

**Minutes of the Town of Johnsburg  
Regular Meeting  
Wevertown Community Center  
2370 State Route 28  
July 17, 2018**

Minutes of the Regular Meeting of the Town Board of the Town of Johnsburg held on Tuesday July 17, 2018 at 7:00 PM at the Wevertown Community Center, 2370 State Route 28, Wevertown, NY

Supervisor Hogan called the meeting to order at 7:15 p.m. and the pledge to the flag was led by Tom Crikelair.

**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 June 19, 2018**

***RESOLUTION #85-18***

Arnold Stevens presented the following resolution and moved its passage with a second from Ms. Arnheiter to accept the minutes of the June 19, 2018 meeting. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

**APPROVAL OF MINUTES FOR SPECIAL MEETING June 26, 2018**

***RESOLUTION #86-18***

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to accept the minutes of the June 26, 2018 meeting.

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

**Correspondence:**

Ms. Hogan stated that there is no correspondence to address.

**New Business:**

- Presentation by Gina Mintzer, Executive Director of Lake George Regional Chamber of Commerce

Ms. Mintzer brought sample packets of information and publications Lake George Regional Chamber of Commerce uses for outreach and promotion. She spoke about their Travel/ Destination Guide and its distribution, consumer shows, Information Centers, The Adirondack Welcome Center projected to open in September, the Adirondack Beverage Trail, and several initiatives for Countywide success in promotion of the region.

Kelly Nettle asked how the Lake George Chamber interacts with smaller community chambers. Ms. Mintzer said there is much interaction and cooperation, but that the Gore Mountain Region Chamber of Commerce has chosen not to participate.

- Contracts for Streetscape work

Andrea Hogan mentioned the two contracts from Cedarwood (in the board packets) concerning Streetscape work. Mr. Arsenault asked if there is funding for them and if Ms. Hogan is okay with the contracts. She replied that yes, there is funding, and that yes, she is comfortable with the contracts.

***RESOLUTION #87-18***

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the contracts from Cedarwood pertaining to Streetscape work. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

- SEQR for Streetscape project

Ms. Hogan explained that the Streetscape project will require a State Environmental Quality Review (SEQR.) The first step is for the Town of Johnsborg to request to be the Lead Agency. A letter must be executed to engineers, Warren County Planning Department, ENCON, Department of Health, and the APA.

### ***RESOLUTION #88-18***

Gene Arsenault moved to authorize the Town Board to act as Lead Agency and execute a State Environmental Quality Review (SEQR) letter to engineers, Warren County Planning Department, ENCON, Department of Health, and the APA for the town Water Main and Sidewalk Replacement Project. A second was made by Laurie Arnheiter. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

- Recognition of Mavis and Ben Miller

Arnold Stevens read the resolution written in appreciation of Mavis and Ben Miller.

### ***RESOLUTION #89-18***

In 1984 Mavis Miller began delivering Meals on Wheels for the North Creek Senior Meal Center. She continued this until 1992, at which time her husband, Ben, joined her. Together, they have been delivering meals for 26 years.

We would like to propose the following resolution to recognize Mavis and Ben and their extraordinary service to the community.

**WHEREAS** Mavis and Ben Miller have worked together for over 26 years in service to the senior citizens of the Town of Johnsborg, and,

**WHEREAS** their dedication and commitment to the program Meals on Wheels should be an example of volunteerism to all,

**It Is Resolved** that the Town Board of the Town of Johnsborg formally acknowledges and extends profound appreciation to Mavis and Ben Miller for their many years of service.

Arnold Stevens presented the resolution of appreciation and moved its passage with a second from Ms. Arnheiter. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

- Benefit Advisor discussion

Ms. Hogan said that she and Sherry Williams had spoken with three Benefit Advisor companies and that the proposals for each are in the board packets. She went on to say that she can't lead the discussion because she does not participate in the benefit program. She presented the quotes from the three companies as follows:

Upstate Agency - \$1428  
Asset Strategies - \$1932  
Burnham Benefit Advisors - \$756

At issue in this discussion is the fact that Debbie has left the company the town has been using, and now works for another company that submitted a proposal.

Mr. Arsenault stated that he thinks the most important factors in choosing a company are Products, Pricing, and Service. He referred to the representative the town has used, Debbie Bell, saying that it has been his experience that when a participant needed guidance with a difficult health situation or other issues, Debbie has been very thorough. The representative is the most critical determining factor to Mr. Arsenault.

Mr. Stevens agreed, asking, "Can a price be put on loyalty?" Because Debbie is now working at Asset Strategies, that is the company Mr. Stevens would choose.

Ms. Arnheiter suggested that if the vote is to stay with the representative at the new company, the town should reevaluate the company performance periodically.

### ***RESOLUTION #90-18***

Mr. Arsenault moved that the town choose Asset Strategies as their Benefit Advisor. A second was made by Mr. Stevens. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

- Landlord Authorization form for alcohol sales during Waynestock and Cycle Adirondacks

Supervisor Hogan explained that Cycle Adirondacks has asked barVino to vend beer and wine at the Ski Bowl for their event, and that Waynestock has asked Adirondack Pub & Brewery to sell beer at Ski Bowl Park during their event. Ms. Arnheiter asked if permission could be granted for both in one resolution.

### ***RESOLUTION #91-18***

Ms. Arnheiter moved to allow Landlord Authorization for Cycle Adirondacks to have barVino vend wine at the Ski Bowl for their event, and for Waynestock to have Adirondack Pub & Brewery sell beer at Ski Bowl Park during their event. This was carried with a second from Gene Arsenault and three members voting in favor (Ayes - Hogan, Arsenault, Arnheiter) (Nays – 1 - Stevens.)

- Appointment of Town Historian

Supervisor Hogan announced the appointment of Deana Wood as the Town of Johnsburg Historian.

- NYPA –Street lighting

The Town of Johnsburg spends almost \$30,000 per year on street lighting, Ms. Hogan stated. She is suggesting investigating the use of shared services through the New York Power Authority (NYPA) to cut down that expense. An example of savings is buying LED lights in bulk. Currently the town rents the poles from the power company, but with the NYPA model, the town would buy the poles and lights, taking ownership of them and thereby maintaining them. NYPA has found that municipalities save a great deal this way. She would like approval for exploration of this opportunity, with no outlay and no promise from the town. National Grid payment history can be gathered, given to NYPA at which point NYPA will do an assessment, estimate savings, and help seek funding for the town to purchase the poles. The town then pays for the funding through the cost savings which result. Moving forward with this, there is no upfront cost to the town, nor is there a commitment. Laurie Arnheiter asked about National Grid supplying the power. Ms. Hogan answered that we would still purchase power from National Grid. The next step, Ms. Hogan said, would be to get a purchase price for the poles

from National Grid, provide that inventory to NYPA, and they would come back with a proposal.

Mr. Arsenault said that an evaluation and mapping of the poles may be productive as well, to which Ms. Hogan replied that it would be part of the whole process.

### ***RESOLUTION #92-18***

Mr. Stevens moved to go forward with investigating the use of shared services through the New York Power Authority (NYPA) to cut down street lighting expense, with no outlay and no commitment from the town. With a second from Mr. Arsenault and four members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

### **Old Business:**

- Bruce Cleveland retirement payout

Ms. Hogan explained that upon retirement in May, Bruce Cleveland had unused sick time and is contractually entitled to half in the amount of \$465.80, and unused vacation time equaling \$3726.40, for a total of \$4192.20. She said that the town has no policy in place for this circumstance.

Mr. Arsenault asked about when these benefits go into effect. Ms. Hogan replied that they are assigned at the beginning of the year, therefore the money was budgeted and is available. Mr. Arsenault said that Mr. Cleveland should be paid these earned benefits.

### ***RESOLUTION #93-18***

Mr. Arsenault moved and Mr. Stevens seconded, the payment of Bruce Cleveland (retired) for unused sick and vacation time in the amount of \$4192.20. Four members voted in favor, and the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

Arnold Stevens said that he would work with Mr. Olesheski (Personnel Committee) to draft a policy for a situation such as this.

- Grant update –DEC 2016 Smart Growth Grant for Ski Bowl improvements

Ms. Hogan explained that this grant came in two parts: long trails extension which Steve Ovitt is working on, and beach, new sand and terracing which Kelly is working on. The grant is broken down in the amounts of \$18,500 for a contractual work (project oversight and labor,) and \$20,231 for materials (beach sand, fabric, stone and rock.) The town has budgeted for \$12,500 for this project. The materials portion exceeds the town's procurement policy, but Kelly Nessel got in touch with the DEC (the funding agency) and was advised to separate out the materials components, thereby satisfying the procurement policy.

Ms. Hogan said that she is comfortable proceeding, dividing the materials cost, according to the advice from DEC.

All agreed to move forward with no resolution.

Ms. Nessel stated that the project needs an Administrator, and that she suggests Bob Nessel. Ms. Hogan read from the grant that the job of Administrator (oversight) will pay \$75 per hour and is scheduled to require 24 hours.

### ***RESOLUTION #94-18***

Mr. Arsenault made a motion, seconded by Mr. Stevens, to hire Bob Nessel as the Administrator for the DEC 2016 Smart Growth Grant for Ski Bowl improvements. Four members voted in favor, and the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

- Grant details - Office of Parks, Recreation and Historical Preservation Grant – Kelly Nessel

Kelly Nessel addressed this grant, saying that the purpose of it is for planning, design and specifications for the part of the park that has been involved in sand mining. Topographical resculpting (layout of pathways, recreation spaces, roads, etc.) is all this grant will cover. There needs to be integration with work being done by Dan Hitchcock, such as pushing soil and grading.

Gene Arsenault asked about ORDA helping with drainage issues. Kelly responded that past estimates for culverts ranged from \$9600 to \$17,000, so she really has no good idea about how much it would cost. Mr. Arsenault suggested talking to ORDA about sharing drainage improvement costs. Ms. Nessel stated that this grant will not involve drainage issues.

This grant, Ms. Nessel said, could be awarded for up to \$80K for planning and

\$20K for surveying. She suggests using these high figures for writing the grant, then, after an award amount is known, hiring a company that can work within the budget. The resulting match needed from the town, if \$100K is awarded, would be 25 percent, or \$25K.

### ***RESOLUTION #95-18***

Mr. Stevens made a motion, seconded by Mr. Arsenault, to commit \$25K in matching funds from the Town of Johnsbury, allowing Kelly Nessel to write a grant request for the Office of Parks, Recreation and Historical Preservation Grant. Four members voted in favor, and the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

The resolution to be submitted reads as follows:

#### **RESOLUTION #95-18**

RESOLVED, that the Town of Johnsbury applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") under Title 9 of the Environmental Protection Act of 1993, for the purpose of funding the Improvements at Ski Bowl Park;

RESOLVED, that the Town of Johnsbury is authorized and directed to accept these grant funds in an amount not to exceed \$100,000 for the project described in the grant application;

RESOLVED, that the Town of Johnsbury is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for such Improvements at Ski Bowl Park;

RESOLVED, that the Town of Johnsbury is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and

RESOLVED, that the governing body of the municipality delegates signing authority to execute the Master Contract and any required deed of easement to the individual who holds the following elected municipal office title: Supervisor, Town of Johnsbury.

Mr. Arsenault added that having a plan in place will be helpful in bringing parties together (the Highway Department, ORDA, and the Parks Department.)

- Local Waterfront Revitalization Program Grant

Supervisor Hogan brought it to the board's attention that Resolution #75-18 must be amended, because there is no mention of matching funds.

### ***RESOLUTION #96-18***

Gene Arsenault motioned to amend Resolution #75-18 to join the county in their Consolidated Funding Application through the Local Waterfront Revitalization Program, *and acknowledged that the town anticipates using \$120,000 in Mill Creek property value as well as budgeting \$3000 as the town match for this grant.* Laurie Arnheiter seconded. With four members voting in favor, the resolution is declared carried. Ayes- (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

### **Committee reports:**

A. Buildings, Parks and Recreation – update on Tannery Pond Building work

Ms. Arnheiter said that Mr. Olesheski has been working with Rob Wing and Volt Landscaping on plans for Tannery Pond wall reconstruction and that Mr. Wing is aware that the work has to be done prior to Cycle Adirondacks. Ms. Hogan asked if a contract has been signed and Ms. Arnheiter was unsure. Ms. Arnheiter also mentioned moving forward with carpet cleaning in the building.

### **Animal control monthly report, ZEO Monthly report:**

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

### **Supervisor's monthly report:**

### ***RESOLUTION #97-18***

Mr. Arsenault made a motion, seconded by Mr. Stevens, to accept the Supervisor's monthly report. Four members voted in favor, and the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

**Budget Amendments:**

***RESOLUTION #98-18***

Mr. Stevens made a motion, seconded by Mr. Arsenault, to approve the budget amendments as follows:

Budget Amendments July,

1 Justice PS	A11101	\$8,336.25	
Justice CE	A11104		\$8,336.25

Reverse Amend 5/June New, temporary Justice paid as employee

2 Justice PS	A11101	\$1,148.00	
Unassigned Appropriated Fund Balance	A915		\$1,148.00

Appropriate addl funds to cover temporary Justice salary due to month overlap

3 Elections CE	A14504	\$600.00	
Contingency	A19904		\$600.00

Allocate contingency for underbudgeted elections expenses

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

**Motion to accept warrants (2 sets of Warrants):**

***RESOLUTION #99-18***

A motion by Gene Arsenault was seconded by Laurie Arnheiter to accept the warrants. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

**General Fund** (Total \$26,048.69)  
**Highway Fund** (Total \$36,260.50)  
**Water District** (Total \$9,099.00)  
**Public Library Fund** (Total \$6.64)  
**Johnsburg Emergency Squad** (Total \$138,465.00)  
**Trust & Agency Fund** (Total \$5,011.99)

**Total all warrants \$214,891.82**

**General Fund** (Total \$19,085.90)  
**Highway Fund** (Total \$14,294.61)  
**Water District** (Total \$1,779.21)  
**Public Library Fund** (Total \$1,015.42)  
**Trust & Agency Fund** (Total \$4,152.34)

**Total all warrants \$40,327.48**

**Privilege of the Floor:**

Linda Quintavalle said there were 21 cars parked at Mill Creek over the weekend. She asked that signs be posted to ask people to treat the area gently. Andrea Hogan said that issue should be addressed by the Mill Creek Committee.

Kelly Nessel returned to the subject of the Office of Parks, Recreation and Historical Preservation Grant and the required State Environmental Quality Review (SEQR.) Ms. Hogan said she has not seen it and must read it before acting.

***RESOLUTION #100-18***

Mr. Arsenault made a motion, seconded by Mr. Stevens, to give Supervisor Hogan the authority to review the SEQR form for the Office of Parks, Recreation and Historical Preservation Grant and to approve if Ms. Hogan approves. Four members voted in favor, and the resolution is declared carried. Ayes-4 (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0

Supervisor Hogan spoke about the fire in Wevertown last night, expressing much admiration and gratitude to all responders.

**Motion to adjourn:** The motion to adjourn was made by Gene Arsenault with a second by Arnold Stevens at 8:35 p.m. With four in favor the motion is carried. (Hogan, Arsenault, Stevens, Arnheiter) Nays – 0

The next regular Town Board meeting will be held at 7:00 p.m. on Tuesday, August 21, 2018 at Tannery Pond Community Center, 228 Main Street, North Creek.

Prepared by:

Kathleen C. Lorah, Town Clerk