

**Minutes of the Town of Johnsbury Regular Board Meeting January 17, 2012  
Held at the Wevertown Community Center, Wevertown, NY.**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, January 17, 2012 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Vanselow called the meeting to order at 7:00pm and the pledge to the flag was led by Supervisor Vanselow.

Roll call showed the following persons present: Supv. Ronald Vanselow; Town Councilmen/ Eugene Arsenault, Katharine Nightingale, Peter Olesheski, Jr, Arnold Stevens.; Town Clerk/ William Rawson.

Guests: On attached list

**RESOLUTION NO. 33**

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept the minutes of the January 3, organizational Town Board meeting as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

**CORRESPONDENCE:**

1. A request from Ms. Sheri Norton, Warren County GIS Program Coordinator for payment of the 2011 GIS services in the amount of \$125.00.
2. Notification of the annual meeting of the NYS Association of Towns February 19 through 22, 2012 including resolutions and delegate designation forms.
3. A letter from Mr. William Mosher expressing his interest in being reappointed as Animal Control Officer for 2012.
4. A letter Mr. Vincent Schiavone, Chairman of the Town of Johnsbury Youth Committee, expressing support of the reappointment of Philip Goodman, Jr. to the Warren County Youth Board and an e-mail attachment from Mr. Philip Goodman, Jr. expressing interest in continuing in that position.
5. A letter from Ms. Sher Millis requesting permission to conduct acrylic painting classes at the Tannery Pond Community Center on Saturdays in the month of March 2012; she noted that the request was in conjunction with the Saratoga and North Creek Railroad's promotion of the snow trains.

**COMMITTEE REPORTS:**

**OLD BUSINESS:**

Supv. Vanselow asked if the Town Board wished to appoint a delegate and an alternate to the NYS Association of Towns conference in February. Mr. Arsenault asked if there was anyone

interested in going; Supv.Vanselow said that he did not know of any one at this time. Mr. Stevens said that the ability to attend has been made available in the past.

#### RESOLUTION NO. 34

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize the expenses of a delegate and an alternate to attend the Association of Towns conference in February 2012. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supv.Vanselow said that Mr. Edward Goodman had requested that the Town Board make a decision on the acquisition of his property which contains sand which could be used by the Highway Department. Supv.Vanselow said that while this has been discussed by the Town Board in executive session that he believes that it should be discussed in open session; he added that the Town's current sand stock is good for one to two years and that this may be augmented with material from the acquisition of the NYS right of way in North Creek. Supv.Vanselow said that he would like to open up the discussion to other properties. Mr. Arsenault said that he can't blame Mr. Goodman for wanting to finalize the discussion. Mr. Olesheski asked if there was an estimate of the amount of sand on the property; Supv.Vanselow said that there was about thirty years of sand which is possibly worth up to a million dollars' worth of sand. Ms. Nightingale said that she could help in reviewing properties. Mr. Olesheski asked the price of the property; Mr. Stevens replied that no price had been given and that an exchange of properties had been discussed. Supv.Vanselow said that Mr. Goodman had indicated that he no longer wished to trade properties. Supv.Vanselow said that the current price for sand is six dollars per ton; he added that the state may charge for the sand in the right of way property. Mr. Olesheski said that he would not like to move forward on a property at this time. Supv.Vanselow said that sand is very important long term. Mr. Arsenault said that the Town Board needs to see the report from the engineer and also to get Highway Superintendent Daniel Hitchcock's opinion on the property; he added that the Town used to spend one hundred and forty thousand dollars for sand. Mr. Arsenault said that he was still hoping to swap properties and that he did not want this discussion to go on for three to six months more; he would like to nail down a price. Mr. Stevens said that engineer James Hutchins had produced a report on the Schlie property. Supv.Vanselow said that Mr. Goodman has said that he was not interested in a property swap. Mr. Stevens said that there had been some discussion of sand from a property at the north end of North Creek; Supv.Vanselow said that the North Creek property could be explored. Supv.Vanselow said that he could look for resources and that the Highway Committee could discuss this with Highway Supt. Hitchcock.

Supv.Vanselow informed the Town Board that he has worked out a deal to maintain the sidewalks in the Main Street with Occupancy Tax funds; he added that the plan involves part private and part public funding. Supv.Vanselow said that he was asking the Town Board to approve the temporary hire of Mr. Leonard Wilson and the leasing of sidewalk clearing equipment from Braley & Noxon at a reduced rate.

#### RESOLUTION NO. 35

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Stevens to approve the hire of Leonard Wilson on a part time basis to clear the sidewalks on Main Street in the hamlet of North Creek and further, to authorize the leasing of sidewalk clearing equipment from Braley & Noxon at a reduced rate. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supv. Vanselow reminded the Town Board that a communication had been received from Mr. Vince Schiavone, chairman of the Youth Committee, supporting the reappointment of Mr. Philip Goodman as Town of Johnsbury representative on the Warren County Youth Board; he asked that the Town Board reappoint Mr. Goodman as representative to the Warren County Youth Board.  
Warren County Youth Board

#### RESOLUTION NO. 36

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski to reappoint Mr. Phillip Goodman as the Town of Johnsbury representative on the Warren County Youth Board. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supv. Vanselow reminded the Town Board that had received a letter from Mr. William Mosher expressing his interest in being reappointed as Animal Control Officer for 2012.

#### RESOLUTION NO. 37

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town of Johnsbury Animal Control Officer will be William Mosher for the year of 2012. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Stevens) Nays – 1 (Vanselow)

Supv. Vanselow explained that the Occupancy Tax funding amounts were in the Town Board packets and also placed copies for the public on the table. Mr. Olesheski asked if the organizations have been contacted; he said that he was concerned that the fifty percent award may not be sufficient to support the requests in some cases. Mr. Olesheski asked what happens to these funds which are not used; Supv. Vanselow replied that they are usually rolled into the spring supplemental funding received from Warren County. Secretary Cherie Ferguson said that she was waiting for fixed figures; Supv. Vanselow said that if there was enough money available that the issue could be revisited in a month or so to discuss reallocation of funds. Mr. Olesheski asked if the Town Board could divide any funds which were declined; Sect. Ferguson said that rewriting the contracts could be costly.

Mr. David Bulmer said that he believed that the ten thousand dollar set aside for the shuttle should be taken from the general budget fund and that the Occupancy Tax funding should go to not for profits. Mr. Olesheski agreed that some of the set asides should be funded from the Town

Budget. Mr. Bulmer said that Warren County has put some event funding into the County Budget. Sect. Ferguson said that while some items such as fireworks, beautification and the Chamber of Commerce funding were town wide, but the shuttle benefits only one hamlet. Supv.Vanselow said that the set asides fit the legally defined uses of the funds; hee added that the Town criteria could be reviewed.

Supv.Vanselow said that the dues for the NYS Association of Towns (Assoc. of Towns) and the Adirondack Association of Towns and Villages (AATV) had been obtained; the AATV dues are \$550.00 and the Assoc. of Towns dues are \$1100.00 annually. The Assoc. of Towns provides training, legal advice and advocacy benefits to the municipalities for the dues. Mr. Arsenault asked how the efficacy of the payments were judged; Supv.Vanselow replied that thee legal counsel has been used and that some sample local laws had been used as well.

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale that the Town of Johnsbury pay the 2012 annual membership dues for the NYS Association of Towns and the Adirondack Association of Towns and Villages. (This motion was withdrawn by Mr. Olesheski and Ms. Nightingale)

Mr. Stevens said that he would vote no as he believed that there was little or no value to the memberships. Mr. David Bulmer asked if there were any buying programs. Mr. Stevens said that the Assoc. of Towns membership provided legal advice, but that he could see no value from thee AATV membership. Supv.Vanselow echoed the views of Mr. Stevens regarding the value of thee memberships. Mr. Olesheski asked if there was a list of local members of the organizations; he and Ms. Nightingale agreed to withdraw the motion and replce it with the following.

#### RESOLUTION NO. 38

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale that the Town of Johnsbury authorize the payment of the NYS Association of Towns dues for 2012 in the amount of \$1100.00. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays – 1 (Stevens)

#### RESOLUTION NO. 39

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale that the discussion of the payment of the dues of the Adirondack Association of Towns and Villages for 2012 be tabled until further data is received, including the potential benefits of membership. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays – 1 (Stevens)

Supv.Vanselow handed out to the Town Board the revised Fire Contracts for the Johnsbury Fire Protection District; he noted that there are some minor changes and that the dispersal of funds is to be made in March. Supv.Vanselow said that Town Attorney J. Anthony Jordan said that a public hearing will have to be held on the Fire Protection Contracts. Mr. Stevens asked if Supv.Vanselow

wanted to set the public hearing date; Supv.Vanselow replied that he would like to set it for as soon as possible. Secretary Cherie Ferguson said that there might be a question of the availability of funds in March; Supv.Vanselow agreed that this needs to be discussed. Mr. Olesheski said that he appreciates the waiting will be a problem for the Fire Companies, but the Town needs to follow the advice of the Town Attorney. North River Fire Chief John Donohue said that with the changes in meeting venues that it was difficult to find the meeting site; Supv.Vanselow noted that the schedule was posted on the Town website. Chief Donohue said that not everyone was on the internet.

#### RESOLUTION NO. 40

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the Town Clerk to advertise for one week and publish notice in the North Creek News-Enterprise edition of January 28, 2012 for a Public Hearing to be held at the Wevertown Community Center, Wevertown, New York on Tuesday, February 7, 2012 at 7:00pm to hear the pros and cons on the Fire Protection Contracts proposed for 2012 by said Town Board for the six volunteer companies for furnishing of fire protection in the Johnsbury Fire Protection District and the six volunteer companies being North River Vol. Fire Co., Garnet Lake Vol. Fire Co., Bakers Mills/Sodom Vol. Fire Co., Johnsbury Vol. Fire Co., Wevertown Vol. Fire Co., and the Riverside Vol. Fire Co. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

#### NEW BUSINESS:

Supv.Vanselow noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of December 2011, was in the Town Board members' packets; he added that ZEO Tucker will be changing her weekly office day from Thursday to Tuesday and that this will be noted on the Town website.

Supv.Vanselow noted that the 2011 annual report of Town Historian Mrs. Jo Ann Smith was in the Town Board members' packets.

Supv.Vanselow noted that currently the sale of trash tickets was restricted to the Town Clerk's office; he added that the Town of Johnsbury Library was willing to sell trash tickets during Saturday hours (10:00am to 2:00pm). Supv.Vanselow informed the Town Board that the Wevertown Country Store was interested in selling trash tickets as well. Mr. Olesheski asked if this would be under the same conditions as Braley & Noxon; the business to purchase the stickers and resell them to the public. Supv.Vanselow said that this would be the case. Mr. Olesheski asked why the tickets were not sold at the transfer station. Supv.Vanselow said that it was a question of staffing and bonding of Parks Department personnel and the additional record keeping; he added that it could be looked at again in the future. Mr. Olesheski suggested a vending machine for the tickets.

#### RESOLUTION NO. 41

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the Town of Johnsbury Library to sell transfer station tickets during Saturday hours. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supv. Vanselow explained that he had written a resolution in support of the Saratoga and North Creek Railroad request to the Surface Transportation Board for an exemption to re-activate the Tawahus-North Creek rail line formally owned by NL Industries to haul freight; he added that this would help create employment in the North Country. Ms. Nightingale said that she would abstain as she is an employee of the railroad. Mr. Olesheski and Mr. Stevens expressed support of the resolution. Mr. David Bulmer of the Chamber of Commerce said that the request would also allow for freight from Barton Mines to be transported by rail. Johnsbury Fire Chief Aldrich asked if there would be any hazardous material cargo allowed. Supv. Vanselow said that the freight would be tailings; Mr. Bulmer added that the Warren County contract was so strict that it was questioned if the train would be able to carry its own fuel.

#### RESOLUTION NO. 42

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens:

WHEREAS: the Saratoga and North Creek Railroad has brought considerable resources to the North Country region through investment in the former Delaware and Hudson Rail line, and helped revitalize this regions economic picture, and,

WHEREAS: the SNCRR has proposed to expand their freight operations by re-opening the rail line to Tahawus, for the purpose of shipping usable mine tailings from Newcomb, and Barton's Mines operations in North River, and,

WHEREAS the existing freight line infrastructure was left intact, with the idea eventually making use of the rail line for economic opportunities, and,

WHEREAS, the Saratoga & North Creek Railway has applied to the Surface Transportation Board (STB) for an exemption to re-activate the Tawahus-North Creek rail line formally owned by NL Industries to haul freight, and,

WHEREAS: such suggested use would promote job creation, reduce truck traffic on already poorly maintained roads in the area, and would further enable the SNCRR to move forward with their bigger picture of increased freight operations within a four county area, and.

WHEREAS: recently announced plans to re-activate freight traffic into Tahawus in Essex County have faced resistance from opposition groups, as well as, NYSDEC Division of Lands and Forests., NOW, THEREFORE, BE IT

RESOLVED, that the Town of Johnsbury fully supports the preservation and rehabilitation of all surviving rail infrastructure in the Adirondacks that will facilitate the creation of badly needed employment in this highly distressed area of New York, tap the use of rail as a green form of transportation for freight, restore historic infrastructure to promote tourism and further bolster the sustainability of our communities, and be it further

Resolved, that opening the Tahawus line provides the NYSDEC a perfect opportunity to demonstrate its commitment to realign the agency's approach from a past "adversarial" one to one that seeks to assist the applicant and, in this instance, one which also reflects acknowledgment of the Regional Plan as an important guide for actions by all state agencies, and be it further

Resolved, that the Town of Johnsbury strongly supports the pending Surface Transportation Board permit application from the Saratoga and North Creek Railroad to provide freight service on the existing extension to the former mine operations at Tahawus.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Abstained – 1 (Nightingale)

Supv.Vanselow announced a policy regarding agenda preparation which will set a cut off time limit of the Friday prior to Town Board meetings; he added that exemptions will be for emergency issues and items which he forgets. Supv.Vanselow said that he will revisit this policy if it does not work.

Supv.Vanselow noted that the Town Clerk 2011 cash book records, the 2011 Tax Collection records and the 2011 Town Justice cash books were being made available for the Town Board and public review at this time and that the Town board will sign the records as proof of availability.

Supv.Vanselow asked if the Town Board wished to act upon the request by Ms. Sher Millis to conduct acrylic painting classes at the Tannery Pond Community Center on Saturdays in the month of March 2012. Secretary Cherie Ferguson said that the dates were available; she added that the charge for the class would be twenty dollars per day for the use of the upper meeting room and ten percent of the gross receipts.

#### RESOLUTION NO. 43

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to allow Ms. Sher Millis to conduct acrylic painting classes at the Tannery Pond Community Center on Saturdays in the month of March 2012 and further, that the charge for the upper meeting room would be twenty dollars per day for the use of the upper meeting room and

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

Supv. Vanselow asked if the Town Board wished to act upon the request from the Warren County GIS Program Coordinator for payment of the 2011 GIS services in the amount of \$125.00. There was a short discussion that the hours listed (4) multiplied by the rate per hour of \$30.00 did not equal \$125.00, but \$120.00.

#### RESOLUTION NO. 44

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Town of Johnsbury to pay Warren County for the 2011 GIS services, and further, to clarify if the charge should indeed be \$120.00 or if there was an additional item to account for the \$125.00 charge. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supv. Vanselow explained that he had written a proclamation of thanks to former councilman Frank Morehouse, Jr. and asked that the Town Board authorize its passage and that the proclamation be put into a suitable presentation form by the Town Clerk in thanks to Councilman Frank Morehouse, Jr.

#### RESOLUTION NO. 45

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to authorize the following proclamation and its being put into a suitable presentation form by the Town Clerk:

**WHEREAS**, Frank E. Morehouse Jr. is a lifelong resident of the Town of Johnsbury, and

**WHEREAS**, Frank has dutifully served our community for four years as Councilman for the Town of Johnsbury Town Board and as a past member of the North Creek Vol. Fire Company and continues to serve the community through his work with Warren County and as a member of the Board of Education at Johnsbury Central School, and

**WHEREAS**, over the years Frank has constantly maintained high and exemplary ethical standards in his personal life and official office, and

**WHEREAS**, he has conducted himself in the spirit of openness, cooperation and good will while confronting issues of great complexity, and controversy,

**THEREFORE BE IT RESOLVED** that the undersigned members of the Town of Johnsbury Town Board together and on behalf of the residents of the Town of Johnsbury wish to acknowledge their gratitude and appreciation for the commitment of Frank E. Morehouse Jr. for his past and continued service to our community.



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

#### PRIVILEGE OF THE FLOOR

None

Mr. Arsenault noted that the Workers Compensation charges in the Johnsbury Fire Protection District Warrant was much larger than in previous years; Secretary Cherie Ferguson explained that in the past Warren County has assisted in the Workers Compensation costs and that that funding had been lost. Sect. Ferguson added that there had been more cases in the past year. Mr. Arsenault asked if the Workers Compensation amounts to be paid tonight were in the budget; Supv. Vanselow replied that these amounts were in the budget. Johnsbury Fire Chief Aldrich asked why there were charges for the Johnsbury Fire Company when there had been no filings by his company; it was decided to authorize payment with the caveat that the charges in the Johnsbury Fire Protection District would be clarified prior to release of the check.

#### RESOLUTION NO. 46

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Stevens that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #2G/Claims #11-54; Highway Fund- Warrant #2H/Claims #15-26; North Creek Water Dist.- Warrant #1W/Claims#1-6; Johnsbury Fire Protection District- Warrant #1JFPD/Claim #1; Library Fund-Warrant #1L/Claims#1-3; and further, that the charges in Johnsbury Fire Protection District Warrant #1 will be clarified prior to release of the check. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Stevens at 8:25pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on February 7, 2012 at the Wevertown Community Center, Wevertown, New York. A Public Hearing on the proposed 2012 Fire Protection Contracts for the Johnsbury Fire Protection District will be held at 7:00pm on February 7, 2012 and the Scrap Metal Bid opening.

-----  
Prepared by William Rawson, Town Clerk