

**Town of Johnsbury
Regular Meeting of the Town Board
Zoom Meeting
December 1, 2020 7:00 PM**

<https://us02web.zoom.us/j/2172603617>

Meeting ID: 217 260 3617

888 788 0099 US Toll-free

877 853 5247 US Toll-free

PRESENT: Andrea Hogan – Supervisor
Eugene Arsenault – Councilman
Arnold Stevens – Councilman
Laurie Arnheiter – Councilwoman
Justin Gonyo – Councilman
Kate Lorah - Town Clerk

Supervisor Hogan called the meeting to order at 7:00 and the pledge to the flag was led by Laurie Arnheiter.

Approval of Minutes November 17, 2020 meeting

RESOLUTION #186-20

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to approve the minutes from the November 17, 2020 meeting. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

New Business:

- Presentation on marketing concept

Drew Cappobianca gave a presentation suggesting a collaborative marketing concept with Horicon and Chestertown. The idea includes publishing a brochure to promote the region rather than individual communities. The \$18,000 cost of publication would be split three ways.

RESOLUTION #187-20

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Gonyo to accept the proposal from Drew Cappobianca for a collaborative marketing effort with Horicon and Chestertown and to allocate \$6000 from Occ tax for a marketing brochure. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

Brian Merriam of Merriam Insurance spoke to the Board about his company’s service to the Town and his hopes to continue handling the Town’s insurance needs.

- **Set public hearing date for North Creek Fire District Extension**

The North Creek Fire District is pursuing the inclusion of parcels from the Johnsburg Fire Protection District into North Creek Fire District. There must be a Public Hearing for such a change.

RESOLUTION #188-20

RESOLUTION NO. 188-20

INTRODUCED BY: Justin Gonyo

SECONDED BY: Laurie Arnheiter

DATED: December 1, 2020

RESOLUTION SETTING PUBLIC HEARING CONCERNING PROPOSED ALTERATION OF JOHNSBURG FIRE PROTECTION DISTRICT BOUNDARIES AND THE EXTENSION OF THE NORTH CREEK FIRE DISTRICT TO INCLUDE SUCH EXTENSION AREA

WHEREAS, the Town’s Johnsburg Fire Protection District (the “FPD”) was duly established by the Town Board to serve a portion of the Town of Johnsburg; and

WHEREAS, the Town has for many years entered into a contract with the North Creek Fire District (the “Fire District”) to provide fire protection services to a portion of the FPD as shown on the map on file with the Town Clerk having the Tax Map Parcels detailed in **Exhibit #1** attached (such area to be sometimes referred to as “Extension Area”); and

WHEREAS, the Town Board thinks that this area which is protected and served by the Fire District should become part of the Fire District and no longer be included with the FPD; and

WHEREAS, the Town Board has studied whether it would be to the mutual benefit of the Town and the Fire District and in the best interests of the Town, the FPD, the Fire District and those persons and properties within the Extension Area; and

WHEREAS, the Town Board has determined that such alteration of the FPD and extension of the Fire District would create greater operating efficiencies, provide better service to such Extension Area and the Fire District by providing that all who are served by the Fire District shall have the right to vote in Fire District elections and participate as part of the Fire District providing the actual service to them, result in equitable treatment among those properties being served by the Fire District and result in the Town Board not having duties or responsibilities to this portion of the FPD for which the duly constituted Fire District provides fire protection services; and

WHEREAS, pursuant to Town Law Section 170(2), the Commissioners of the Fire District must provide the Town Board with their Consent, signed and acknowledged by the Commissioners and have filed such Consent with the Town Clerk; and

WHEREAS, in order to do this, the Town Board would need to (1) alter the bounds of the FPD to exclude the Extension Area pursuant to Town Law Section 172-C, and (2) extend the Fire District to include the Extension Area pursuant to Town Law Section 170(2); and

WHEREAS, if the properties in the Extension Area are treated identically to those currently in the Fire District, the Fire District tax would equal \$57.35/\$1,000 for the calendar year 2021 tax year based on the current estimate provided by the Fire District; and

WHEREAS, accordingly, the estimated rate per thousand dollars of assessed value for the proposed extension would be \$57.35/\$1,000 of assessed value, identical to that of the current Fire District properties; and

WHEREAS, the Town has a current equalization rate of 1.9%; and

WHEREAS, the Town has paid the Fire District \$7,500 per year for providing fire protection service to the Extension Area and plans to do so for 2021 and the Fire District has indicated it will provide such services for 2021 for such amount regardless of the effective date of the proposed extension of the Fire District; and

WHEREAS, the Town's records and Warren County's records dating back to the Fire District's formation in the early 1900's have ambiguities about the Fire District's boundaries; and

WHEREAS, the Town wishes to affirm and ratify that the properties shown on the map as the existing boundaries and the list of properties of the current Fire District

received from Warren County are the correct bounds of and the properties within the Fire District; and

WHEREAS, the Town Supervisor and the Fire District reviewed the map and the Fire District confirmed such boundaries; and

WHEREAS, the proposed actions would be unlisted actions pursuant to SEQRA and the Town will have a short form SEQRA EAF prepared prior to the public hearing and perform the required review prior to taking any proposed action after the public hearing; and

WHEREAS, both the alteration of the FPD and the extension of the Fire District require the Town Board to hold a public hearing;

NOW, THEREFORE, BE IT

ORDERED, that the Town Board shall meet on December 15, 2020 at 7:00 pm virtually in accordance with the Governor's Emergency Orders with the following Zoom meeting details:

Topic: Public Hearing for North Creek Fire District Extension
Time: Dec 15, 2020 07:00 PM Eastern Time (US and Canada)
Join Zoom Meeting
<https://us02web.zoom.us/j/2172603617>
by phone:
888 788 0099 US Toll-free
877 853 5247 US Toll-free
Meeting ID: 217 260 3617

to hear all persons interested in the matters of the proposed FPD alteration to no longer include the Extension Area and/or the proposed Fire District extension to include the Extension Area; and

BE IT FURTHER,

ORDERED, that the Town Clerk is hereby authorized and directed to publish notice of said hearing not less than 10 days nor more than 20 days before the date of the public hearing in The Post Star and the Sun Community News, the official newspapers of the Town, and to post copies of such notice in the manner provided by law, including on the Town's website and to mail a copy of this Resolution to each property owner in the Extension Area to the address where real property tax bills are sent as additional notice.

Duly adopted this 1st day of December, 2020 by the following vote:

AYES : 5

NOES : 0
ABSENT : 0

- **Set public hearing date for Fire Protection District contracts**

Ms. Hogan has approached the fire districts, asking that they wait until tax collection has taken place before requesting their money.

RESOLUTION #189-20

Mr. Gonyo presented the following resolution and moved its passage with a second from Mr. Arsenault to set a Public Hearing for review of the Fire Protection District contracts, on December 15 immediately following the afore mentioned Public Hearing. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **CDL Drug and Alcohol Policy**

A comprehensive Drug and Alcohol policy has been written by the Town of Johnsbury Safety Committee which calls for zero tolerance. Mr. Stevens noted that it was admirable to have employees creating their own policy.

RESOLUTION #190-20

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the written Drug and Alcohol policy brought forth by the Town of Johnsbury Safety Committee which calls for zero tolerance. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **Public Health Emergency Plan**

It is mandated by New York State that the Town have a Public Health Emergency Plan. The Safety Committee worked with Needham Risk Management to develop a thorough plan for the Town.

RESOLUTION #191-20

Mr. Gonyo presented the following resolution and moved its passage with a second from Mr. Stevens to accept the Public Health Emergency Plan developed by the Town of Johnsbury Safety Committee. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **LGS-1 Retention and disposal schedule**

New York State Archives updated the State’s Retention and disposal schedule, effective August 1, 2020.

RESOLUTION #192-20

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Gonyo to accept the LGS-1 Retention and disposal schedule as follows:

RESOLVED, By the Town Board of the Town of Johnsbury that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

- **Authorize Grant submission and match allocation for CFA**

Homes and Community Renewal has a grant available for a Town's anchor business. Tannery Pond Community Center meets the criteria for this. Warren County will write the 80/20 grant for Johnsbury. To submit the grant, the Town needs to commit to the twenty percent if awarded the grant.

RESOLUTION #193-20

Mr. Gonyo presented the following resolution and moved its passage with a second from Ms. Arnheiter to allocate the 20% match to upgrade Tannery Pond, should Johnsbury be awarded the grant offered by Homes and Community Renewal. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **Change town insurance broker**

RESOLUTION #194-20

Ms. Arnheiter presented the following resolution and moved its passage with a second from Mr. Arsenault to change to Carpenter & Associates for the Town's insurance needs. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

Old Business:

- **Amend Resolution 171-20**

There was an error in the November 5, 2020 minutes – Resolution #171-20.

RESOLUTION #195-20

Mr. Stevens presented the following resolution and moved its passage with a

second from Ms. Arnheiter to amend Resolution #171-20 to correctly read:

Ms. Arnheiter made a motion to hire Kate Erwin at \$30,000.00 per year as recommended by the Library Board, seconded by Mr. Gonyo.

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

- **Appoint director of winter snow sports programs for youth program**

RESOLUTION #196-20

Ms. Arnheiter presented the following resolution and moved its passage with a second from Mr. Arsenault to appoint Ann Dingman director of winter snow sports programs for youth program. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **EMS contract**

RESOLUTION #197-20

Mr. Gonyo presented the following resolution and moved its passage with a second from Mr. Arsenault to approve the 2021 EMS contract. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

- **Legal RFPs**

Interviews were conducted with the three firms that responded to the RFP for legal services. The Board discussed impressions from the interviews and agreed on Miller, Mannix, Schachner & Hafner law firm.

RESOLUTION #198-20

Mr. Gonyo presented the following resolution and moved its passage with a second

from Ms. Arnheiter to change to Miller, Mannix, Schachner & Hafner law firm. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

Committee Reports:

- Buildings, Parks

Following a December 11th Zoom meeting with Cheryl Gillespie, Mr. Gonyo and Ms. Arnheiter and will present the Tannery Pond MOU to the Board on December 15th.

A discussion took place regarding concerns with the sledding hill, such as necessary berms, icing, and oversight responsibility for closure, should the hill become dangerous. It was agreed that Mr. Gonyo and Ms. Arnheiter will discuss these concerns with Judy Brown and ORDA.

Ms. Hogan will meet with ORDA on Thursday to discuss amending the agreement for use of the Ski Bowl to include area over the capped landfill.

- Solid Waste – Sewer update

The committee is seeking funding to form the sewer district.

- Personnel

The committee is searching for applicants for the bookkeeping position.

- Occ Tax

Reminder that the deadline for Occ tax applications is January 15, 2021.

- Water – Streetscape update

The work on the Northern end of North Creek is wrapping up, with the sidewalks to be installed in the Spring.

Approval of Warrants

General Fund (Total \$48,392.42)

Highway Fund (Total \$88,302.36)
Library Fund (\$4877.35)
Water District (\$4929.77)
Trust and Agency (\$892.83)
Total all warrants \$147,394.73

RESOLUTION #199-20

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to approve the warrants. With 5 members voting in favor the resolution is declared carried. Ayes – 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays – 0

Privilege of the Floor

Mr. Stevens complimented the Historical Society in the newsletter featuring Veterans.

Ms. Arnheiter reminded all that ‘Lights On’ begins Friday, December 4th with the tree lighting at 5:30 pm. The caboose will be open that evening for walk-through tours.

Motion to adjourn

RESOLUTION #200-20

At 8:42 Ms. Arnheiter presented the following resolution and moved its passage with a second from Mr. Stevens to adjourn. With 5 members voting in favor, the resolution is declared carried. Ayes - 5 (Hogan, Arsenault, Stevens, Arnheiter, Gonyo) Nays- 0

Next meeting Tuesday, December 15, 2020 7 pm
Online Zoom Meeting

Prepared by:

Town Board Regular Meeting

December 1, 2020

Resolutions #186 - 200

Kathleen C. Lorah