

**Minutes of the Town of Johnsburg
Regular Meeting
December 5, 2017
Wevertown Community Center
2370 State Route 28, Wevertown, NY**

Regular Meeting

Councilman Arsenault called the meeting to order at 7:00 p.m. and the pledge to the flag was led by Councilman Arsenault.

PRESENT:

Eugene Arsenault -- Councilman
Arnold Stevens -- Councilman
Peter Olesheski, Jr -- Councilman
Katharine Nightingale -- Councilwoman
Jo A Smith -- Town Clerk

Absent: Supervisor - Ronald Vanselow

Memoriam Helen O Cornwall

Town of Johnsburg Town Board

Resolution # 189

SPONSORED BY ENTIRE BOARD:

***IN MEMORIAM
HELEN O CORNWALL***

WHEREAS, recognizing Helen O Cornwall, departed this life on November 9, 2017, and

WHEREAS, since June 27, 1986 at a special meeting Helen O Cornwall was appointed to the Town Board and elected in 1987 and continued until 2005; and

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NOW, THEREFORE, at a regular meeting of the Town Board of the Town of Johnsburg, it is

RESOLVED, that the members of the Town Board hereby express their appreciation for the many years of service, rendered by the late Helen O Cornwall to the entire community, and hereby express their regret for the loss to the Town, to the community and to her family, and it is

FURTHER RESOLVED, that a copy of this resolution as inscribed in the minutes of this meeting be submitted to her family, in suitable form executed by the Supervisor of the Town of Johnsburg.

Memoriam Fred Wilbur Hitchcock

Town of Johnsburg Town Board

Resolution # 190

SPONSORED BY ENTIRE BOARD:

***IN MEMORIAM
FRED WILBUR HITCHCOCK***

WHEREAS, recognizing Fred Wilbur Hitchcock, departed this life on November 7, 2017, for his service to the Town of Johnsburg Highway Superintendent from 1988 to 2006, and for his service to the United States Navy, proudly serving his country overseas in Vietnam and to the Bakers Mills / Sodom Fire Company, and

WHEREAS, Fred Wilbur Hitchcock had served as the Town of Johnsburg Highway Superintendent, for 18 consecutive years; and

WHEREAS, Fred W Hitchcock had served the United States Navy, proudly serving his country overseas in Vietnam until his honorable discharge in 1974; and

WHEREAS, Fred Wilbur Hitchcock had also served his community acting as a volunteer member of the Bakers Mills / Sodom Fire Company

NOW, THEREFORE,

BE IT RESOLVED That the Town of Johnsburg Town Board, State of New York, does hereby recognize and commend Fred Wilbur Hitchcock for his meritorious

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and conscientious service to the Town of Johnsburg and its residents, and for his dedication to the mission of protecting life and property within The Town of Johnsburg.

**APPROVAL OF MINUTES FOR REGULAR MEETING & BIDS
NOVEMBER 21, 2017**

RESOLUTION #191-17

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to accept and approve the minutes of the November 21, 2017 Regular Town Board Meeting & Bids.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale)

CORRESPONDENCE:

Letter of intent from Ann Dingman for Summer Youth Program Director

Dated November 12, 2017 – She would like to continue serving the Town of Johnsburg as the Summer Youth Program Director. The Summer program and the ski lessons at Gore provide excellent opportunities for the children of Johnsburg, and she is proud to be a part of both. She enjoys working with the children and the Youth Program Staff.

RESOLUTION #192-17

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to accept and approve Ms. Ann Dingman as the Summer Youth Program Director for 2018.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale)

COMMITTEE REPORTS:

OCCUPANCY TAX

Mr. Olesheski stated that December 7th they are holding their evening where groups can come and present to them and shooting for the last meeting of the year which will be December 19th for Board approval.

OLD BUSINESS:

NEW BUSINESS:

NED GOODMAN PROPERTY

Mr. Arsenault stated that Mr. Ned Goodman has another 10 to 15 acres of property that he would like to sell to the Town. Mr. Arsenault and Mr. Hitchcock have looked at it and Mr. Hitchcock likes that idea because that would mean access from the Goodman Road instead of the corners of Park and Garnet Lake Road which at this time has a very steep access drive. Mr. Arsenault stated that it could be purchased for \$50,000 and in the 2018 budget he has already set aside \$25,000 for the purchase. Mr. Stevens stated he would like to act tonight.

RESOLUTION #193-17

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to accept and approve the purchase of additional property from Mr. Ned Goodman in the amount of \$50,000, paying \$25,000 in 2018 and \$25,000 in 2019.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale)

RESOLUTION #194-17

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to accept and approve the purchase of additional property from Mr. Ned Goodman in the amount of \$50,000, paying \$25,000 in 2018 and \$25,000 in 2019.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale)

TANNERY POND POSITION

Mr. Arsenault explained that Ms. Deb Zack is leaving at the end of the month and that the Tanner Pond Association will be hiring for that position. The Association would like to pay \$35,000 salary a year, but their budget is tight and being it is a Town Build he would like to cover ½ of the salary for two years.

RESOLUTION #195-17

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to accept and approve \$17,500 for two years to cover half of the Salary for the Director of Tannery Pond Community Center.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Stevens, Olesheski) 1- opposed - Nightingale

REVISION OF 2018 BUDGET

Mr. Arsenault explained that the North Creek Fire District was left out of the Budget and would like a resolution amending the 2018 budget to include it.

RESOLUTION #196-17

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Stevens to accept and approve the amended 2018 Budget to include the North Creek Fire District levy.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale)

EAF FOR WASTE WATER PROJECT

Ms. Nightingale stated that the Sewer Committee met a couple of weeks ago, and it was a great meeting. Very educational with Tom Suozzo and Matt Fuller. Mr. Parobeck stated that Mr. Tom Suozzo has stated in an e-mail that it would take about 6 to 8 hours to complete the EAF / SEQR, so the fee would be \$750.00. Mr. Suozzo goes on to state that they wouldn't be able to prepare it until after the first

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of the year but would have it out for review by 1/15/18. Mr. Arsenault inquired if that time line would be feasible. Mr. Parobeck stated it would be.

RESOLUTION #197-17

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to accept and approve Cedarwood Engineering Services to complete the EAF / SEQR in the amount of \$750.00 which will be available for review by 1/15/18.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale)

ACO Monthly Report – NOVEMBER 2017

Mr. Arsenault stated that in the Boards packet was the ACO report for November 2017.

SUPERVISORS MONTHLY REPORT FOR NOVEMBER 2017

RESOLUTION #198-17

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to accept and approve the Supervisor Monthly Report for November 2017.

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

ZEO Monthly Report - 2017

Mr. Arsenault stated that in the Boards packet was the ZEO report for October & November 2017.

RESOLUTION FOR TIME WARNER CABLE TO ACQUIRE HAMILTON COUNTY CABLE TV WHICH HOLDS A FRANCHISE IN JOHNSBURG

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Mr. Arsenault stated that we have a resolution for Time Warner Cable Northeast LLC who has agreed to acquire substantially all the assets of Hamilton County Cable TV and asked the Board to pass it. Ms. Nightingale read the resolution.

RESOLUTION #199-17

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Stevens

WHEREAS, Hamilton County Cable, T. V., a New York Corporation ("Franchisee") currently holds a franchise (the "Franchise") granted by the Town of Johnsbury, NY (the "Community") to own and operate a cable system in the Community; and

WHEREAS, on October 27, 2017, Time Warner Cable Northeast LLC ("TWC"), a Delaware Limited Liability Corporation and Franchisee, entered into a definitive purchase agreement for TWC to acquire substantially all assets of Franchisee (the "Transaction"); and

WHEREAS, TWC and Franchisee have filed FCC Form 394 with the Community and have provided the Community with all information regarding the Transaction required by applicable law (collectively, the "Application"); and

WHEREAS, the Community has reviewed the Application and has determined that (i) TWC meets the legal, technical, and financial criteria to assume the franchise, and (ii) the Transaction is in the best interests of the Community.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Community consents to and approves of the Transaction to the extent required by the terms of the Franchise and applicable law;
2. The Community confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, any action necessary with respect to the Transaction has been duly and validly taken;

3. To the best of the Community's knowledge and belief, there are no existing facts or circumstances that with or without the giving of notice or the passage of time, or both, would constitute a default of any term or condition of the Franchise;
4. Effective upon the closing of the Transaction, TWC shall be responsible for any obligations and liabilities under the Franchise in accordance with its terms; and
5. This Resolution is adopted and approved in accordance with all applicable notice and procedure requirements under all laws applicable to Community. This Resolution shall take effect upon its passage in accordance with applicable law.

This Resolution shall have the force of a continuing agreement with TWC, and Community shall not amend or otherwise alter this Resolution without the consent of TWC.

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

BUDGET AMENDMENTS

Mr. Arsenault went over the Budget Amendments

RESOLUTION #200-17

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to accept and approve the following Budget Amendments for Dec 2017

1	Parks CE	A71104	\$5,000.00	
	Unassigned Appropriated Fund Balance	A915		\$5,000.00
	Allocate Fund Balance for NC Business Alliance Reimbursements for Shuttle			
2	General Repairs CE	DA51104	\$20,000.00	
	Unassigned Appropriated Fund Balance	DA915		\$20,000.00

Allocate Fund Balance to Budget for purchase of additional stone material per Board 8/17

3	Permanent Improvement EQ (CHIPS)	DA51122	\$100,000.00	
	State Aid/CHIPS	DA3501		\$100,000.00

Recognize Additional CHIPS Funding Available

4	Buildings EQ/Solar Project	H16202.11	\$49,772.00	
	Gifts & Donations/Solar	H2705		\$49,772.00

Allocate Grants to Appropriations for Solar Project

5	Street Lighting CE	A51824	\$3,500.00	
	Contingency	A19904		\$3,500.00

Allocate Contingency Funds for higher than budgeted streetlighting expenditures

6	Youth Programs CE	A73104	\$5,000.00	
	Youth Programs PS	A73101		\$5,000.00

Allocate unused personnel funds to program funds

7	Justices PS	A11101	\$5,500.00	
	Justices CE	A11104	\$500.00	
	Assessor CE	A13554	\$1,000.00	
	Town Clerk CE	A14104	\$500.00	
	Buildings PS	A16021	\$5,600.00	
	Unallocated Insurance	A19104	\$1,000.00	
	Parks PS	A71101	\$9,800.00	
	Historian CE	A75104	\$100.00	
	Recycling	A80904	\$2,000.00	
	Medical Insurance	A90608	\$8,200.00	
	Unassigned Appropriated Fund Balance	A915		\$34,200.00

Allocate Fund Balance for over appropriated expenditures

8	Medical Insurance	SW90608	\$300.00	
	Unassigned Appropriated Fund Balance	SW915		\$300.00

Allocate Fund Balance for over appropriated expenditures

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale)

WARRANT FOR DECEMBER 5,2017

RESOLUTION #201-17

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to pay the following certified bills:

General Fund (Total \$15,612.19) - Claims # 17-1232 to 17-1235; 17-1237; 17-1240; 17-1242 to 17-1245; 17-1265 to 17-1271; 17-1274; 17-1275

Highway Fund (Total \$24,320.60) - Claims #17-1244 to 17-1253; 17-1255 to 17-1264; 17-1272; 17-1273; 17-1276

Water District (Total \$10,695.37) – Claims # 17-1236; 17-1238; 17-1239; 17-1241; 17-1244

Public Library Fund (Total \$1,015.42) – Claims #17-1275

Trust & Agency Fund (Total \$3,682.45) – Claims #17-1244; 17-1245; 17-1275; 17-1276

Total all warrants \$55,326.03

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Olesheski, Nightingale)

PRIVILEGE OF THE FLOOR

Mr. Jim Jones asked about if the Town was getting any of the steel from the Tapanzee Bridge which they are selling to Towns for \$1.00 and the Towns must pay for transportation.

On Motion of Mr. Olesheski and seconded by Ms. Nightingale the meeting was adjourned at 7:54 p.m.

The next regular Town Board meeting will be held at 7:00 p.m. on December 19, 2017 at Tannery Pond Community Center, North Creek, NY.

Prepared by Jo A Smith, Town Clerk
