**Minutes of the Town of Johnsburg**

**Regular Meeting**

**Wevertown Community Center**

**2370 State Route 28**

**October 2, 2018**

Minutes of the Regular Meeting of the Town Board of the Town of Johnsburg held on Tuesday October 2, 2018 at 7:00 PM at the Wevertown Community Center, 2370 State Route 28, Wevertown, NY

Supervisor Hogan called the meeting to order at 7:00 p.m. and the pledge to the flag was led by Laurie Arnheiter.

**PRESENT:** Andrea Hogan -- Supervisor

Eugene Arsenault – Councilman

Arnold Stevens - Councilman

Laurie Arnheiter -- Councilwoman

Kate Lorah -- Town Clerk

**ABSENT:** Peter Olesheski, Jr -- Councilman

**Approval of Minutes for Regular Meeting September 18, 2018**

***RESOLUTION #135-18***

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to accept the minutes of the September 18, 2018 meeting. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

**Correspondence:**

* Board of Assessment Review letter
* Adirondack Community Outreach

Ms. Lorah said two letters had been received, the first from Lloyd Burch stating he is willing to serve another term on the Board of Assessment Review, and the second from the Outreach Center requesting funding for 2019. Ms. Hogan added the fact that the BAR term is five years, which is a big commitment. She also said the Outreach letter is full of information on all the services they provide.

**New Business:**

* Appointment of Lloyd Burch to BAR

***RESOLUTION #136-18***

Mr. Stevens made a motion with a second from Ms. Arnheiter to appoint Lloyd Burch to the Board of Assessment Review for a five-year term beginning 10/1/2018. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

* TOJ Court - Media Disposal Policy

Dave Cavanaugh, Court Clerk, has drawn up procedures for the disposal of court media (physical or electronic). He is asking the Board’s approval of this policy.

***RESOLUTION #137-18***

Mr. Arsenault made a motion with a second from Ms. Arnheiter to accept the Media Disposal Policy drawn up by Dave Cavanaugh, Court Clerk, for the Town of Johnsburg Court. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

Bob Nessle asked about oversight if Mr. Cavanaugh is elected Judge and serves as Court Clerk as well.

Kathleen Donnelly asked about a future Justice preferring not to be Clerk as well, and Ms. Hogan responded that the two could be separated at that time.

* Highway inventory

Dan Hitchcock presented the Town Board with a corrected Highway inventory. Each year New York State sends Mr. Hitchcock the inventory, and this year, a portion of Garnet Hill Road was removed. The correction Mr. Hitchcock made was to add it back on. Mr. Arsenault stated that Mr. Hitchcock is very diligent in keeping the inventory accurate.

***RESOLUTION #138-18***

Mr. Stevens made a motion with a second from Ms. Arnheiter to approve the corrected Highway inventory submitted by Mr. Hitchcock. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

* Set public hearing on tax cap

Ms. Hogan stated that the Tentative Budget filed on September 27 for 2019 exceeds the tax cap. She would like to set a public hearing on November 8th to address the tax cap.

***RESOLUTION #139-18***

Mr. Arsenault made a motion with a second from Ms. Arnheiter to set a public hearing on November 8th to address the tax cap. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

**Old Business:**

* Partial payment of taxes

Town Clerk Kate Lorah presented to the Board a request for a resolution allowing her, as Collector, to accept partial payments of Town and County taxes. The parameters would be set as follows:

* The minimum tax bill eligible is $100
* The minimum partial payment is 50% of tax due
* A $5 service charge is paid up front of the 50% payment, with no second surcharge with final payment in full
* Interest and penalties shall be charged against unpaid balance only
* Partial payments cannot be made online

***RESOLUTION #140-18***

Mr. Arsenault made a motion with a second from Ms. Arnheiter to allow the Tax Collector to accept partial payments of Town and County taxes. The parameters would be set as follows:

* The minimum tax bill eligible is $100
* The minimum partial payment is 50% of tax due
* A $5 service charge is paid up front of the 50% payment, with no second surcharge with final payment in full
* Interest and penalties shall be charged against unpaid balance only
* Partial payments cannot be made online

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

* Review of advice and decision on phone system for highway garage/ Wevertown town hall

Advice from Matt Fuller’s email to Ms. Hogan stated that VOIP has performance issues, and if the overall network has not been analyzed in terms of internet speeds, adjusting performance between units (phones, computers, etc.), then the VOIP phones can be very choppy.

Arnold Stevens asked if, with the installation of the equipment, the Highway Garage and Wevertown Community Center would be linked by internet to Town Hall for phone service. Ms. Hogan, “yes.”

Ms. Arnheiter asked if Matt Fuller had answered the question about the restocking fee being legitimate. Ms. Hogan said that his response was that the Town would incur more in legal bills (if fighting this) than the cost of the restocking charge.

***RESOLUTION #141-18***

Mr. Stevens made a motion with a second from Ms. Arnheiter to approve the payment of a restocking charge to Frontier to buy out of the contract for installation of equipment at the Highway Garage and Wevertown Community Center. With 4 members voting in favor, the resolution is declared carried.

Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

Mr. Arsenault expressed his frustration with the lack of support from Frontier in this transaction.

Nancy Beaudin asked, “If the phone systems work at the Highway Garage and Wevertown Community Center, why did this happen in the first place?”

* EAF / Negative Declaration for Streetscape project

Ms. Hogan stated that following the July 17, 2018 Resolution #88-18, which authorized the Town to act as Lead Agency for the town Water Main and Sidewalk Replacement Project, Cedarwood had prepared the documents to move forward.

The next step is for the Board to review and approve parts 1, 2 and 3 of the Full Environmental Assessment Form (FEAF.)

***RESOLUTION #142-18***

Mr. Arsenault made a motion, seconded by Mr. Stevens to accept parts 1, 2 and 3 of the Full Environmental Assessment Form (FEAF) for the town Water Main and Sidewalk Replacement Project. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

Following the above resolution, Ms. Hogan said, it is necessary for the Board to adopt a Negative Declaration for the town Water Main and Sidewalk Replacement Project.

***RESOLUTION #143-18***

Mr. Arsenault made a motion with a second from Ms. Arnheiter to adopt a Negative Declaration for the town Water Main and Sidewalk Replacement Project. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

**RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR THE TOWN OF JOHNSBURG NORTH CREEK STREETSCAPE AND WATER INFRASTRUCTURE PROJECT.**

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

**Whereas**, the SEQR process required a Lead Agency to be designated to facilitate review, and the Town of Johnsburg Town Board declared themselves Lead Agency at the Town Board meeting of July 17, 2018.

**Whereas**, the Town of Johnsburg North Creek Streetscape and Water Infrastructure Project has been classified as a Type 1 action due to the project scope.

**Whereas**, the Lead Agency solicited input from involved agencies on the environmental impact of the above referenced project.

**Whereas**, the Lead Agency reviewed input from those involved agencies and completed Parts 2 and 3 of the FEAF at the October 2, 2018 Town Board meeting and made a declaration on the impact of the above referenced project consistent with SEQR guidelines.

**Whereas**, the Lead Agency determined at the October 2, 2018 Town Board meeting that the proposed project will not have a significant adverse effect on the environment for the reasons set forth in the SEQR Determination of Significance.

**NOW AND THEREFORE IT BE**

**Resolved**, that the Town of Johnsburg, is Lead Agency, and hereby determines that the proposed project will not have significant adverse effect on the environment.

**Resolved**, that the Supervisor of the Town of Johnsburg is authorized to take all actions reasonable and necessary to file the Negative Declaration and discharge the Town of Johnsburg’s responsibility as lead agency for this action.

Whereupon, the Resolution was put to a vote, recorded as follows,

Ayes\_\_4\_\_\_\_ Nays\_\_\_0\_\_\_\_\_\_ Abstentions\_\_\_0\_\_\_\_\_\_\_

SO APPROVED:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kathleen C. Lorah

Town Clerk / Town of Johnsburg

Date: \_\_10/02/2018\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Committee reports:**

* Solid Waste –

Mr. Arsenault said he had a meeting with Matt Parobeck but there was no quorum for a committee meeting.

* Highway –

Resolution #138-18 above addresses the Highway Department inventory of roads.

Kelly Nessle asked about disposing of abandoned trucks and equipment near the Highway Garage and Scout Hall. Mr. Arsenault suggested talking to Dan Hitchcock. Jim Jones said there are websites for auctions of such equipment. Ms. Hogan said the Town’s procurement policy does not address sales of scrap – the Board would have to pass a resolution saying the pieces are surplus equipment.

* Marketing and Economic Development –

Laurie Arnheiter led a discussion on meeting with Jennifer Switzer and Ed Bartholomew of the Warren County Economic Development Corp. who have agreed to help with funding and networking moving toward creating an affordable housing plan for the Town. She mentioned the possibility of partnering with neighboring towns if certain funding is for a development larger than can be undertaken by Johnsburg alone.

Arnold Stevens asked about the future of the railroad lines. Ms. Hogan shared information she has learned at Warren County regarding the different lines, companies interested in purchasing, potential hauling business, a move to abandon a line and opposition to abandonment. Also discussed were sale versus lease of a line, how Revolution Rail would be impacted, and the potential storage of cars in the future.

* Personnel –

Nothing to report.

* Buildings, Parks and Recreation –

Ms. Arnheiter said she met with Henry Freebern but does not yet have an estimate for the gym floor in Tannery Pond.

* Planning and Zoning –

Ms. Arnheiter reported that David Crikelair of Front Street Mountain Development intends to build a 40-room inn on a side hill and that he has received approval to move forward with his plans.

* Fire/EMS –

Nothing to report.

**Motion to accept warrants:**

***RESOLUTION #144-18***

Mr. Arsenault motioned to accept warrants and Mr. Stevens seconded. With four in favor the motion is carried. (Hogan, Arsenault, Stevens, Arnheiter) Nays – 0

**General Fund** (Total $15,366.82)

**Highway Fund** (Total $14,915.71)

**Water District** (Total $7025.97)

**Public Library Fund** (Total $1015.42)

**Trust & Agency Fund** (Total $3624.99)

**Total all warrants $41,948.91**

**Privilege of the Floor:**

Kelly Nessle asked how the Town Board deals with a member who does not come to meetings. Ms. Hogan responded that no action can be taken if the person is an elected official.

Mr. Stevens said that some towns have board members who attend all summer, then go South in the Winter, attending no meetings.

Ms. Nessle then asked about the pay for someone not attending meetings. Ms. Hogan answered that the pay continues.

Ms. Arnheiter mentioned a gentleman in Garnet Lake who is unable to put his boat in the water due to a new barrier that was erected at the Garnet Lake Boat Launch, asking if there was a way for the Town to help. Ms. Hogan responded that the boat launch is in the Town of Thurman and the barrier was erected by New York State DEC.

Mr. Wright asked to see the Town laws regarding Town Board meetings. Ms. Hogan said the Board follows Robert’s Rules of Order.

Mr. Nessle added that New York State Town Law is also followed.

**Motion to adjourn:**

The motion to adjourn was made by Arnold Stevens seconded by Gene Arsenault, at 8:12 p.m. With 4 in favor the motion is carried. (Hogan, Arsenault, Stevens, Arnheiter) Nays – 0

Next meeting Tuesday, October 16, 7:00 pm at Tannery Pond Community Center, 228 Main Street, North Creek.

Prepared by:

Kathleen C. Lorah, Town Clerk