

**Minutes of the Town of Johnsburg
Public Hearings and Regular Meeting
Wevertown Community Center
2370 State Route 28
November 8, 2018**

Minutes of the Public Hearings and Regular Meeting of the Town Board of the Town of Johnsburg held on Thursday November 8, 2018 at 7:00 PM at the Wevertown Community Center, 2370 State Route 28, Wevertown, NY

Supervisor Hogan called the meeting to order at 7:02 p.m. and the pledge to the flag was led by Eugene Arsenault.

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

1. Public Hearing on Proposed 2019 Town of Johnsburg Budget

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Johnsburg, Warren County, NY for the fiscal year beginning January 1, 2019 has been completed and filed in the Town Clerk's office in the hamlet of North Creek, where it is available for inspection by any interested person during office hours or by appointment.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board will meet and review said preliminary budget and hold a public hearing thereon at 7:00 PM on Thursday November 8, 2018 at the Wevertown Community Center, Wevertown, NY and that at such time and place any person may be heard in favor or against the preliminary budget as compiled, for or against any item or items therein contained.

AND FURTHER NOTICE IS HEREBY GIVEN, pursuant to Section 108 of the Town Law, that the following are the proposed yearly salaries of the Town officers:

Supervisor.....	\$25,775
Councilperson (4)	\$4,584
Justice.....	\$ 29,000
Town Clerk/ Collector	\$31,518
Highway Superintendent.....	\$56,816

Ms. Hogan said that before beginning discussion on the budget, she wanted to share information given to her by Sherry Williams about closing the Capital Projects Fund, as Sherry has been directed to do by the Office of the State Comptroller. A portion of the money, \$18,605.89 set aside for prior building projects, may be put in the General Fund. The result would be lowering the amount needed to balance the budget, therefore lowering the amount of funds of the tax cap break.

Mr. Olesheski said Ms. Hogan has done a good job on the budget, that he has some concerns with Highway funding, and that Mr. Hitchcock was present to address Highway allotments.

Mr. Stevens agrees with Mr. Olesheski.

Ms. Hogan said she looked at breaking the Tax Cap and took the matter very seriously, but that the Town has momentum for valuable projects which should be funded to move forward.

Mr. Arsenault said the budget identifies projects to move forward with, establishes priorities, and that he is pleased with the direction the Town is moving.

Ms. Arnheiter also expressed concern with the Highway but added that there is flexibility for change, so she is comfortable with the budget as is.

Chris Heidrich said the Highway Department does a good job and should be supported.

Kelly Nettle asked for a general review of the budget.

Ms. Hogan said priorities she considered were the health and safety of residents (funding Fire and EMS), keeping the Town running well, retaining employees by giving wage increases, and moving projects forward.

Ken Mulvey asked where Highway funds that were cut were reallocated. Ms. Hogan said to the General Fund and toward saving for a Reval.

Bob Nettle asked where on the budget the Reval is. It falls under Assessment.

Christian Holt said the Reval is not starting yet and there has been no discussion of it as yet. Ms. Hogan said the funding is to begin saving for it.

Mr. Olesheski said a Reval is one or two years out.

Mr. Nessel questioned the amount budgeted for the health center, saying the Town's contribution should be less.

Mr. Arsenault said the Town has an agreement with Hudson Headwaters for the funding and Ms. Hogan added that having the health center is a plus for the health and well-being of residents.

Mr. Holt passed out information on other communities' contributions to health facilities for comparison. He also asked why in past years, the Town's contribution has fluctuated so much. His recommendation is to start with a \$30K contribution, but to subtract the \$4K contribution from Minerva, ending up with Johnsburg giving \$26K.

Ms. Arnheiter said that through the Economic Development Corp. she has been told the health center is a good asset in attracting people to the area.

Mr. Arsenault added that the \$30K is in good will and may have an impact on increasing and improving services in the future.

Mr. Hitchcock spoke about the Highway fund balance, the need for more and new equipment, and the lifespan of various pieces of equipment. He would like \$75K restored to his fund balance to draw on for repairs and purchases.

Mr. Arsenault asked how much is in his equipment fund now and Mr. Hitchcock answered zero. Mr. Arsenault commended Mr. Hitchcock on the way he handles his budget with wise spending and using his employees to accomplish work that could be contracted, thus saving the Town money with his management.

Mr. Olesheski said the 2019 budget has \$250K for equipment purchases, which is what Mr. Hitchcock requested.

Mr. Holt brought up the Seniors of the Town, stating he is advocating for more funding than they will receive in 2019 as the budget stands. Most of the money they receive goes toward transportation costs with very little left to subsidize events and expense reimbursements. He said that transport is budgeted by the Town, but the Town is reimbursed from the County for much of the expense, so the reimbursed money should be allocated to Seniors. He also suggested renegotiating the Senior transport contract.

Ms. Hogan said she has been in conversation with Ginny Raymond on these issues.

Mr. Holt asked about Town Hall space and offices, as a new Bookkeeper will need an office in Town Hall when he/she begins work.

The Public Hearing on the Budget was closed at 8:19 pm.

The Public Hearing on the Tax Cap was called to order at 8:21 pm.

2. Public Hearing on Tax Cap

NOTICE IS HEREBY GIVEN that the Town will meet and hold a public hearing for the purpose of considering a Proposed Local Law entitled “ A Local Law to Override the tax levy limit established in General Municipal Law 3-c” at which time and place said Town Board will consider the proposed local law and hear all persons interested in the same. The purpose of this Proposed Local Law is to allow the Town Board of the Town of Johnsbury, Warren County, NY to override for budget year 2019 the tax levy limit established in General Municipal Law 3-c.

Supervisor Hogan opened the conversation by stating that she did not take breaking the Tax Cap lightly. If not broken, however, the Town would have an increase of only \$34K to work with in 2019.

Mr. Olesheski said he is never in favor of increasing taxes, but that it is unrealistic to expect to cover all expenses with only \$34K. Instead, his opinion is to break it as little as possible.

Mr. Arsenault said the State imposes the Cap, but expenses rise quicker than the Cap allows. Mr. Nettle agreed.

Mr. Holt asked what the penalty is for breaking the Tax Cap. Ms. Hogan said there is no penalty.

Ms. Arnheiter stated that the 2019 budget includes a vision for the future.

Joel Beaudin asked if there is no penalty, why is there a discussion. Mr. Olesheski said that it is a formality.

Shane Diener asked for more explanation on how the Tax Cap process works.

At 8:30 Ms. Hogan had to take a phone call and asked Mr. Stevens to take over. Mr. Stevens spoke about the budget process, said the budget discussion has been good, and that he is comfortable breaking the Tax Cap.

At 8:34 Ms. Hogan returned to the meeting.

The Public Hearing on the Tax Cap was closed at 8:35 pm.

Supervisor Hogan called the regular meeting to order at 8:36 p.m.

Approval of Minutes for Regular Meeting October 16, 2018

RESOLUTION #159-18

Mr. Arsenault presented the following resolution and moved its passage with a second from Arnold Stevens to accept the minutes of the October 16, 2018 meeting. With 5 members voting in favor, the resolution is declared carried. Ayes- 4 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

Approval of Minutes for Special Meeting October 26, 2018

RESOLUTION #160-18

Mr. Stevens presented the following resolution and moved its passage with a second from Laurie Arnheiter to accept the minutes of the October 26, 2018 special meeting. With 4 members voting in favor, the resolution is declared carried. Ayes- 4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0 Abstain – 1 (Olesheski)

Correspondence:

None

New Business:

- **Exceed Tax Cap**

RESOLUTION #161-18

Mr. Arsenault presented the following resolution and moved its passage with a second from Arnold Stevens to exceed the Tax Cap in the budget for 2019. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Scrap Metal Bid

The Town Board agreed to put Scrap Metal out to bid.

- **Employee sick leave cash out**

RESOLUTION #162-18

Peter Olesheski made a motion to approve the cash out of 32 hours of unused sick leave for Christian Holt in accordance with his current contract (MOU) for the 2018 Calendar/Benefits year. The second was made by Arnold Stevens. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- **Water district billing**

Candace Lomax submitted two water billing questions. The first is a situation with a company in bankruptcy that has an outstanding balance of \$205.21. With no expectation of payment, Ms. Lomax suggests reversing the journal entry for the company to keep the books in balance.

RESOLUTION #163-18

Mr. Arsenault moved, with a second from Mr. Olesheski (for the purpose of discussion) to allow the Water Clerk to reverse a journal entry in the amount of \$205.21 for a company in bankruptcy to keep the books in balance. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

The second question from Ms. Lomax pertains to an individual who said she did not receive her water bill, so is asking for the late payment penalty of \$11.10 to be waived. Mr. Olesheski asked if this would set a precedent. Ms. Hogan said that situations such as this can be reviewed on a case by case basis.

RESOLUTION #164-18

Arnold Stevens made a motion to approve waiving the late payment penalty of \$11.10 for an individual who said she did not receive her water bill. The second was made by Mr. Olesheski (for the purpose of discussion). With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Water hook-up fee

Ms. Hogan said she got a call from a landowner who said the curb stop for their water supply is in the middle of their lawn and is asking for the hook-up fee of \$1200 be waived because it is a rebuild, not new construction. Also, the person is asking for the curb stop to be moved off their lawn and will pay the expense of running new pipes from the new curb stop location to the house.

RESOLUTION #165-18

Laurie Arnheiter moved, with a second from Peter Olesheski (for the purpose of discussion) to waive the hook-up fee of \$1200 for a landowner who said the curb stop for their water supply is in the middle of their lawn and because it is a rebuild, not new construction. The understanding is that the person is asking for the curb stop to be moved off their lawn and will pay the expense of running new pipes from the new curb stop location to the house. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- **Transfer funds to rectify accounting issue.**

Sherry Williams informed Supervisor Hogan that the Office of the State Comptroller has instructed the Town to close the Capital Projects Fund.

It currently consists of \$18,605.89 in balances of prior building projects and additional set asides for future building expenses; \$25,222.00 set aside for Revaluation; \$9,062.39 in Special Recreation Fees; and \$449.03 in accumulated interest for a total of \$53,339.31

The interest should be allocated over the three balances. The Buildings balance and the ReVal balance should then be transferred back to the General Fund. These amounts can be incorporated into the budget for 2019, if desired, before the budget is finalized.

Mr. Olesheski suggested the \$18,605.89 go into line 16202 (Buildings, Equipment & Cap Outlay) to reduce the amount the budget would break the Tax Cap. He also suggested the \$25,222.00 go to 13554 (Assessment) to add to saving for Revaluation. The \$9062.39 should be kept separate in a new account for Recreation, Ms. Hogan and Mr. Olesheski agreed, and not be included in the 2019 budget.

RESOLUTION #166-18

Arnold Stevens made a motion to approve closing the Capital Projects Fund by putting \$18,605.89 into line 16202 (Buildings, Equipment & Cap Outlay) reducing the tax levy; \$25,222.00 into 13554 (Assessment) adding to the savings for a Reval; and keeping \$9062.39 separate in a new account for Recreation. The \$449.03 accumulated interest will be divided among the three portions (by percentages of the total) accordingly. The second was made by Mr. Arsenault. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Approve training expenses for new Town Justice

Dave Cavanaugh submitted an estimate of expenses for the Justice training he will attend in December.

RESOLUTION #167-18

Mr. Stevens moved and Ms. Arnheiter seconded approval of expenses for lodging, meals and mileage, up to \$750, for Dave Cavanaugh to attend Justice training in December. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

Old Business:

- **Station trail Environmental Assessment Form**

Ms. Hogan presented the next step in the progress of the Station Trail, which is filing the Environmental Assessment Form and passing a resolution Adopting a Negative Declaration for the Town of Johnsbury Station Trail Project.

RESOLUTION #168-18

Mr. Arsenault made a motion with a second from Ms. Arnheiter to file the Environmental Assessment Form and adopt a Negative Declaration for the SEQR process pertaining to the Station Trail.

**RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR THE
TOWN OF JOHNSBURG STATION TRAIL PROJECT**

WHEREAS, the Town of Johnsbury is requesting 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 Town of Johnsbury determined at the November 8, 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 Non-Significance.

NOW AND THEREFORE IT BE

RESOLVED, that the Town of Johnsbury, hereby determines that the proposed project will not have a significant adverse effect on the environment for the reasons set forth in the attached Notice of Determination of Non-Significance.

RESOLVED, that Supervisor of the Town of Johnsbury is authorized to take all actions reasonable and necessary to file the Negative Declaration and discharge the Town of Johnsbury's responsibility for this action.

Whereupon, the Resolution was put to a vote, recorded as follows,
Ayes 5 Nays 0 Abstentions 0

With five members voting in favor, the resolution is declared carried. Ayes-5
(Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- **Bid approval and recommendation- materials bid Streetscape**

The Board has reviewed the North Creek Water Main Materials Recommendation from Cedarwood Engineering Services.

RESOLUTION #169-18

Mr. Stevens moved and Ms. Arnheiter seconded approval of the North Creek Water Main Materials Recommendation from Cedarwood Engineering Services for the Streetscape project. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Water Tank repair update

Charlie Rawson told Ms. Hogan that it is too late in the year to have divers go into the water tank to do repairs. He has planned a stop-gap measure which is repairing the tank from the exterior as well as is possible to stop the leak to get through the Winter.

- **Chazen contract**

The Chazen Companies sent a letter to Supervisor Hogan in regard to the Expansion of Ski Bowl Park – Recreation Plan, requesting a signed contract.

RESOLUTION #170-18

Mr. Arsenault made a motion to allow Ms. Hogan to execute the contract with Chazen Companies for the Expansion of Ski Bowl Park – Recreation Plan. The second was made by Mr. Olesheski. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

Committee reports:

- Solid Waste –
None
- Highway –

None

- Marketing and Economic Development –

Ms. Arnheiter met with Darren Scott, a representative from New York State Housing and Community Renewal, regarding a housing study. The committee will be reaching out to Mike Pratt (ORDA) regarding the housing report that was completed in 2017. The committee is in search of funding for a housing study and once the study has taken place, Darren Scott will coordinate with contractors and builders to move forward.

- Personnel –

None

- Buildings, Parks and Recreation –

None

- Planning and Zoning –

None

- Fire/EMS –

None

Motion to accept warrants: (two sets of warrants)

General Fund (Total \$14,471.63)

Highway Fund (Total \$14,857.76)

Water District (Total \$332.30)

Public Library Fund (Total \$1015.42)

Emergency Squad (\$138,465.00)

Trust & Fund (\$3,884.21)

Total all warrants \$173,026.32

General Fund (Total \$10,495.89)

Highway Fund (Total \$106,557.31)

Water District (Total \$1,301.90)

Public Library Fund (Total \$4.25)

Total all warrants \$118,359.35

(Additional \$17,330.30 for Wilderness Property Management – North Creek Station Trail)

RESOLUTION #171-18

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:

Bob Nettle asked about the Bookkeeper position. Ms. Hogan said that details are being worked out.

Motion to adjourn:

The motion to adjourn was made by Arnold Stevens seconded by Gene Arsenault, at 9:14 p.m. With 5 in favor the motion is carried. (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays – 0

Next meeting Tuesday, November 20, 7:00 pm at Tannery Pond Community Center

Prepared by:

Kathleen C. Lorah, Town Clerk