

**Minutes of the Town of Johnsburg  
Regular Meeting  
Tannery Pond Community Center  
228 Main Street, North Creek  
October 16, 2018**

Minutes of the Regular Meeting of the Town Board of the Town of Johnsburg held on Tuesday October 16, 2018 at 7:00 PM at the Tannery Pond Community Center, 228 Main Street, North Creek, NY

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

**PRESENT:** Andrea Hogan -- Supervisor  
Eugene Arsenault – Councilman  
Arnold Stevens – Councilman  
Peter Olesheski, Jr -- Councilman  
Laurie Arnheiter -- Councilwoman  
Kate Lorah -- Town Clerk

**Approval of Minutes for Regular Meeting October 2, 2018**

***RESOLUTION #145-18***

Mr. Arsenault presented the following resolution and moved its passage with a second from Laurie Arnheiter to accept the minutes of the October 2, 2018 meeting. With 4 members voting in favor, the resolution is declared carried. Ayes- 4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0 Abstain – 1 (Olesheski)

**Correspondence:**

- Letter commending highway crew
- Resignation letter from Sherry Williams

Kate Lorah read letters from Robert and Jane Smith commending the highway crew and from Sherry Williams regarding her plan to retire. Supervisor Hogan said we will be sad to see Sherry go and that she has worked very hard for the Town.

**New Business:**

- Agenda format

There was discussion on amending the format for the Town Board meetings agenda. A new version was presented by Ms. Hogan which included potential resolution items. The board decided to leave the agenda as it has been, with action items bolded.

- Budget discussion

Supervisor Hogan had asked for suggestions regarding any changes to the budget presented at the October 2, 2018 meeting. Ms. Arnheiter sent a letter requesting funding for the Economic Development Corp. Ms. Hogan said there is \$2500 slated for that in the budget. Ms. Arnheiter and Mr. Arsenault agreed that the amount was good to start the 2019 year.

Mr. Arsenault asked to discuss an overview of the budget. Ms. Hogan said that decisions were made keeping the priorities of the well-being of the town residents, ensuring Fire and EMS services, and increasing employee pay in order to retain employees.

Other items discussed were the water system laterals, sidewalks, building upgrades, grant matches, saving for future equipment purchases, saving to begin the process of moving the Transfer Station out of the Park, and consideration that mortgage tax from the county could be less than in previous years.

Peter Olesheski asked for the total of the projected budget. Ms. Hogan responded that it is \$4,611,511.00, which is an increase of 8.39%. She went on to say the tax cap was 1.02% and that the budget preserves \$227,346.00 for the fund balance.

Mr. Olesheski noted that Sherry Williams will be retiring before the books are closed for 2018.

Mr. Arsenault had a concern about the amount in the budget for Highway equipment and paving, and asked if the amount could be split over two years.

Mr. Olesheski said that Dan Hitchcock is trying to tie up loose ends before the end of his term and that the paving is probably already being planned, but wondered also about equipment purchases.

Ms. Arnheiter asked if the Highway Committee (Mr. Arsenault and Ms. Hogan) would have time to talk to Mr. Hitchcock before the final budget is due.

Gene Arsenault asked about carryover from the River Road project.

Kelly Nessel mentioned splitting amounts over two years – Ski Bowl, Streetscape, etc. Ms. Hogan acknowledged that as a possibility.

Ms. Hogan noted that EMS had a good year and that they are working with a billing company to look at increasing billing rates. Mr. Olesheski asked if EMS would end the year over or under budget. Ms. Hogan said EMS should not have to use any of the \$60K from this year.

Mr. Arsenault asked about a water district budget item of \$150K. Ms. Hogan said \$125K of it is Grant Match for Main Street and \$25K is for tank repair.

Mr. Arsenault asked if the ORDA Reservoir agreement is still outstanding. Ms. Hogan responded that it is, and the agreement needs to be addressed especially since ORDA has increased the size of the reservoir.

### ***RESOLUTION #146-18***

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Stevens to move the budget from tentative to preliminary. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

### ***RESOLUTION #147-18***

Ms. Hogan moved to set a Public Hearing on the Preliminary Budget for November 8 at 7:00 pm. Mr. Arsenault seconded, and with 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Lights for street decorations

Ms. Arnheiter received an estimate for replacement lamps for holiday streetlight decorations, stating that many bulbs are out so it would be good to replace them all.

### ***RESOLUTION #148-18***

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to approve buying replacement lamps for holiday streetlight decorations. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

Ms. Hogan asked if the cost of replacement lamps could come from Occ Tax and Mr. Olesheski said that it could.

- Water rate increase

Candace Lomax addressed increased costs for the water department and presented a proposed increase in water rates (of 3%, but rounded up to the nearest even dollar figure) which will amount to about \$4000 in increased revenue. Mr. Arsenault added that it is easier on water customers to have smaller increases more often than to have a large increase as has been done in the past.

### ***RESOLUTION #149-18***

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to approve an increase in water rates (of 3% but rounded up to the nearest even dollar figure), effective October 1, 2018 for the April 2019 billing. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Tank repair – Water district

Ms. Hogan said Charlie Rawson has received two of the three necessary quotes for repair to the water tank. One quote involves emptying the tank which would then

be out of commission for about three weeks. The other quote involves divers in the tank, which would not be out of use during the repair. Mr. Rawson prefers the second method.

### ***RESOLUTION #150-18***

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to approve the cost to repair the water tank, pending receipt of a third estimate and not to exceed \$8000. The work must include repair of the leak, replacement of anodes, an inspection and not taking the tank out of service. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

### **Old Business:**

- Annual review of procurement and purchasing policy with possible additions

Ms. Hogan addressed the Town's procurement policy and the lack of policy for disposal of surplus goods. Mr. Olesheski said that in establishing a procedure, the transfer from one department to another should be taken into consideration.

### ***RESOLUTION #151-18***

Mr. Stevens motioned to add a policy for the transfer and sale of second-hand equipment to the Town of Johnsbury Procurement Policy as follows:

The Town Board will be responsible for overseeing the salvage control program. Department personnel assigned the task of inventory management are to report any surplus equipment or materials they have to the Town Board, or designee. Surplus equipment may be transferred to another department where it is needed with prior approval of the Town Board. The Board, or designee, is authorized to sell or trade in used and/or obsolete equipment to a vendor and to accept a trade in allowance from such vendor. If the above procedures have been exhausted, the Board, or designee, will arrange to sell such articles at a widely

advertised public auction, on-line auction, through a contracted Auction house, or on eBay. Items that have no value and are broken beyond repair, must be properly disposed of by the appropriate department. Any vehicle or equipment that requires a title to be signed for transfer will be handled by the Highway Superintendent or Town Supervisor.

The second was made by Peter Olesheski. Five members voted in favor and the resolution is carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

The Town Procurement Policy states that there must be an annual review of said policy.

### ***RESOLUTION #152-18***

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Procurement Policy has been reviewed and approved. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Town Employee Insurance

Ms. Hogan said that insurance representative Debbie Bell has advised the Town on insurance plan options. The primary difference will be an increase in the employees' deductible. The Town contribution to HRA accounts would remain the same. The base plan suggested is MVP EPO Silver 3 HDHP.

### ***RESOLUTION #153-18***

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the insurance policy base plan offered to employees for 2019 will be MVP EPO Silver 3 HDHP. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Occupancy tax awards to the Gore Mountain Region Chamber

This subject will be discussed later under committee reports/Marketing and Economic Development.

- River Road

Gene Arsenault gave background on the situation on River Road. Seven poles were installed by National Grid without position placement permission from the Town. Dan Hitchcock found the poles to be too close to the road, which would impair proper maintenance of the road. Representatives from National Grid and the APA met with Supervisor Hogan and Highway Superintendent Hitchcock on River Road at which time the representative from National Grid agreed to move one pole. Mr. Arsenault was under the impression all seven would be moved at National Grid's expense. National Grid has stated that if the Town insists on all seven poles being moved, they will take the situation to litigation. Mr. Arsenault presented the decision to the Town Board: either have the one pole moved and deal with the road being narrower, or insist on all poles being moved and face legal action against the Town.

Mr. Olesheski asked if the Town had set the 50 foot road width that Mr. Hitchcock wants, could the Town Board make an exception in this case. He went on to say that by fighting National Grid, legal expenses will be incurred with the possibility of not winning the case.

Mr. Stevens asked if a decision should be made now.

Ms. Hogan restated the option of avoiding a legal situation by having the one pole moved and requiring the Town's approval on future placement of additional poles.

Ms. Arnheiter read from NYS Highway law that 50 feet is required, and suggested that if the road was more narrow and a mishap occurred, Mr. Hitchcock could be personally sued.

Mr. Olesheski stated that if it is State law, the Board should support Mr. Hitchcock.

Ms. Hogan explained that the poles are staggered so that a curved road could be built.

Mr. Arsenault suggested tabling the discussion until Dan could be consulted.

Ms. Hogan added that it would be a good idea to contact Lori Mithen, of NYS DOT, who Dan consults with on matters such as these.

**Committee reports:**

- Solid Waste –

Mr. Arsenault said the Sewer Committee is reenergized and will move out with petitions in the near future. Ms. Hogan remarked that support from the citizenry on petitions and support from the Board will be helpful in seeking funding.

- Highway –

Covered above in discussion on River Road.

- Marketing and Economic Development –

Ms. Arnheiter said there have been no meetings of the Community Development Corp. (CDC) since the last Town Board meeting but the Marketing Committee will have a Website development meeting October 23<sup>rd</sup>.

She then spoke about the Chamber of Commerce only receiving \$3000 from the Town annually. It is her suggestion to consider having another organization take on the duties of the Chamber. What she is asking for is time to create such an entity.

Mr. Olesheski commented that it is correct that the Chamber receives only \$3000 from the Town, but that Supervisor Vanselow, upon taking office, took that amount out of Occ tax rather than the General Fund. Mr. Olesheski asked Mr. Vanselow to continue awarding \$3000 from the General Fund, and supplement the amount with Occ tax. There was no support for giving the Chamber anything over \$3000, except that the Town gave the Chamber office space, telephone, internet, heat, lights, etc. He went on to say that the Chamber is not staffed as it should be and that the Chamber could have applied for additional Occ tax money. He said that Ms. Arnheiter should take more time as she requested, and earmark the second half of the Chamber's funds (\$1500) for 2018 to begin working with. He also suggested Occ tax as a possible funding source, mentioning the Board's usual

procedure to hold one third of Occ Tax for particular projects.

Ms. Hogan proposed the usual functioning of the Occ tax committee for the next round of awards.

Mr. Stevens said that one third of Occ tax should continue to be put aside and the other members of the Board agreed.

- Personnel –

Arnold Stevens reported that the Town's Harassment Policy meets and exceeds NY State requirements. Mr. Olesheski said that Jackie Figueroa in HR at Warren County plans on providing the requisite training, perhaps online. He went on to say that he will be off work part of December so that if necessary he could provide training prior to the January 1<sup>st</sup> deadline.

- Buildings, Parks and Recreation –

Laurie Arnheiter received a quote from Henry Freebern to redo the auditorium floor in Tannery Pond for \$9000. Mr. Arsenault suggested speaking to someone at school, since they have to do gym floors there and would have the capability for the project.

- Planning and Zoning –

Ms. Hogan said Danae Tucker (ZEO) has put out a call for a review of the Town's Zoning codes.

- Fire/EMS –

Ms. Hogan spoke about appreciating our Fire and EMS Companies. She also mentioned that there is a possibility of a service rate increase.

### **Supervisor's Monthly report**

### ***RESOLUTION #154-18***

Mr. Olesheski presented the following resolution and moved its passage with a

second from Mr. Arsenault to approve the Supervisor’s Monthly Report. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

**ZEO, Animal Control and Historian reports**

The Animal Control monthly report, ZEO monthly report and Historian monthly report are in the board packets.

**Budget Amendments**

***RESOLUTION #155-18***

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to approve the budget amendments as follow. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

1	Library CE Unassigned Appropriated Fund Balance L915	L74104 L915	\$5,870.00 \$5,870.00
	Appropriate Fund Balance for purchase of Gazebo from Garden Time		
2	Purchase of Land CE Unassigned Appropriated Fund Balance A915	A19404 A915	\$350.00 \$350.00
	Appropriate Fund Balance for pymt of Property Taxes/Goodman Property		
3	Disability Insurance Unassigned Appropriated Fund Balance A915	A90558 A915	\$130.00 \$130.00
	Appropriate Fund Balance for unbudgeted pymt of Disability Ins for all FT employees		

**Motion to accept warrants:**

**General Fund** (Total \$39,371.35)

**Highway Fund** (Total \$13,422.97)

**Water District** (Total \$1,443.74)

**Public Library Fund** (Total \$1,574.78)

**Total all warrants \$55,812.84**

(Additional \$750.00 for website work – Marketing – General fund A)

***RESOLUTION #156-18***

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

**Privilege of the Floor:**

**Motion to adjourn:**

The motion to adjourn was made by Peter Olesheski seconded by Gene Arsenault, at 8:53 p.m. With 5 in favor the motion is carried. (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays – 0

Next meeting **Thursday**, November 8, 7:00 pm at Wevertown Community Center

Prepared by:

Kathleen C. Lorah, Town Clerk