

**Minutes of the Town of Johnsburg
Regular Meeting
Tannery Pond Community Center
2370 State Route 28
August 21, 2018**

Minutes of the Regular Meeting of the Town Board of the Town of Johnsburg held on Tuesday, August 21, 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 7:01 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 JULY 17, 2018

RESOLUTION #105-18

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Arnheiter to accept the minutes of the July 17, 2018 meeting. With 4 members voting in favor, the resolution is declared carried. Ayes- (Hogan, Arsenault, Stevens, Arnheiter) Nays- 0 Abstain – 1 (Olesheski)

APPROVAL OF MINUTES FOR SPECIAL MEETING AUGUST 6, 2018

RESOLUTION #106-18

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Arnheiter to accept the minutes of the August 6, 2018 special meeting. With 5 members voting in favor, the resolution is declared carried. Ayes-

(Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

Correspondence:

None

New Business:

- Agreement for Youth Recreational Program funding from the county (\$1435)

RESOLUTION #107-18

Mr. Arsenault made a motion to approve the agreement with Warren County for Youth Recreational Program funding and for Supervisor Hogan to execute the agreement. The second was made by Mr. Stevens. Five members voted in favor, and the resolution is declared carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Mobile Device Policy

After discussion about who had been involved in writing the policy, concerns regarding omissions in the policy, Ms. Hogan's request for suggestions, and various invitations to further discuss, Mr. Stevens moved to table the discussion. Mr. Arsenault seconded, and with 5 members voting in favor, the motion is carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Liquor approval for Rock the Daks, park curfew extension

Dave Skibinski explained the event, "Rock the Daks" as rafting, hiking, rock climbing, music, and generally enjoying the outdoors.

RESOLUTION #108-18

Ms. Arnheiter moved for the town to act as Landlord for Rock the Daks event September 22, 2018, allowing Common Roots Brewing Company to vend beer in Ski Bowl Park. Mr. Olesheski amended to extend park curfew for the event. Gene Arsenault seconded, and four members voted in favor, passing the resolution. Ayes- (Hogan, Arsenault, Olesheski, Arnheiter) Nays- 1 (Stevens)

- Approval of engineering fees - Claude Straight Rd.

Dan Hitchcock addressed the need for a new bridge on Claude Straight Road. He said that a problem he has run into in replacing a bridge, is finding a contractor to do the concrete work. His suggestion is to do the footing in-house, pouring the base himself, then purchasing a portable bridge, for which there is money in CHIPS (Consolidated Highway Improvement Program.) He said the engineering fees for the project would be less than \$20K. Mr. Hitchcock is looking for approval to move forward.

RESOLUTION #109-18

Mr. Stevens moved to approve the engineering fees associated with bridge construction on Claude Straight Road. This was seconded by Mr. Olesheski, and with 5 members voting in favor, the resolution is carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Budget amendment – Highway Grader purchase

The grader purchase by the Highway Department was \$6864.53 over budget, but the difference is available in the Fund Balance.

RESOLUTION #110-18

Mr. Arsenault made a motion for a budget amendment for the Highway grader purchase as follows:

Machinery EQ	DA51302	\$146,992.51	
Reserve for Equipment	DA878	\$140,127.98	
Unassigned Appropriated Fund Balance	DA915		\$6,864.53

Appropriate Reserve and Fund Balance to pay Nortrax for new John Deere 670G Grader

Mr. Stevens made a second and with 5 members voting in favor, the resolution is carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- Budget amendment – Historian account

Supervisor Hogan explained that the Historian’s budget has been depleted with payouts of \$202 to Ancestry.com, \$30 association dues (which are transferable), and \$160 for the necessary restoration of the Historian’s website. The balance in the account is approximately \$8. She proposes moving the \$160 spent on restoration from the fund balance to the Historian’s account to cover Deana Wood’s position.

RESOLUTION #111-18

Laurie Arnheiter moved, with a second from Gene Arsenault, to amend the budget as follows:

Historian CE	A75104	\$160.00	
Unassigned Appropriated Fund Balance	A915		\$160.00
Appropriate addl funds for Historian			

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

- Request to county to re-allocate funds to town marketing plan

Ms. Hogan stated that the Saratoga-North Creek Railway had a step-on guide who was paid through a county grant, and that Wayne LaMothe had informed her that there is grant money left. Her suggestion is to request funds from the county to be reallocated to the marketing plan, and to consider hiring an individual to keep the town’s website updated (approximately \$10K.)

RESOLUTION #112-18

Arnold Stevens motioned and Ms. Arnheiter seconded to ask the county to reallocate grant funds to the town’s marketing plan. Five members voted in favor, and the resolution is carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

Committee Reports:

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

Ms. Hogan said that when Rob Wing dug into the existing wall in front of Tannery Pond, he found the base to be small pieces of blocks. He suggested using blocks he has as the base, at an additional cost of \$1500. Mr. Olesheski asked if this would come from the fund balance and Ms. Hogan responded yes.

RESOLUTION #113-18

Mr. Arsenault motioned with a second from Mr. Arnheiter for a budget amendment to cover the additional cost for the Tannery Pond wall as follows:

Buildings EQ	A16202	\$1,500.00	
Unassigned Appropriated Fund Balance	A915		\$1500.00

Appropriate addl funds for repair to TPCC Retaining Wall

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

- Highway committee updates

Mr. Arsenault said he met with Highway Department employees and that by starting the conversation early this year, the Highway Committee will have a better understanding of costs when the contract is written.

- Solid waste committee – sewer update

When the solid waste committee last met, they decided to go for what is called the multi-year list through Environment Facilities Corp, which would put the town’s sewer plan on the funding radar. This means a small but positive step forward.

Animal control monthly report, ZEO Monthly report

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

Supervisor’s monthly report

Mr. Olesheski asked about the fund balance for fire companies. Mr. Arsenault explained that it’s a good idea to keep a modest amount in that fund balance. Mr. Olesheski said he was surprised to see a larger figure in the fund balance, and Ms. Hogan responded that every commitment has been kept. Peter Olesheski said there is a question regarding insurance coverage for the firefighters, and suggested having another meeting with the fire companies prior to the budget being written.

RESOLUTION #114-18

Mr. Stevens made a motion to accept the Supervisor’s monthly report. The second was from Mr. Arsenault, and with 5 members voting in favor, the resolution is carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

Approval of warrants (two sets of warrants)

RESOLUTION #115-18

A motion by Mr. Arsenault was seconded by Mr. Stevens to accept the warrants. With 5 members voting in favor, the resolution is declared carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

General Fund (Total \$11,141.03)

Highway Fund (Total \$14,294.61)

Water District (Total \$332.30)

Trust & Agency Fund (Total \$3,215.37)

Total all warrants \$28,983.31

General Fund (Total \$61,056.90)

Highway Fund (Total \$509,876.33)

Water District (Total \$7,801.55)

Public Library Fund (Total \$1,835.56)

Trust & Agency Fund (Total \$3,601.25)

Total all warrants \$584,171.59

Old Business:

- Cycle Adirondacks update

Ms. Hogan said that 250 cyclists are due in town for this event and have booked all hotel rooms in town. The Business Alliance will provide free shuttle service. Adirondack Mountain Club will be having talks which are open to the public, and there will be live music Wednesday, 7pm – 9pm (Frank Conti Jazz Ensemble), and Thursday, 7pm – 9pm (Stony Creek Band.) The visiting group have volunteered to help with the Mural and to plant the gardens in front of Tannery Pond.

- Resolution accepting Wilderness Property Management plan for Station Trail

Prior to the July 17th Town Board meeting, Steve Ovitt presented his plan for the Station Trail. Ms. Hogan stated that a resolution is needed to accept his plan.

RESOLUTION #116-18

Mr. Arsenault motioned with a second from Mr. Arnheiter to accept the plan put forth by Wilderness Property Management for Station Trail. Five members voted in favor, and the resolution is carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- WIIA grant for improvements to Water District
 - Complete part 2 of the Long Environmental Assessment Form
 - Complete part 3 of the Long Environmental Assessment Form

Ms. Hogan stated that the next step in moving forward with the WIIA grant is to review and accept parts 2 and 3 of the Long Environmental Assessment Form.

RESOLUTION #117-18

A motion by Mr. Stevens was seconded by Mr. Arsenault to review and accept parts 2 and 3 of the Long Environmental Assessment Form. With 5 members voting in favor, the resolution is declared carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

- WIIA grant for improvements to Water District
 - Resolution adopting negative declaration for the SEQR process

A separate resolution is needed, Ms. Hogan said, to proceed with the WIIA grant for improvements to Water District, which is the adoption of a negative declaration for the SEQR process.

RESOLUTION #118-18

Mr. Arsenault moved, and a second was made by Mr. Stevens, to adopt a negative declaration for the SEQR process pertaining to the WIIA grant for improvements to Water District. Five members voted in favor, and the resolution is carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

The resolution to be submitted follows.

**RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR THE
TOWN OF JOHNSBURG WATER SYSTEM UPGRADE PROJECT**

WHEREAS, the Town of Johnsburg 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 SEQR process required a Lead Agency to be designated to facilitate review, and the Town of Johnsburg Town Board declared themselves Lead Agency at the Town Board meeting of August 6, 2018.

WHEREAS, the Town of Johnsburg Water System Upgrade Project has been classified as a Type I action due to the project scope.

WHEREAS, the Lead Agency solicited input from involved agencies on the environmental impact of the above referenced project.

WHEREAS, the Lead Agency reviewed input from those involved agencies and completed Part 2 of the FEAF at the August 21, 2016 Town Board meeting and made a declaration on the impact of the above referenced project consistent with SEQR guidance.

WHEREAS, the Lead Agency determined at the August 21, 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 Johnsburg, is Lead Agency, and 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 Johnsburg is authorized to take all actions reasonable and necessary to file the Negative Declaration and discharge the Town of Johnsburg's responsibility as lead agency for this action.

Whereupon, the Resolution was put to a vote, recorded as follows,

Ayes 5 Nays 0 Abstentions 0

- **Ski Bowl Park Drainage**

Supervisor Hogan, Gene Arsenault, Dan Hitchcock, and Bone Bayse met with Jim Lieberum, District Manager of Warren County’s Soil and Water Conservation District, at Ski Bowl Park to inspect the drainage. Ms. Hogan reports that much of the problem is that all drainage comes together at one point, and that Mr. Lieberum had suggestions about splitting up the drainage in several spots before coming together at one point.

- **Discussion of River Rd / National Grid**

Ms. Hogan addressed a letter of agreement she received from National Grid regarding pole placement on River Road. Dan Hitchcock said the meeting he attended with Ms. Hogan and a representative from National Grid had gone well, but went on to express concerns about future subdivisions. He said there should be a site plan so poles will accommodate road construction and maintenance. The (above-mentioned) letter addresses the road that currently exists.

Ms. Hogan stated that the town must send a letter to the APA saying the town is in agreement with National Grid's pole placement.

(Matt Fuller entered the meeting.)

Peter Olesheski asked if Mr. Hitchcock needed National Grid to guarantee positioning of poles for new road construction.

Ms. Hogan asked if the town could approve the placement of poles on the currently existing road, then address new road placement separately. Town Attorney Matt Fuller answered that separating the two would lose the Town's leverage.

After much further discussion, it was decided that Matt Fuller will draft a local law and make recommendations on how to move forward.

RESOLUTION #119-18

Arnold Stevens moved, with a second from Mr. Arsenault, to have Dan Hitchcock mark where he wants the poles placed, then have Matt Fuller draft a letter to National Grid requesting the changes on pole placement along River Road. Five members voted in favor, and the resolution is carried. Ayes- (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

Privilege of the Floor –

Deana Wood asked (in regard to the discussion of River Road) why the town has one attorney and the Zoning and Planning Boards have another attorney. Matt Fuller answered that it is a matter of expertise and to be in a position to resolve a conflict between the Town Board and Planning and Zoning, should one arise.

Motion to enter executive session for the purpose of discussing current litigation.

At 8:25 pm Mr. Arsenault made a motion, seconded by Arnold Stevens, to enter executive session. Five members voted in favor, and the motion is carried. Ayes-5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

At 9:01pm Arnold Stevens motioned to come out of executive session. The second was made by Gene Arsenault, and with 5 members voting in favor, the motion is carried. Ayes-5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays- 0

No action was taken in executive session.

Motion to adjourn – The motion to adjourn was made by Gene Arsenault, seconded by Laurie Arnheiter at 9:02 pm. With five in favor the motion is carried. Ayes – 5 (Hogan, Arsenault, Stevens, Olesheski, Arnheiter) Nays – 0

Next meeting Tuesday, September 4, 2018 at Wevertown Community Center,
7:00PM

Prepared by:

Kathleen C. Lorah, Town Clerk