POND -2000</b>	<b>WOODS</b>
ACCESS	<b>PUBLIC RD</b>	<b>PUBLIC RD</b>	<b>PUBLIC RD</b>	<b>PUBLIC RD</b>
OTHER	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>
Sales or Financing				
Concessions	<b>133.-1-17.12</b>	<b>118.-1-26.6</b>	<b>83.-2-19</b>	<b>184.-1-6.4</b>
Net Adj. (Total)		<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ <b>4,170</b>	<input type="checkbox"/> Plus <input checked="" type="checkbox"/> Minus \$ <b>2,000</b>	<input type="checkbox"/> Plus <input checked="" type="checkbox"/> Minus \$ <b>5,265</b>
Indicated Value of Subject		<b>\$ 36,170</b>	<b>\$ 28,000</b>	<b>\$ 43,235</b>

Comments on Market Data: **COMPS ARE ALL VACANT WOODED PARCELS WITHIN THE SUBJECT MARKET AREA; ALL COMPS WITH RESIDUAL ACRES ADJUSTED AT \$1500/ACRE.**

Comments and Conditions of Appraisal: **MARKET APPROACH USED FOR VALUE;**

Final Reconciliation: **MARKET APPROACH USED;**

ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF **07/21** **2022** to be \$ **36,000**

Appraiser(s)  Review Appraiser (If applicable)  Did  Did Not Physically Inspect Property

# Photograph Addendum

File No. GARNET LAKE  
GARNET LAKE RD

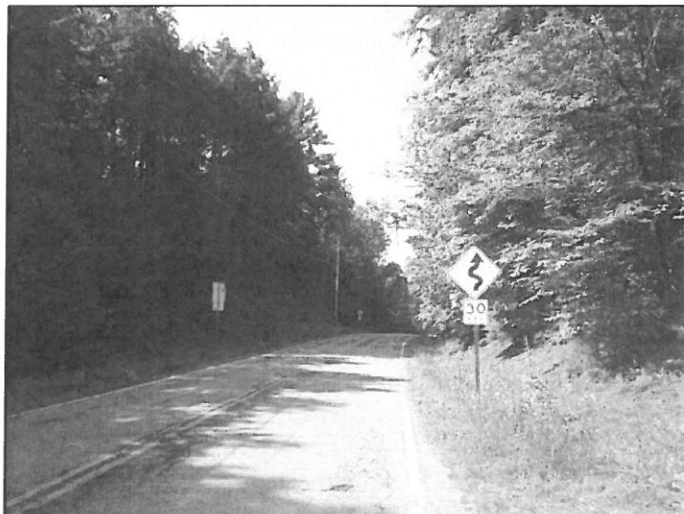
Borrower <b>N/A</b>	
Property Address <b>GARNET LAKE RD</b>	
City <b>T/O JOHNSBURG</b>	County <b>WARREN</b>
State <b>NY</b>	Zip Code <b>12843</b>
Lender/Client <b>T/O JOHNSBURG</b>	Lender's Address <b>219 MAIN STR NORTH CREEK, NY</b>
Appraiser <b>JIM BEATY</b>	Appraiser's Address



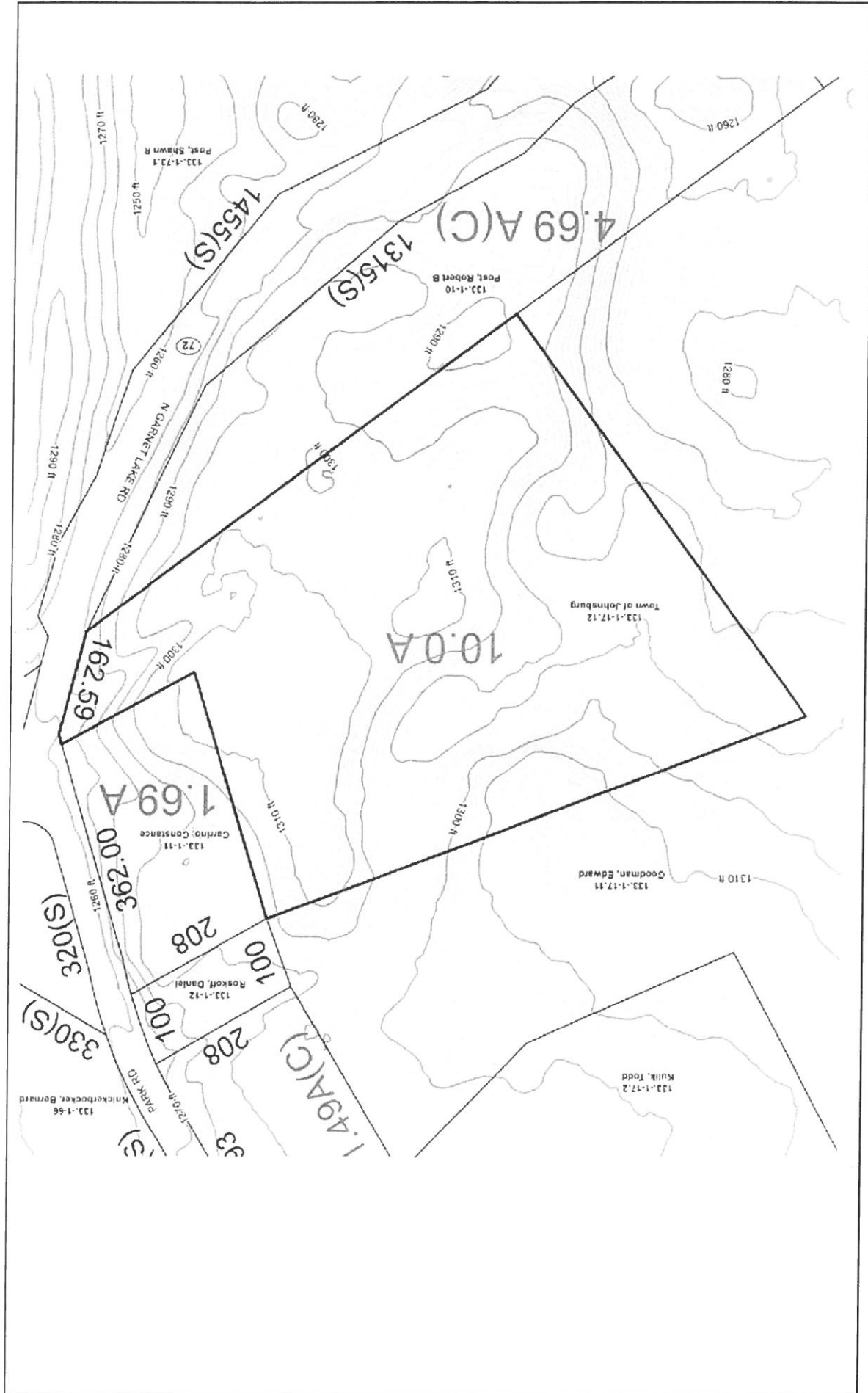
**Subject Front**

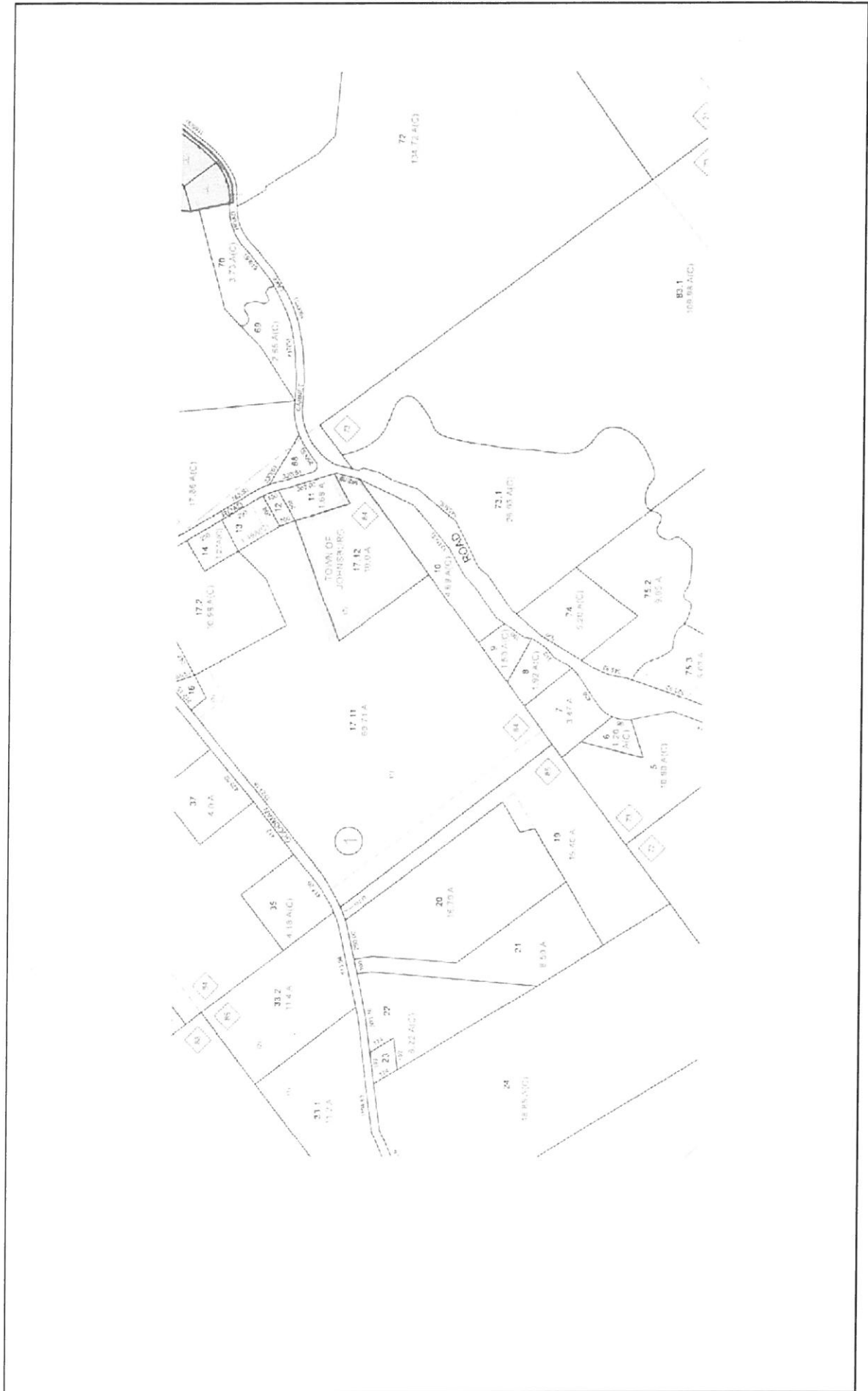


**Subject Rear**



**Subject Street**



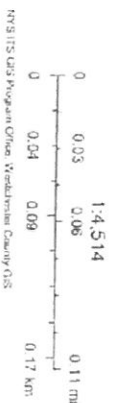


garnet lk

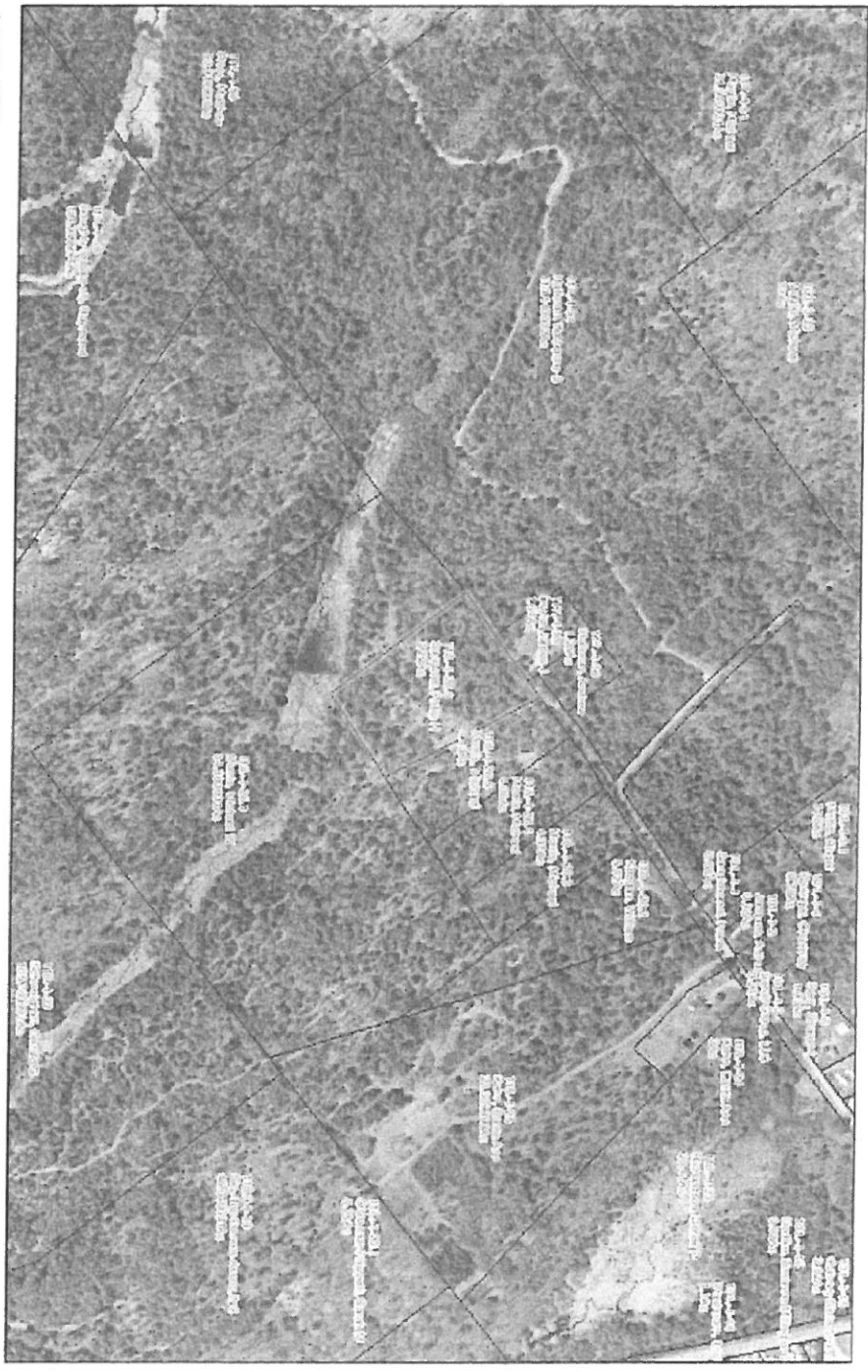


June 28, 2022

Parcels  
 Town Boundaries



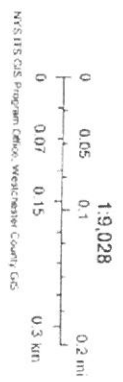
HOLLAND RD2



July 27, 2022

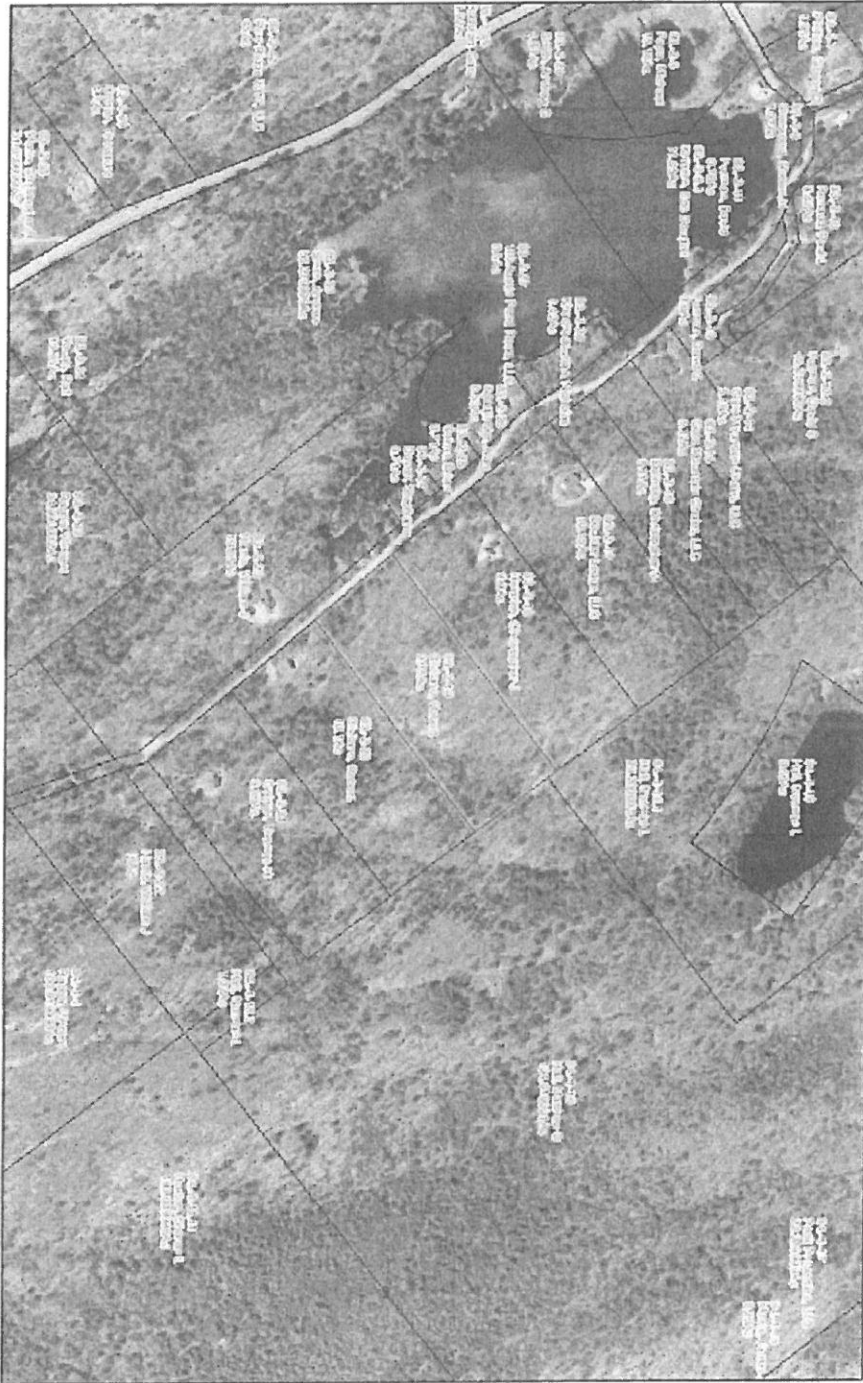
Parcels  
 Town Boundaries

*Comp 1*





AUSTIN POND

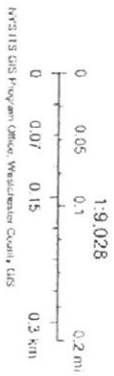


July 27, 2022

Parcels

Town Boundaries

*comp 2*





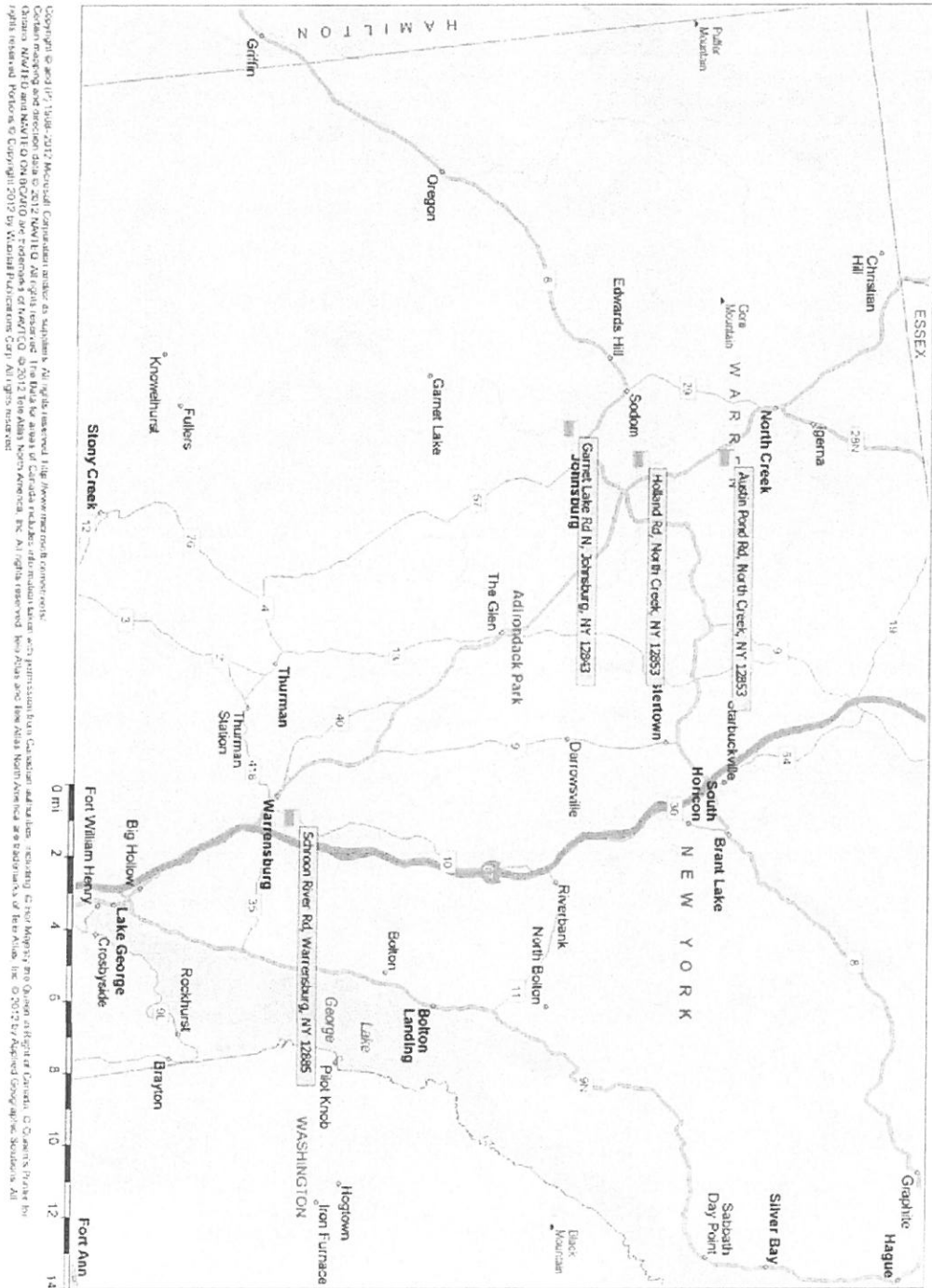
SCHROON RIVER RD2



July 27, 2022  
Town Boundaries

*June 9*





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**BEATY APPRAISALS**

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 Licensed Real Estate Appraiser  
 P.O. Box 4235  
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 (518) 743-0305

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UNIQUE ID NUMBER  
47000000723

State of New York  
Department of State  
DIVISION OF LICENSING SERVICES

FOR OFFICE USE ONLY  
Control  
No. 1547381

PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE  
EXECUTIVE LAW AS IT RELATES TO R.E. APPRAISERS.

EFFECTIVE DATE

MO | DAY | YR  
02 | 11 | 22

BEATY JAMES E  
C/O BEATY APPRAISALS  
P O BOX 4235  
379 BAY RD  
QUEENSBURY, NY 12804

EXPIRATION DATE

MO | DAY | YR  
02 | 10 | 24

HAS BEEN DULY LICENSED TO TRANSACT BUSINESS AS A  
R. E. APPRAISER

In Witness Whereof, The Department of State has caused  
its official seal to be hereunto affixed

ROBERT J. RODRIGUEZ  
ACTING SECRETARY OF STATE

DOS-1096 (Rev. 3-01)

## August 16, 2022

### Budget Line Creation & Transfer

DA5010.4 – HWY & Street Admin: To be used for HWY training and other non-roadwork expenses, ex) Cost of picking up new trailer

From: DA599

To: DA5010.4

Amount: \$5000.00

### Budget Line Transfers

From: A4020.4

To: A1255

Amount to Transfer: \$560.00

From: A1620.2 in the amount of \$75,000

To: A1620.4 = \$50,000

To: A16204.41 = \$25,000

From: A1355.4

To: A1355.41

\$3,900

From: A8810.1

To: A8810.4

\$2,000

### Budget Amendments

From: DA599

To: DA5110.4

Amount to transfer: \$30,000

From: DA599

To: 5130.2

Amount to transfer: \$ 15,000

To: DA599

From: 5130.4

Amount to transfer: \$50,000

From: SF599

To: SF9040.8

Amount to transfer: \$238

### Budget Appropriation

From: L3889

To: L7410.41

Amount to transfer: \$578.77



# TOWN OF JOHNSBURG

219 Main Street, North Creek, NY 12853  
Phone: (518) 251-2421 ~Fax: (518) 251-9991

**Bakers Mills**  
**Johnsburg**  
**North Creek**  
**North River**  
**Riparius**  
**Wevertown**

**Town Supervisor**  
Andrea Hogan  
(518) 251-2421

**Town Council**  
Gene Arsenault  
Arnold Stevens  
Pete Olesheski  
Justin Gonyo

**Highway Superintendent**  
Fred Comstock  
(518) 251-2113

**Town Clerk**  
Jean Comstock  
(518) 251-2421

**Town Assessor**  
Letitia Williams  
(518) 251-2421

**Zoning Enforcement**  
Colin Mangan  
518-251-2421

## Town of Johnsburg Credit Card Use Policy

### 1- Purpose

- To establish Policy and Procedures for the use of Town credit cards by department heads or their designee. These procedures are intended to accomplish the following:

-To ensure that procurement with credit cards is accomplished pursuant to the policy and procedures established by the Town Board.

- To enhance productivity, significantly reduce paperwork, and improve internal controls and reduce the overall cost associated with approved purchases as listed below.

- To ensure appropriate internal controls are established so that they are used for authorized purposes only.

- To ensure that the town bears no legal liability from inappropriate use of credit cards.

### 2. Scope

- The Town Board will make all decisions regarding the issuance of individual cards and the establishment of any and all additional controls of their use. The limit on each card shall be \$10,000.

### 3. Policy

A. The town credit card is only to be used in the following situations:

- Emergencies that are of a public safety nature
- Only if purchase order cannot be issued or cannot be paid through the normal accounts payable warrant process.
- Conference/ Training registration
- Other items specifically authorized by the Town Board.

B. The credit card will not be used for personal purchases of any kind. The use of credit cards for personal purchases or expenses with the intention of reimbursing the Town is prohibited and will result in disciplinary action.

C. Splitting of charges to avoid the maximum transactio limit ( without approval of the Town Board) is prohibited.

D. Department heads are required to authorize payment of the charge on their receipt. This includes charges made by any

### 3.D continued

designated individual.

- E. No cash advances are allowed using the credit card.
- F. The credit card is not to be used to pay invoices or statements of any kind.
- G. All purchases made with credit cards shall be paid for within the grace period so that no interest charges or penalties will accrue.
- H. Any incentive program benefits derived by the use of the Town credit card will be the property of the town. The Supervisor will determine the use of such incentive program benefits.
- I. All card holders shall take all measures necessary to ensure the security of the credit card and card number. Cardholders shall not give their card or card number to others to use on their behalf.
- J. Lack of proper documentation or authorization will result in the loss of credit card privileges and / or personal liability.
- K. Misuse of Town credit card by an authorized employee may result in disciplinary action against the employee, up to and including termination of employment.
- L. When using the credit card, the Town employee must ensure that the goods or services to be purchased are budgeted and allowable expenditures. All unauthorized expenses will not be paid by the Town of Johnsbury. The Town reserves the right to collect payment for unauthorized expenditures from the employee.
- M. The employee is responsible for managing any returns or exchanges and ensuring that proper credit is received for returned merchandise. The cardholder will review the net statement to ensure that the return was properly credited.
- N. The credit card is not to be used for personal purchases with the intent of reimbursement afterwards. Random audits may be conducted for credit card activity and receipt retention as well as other internal auditing controls.
- O. It is the responsibility of the employee to immediately notify the Town Board of any lost or stolen credit card.
- P. The Town of Johnsbury is a municipal government exempt from sales tax. Sales tax shall not be included with the cost of any purchase. Please be sure to have a copy of the Town's tax exempt certificate when making purchases. Sales tax costs cannot be paid with Town funds. The individual making the purchase may be personally responsible for payment of sales tax.

### 4. Procedure

- A. Employees who need to use the credit card account must ask first for permission from the Town Board to be placed on the official list of authorized users.
- B. Employees must sign out the credit card for use and maintain physical possession of the card at all times. All users must follow secure practices for online card use.



- C. The Town of Johnsborg will be billed monthly on one statement, which will go to the Town Bookkeeper. Itemized receipts must be obtained by the cardholder and turned in to the Bookkeeper – either via email, scanned PDF, or hard copy – within one week of purchase date. It is incumbent upon each department head to submit invoices to the Supervisor promptly so as to avoid interest fees and late charges. If receipts are submitted late, causing finance charges, the responsible party may have the credit card revoked.
- D. The Supervisor shall verify that goods/ and or services purchased with the credit card have been received by the Town prior to authorizing payment.
- E. The credit card will be reconciled monthly by the Town Bookkeeper for unauthorized charges and other discrepancies.
- F. The use of the credit card is a privilege, but also requires greater vigilance and responsibility. Employees must follow all existing procedures set forth by the Town Board or face disciplinary measures including dismissal, repayment of unauthorized expenditures and criminal charges.
- G. Each authorized card holder must sign an Agreement to Accept Town Credit Card prior to issuance of the credit card. Forms will be kept on file in the Supervisor's office.
- H. When using the Town credit card, the authorized cardholder will:
  - Determine if the intended purchase is within the cardholder's credit limits.
  - Inform the merchant that the purchase is tax exempt
  - Obtain an itemized receipt for all purchases
- I. Upon separation of employment, cardholders shall surrender their Town credit card to the Town Supervisor on or before their last day of work and prior to issuance of final compensation to the cardholder.

## 5. Audits

Random audits may be conducted for both card activity and receipt retention.

## 6. Authority

These policies are adopted by the Town Board as it relates to their management of the Town's prudential affairs and their authority over expenditures.

Date approved:

Resolution #:

Attachment A  
Town of Johnsburg Municipal  
Credit Cardholder Agreement

Agreement and requirements for use of a Municipal Credit Card:

1. I understand and agree to the Municipal Credit Card Policy and know that it is to be used only to make purchases of goods or services at the request of and for the legitimate business benefit of the Town of Johnsburg.
2. I understand and agree that the Municipal Credit Card must be used in accordance with the provisions of the Municipal Credit Card Policy established by the Town of Johnsburg, as attached hereto.
3. As a Municipal Credit Card Holder, I agree to adhere to all Credit Card Responsibilities requirements as so noted in attachment.

Violations of these requirements may result in revocation of my Municipal Credit Card Use Privileges. If I am found to have inappropriately used the Municipal Credit Card, I will be required to reimburse the Town of Johnsburg for all costs associated with such improper use through direct payment or payroll deduction. Disciplinary action(s) may be taken per the Town's Personnel Policies, up to and including my termination of employment. I understand and agree that the Town of Johnsburg will investigate and commence, in appropriate cases, criminal prosecution against me if I am found to have misused the Municipal Credit Card or any violations of the provisions of the Cardholder Agreement.

Credit Card Account Number:

\_\_\_\_\_

Received

by: \_\_\_\_\_

Name (Please Print)

I acknowledge receipt of the attached Municipal Credit Card and agree to abide by said Municipal Credit Card Policy.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Attachment B  
Authorized Municipal Credit Card Personnel

Town Supervisor, Deputy Supervisor, Second Deputy Supervisor, Highway Superintendent, Deputy Highway Superintendent, Bookkeeper, Administrative Clerk, Parks Superintendent.