

**Minutes of the Town of Johnsbury Regular Board Meeting May 7, 2013
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, May 7, 2013 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: Supervisor Ronald Vanselow; Town Councilmen/ Eugene Arsenault, Katharine Nightingale, Peter Olesheski, Jr, Arnold Stevens; Town Clerk/ William Rawson.

Guests: On attached list

RESOLUTION NO. 74

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the April 16, 2013 regular 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 letter from Highway Department employee Alvin Russell informing the Town Board that he plans to retire on January 31, 2014.
2. A notification of a liquor license renewal application from Lori L. Smith for Marsha's Family Restaurant at 268 Main Street, North Creek, NY.
3. A legal notice of public hearing on proposed local law number 2 regarding possible amendment of the Zoning Code and Subdivision regulations from the Town of Warrensburg.
4. A letter from the Town of Johnsbury Youth Committee requesting that the Town Board authorize the funding of a swimming program at the Gurney Lane pool for a cost of approximately \$1500.00 from the \$5500.00 Youth Program budget line.

Supervisor Vanselow asked if the Town Board wished to act upon the request from the Town of Johnsbury Youth Committee that the Town Board authorize the funding of a Gurney Lane pool swimming program to be held for approximately ten days prior and be conducted prior to the Summer Youth Program at a cost not expected to exceed \$1500.00. Mr. Olesheski said that he was not clear as to the funding explanation; he asked if this meant that no money would be spent on the Summer Youth Program or if there was an error. Supervisor Vanselow said that there was a math error of \$500.00 in the numbers asked Mrs. Kelly Nettle who is a member of the Youth Committee. Mrs. Nettle explained that she believed that the cost for the transportation for the Summer Youth Program is about \$2200.00 and Mrs. Nettle added that she believed that Mr. Schiavone understood the expenses and possibly miswrote the letter, but that the premise of the funding being available overall was correct.

RESOLUTION NO. 75

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale to authorize the expenditure of up to \$1500.00 from the Youth Program contractual budget line for the purpose of funding a swimming program at the Gurney Lane pool for approximately ten days prior to and in conjunction with the Summer Youth Program and that the hiring of a bus and driver from Johnsburg Central School was the main cost to be covered by the expenditure. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

COMMITTEE REPORTS:

Ms. Nightingale reported that the Buildings, Parks and Recreation Committee (Nightingale, Stevens) had met with Ms. Karin Badey last Tuesday (April 30) to discuss her request to use areas in the Ski Bowl Park for conducting classes in outdoor science and nature.

Ms. Nightingale reported that as a result of that discussion the committee believes that the Town Board could allow the request. Ms. Nightingale added that Ms. Badey has filed an employment application and may not be able to conduct the programs at the levels requested and that she may be looking for the ability to use the property one day per week instead.

Mr. Stevens said that the committee had had a question of allowing Ms. Badey the sole use of the pavilion and the area adjacent to the pond at the Ski Bowl Park, but that Ms. Badey had said that the programs would largely be conducted outside and on the trails in the park. Ms. Nightingale said that as Ms. Badey wants to tie in with the train schedule that most of the programs would be conducted in afternoon hours. Mr. Stevens said that the question of a stipend for the use of the Town facilities was discussed and that Ms. Badey had offered to be able to assist Cedarwood Engineering in performing the sanitary survey which the Town Board has authorized and also that in using the trails for her programs that she may be able to help police the trails by picking up litter. Mr. Stevens said that the committee believes this to be a reasonable trade off. Mrs. Kelly Nettle asked if Ms. Badey was going to charge for her programs and Ms. Nightingale replied that Ms. Badey would be charging a fee for her programs.

Mr. Olesheski said that Ms. Badey had applied to fill a vacancy at Up Yonda Farm and is in the running for a part time position. Supervisor Vanselow said that this issue would still be open for a bit longer.

OLD BUSINESS:

Supervisor Vanselow reminded the Town Board that they had asked Town Buildings Cleaner Mr. Dreu Briggs to inquire about testimonials for the carpet cleaner machine which he was recommending for purchase. Mr. Briggs replied that none of the companies wanted to give out the name of a customer for a referral. Mr. Briggs said that he was able to find out the name of an individual from Florida and contact that person about the Rotovac 360 machine which he uses. Mr. Briggs reported that the individual had said that the use of the Rotovac 360 machine had been an improvement over the machines which he had previously used. Mr. Arsenault asked if the company had given a reason for not

providing a referral list. Mr. Briggs said that the company had replied that no one had previously asked for referrals. Mr. Olesheski said that he believed the Rotovac 360 machine appears to be the best fit for the Town and that Mr. Briggs is recommending it as the person who will be using it and he would move to purchase the machine.

RESOLUTION NO. 76

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens to authorize the purchase of the Rotovac 360i at an estimated total cost of approximately \$4000.00 to \$4500.00 including shipping. 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 latest Federal Emergency Management Agency (FEMA) communication. As a result of a 2011 emergency the Town had anticipated reimbursement for a project which had cost approximately \$111,000.00 which was reduced to approximately \$49,500.00 as a result of a miscalculation by the FEMA representative who had overseen the filing of the reimbursement application. Mr. Arsenault asked if the Town had any additional FEMA applications in the pipeline. Sect. Ferguson replied that this was the last one.

Supervisor Vanselow informed the Town Board that Highway Superintendent Hitchcock had originally anticipated performing chip seal repaving of two miles on the Riparius end of River Road and that he has since determined that he needs to do a bridge repair on Waddell Road which would have necessitated doing a smaller repaving project. Supervisor Vanselow said that he is hoping that this may allow the repaving to be done at the scale originally planned. Mr. Arsenault asked if the FEMA funds had to go into the Highway budget. Supervisor Vanselow replied that the funds have to go to the Highway Department.

Supervisor Vanselow reminded the Town Board that at the previous meeting the Town Board acting as the Board of Health had authorized him to send correspondence to a property owner and allow him ten days to respond. Supervisor Vanselow informed the Town board that the property owner has not responded and that Supervisor Vanselow had allowed a couple of extra days to allow for a weekend. Supervisor Vanselow would like to send a follow up letter outlining the potential penalties for failure to comply and to allow five days for reply. Mr. Arsenault asked what the next step would be if the property owner still did not respond. Supervisor Vanselow said that fines could be levied and that the issue could be taken to court; he added that he favored an incremental increase in the pressure. Supervisor Vanselow said that he wants a response, even if it is a reply that the property owner can't comply at this time, and will have the responsive action by a firm date. Mr. Stevens asked what if we don't hear back; he added that the lack of a response can't be allowed to go on. Supervisor Vanselow said that enforcement actions will have to be started.

Mr. Olesheski asked about the costs for the infield mix for the youth baseball fields. Supervisor Vanselow said that the first load had been delivered and also a second delivery had been received, although the second delivery had been at the North Creek field as well

as the first one had and that he planned to ask the Highway Department to move it to the Sodom field. Mr. Olesheski said that the bill for the first load was about \$1900.00 and it was determined that the North Creek field was in worse shape than originally thought and that more infield mix would be required that originally planned. Mr. Olesheski said that with the first load costing approximately \$1900.00 that the approved limit of \$3000.00 would probably be exceeded before replacing the sod on both infields was completed. Supervisor Vanselow suggested waiting until the next meeting to rescind the resolution passed at the April 16, 2013 Town Board meeting and replace it with an amount to cover the entire cost of the infield mix. Mr. Olesheski agreed to this approach.

NEW BUSINESS:

Supervisor Vanselow noted that the monthly report of the Animal Control Officer William Mosher for the month of April 2013 was in the Town Board members' packets

Supervisor Vanselow noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of April 2013 was not available at this time.

Supervisor Vanselow explained that the Supervisor's Monthly Report, for the month of April 2013 was in the Town Board members' packets.

Supervisor Vanselow explained that the Town Board had received copies of the audit report from the Office of the NYS Comptroller on the Management Oversight and Online Banking of the Town of Johnsburg. Supervisor Vanselow noted that the audit is available at the NYS Comptroller's website and may be viewed at the office of the Town Clerk at Town Hall in North Creek, NY during regular business hours. Supervisor Vanselow said that all in all it was not a bad report, but some procedures need to be tightened up. Supervisor Vanselow said that the Town Board has provided an initial response and that the audit has been reported on by the Glens Falls Post Star newspaper.

Supervisor Vanselow said that the Town Board will have to provide an additional response by early August 2013 with policies to rectify the problems identified by the audit which the Town Board will adopt by resolution. Supervisor Vanselow said that the Office of the NYS Comptroller will assist in creating these policies. Mr. Arsenaault asked aren't the recommendations already required; Supervisor Vanselow replied that they were. Mr. Arsenaault asked why the Town would need to pass resolutions on policies. Supervisor Vanselow replied that it was because the Office of the NYS Comptroller had asked the Town Board to do so.

Supervisor Vanselow informed the Town Board that many years ago Mr. George R. Van Voorhis III created a development on Holland Road and the Town Board had agreed to accept the road which was built in the subdivision and it was accepted and the Town Highway has been plowing that road. Supervisor Vanselow explained that the road as built is not at the location where it is show on the map. Supervisor Vanselow explained that according to Town Attorney J. Anthony Jordan that the easiest solution is for the Town Board to accept map changes and a new map showing the road in the "as built" location. Supervisor Vanselow said that Mr. Stevens had asked if the Town is paying for this work by the Town Attorney and at this point his is not sure as to the payment.

Supervisor Vanselow added that the neither the resolution nor a corrected map have been delivered and the issue is not ready for resolution. Supervisor Vanselow said that he would get back to the Town Board when he had more information.

RESOLUTION NO. 77

Mr. Stevens 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 (Total \$28,314.47) - Claim #2013-320* and #2013-370* and #2013-371*and #2013-374 through #2013-388 and #2013-404 and #2013-406 through #2013-413 and #2013-423 through #2013-425 *Claims #2013-320 (Tamco Capital Corp \$288.00) and #2013-370 (National Grid \$3848.84)and #2013-371(Frontier \$904.82) are already paid; Highway Fund (Total \$24,118.29)- Claims #2013-389 through #2013-402 and #2013-404 and #2013-406 and #2013-414 through #2013-416 and #2013-426 through #2013-428; North Creek Water Dist.(Total \$5,126.72)- Claims #2013-370* and #2013-403 and #2013-404 and #2013-409 *Claim #2013-370 (National Grid \$1424.72) is already paid; Library Fund (Total \$1820.82) - Claim #2013-406 and #2013-417 through #2013-422; Trust and Agency (Total \$3409.96) Claims #2013-372 and #2013-373and #2013-404 through #2013-406; Total all warrants \$62,790.26. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

PRIVILEGE OF THE FLOOR

Secretary Cherie Ferguson gave a report on the safety inspection of the Transfer Station. Sect. Ferguson conducted an inspection of the Transfer Station which reflected several small issues which were corrected by Parks and Buildings Superintendent Matt Olden the next day. Sect. Ferguson said that it was apparent that the Town Board should require steel toe work shoes and heavy duty work gloves for the attendant's safety at that site. Sect. Ferguson explained that all other Town employees who need steel toe work boots have a reimbursement fund for such purchases; she added that the Town Board will need to either provide or pay reimburse for required equipment of this sort per OSHA rulings. Ms. Nightingale said that she believes that there is a ceiling limit for the reimbursement of the expense. Sect. Ferguson said that the equipment will need to meet OSHA standards. Mr. Olesheski said that paying for a pair of safety work boots is cheaper than the cost of an accident.

Sect. Ferguson said that the Town Board will need to adopt a safety policy/emergency plan for all work sites. Sect. Ferguson added that the policies will probably need to be piecemealed. Mr. Olesheski suggested that Warren County has safety/emergency policies for a variety of sites and the Town could probably borrow policies from the county.

Mr. Arsenault asked if there was any update on the Highway safety issue which was discussed at the April 2, 2013 Town Board meeting. Sect. Ferguson said that Highway Superintendent Daniel Hitchcock is working on the eyewash flush and shower for chemical exposure to fix it and it needs to be located near the work stations.

Supervisor Vanselow asked if it was the recommendation of Secretary Cherie Ferguson as Safety Officer that the Town Board include the landfill attendant in the list of

employees eligible for reimbursement for safety equipment. Supervisor Vanselow said that he believed that the Town Board should act on this at this time.

RESOLUTION NO. 78

Mr. Arsenault presented the following resolution, and moved its passage with a second from Ms. Nightingale to authorize the reimbursement of the cost of OSHA compliant steel toe work boots for the landfill attendant up to \$150.00 maximum. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

Mrs. Kelly Nettle, Ski Bowl Park Grant Coordinator, gave an update on the Ski Bowl Park grant and her meeting with Ms. Danielle Dwyer, grant officer, from the NYS Office of Parks, Recreation and Historic Preservation to discuss the grant reimbursement and approval of planned activities. Mrs. Nettle said that Ms. Dwyer had wondered about not having an engineer stamp on the multi-use trail plans; Mr. Steve Ovitt wrote her a letter explaining his credentials. Ms. Dwyer had also been worried by the term "excavation" in the plans; Mrs. Nettle had explained that the "excavation" would be done by shovel. Mrs. Nettle informed the Town Board that Kevin Bruce, an engineer for the Army Corps of Engineers, would be coming on May 16, to meet with Steve Ovitt regarding the multi-use trail project and will determine if a permit is needed from that agency.

Mrs. Nettle said that there is a sort of a problem regarding women and minority owned businesses; there is a 15% requirement from the NYS list. Ms. Dwyer suggested looking for the sanitary survey grant project and added that even if the Town couldn't find such a business in the area that we would have tried. Mrs. Nettle said that there was one company in Clifton Park on the list. Ms. Nightingale was surprised that Cedarwood wasn't on the NYS list.

Mrs. Nettle said that Ms. Dwyer also wants documentation regarding the archeological history of the site of the trails. Ms. Nightingale suggested the Johnsbury Historical Society and the aerial photographs from the 1940's held by Warren County Soil Conservation Service. Mr. Stevens suggested that Mr. Paul Butler of Warren County Parks and Recreation who had helped with the research of the land when work was to be done on the bridge over Glen Creek.

Mrs. Nettle and Ms. Dwyer also spoke about the Town's reimbursement which was in the amount of \$35,867.13 and the volunteer hours were \$36,331.27 for a total of \$72,198.40 so the reimbursement will be the actual cash outlay of \$35,867.13 and Ms. Dwyer has processed the request.

Mr. Robert Nettle said that he had looked over the solar array at the Town of Chester Transfer Station area; he asked why the Town of Johnsbury doesn't have a similar installation. Supervisor Vanselow replied that the Town of Chester has installations at least three sites as was explained by Town of Chester Supervisor Fred Monroe at a presentation at Local Government Days. Supervisor Vanselow explained that the Ms. Nightingale has been looking into this some and that ORDA was interested in this installation. Ms. Nightingale said that ORDA has backed off. Mrs. Kelly Nettle said that she has spoken to the contractor who installed the Town of Chester solar array and he

guarantees a reduction of at least ten percent in the electric cost and he will upkeep the solar array for twenty years after installing it. Ms. Nightingale asked if the Town of Chester solar array was built atop the covered landfill or not. Mr. Nessel replied that it was not. Ms. Nightingale said that this would be a problem for the Town of Johnsburg as the cover of the landfill is only covered by about three feet of soil and this would not support the base that holds the solar array. Ms. Nightingale said that there is not an open area outside the covered landfill on which to place the solar area. Mr. Nessel said that there might be a way to construct the base without digging into the cover on the landfill. Supervisor Vanselow said that he had tried without success to get grants for several Town buildings. Mrs. Nessel said that the contractor had said that he was not able to undertake any new projects at this time as he is waiting for a decision to be made in Congress in Washington D.C. and that he would contact her when the situation clears.

Mrs. Kelly Nessel explained that she had purchased twenty flowering crab trees at a total cost of ten dollars from Warren County Soil and Water. Mrs. Nessel said that they would be about a ten foot tall tree when fully grown. Mrs. Nessel said that she planned to plant some in the Ski Bowl Park, but that there would be trees left over and she would like to hear of places where the remainder could be planted.

Mrs. Ann Dingman, Summer Youth Program Director, asked if the Town Board had acted on the request to authorize the swimming program as requested by Youth Committee Chairman Vincent Schiavone. Supervisor Vanselow replied that the program had been approved earlier in the meeting.

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Olesheski at 8:00pm. 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 May 21, 2013 at the Tannery Pond Community Center, North Creek, NY.

Prepared by William Rawson, Town Clerk