

**Minutes of the Town of Johnsbury Regular Board Meeting February 21, 2012
Held at the Tannery Pond Community Center, North Creek, NY.**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, February 21, 2012 at 7:01pm at the Tannery Pond Community Center, North Creek, 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. 64

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the February 7, 2012, regular Town Board meeting with the following correction on line four of page four, "would be an easy fix". With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0 Abstained-1 (Nightingale, due to absence at previous meeting)

CORRESPONDENCE:

1. A letter from Mr. Nate Pelton, resigning from his position as a member of the Town of Johnsbury Planning Board.
2. An emailed request from Mrs. Judy Brown requesting that the Town Board allow camping next to the pond at the Ski Bowl Park on September 8, 2012 as a part of the Johnsbury Central School Class of 1970 reunion.
3. A notification of a liquor license renewal application from Mr. Timothy McGraw for T and J Pub (dba The Barking Spider) at 302 Main Street, North Creek, NY.

Supervisor Vanselow said that he was expecting some recommendations on camping from the Ski Bowl Park Committee to be put in place as a general oversight.

COMMITTEE REPORTS:

OLD BUSINESS:

Supervisor Vanselow explained that the Town Board, by poll, had allowed him to present contracts to the following Fire Companies: North River, Riverside, Johnsbury, Garnet Lake and Bakers Mills-Sodom. All of the contracts presented have been returned signed by the fire chiefs of the companies. Supervisor Vanselow asked if the Town Board would retroactively ratify the fire contracts which now contain the following changes: elimination of the 51/2 percent late fee clause and a reworking of the language regarding the 40 percent appearance and performance clause.

RESOLUTION NO. 65

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale that pursuant to a Public Hearing on the 2012 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District having been held on Tuesday, February 7, 2012, at 7:00pm at the Wevertown Community Center, Wevertown, NY; the Town Board approves of the 2012 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District as written by the attorneys for both the Town of Johnsburg and the Fire Companies with the following changes: elimination of the 5 1/2 percent late fee clause and a reworking of the language regarding the 40 percent appearance and performance clause as being in the safety of the residents and the best interests of the taxpayers; and further, that contracts will be offered to the following companies: North River, Riverside, Johnsburg, Garnet Lake and Bakers Mills-Sodom. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow reminded the Town Board that the recently received Delaware Engineering contract to act as the operator of the North Creek Water District for 2012 had been distributed to them at the February 7, 2012 meeting and asked if the Town Board wishes to authorize him to sign a one year contract for the company to continue as the operator of the North Creek Water District for 2012.

RESOLUTION NO. 66

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the Town Supervisor to execute the contract with Delaware Engineering to operate the North Creek Water District for the year of 2012, with the correction of the term Village Board to Town Board at the end of Attachment 1, Article 1 in the contract. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow informed the Town Board that it appears that Resolution Number 240 of 2011 was in error. Resolution Number 240 of 2011 appears as follows:

RESOLUTION NO. 240

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board will grant a leave of absence of 90 days for Mr. Scott Cleveland, Town Highway employee to commence on the day following the use of his last available leave credit and with health care coverage continuing up to six months from the date of the disability (11/17/2011) per the Highway contract. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supervisor Vanselow asked Mrs. Candace Lomax, previously Accounts Clerk, to explain the issue.

Mrs. Lomax explained that Resolution 240 of 2011 grants injured Highway employee Scott Cleveland health care coverage for six months beginning the date of his disability. Currently Mr. Cleveland is on the payroll full time, just as he was prior to his injury, except that he is now using his accumulated sick time. As long as he is receiving a full time paycheck, he is entitled to full time benefits, including paid holidays, added sick time and health insurance under the terms of the Highway Department contract. The contract allows for a continuation of benefits as long as the employee stays on the payroll full time. The Town Board can grant a medical leave without pay, but including medical benefits for up to six months; the six month time frame should begin when the employee falls below full time payroll status. Mrs. Lomax asked that the Town Board consider rescinding Resolution Number 240 of 2011 and replacing it with a resolution which would authorize the medical leave to commence when Mr. Cleveland falls below full time status on the payroll. Mrs. Lomax also asked that the Town Board allow Supervisor Vanselow to compose a letter superseding the letters from Supervisor Goodspeed (November 21, 2011 and December 22, 2011) which state that the six months medical leave is to start as of November 17, 2011 if the Town Board agrees.

Mr. Arsenault asked how long it was expected that Mr. Cleveland would remain on the payroll at full time; Mrs. Lomax replied that she had calculated that his sick time will run out at about March 10, 2012. Supervisor Vanselow said that the intent of the Town Board was to grant a medical leave following the use of Mr. Cleveland's sick leave; he asked if the Town Board would act to rescind Resolution Number 240 of 2011.

RESOLUTION NO. 67

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board of Johnsbury acts to rescind Resolution Number 240 of 2011 which granted a leave of absence of 90 days for Mr. Scott Cleveland, Town Highway employee to commence on the day following the use of his last available leave credit and with health care coverage continuing up to six months from the date of the disability (11/17/2011) per the Highway contract. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked if the Town Board wished to pass a resolution to authorize a ninety day medical leave without pay and with medical insurance coverage to commence on March 10, 2012 as provided in the Highway Employees Contract. Mr. Olesheski asked if the leave was renewable; Supervisor Vanselow said that it was, but the employee needs to ask for the extension.

RESOLUTION NO. 68

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens, that the Town Board of Johnsbury grants a ninety day medical leave without pay to Town Highway Department employee Mr. Scott Cleveland and further, the leave will commence on March 10, 2012 and as provided for in the Highway Employees Contract, the Town will continue to provide medical insurance coverage for Mr. Cleveland for up to six months of medical

leave at the current twenty-five percent dependent contribution rate. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked Secretary Cherie Ferguson to update the Town Board on the Transfer Station replacement bid. Sect. Ferguson informed the Town Board that she has received an e-mail from Engineer Kathleen Suozzo stating that she hopes to have the Transfer Station replacement bid available for the March 6, 2012 Town Board meeting. Sect. Ferguson added that Mr. Stevens Mr. Arsenault Mr. Olesheski Ms. Nightingale Supervisor Vanselow the bid will have to be reviewed by the Town insurance carrier before being released; this will slow down the process of rebuilding the Transfer Station. Supervisor Vanselow said that it may be possible to move forward on the bid prior to the next Town Board meeting if the Town board would authorize him to do so.

Sect. Ferguson added that National Grid has been continually asking for further paperwork before allowing Mr. Paul Logue to proceed with setting up and connecting the temporary electrical entrance for the Transfer Station site.

RESOLUTION NO. 69

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, that the Town Board of Johnsburg authorizes the supervisor to move forward with the Transfer Station replacement bid if practical and further, to move ahead with the advertising of the Transfer Station replacement bid if practical. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow said that the Streetscape Grant update was not being made as planned since no information was received from Warren County Planning Department Deputy Director Wayne LaMothe.

Supervisor Vanselow informed the Town Board that Thermal Associates has looked at and repaired the HVAC (heating and air conditioning) system at the Tannery Pond Community Center without needing to replace the compressor which was approved for purchase and repair in Resolution Number 57 of 2012; he asked if the approval should be rescinded. Mr. Olesheski said that rescinding the approval would assure that the budget line would not be encumbered and that if the compressor failed that a purchase could be approved later in the year.

RESOLUTION NO. 70

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board of Johnsburg rescinds the authorization to purchase a compressor to repair the HVAC (heating and air conditioning) system at the Tannery Pond Community Center granted in Resolution Number 57 of 2012. With 5 members voting in favor,

the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow)
Nays - 0

Supervisor Vanselow informed the Town Board that he has gotten Town Attorney J. Anthony Jordan ready to move forward with the paperwork to allow the court ordered cleanup of the Denton property. Supervisor Vanselow noted that he had a copy of a 1991 letter from the then Town Attorney referencing legal work on cleaning up that property. Supervisor Vanselow informed the Town Board that he has had Parks and Buildings Superintendent Matt Olden look over the property and report to him about the extent of the cleanup; as a result of that inspection Supervisor Vanselow said that he believes that the cleanup seems to be a major undertaking. Supervisor Vanselow said that if the Town does the work with its own employees that the Highway Department will need to be involved. It was noted that the cost of the cleanup can be levied onto the property tax bill and that Warren County will make the Town tax collection whole. Supervisor Vanselow said that he was beginning to research possible methods and costs of the cleanup; the hiring of a contractor may be necessary to clean up the property. Mr. Arsenault asked about the legal fees; Supervisor Vanselow said that there were up to \$27,000.00 in fines owing which may be held as a lien by Warren County.

Supervisor Vanselow said that the Town Attorney will prepare a legal notice for publication by the Town and asked that the Town Board authorize the placement of the legal notice as required by the Town Attorney and the Court.

RESOLUTION NO. 71

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens, that the Town Board of Johnsbury authorizes the publication of any legal notices as required by the Court and as prepared by the Town Attorney to move forward in the cleanup of the Thomas Denton property (132.-1-73). With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow noted that the Accounts Clerk 2011 cash book records were being made available for public review at this time and that the Town Board had received them and signed the records as proof of availability at the February 7, 2012 Town Board meeting, but the public announcement had inadvertently not been made.

NEW BUSINESS:

Supervisor Vanselow recognized Mr. Joel Beaudin, representing the Tannery Pond Community Center Association (TPCCA) to inform the Town Board of their planned search for and hiring of an executive director for that facility. Mr. Beaudin said that the estimated budget for the position would be fifty thousand dollars and that the first year would be funded by donations. Currently, thirty thousand dollars in donations have been subscribed to; ten thousand dollars each from the TPCCA, the North Creek Business Alliance and the Saratoga-North Creek Railway. The TPCCA will begin fund raising for the balance of the fifty thousand dollars immediately. The TPCCA

hopes that in the future the salary will be funded through the generation of fees from additional usage. With the train at one end of the hamlet and the Tannery Pond Community Center at the other end of the street the TPCCA hoped to add to activities on Main Street; they hope that an executive director will help to fill seats for the not for profits, increase usage in general and help the Town manage the facility. Mr. Arsenault asked when the TPCCA expected to see the executive director installed; Mr. Beaudin said that they hoped for about July 1, 2012. Mr. Beaudin complimented TPCCA Chairman Kenneth Murray on his inclusion of the not for profits and the business community in this decision.

Mr. Robert Nettle questioned how the relationship between the TPCCA, executive director and the Town Board will work; he asked who will be in charge of scheduling and setting the fees and who will be responsible for the maintenance and costs. Supervisor Vanselow, who is also a member of the TPCCA said that this is not a new organization and that the TPCCA is hoping to control costs and increase building use; he added that there are plans to re-examine the fee structure. Mr. Beaudin said that these issues have not been addressed as yet; he added that the issues will have to be worked out with the Town Board. Mr. Nettle said that it seems that a close arrangement between the TPCCA and the Town Board to determine the direction of activity; he asked if a contract was needed to delineate authority between the TPCCA and the Town Board. Supervisor Vanselow said that he expects that this will be taken care of as the project moves forward.

Mr. Olesheski asked if the TPCCA was asking the Town Board for a contribution to the salary of the executive director; Mr. Beaudin said not at this time. Mr. Olesheski asked Supervisor Vanselow if this was planned for the future. Mr. Beaudin said that the TPCCA was looking at the possible increase of some fees; he added that this did not necessarily mean higher fees for residents to use the facility for receptions or other such uses. Secretary Cherie Ferguson said that there used to be a two tiered fee set up with different rates for residents and non-residents; she asked if the executive director would be an employee of the Town or an employee of the TPCCA. Mr. Beaudin said that it is planned that he will be an employee of the Chamber of Commerce and possibly a contracted position. Mr. Olesheski asked how it would work to have non-Town employees working in the facility; Supervisor Vanselow said that the Chamber employees in the building are not Town employees.

Mr. Stevens said that he is hearing that the Town Board has an opportunity to see more use of an underutilized venue; he said that it was a good start in the right direction thanks to the TPCCA. Mr. Arsenault asked about the possibility of using Occupancy Tax; Supervisor Vanselow said that it was a possibility. Ms. Nightingale said that the Riverfront Park may need this type of director as well. Mr. Arsenault said that this may be the time for an activities director for the properties; he added that it was worth trying. Mr. Peter Heid asked if this had been tried before; Supervisor Vanselow replied that it had not.

Supervisor Vanselow informed the Town Board that the fireworks contract had arrived from Alonzo Fireworks. The contract is to provide a fireworks display for the Independence Day

Celebration to be held at the Ski Bowl Park on June 30, 2012, at an overall cost of \$8000.00. The funding is in part from Occupancy Tax monies in the amount of \$5,500.00 and \$2500.00 is from Braley & Noxon. Supervisor Vanselow asked the Town Board for authorization to sign the contract. Mr. David Bulmer asked if the fireworks contract is bid out; Secretary Cherie Ferguson replied that other companies have been looked at, but none seemed to match this company. Mr. Bulmer suggested possibly looking at another fireworks company in place of Alonzo Fireworks. Supervisor Vanselow said that at this time there is the question of availability; Sect. Ferguson said that Braley & Noxon has taken over the running of the celebration and Supervisor Vanselow said that the Town would not want to risk losing the donation. Mr. Bulmer said that he would provide the names of other companies for next year. Mr. Olesheski asked about the payment terms and noted that some members of the Town Board have expressed displeasure over payment penalties and that the terms require payment following the display. Sect. Ferguson said that this has never been an issue with Alonzo Fireworks and the company understands the vouchering procedure.

RESOLUTION NO. 72

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Supervisor to sign the contract with Alonzo Fireworks to provide a fireworks display for the Independence Day Celebration at an overall cost of \$8000.00 with funding from Occupancy Tax monies in the amount of \$5,500.00 and \$2500.00 from a Braley & Noxon donation. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked the Town Clerk to explain the budget line changes. Town Clerk William Rawson explained that as a result of the new financial accounting software that the escrow budget lines need to be changed to work in the new system. The Office of the Comptroller said that the Town Board should be made aware of the changes. The changes are listed below.

Due to the change in accounting software, changes were necessary in the "subaccounts" for tracking specific income or expenditure. This system requires that each subaccount be unique for a particular entity. Below is a chart of the old accounts and the new designations.

Income	u/c #	Old sub #	New sub #
Planning Board Fees	2115		
Recreation		1	3
Front Street Mt. Dev		2	5
Taylor Ledges		5	6
Tall Timbers		4	7
Ward Hill		New	4
Expenditure			
Publicity	6410.4		
Publicity		1	1
Tourism (Occupancy Tax)		2	2
Planning	8020.4		
Front Street ML Dev		1	5
Taylor Ledges		4	8
Tall Timbers		3	7
Ward Hill		New	4

Similar sub accounts will need to be created for Capital Projects in the near future.

Supv. Vanselow noted that the Youth Committee meeting minutes, for the meeting of February 2, 2012 were in the Town Board members' packets.

Supervisor Vanselow asked Secretary Cherie Ferguson to update the Town Board on a proposal from Waste Management to provide the Town with fluorescent light bulb recycling containers; by purchasing the containers the Town could become a collection facility for compact fluorescent bulbs. The cost per container would be about one hundred dollars each. Supervisor Vanselow added that the Town will also need to revisit the handling of e-waste (computer, electronic equipment). Supervisor Vanselow said that he has spoken with Town of Minerva Supervisor Susan Montgomery Corey about a possible provider.

PRIVILEGE OF THE FLOOR

Secretary Cherie Ferguson informed the Town Board that following an inquiry about the availability of the skating rink at the Ski Bowl Park she was informed by ORDA employees at the tubing park portion of the facility that there were serious holes in the ice and that it was unsafe. Supervisor Vanselow said that this has been a really bad year for making ice on the rink. Sect. Ferguson asked if the rink should be closed; Supervisor Vanselow said that he doesn't see a stretch of cold weather to allow for the making of ice or improving the rink.

Mr. David Bulmer asked who was making the ice; he pointed out that in the Town of Chester that Highway Department employees make snow for the Dynamite Hill municipal ski area and asked why the Parks Department doesn't make ice. Supervisor Vanselow said that the ice making has historically been a volunteer endeavor and that there was a question of allocating manpower. Supervisor Vanselow said that restructuring the priorities may have to be looked into for next year.

Mr. Robert Nettle asked Supervisor Vanselow if he had spoken to the Town Board regarding his letter about the NYS right of way property. Supervisor Vanselow said that the project was moving as quickly as possible.

Mr. Peter Heid asked if there was any spare storage space at the Waddell (Kellogg) property not currently being used by the Barton Mines Company; Supervisor Vanselow said that he was not sure at this time. Mr. Heid asked if the Town was still renting storage space; Supervisor Vanselow replied that the Town is still renting space at North Country Storage; he added that he plans to look at alternatives to renting the storage space.

Mr. Olesheski asked if the Town Board needed to accept Mr. Nate Pelton's letter of resignation from the Planning Board; Supervisor Vanselow said that Town Attorney Jordan had informed him that it was not necessary, although the Town Board had historically done so.

RESOLUTION NO. 73

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board of Johnsbury accepts the resignation of Mr. Nate Pelton from the Town of Johnsbury Planning Board due to expansion of his business which will take him from

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

Supervisor Vanselow said that this will reduce the Planning Board to four members and that as of yet no letters of interest have been received. Mr. Robert Nettle asked about reducing the membership of the Planning Board as had been suggested at the previous Town Board meeting and added that he was not in favor of such a move as seven is a small number of people to decide on the future growth in the Town. Supervisor Vanselow said that there was a possibility of reducing the length of the term to encourage more interest.

The Town Clerk noted that claim number 2012-120 is a correction of claim number 2012-55 in which \$101.76 worth of the Quill invoices had been inadvertently not included in the warrant amount.

RESOLUTION NO. 74

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale that the following certified bills which have been reviewed by the board members be paid: General Fund- Claims #2012-120 through #2012-129, and #2012-145 and #2012-146 and #2012-149; Highway Fund- Claims #2012-130 through #2012-136 and #2012-125 and #2012-150; North Creek Water Dist.- Claims#2012-121and #2012-128 and #2012-137 through #2012-139; Library Fund- Claims #2012-141 through #2012-144; and noting that claim number 2012-120 is a correction of claim number 2012-55 in which \$101.76 worth of the Quill invoices had been inadvertently not included in the warrant amount. 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 Mr. Arsenault with a second from Ms. Nightingale at 8:13pm. 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 March 6, 2012 at the Wevertown Community Center, Wevertown, New York.

Prepared by William Rawson, Town Clerk