

**Minutes of the Town of Johnsburg Regular Meeting  
September 15, 2015  
Held at the  
Tannery Pond Community Center,  
North Creek, NY**

Minutes of the Regular Meeting of the Town Board of the Town of Johnsburg held on Tuesday September 15, 2015 at 7:00 PM at the Tannery Pond Community Center, North Creek, NY.

Supervisor Vanselow called the meeting to order at 7 p.m. and the pledge to the flag was led by Supervisor Vanselow.

PRESENT: Ronald Vanselow      -- Supervisor  
          Arnold Stevens        -- Councilman  
          Eugene Arsenault     -- Councilman  
          Peter Olesheski, Jr   -- Councilman  
          Katharine Nightingale -- Councilwoman  
          Jo A Smith            -- Town Clerk

ABSENT:

**APPROVAL OF MINUTES FOR September 1, 2015**

***RESOLUTION #98b-15***

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the minutes of the September 1, 2015 regular Town Board Meeting as written.

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

**CORRESPONDENCE:**

***Letter dated 9-10-2015 from Bill Russell who resides at 554 Goodman Road - requesting to have a 40 mph speed zone on Goodman Road - "I have lived at 554 Goodman Road for 17 years. As I write this letter, I ask myself why I drive around other town roads and find plenty of speed zones. Many are just***

dirt, yet have speed zone. With many having just a handful of year round residents. Our road is roughly 3.5 - 4 miles long with both full time and vacation homes. I walk this road most days, year round, and at times when cars are traveling in both directions at full speed, it can be scary. This road has several blind corners and hills. Along with the corners and hills, is 2 sand pits. With trucks in and out both of these being near low visibility areas. Another danger is no shoulders, and soft earth. In several spots you can see where trucks sink when off the pavement. Some culverts are just inches past the pavement edge. Now for the most dangerous, Winter time. This road get's very little sun, with an ice buildup of more than 1" in spot's for weeks at a time, Yet cars still travel 55 - 60, when I need ice cleat's to walk without slipping. Goodman Road also has a 4-way intersections with park road. The numerous pothole, bumps, and cracks also create more reason for such a change. So now after having to dart off the side of the road, yet again. I ask you to reduce our speed zone, from the crazy 55 mph down to 40 mph. This road has walkers, runners and a few horses trying to enjoy the weather and outdoors. So I ask you to fix our problem.

### ***RESOLUTION #99-15***

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale, giving Supervisor Vanselow permission to submit a request to Warren County on behalf of the Town Board requesting a speed reduction on Goodman Road from 55 mph to 40 mph.

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

### **COMMITTEE REPORTS: *Youth Committee***

Mr. Olesheski stated that he went to the Youth Committee meeting the night before which was very productive. The committee suggested hiring a Youth Program Director in the early part of the year so that person has input on other hiring. Mr. Olesheski also stated that it was discussed doing a 2 year contract Starting Jan 1st and running to Dec 31st and advertising in October, which would give the committee enough time to get their recommendations to the Town Board.

Ms. Nettle stated that in her opinion the committee is not ready to move forward with this. Ms. Dingman stated she got the impression as Mr. Olesheski that they were ready to move forward and that their next meeting was on Oct 13, 2015. Supervisor Vanselow asked if the Youth Committee could submit a formal recommendation for our Oct 5th meeting. Mr. Stevens said that he would like to see a draft copy of the contract before moving forward.

**OLD BUSINESS:**

**FRONT STREET -**

Supervisor Vanselow turned the floor over to Mr. David Crikelair.

Mr. Crikelair discussed the following letter, dated July 28, 2015, addressed to Mr. Ron Vanselow, Supervisor Town of Johnsburg, Re: Master Agreement Dated 11-3-05: After years of waiting and review, we are pleased to report that the United States Department of the Interior, National Park Service and the State of New York State Office of Parks, Recreation and Historic Presentation have finally approved the land exchange and de-mapping between FSMMD and the Town of Johnsburg, as specified in the Master Agreement between the parties dated 11-3-05. This process has taken an inordinate amount of time and money, both at the New York State and the Federal levels. As you may recall, the original request on this matter to NYS SHPO dates back to 2008.

In this connection, attached please find the following documents:

- a. Approval letter dated July 22, 2015 from the US Department of the Interior, National Park Service approving the land exchange and de-mapping of the Town Land (Parcels A, B and C).
- b. The Project Amendment No. 6 to the Town of Johnsburg Project Agreement No. 36-01217 with the National Park Service dated July 22, 2015 and signed by the US Department of Interior and NYS Office of Parks, Recreation and Historic Presentation.
- c. Approval letter dated 7-23-15 from NYS Office of Parks, Recreation and Historic Presentation.

As a result, we are now in position to complete the intent of Section 1 of the Master Agreement between the Town and FSMD, as follows:

1. Ski Trail Parcel to Town: As you will recall, we have already transferred to the Town some 37.84 acres to enable the construction of the Hudson Triple chair lift and the Hudson Trail / Glades for public skiing via Gore Mountain. We completed this in two transactions dated March 2009 (Real Estate Agreement) and September 2011 (First Amendment to Real Estate Agreement). We will now transfer approximately an additional 23+ acres of the proposed Ski Trail lands to the Town, thus completing the transfer in total of approximately 61+ acres of land to the Town.
2. Parcel A to FSMD: The Town to transfer Parcel A to FSMD. Parcel A consists of some 2.3 acres of wetlands.
3. Zoning Designation of Parcels B and C: As a condition of closing, The Town agreed pursuant to Section 1(g) and Section 2 (d) of the Master Agreement to the condition that "...The Town shall have amended the zoning of Parcel B and C to allow for private commercial uses (such as hotels) thereon ." For your information, a portion of the land is now designated as HX, Hamlet Mixed Use, but some of it is still designated as HP, "Hamlet Public and Semi-Public". Please see the Zoning Map attached hereto which was never fully corrected. As such, we request the Town Board now approve a Resolution stating:

"As and when the Town of Johnsbury completes the transfer of Parcel B and / or Parcel C (or any parts thereof) to FSMD, such parcels will be designated under the Town Zoning Regulations as Hamlet Mixed Use (HX)."

4. Parcel C – At this time, we also ask that the Town complete a partial transfer of Parcel C to FSMD, specifically the portion now designated as Parcel C-1. This parcel consists of the highly visible

"front yard" of the Town maintenance garage area which faces Ski Bowl Road. (Parcel C-1 does not include the portion of land that contains the Town garage, fuel depot, active mines and property to the rear of the garage toward Rt. 28). The Town would retain a right of way easement over Parcel C-1 to access the garage area (via a surfaced driveway) . Please see the map attached, which we had reviewed with you in March.

5. Town Maintenance Garage: In keeping with the intent of the Master Agreement, FSMD will take the following actions:

- a. Relocate at FSMD's expense a 60 foot iron storage rack used by the Town to store 4 sanding units for the highway maintenance trucks .The new location will be on Town property near the sand pit mining area, as specified by the Highway Superintendent.
- b. Provide an enclosed storage unit to house the Town tractor, to be located near the relocated storage rack, as specified by the Highway Superintendent.

6. Additional Acreage for Skiing and Zip Line – In addition to the some 23 acres of ski trails specified above, FSMD will also transfer to the Town an additional approximately [10] acres of land, to include the remainder of the Ski Bowl Glades and a [2] acre +/- parcel to the left of the Hudson lift line which will include the Ridge Runner Glades and the proposed zip-line, subject to ORDA constructing the ski trails and zip-lines.

We are delighted that we are finally in a position to further progress the development of the Ski Bowl as an attractive pod of skiing and recreation for the Town, Gore Mountain and the public. We look forward to the rapid completion of this important phase of the project development and the full interconnection between Gore Mountain and the Ski Bowl.

Mr. Crikelair also commented that he wants to clean-up the "front yard" at the Highway Garage. Mr. Crikelair stated with Mr. Hitchcock's approval he would like to move the iron rack out behind the building and would also put up a new enclosure for the tractor. This is all located on Parcel C. Supervisor Vanselow stated that Parcel C is a separate deal and the town is not required to sell it. The town does need to change the zoning on Parcel B & C though. Supervisor Vanselow stated that he would like to seek advice from our Attorney first.

Mr. Olesheski stated that if Mr. Crikelair just needs a resolution then he makes a motion to accept and approve the Zoning Designation of Parcels B and C: As a condition of closing, The Town agreed pursuant to Section 1(g) and Section 2 (d) of the Master Agreement to the condition that "...The Town shall have amended the zoning of Parcel B and C to allow for private commercial uses (such as hotels) thereon." For your information, a portion of the land is now designated as HX, Hamlet Mixed Use, but some of it is still designated as HP, "Hamlet Public and Semi-Public". Please see the Zoning Map attached hereto which was never fully corrected. As such, we request the Town Board now approve a Resolution stating: "As and when the Town of Johnsbury completes the transfer of Parcel B and I or Parcel C (or any parts thereof) to FSMD, such parcels will be designated under the Town Zoning Regulations as Hamlet Mixed Use (HX)."

Mr. Stevens and Mr. Arsenault both stated that this was a redundant act and they were not comfortable with it. Mr. Arsenault also stated that he was not comfortable with Parcel C at all.

Mr. Olesheski tabled the motion that he had presented.

### **NEW BUSINESS:**

### **TAX CAP OVERRIDE**

Supervisor Vanselow stated the Tax Cap for this year is .73%. Supervisor Vanselow is working on the budget and trying to do everything so to not override the Tax Cap this year. Supervisor Vanselow believes if this works then next year we would indeed need to override the tax cap.

**BLACK HOLE ISSUES**

Ms. Diane Harrington Szlachtowski reported to Supervisor Vanselow that there were about 20 cars parked along Harrington Road again and that there is a huge need for a parking area there. Supervisor Vanselow stated that this is an issue that the Board needs to address again.

**ZONING ENFORCEMENT OFFICER MONTHLY REPORT**

Supervisor Vanselow noted that the Zoning Enforcement Officer, Ms. Danae Tucker's monthly report was not ready.

**SUPERVISOR MONTHLY REPORT**

Supervisor Vanselow noted that the Supervisors Monthly report for August 2015 is in the Boards Packet.

***RESOLUTION #100-15***

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept and approve the Supervisor's Monthly report for August 2015.

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

**AMBIT Electric Provider**

Ms. Sherry Williams who is the bookkeeper has reported to Supervisor Vanselow that Ambit who is our Electric Provider is not saving us money and their cost is very high and Ms. Williams believes it would be beneficial for the Town to go back with National Grid.

***RESOLUTION #101-15***

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept and approve Ms. Williams recommendation for cancelling Ambit Electric and returning to National Grid.

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

**BUDGET AMENDMENTS**

Supervisor Vanselow stated that there are three budget amendments. The first one is for Parks which most will be refunded through Grants. The second is Youth Programs to cover salaries. The third is Emergency Disaster Work which is FEMA refund.

***RESOLUTION #102-15***

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept and approve the following Budget Amendments Sept, 2015

1	Parks CE	A71104	\$30,000.00		
	Unassigned Appropriated Fund Balance			A915	\$30,000.00

Appropriate Fund Balance for payments for Beach Project, Stables, Trails, Boardwalk

2	Youth Programs PS	A73101	\$2,800.00		
	Contingency A19904				\$2,800.00

Allocate Contingency Funds to cover Swim Program salaries

3	Emergency Disaster Work	DA87604	\$112,546.85		
	Federal Aid Emergency Work	DA4960			\$112,546.85

Allocate Funds received in 2015 to pay for 2014 repairs to 2015 repair expenses

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



## **MOTION TO PAY WARRANTS**

Supervisor Vanselow asked for a motion to pay the warrants.

### ***RESOLUTION # 103-15***

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the following certified bills and to pay the following certified bills, which have been reviewed by the board members:

***September 15, 2015***

***General Fund*** (Total \$42,354.46) - Claims #15-759; 15-763 to 15-784; 15-811 to 15-812; 15-814 to 15-823

***Highway Fund*** (Total \$207,533.45) - Claims #15-784 to 15-803; 15-813; 15-823 to 15-825

***Capital Projects Fund*** (Total \$26.94) - Claims #15-811

***Water District Fund*** (Total \$4,673.04) Claims # 15-804 to 15-806; 15-815; 15-823; 15-826

***Public Library Fund*** (Total \$1,532.90) - Claims # 15-807 to 15-810; 15-823

***Trust & Agency Fund*** (\$3,060.62) - Claims # 15-823

**Total all warrants \$ 259,181.41**

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

## **PRIVILEGE OF THE FLOOR**

Mr. Arsenault asked about the noise ordinance. Supervisor Vanselow stated that he had e-mailed sample ordinances out to all the board members and is waiting for their input. Mr. Arsenault stated that he liked the ordinance that Bolton has. Mr. Olesheski stated that he was not in favor of the noise ordinance.

***RESOLUTION #104-15***

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Olesheski, to accept and approve putting the noise ordinance on the agenda for October 5, 2015.

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

Mr. Bruce Ashline stated that he was concerned with the water down by the Train Station where they put in the new sidewalks, he believes this is going to be a potential serious problem.

On motion of Mr. Arsenault and seconded by Ms. Nightingale the meeting was adjourned at 8:40 p.m.

The next regular Town Board meeting will be held at 7:00 p.m. on October 5, 2015 at Wevertown Community Center, Wevertown, New York.

Prepared by Jo A Smith, Town Clerk

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