

**Minutes of the Town of Johnsburg  
Public Hearings & Regular Meeting  
Tannery Pond Community Center  
228 Main Street  
North Creek, NY  
September 20, 2016**

Minutes of the 2 Public Hearings & Regular Meeting of the Town Board of the Town of Johnsburg held on Tuesday September 20, 2016 at 7:00 PM at the Tannery Pond Community Center, 228 Main Street, North Creek, New York.

**Public Hearing** – to discuss a proposed Local Law concerning the reduction of the number of Board of Assessment Review members from five (5) to three (3) and the establishment of an alternate board member position on the Board of Assessment Review for the Town.

Supervisor Vanselow opened the Public hearing and the Town Clerk read the Legal add that was placed in the News Enterprise for the Weeks of September 9<sup>th</sup> and 16<sup>th</sup>, 2016.

**Legal Notice**

Public Hearing by the Town of Johnsburg Town Board For  
A Local Law of the Town of Johnsburg, Warren County, New York to Override  
the tax levy limit established in General Municipal Law 3-c

Notice is hereby given that the Town Board of the Town of Johnsburg, Warren County, New York, will meet and hold a public hearing thereon at 7:00 pm on Tuesday, September 20, 2016 at the Tannery Pond Center, 228 Main Street, NY for the purpose of considering a Proposed Local Law entitled " A Local Law to Override the tax levy limit established in General Municipal Law 3-c" at which time and place said Town Board will consider the proposed Local Law and hear all persons interested in the same. The purpose of this Proposed Local Law is to allow the Town Board of the Town of Johnsburg, Warren County, New York to override for Budget Year 2017, the tax levy limit established in General Municipal Law 3-c.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF JOHNSBURG,  
NEW YORK.

Dated: August 16, 2016 - Jo A Smith - Town Clerk

After discussion from the Board Mr. Arsenault requested for this to be tabled until the next meeting when Assessor Mr. Holt could be there to answer questions.

Supervisor Vanselow requested that the Clerk read the correspondence pertaining to the public hearing.

**Letter from Ann Deppe dated 9-20-2016-** This letter serves as my opinion in regards to The Board of Assessment Review going from a five-member board to three. Unfortunately, I cannot be at tonight's hearing in person as I am going to a NYS Assessor's Conference in Lake George. My opinion serves as a negative to the proposal. We have a very diverse town and need diverse board members to represent it. I have seen firsthand how one may be great in legal matters and another knowing the area and location of homes. Should the future have only three members not knowing our area, I predict it would be hard for them to understand values. Our present town board has five members consider what it would be to have only three to represent the town. Thank you for taking the time to listen to my viewpoint.

**Letter from Ann Deppe dated 9/10/2016 -** I am writing this letter to request I be appointed for the vacancy created on the BAR. As a prior assessor for the town, I consider myself am knowledgeable appointee.

**Letter from Lexie Delurey dated 9/12/2016 –** I would consider Ann Deppe to be the perfect appointee for the Board of Assessment Review. She has all of the knowledge needed and is very aware of the procedures.

**Letter from Phil Goodman dated 9/19/2016 –** I am writing this letter in favor of the Town Board keeping the Board of Assessment Review a five-person board. If the BAR needs additional members to remain a five-member board, I would like the Town Board to consider me to either fill one of the spots on the board or be named an alternate.

**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 Johnsburg, Warren County, New York to override for Budget Year 2017, the tax levy limit established in General Municipal Law 3-c.

Supervisor Vanselow opened the next Public Hearing to override the tax levy limit and the Town Clerk read the Legal add that was placed in the News Enterprise for the Weeks of September 9<sup>th</sup> and 16<sup>th</sup>, 2016.

**TOWN OF JOHNSBURG, NEW YORK  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of Johnsburg on September 20, 2016 at 7 p.m. at the Tannery Pond Community Center, 228 Main Street, North Creek, New York 12853, to discuss a proposed Local Law concerning the reduction of the number of Board of Assessment Review members from five to three and the establishment of an alternate board member position on the Board of Assessment Review for the Town.

By order of the Town Board of the Town of Johnsburg, New York, dated August 16, 2016. Jo A Smith - Town Clerk

A short discussion followed. Supervisor Vanselow closed the public hearing.

**REGULAR MEETING**

Supervisor Vanselow called the regular meeting to order at 7:28 p.m. and the pledge to the flag was led by Supervisor Vanselow.

**PRESENT:**

Ronald Vanselow - Supervisor  
Arnold Stevens - Councilman  
Eugene Arsenault - Councilman  
Peter Olesheski, Jr - Councilman - Entered at 7:10 PM  
Katharine Nightingale - Councilwoman  
Jo A Smith - Town Clerk

**APPROVAL OF MINUTES FOR AUGUST 16, 2016**

**RESOLUTION # 122-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the August 16, 2016 Regular

Town Board Meeting as written.

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

### **CORRESPONDENCE**

**Letter from Mr. Crikelair dated 9/19/2016** - As we approach the important Fall and Winter seasons, we again expect many Tourists and Skiers to visit our uniquely Adirondack Hamlet Community and tour the surrounding area, particularly the Ski Bowl Park. In an effort to welcome folks with the hope that they enjoy and remember well their visit, and return regularly, we ask that the Town Board pass the following Resolution: "The Town Board directs the Highway Superintendent to take immediate action to clean up the yard in front of the Town Maintenance Garage by removing all culverts, snow plows, sanding equipment and the storage of old equipment."

**Letter from Garnet Hill Lodge dated 9/8/2016** – RE: Garnet Hill Lodge - Notice to Municipality of Intent to File Transfer Application with NYS Liquor Authority - We are writing in connection with the Transfer Application to be filed with the New York State Liquor Authority to allow for a change in ownership of Garnet Hill Lodge. The application allows for a liquor license to be obtained by the new owner of the Lodge, Garnet Hill Resort Associates, Inc., a company wholly owned by James and Frances Rucker. The scope of the application for the liquor license is to remain consistent with the liquor license in place for the current owner, Pine Meadows Associates Inc., a company owned by Don Preuninger. Enclosed please find a copy of the Municipality Notice form that has already been provided to the Town. Because time is of the essence for filing this application before the transfer of ownership that is scheduled for September 30, 2016, ask that the Town of Johnsburg waive the 30-day notice period allowed by the Municipality Notice. If this meets with Town's approval, we ask that you kindly issue a written waiver of the 30-day notice.

**Letter from The North Creek United Methodist Church** – Philip Sangster – Chairman Administrative Council - Subject: Renting Wevertown Community Center - The North Creek United Methodist Church is interested in renting the Wevertown Community Center on a regular basis. The time would be every Sunday morning from 9:00 AM to 11:30 AM for our church service. We would only need the top floor for our service. We would have a maximum attendance of

30 people and would set up and take down the area. This would start in January of 2017 and continue at least one year. We would like to know if this is possible and what we will be charged on a weekly basis. Thank you for your consideration.

Supervisor Vanselow went on to state that he would like to do nothing regarding Mr. Crikelair's request. Mr. Olesheski stated that the Highway Superintendent had reached out to him today about Mr. Crikelair's request and Mr. Olesheski believes that the Town shouldn't have to deal with him anymore, it should all be through the attorney.

Mr. Stevens wants to see a survey map and to have someone go and show them where the boundaries are.

Supervisor Vanselow requested the boards thoughts and feelings on the North Creek United Methodist Church request. Mr. Olesheski asked if this was because of a financial problem and that he would like Mr. Sangster to come and speak to the board.

#### **RESOLUTION # 123-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept and approve, The North Creek United Methodist Church to use the Wevertown Community Center on a regular basis for church services, for one year, Sunday mornings from 9:00 am to 11:30 am, the church will be responsible for set up and take down / clean-up.

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

Supervisor Vanselow asked about the Garnet Hill Lodge's request.

#### **RESOLUTION # 124-16**

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Arsenault  
**RESOLUTION AUTHORIZING WAIVER OF 30 DAY NOTIFICATION REQUIRED BY NEW YORK STATE LIQUOR AUTHORITY IN CONNECTION WITH THE TRANSFER OF OWNERSHIP OF GARNET HILL LODGE**

WHEREAS, Garnet Hill Resort Associates, Inc. located at 39 Garnet Hill Road, North River, New York is acquiring Garnet Hill Lodge (the Lodge) and has applied to the New York State Liquor Authority for a transfer of a retail liquor license for the Lodge as set forth in its September 8, 2016 letter to the Town Clerk presented at this meeting, and

WHEREAS, Garnet Hill Resort Associates, Inc. has requested that the Town of Johnsbury waive the 30-day notification required by the New York State Liquor Authority (NYS) in an effort to expedite the permit for a change in ownership of the licenses premises, and

WHEREAS, the Town Board wishes to authorize the Town Clerk to notify NYS that the Town Board has waived the 30-day notification period before Garnet Hill Resort Associates permit is issued,

NOW, THEREFORE, BE IT

RESOLVED, that the Johnsbury Town Board hereby authorizes and directs the Town Clerk to notify the New York State Liquor Authority that the Town waives the 30-day notification period before the permit for the Garnet Hill Lodge premises is issued to Garnet Hill Resort Associates, Inc. and that the Town Board has no objection to such change in owner of the licenses premises, and

BE IT FURTHER,

RESOLVED, that the Town Board further authorizes and directs the Town Supervisor, and/or Town Clerk to take any actions necessary to effectuate the terms of this Resolution.

Duly adopted this 20<sup>th</sup> day of September, 2016 with 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

### **COMMITTEE REPORTS**

Supervisor Vanselow asked if there were any committee reports and there were none.

**OLDBUSINESS:**

**TAP Information for Town Board RE: Route 28 pedestrian overpass from the park to Main Street - Sept. 20, 2016 – Ms. Kelly Nettle**

Transportation Alternatives Program, funded by Federal Highway Department, administered by NYS DOT. TAP fund non-motorized 'transportation' plan, design, construction, infrastructure - Minimum request \$250K Maximum request \$5 Million - Funding is 80% Federal; 20% local match; reimbursement basis

Process: Submit a pre-application before September 30th to NYSDOT liaison; meet with this person soon after; this pre-app should have as much info as possible in it - Submit application by October 21 - No town board resolution needed until awarded funding - 18 months to bid, plan, and design - After 18 months, construction (no limit on construction time)

Application Scope of work - Purpose of work; objectives - Benefits: measurable outcomes; economic development; safety; connectivity; - Community Support-particularly Senator/Rep; Mr. Bartholomew- SEQR - Anticipated Budget requirements – ROW - Anticipated donations or in-kind support for match; we need to be as clear as we can where the money is going to come from - Future maintenance and operation plan

How to apply: Possible to hire a consultant for application, but they cannot then be in the bid process to do the design, plan, build later, if we are awarded the money - Be aware of ROWs needed; if possible include documents - APA letter of non-jurisdiction probable (JIF sent Monday) per Brian Ford - NYS DOT—call Mark Kennedy to get his approval of project - Acquire NYS DOT highway work permit - Include all letters of support (local, big-wigs) - Indicate match and where coming from (?)

20% Match - Depends on total cost of project: Range of 500-1,000,000 just to be safe - 20% would therefore range \$100K to 200K - Wayne LaMothe: money from LWRP projects can be used as match; he was encouraging - CHIPS money can be used (Dan would not be happy!)

Should I proceed? - Send in pre-app with as much info as I can get - Have a meeting with liaison re budget figures and fill out application - Report back Oct. 18 with what we have; you make final decision whether the town

commits to project or not.

Siting - Need town board member and business alliance member to work with us in the next few days to determine what looks like the best location

The Boards consensus was to move forward.

## **NEW BUSINESS:**

### **SUPERVISOR'S MONTHLY REPORT**

Supervisor Vanselow noted that the Supervisors Monthly report August was not available.

### **ANIMAL CONTROL MONTHLY REPORT**

Supervisor Vanselow noted that the Animal Control Officer, Mr. Mosher's August 2016 report was in the Board's Packet.

### **ZONING OFFICER MONTHLY REPORT**

Supervisor Vanselow noted that the Zoning Officer, Ms. Tuckers report #8 - August 2016 was in the Board's Packet.

## **BREAK THE TAX CAP**

### **RESOLUTION # 125-16**

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

Local Law No 2 of the year 2016 - Town of Johnsbury, County of Warren

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

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

**Section 1. Legislative Intent**



It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Johnsbury pursuant to General Municipal Law § 3-c, and to allow the Town of Johnsbury to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

## **Section 2. Authority**

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

## **Section 3. Tax Levy Limit Override**

The Town Board of the Town of Johnsbury, County of Warren is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

## **Section 4. Severability.**

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

## **Section 5. Effective date.**

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

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Stevens, Olesheski, Nightingale, Vanselow) Nays – 0

## **WARRANTS**

Supervisor Vanselow requested for a motion to pay the warrant.

## **RESOLUTION # 126-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to pay the following certified bills, which have been reviewed by the board members:

**General Fund** (Total \$61,394.41) - Claims #16-919; 16-929; 16-935; 16-945; 16-947 TO 16-974; 16-976 to 16-991; 16-996 TO 16-997; 16-1010; 16-1013; 16-1016

**Highway Fund** (Total \$56,987.03) - Claims #16-918 to 16-928; 16-930 TO 16-934; 16-944; 16-991; 16-999 TO 16-1009; 16-1011 TO 16-1012

**Fire Protection District** (Total \$7,500) – Claim 16-946

**Water District** (Total \$5,228.99) - Claims # 16-936 to 16-938; 16-940 TO 16-943; 16-991; 16-1017

**Library Fund** (Total \$2,024.40) - Claims #16-967; 16-991 TO 16-995

**Trust & Agency Fund** (Total \$3,555.24) - Claims # 16-975; 16-991; 16-998

**Total all warrants \$136,690.07**

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

## **PRIVILEGE OF THE FLOOR**

Mr. Ashline stated his concern with the ORDA Contract that is should be looked at every couple of years and revised, and to have it spelled out so that it is clearer.

Mr. Nessel requested the Board do a resolution so the Supervisor can sign a DOT form to be able to work in the right of way to remove some trees and do grading.

## **RESOLUTION # 127-16**

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to accept and approve, for Mr. Robert Nessel to fill out

and the Town Supervisor to sign DOT Application to work in the right away.

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

On motion of Mr. Olesheski and seconded by Ms. Nightingale the meeting was adjourned at 8:56 p.m.

The next regular Town Board meeting will be held at 7:00 p.m. on Tuesday October 4, 2016 at Wevertown Community Center, 2370 State Route 28, Wevertown, New York.

---

Prepared by Jo A Smith, Town Clerk