

**Minutes of the Town of Johnsburg Regular Board Meeting November 8, 2012
Held at the Wevertown Community Center, Wevertown, NY. Including the minutes of the
Public Hearing on the 2013 Town of Johnsburg Budget**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Thursday, November 8, 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

RFP OPENING:

The legal notice for the Wevertown Community Center ceiling repair/replacement was in the North Creek News-Enterprise editions of October 20, and November 3, 2012 and it was not read at the request of the Town Supervisor. No copies of the RFP packet were picked up or requested; and no RFPs were returned to be opened.

Supervisor Vanselow noted that he believes that the project could be accomplished using either Parks Department of Highway Department employees. Mr. Olesheski asked if it would be worthwhile to advertise again and possibly to add the Glens Falls Post Star to the advertising list. Supervisor Vanselow said that he believed that the in-house solution would be the most cost effective and that the project could be re-advertised if weather conditions did not allow for Town employees to perform the work.

PUBLIC HEARING ON THE 2013 PRELIMINARY TOWN BUDGET

The Public Hearing on the Town of Johnsburg Preliminary Budget for 2013 was called to order at 7:02pm by Supervisor Vanselow. The Town Clerk read the legal notice as it appeared in the North Creek News – Enterprise on October 27, 2012.

PUBLIC HEARING CORRESPONDENCE:

There was one item of correspondence for the Public Hearing on the 2013 Town of Johnsburg Budget.

1. A letter from the Johnsburg Historical Society supporting the continued funding for the
2. A letter from the North Creek Rotary Club supporting the continued funding for the North Creek Railway Depot Preservation Association museum.
3. A letter from the North Creek Business Alliance supporting the continued funding for the
4. A letter from the Gore Mountain Region Chamber of Commerce supporting the continued
5. A letter from Andrea Waldron of Andie's Restaurant supporting the continued funding for

Supervisor Vanselow said that the purpose of the Public Hearing is for the Town Board to receive input from the public on the 2013 Preliminary Town Budget and that later in the regular portion of the meeting the Town Board will discuss the 2013 Preliminary Town Budget and possibly amend the Preliminary budget and move it to a final budget.

Mr. David Bulmer asked if the 2012 actual expenses matched the 2012 Final Budget in general. Supervisor Vanselow said that he could not be specific; there were some overambitious revenue projections, but the Town is doing okay.

Mr. Arsenault reminded the Town Board that while discussing the Hudson Headwaters Health Network funding at the previous Town Board meeting that there was a plan to have a representative from that organization to provide more background information to the Town Board. Mr. Arsenault introduced Mr. Howard Nelson to speak about the Hudson Headwaters Health Network. Mr. Nelson said that the organization was very thankful for the support from the Town of Johnsburg; he added that from this area north that Hudson Headwaters Health Network was about the only health care provider in operation. Mr. Nelson said that the support from the Towns allowed the organization to go to the federal government and leverage the federal funding support necessary to provide those medical services. Mr. Nelson explained that Hudson Headwaters Health Network is providing health care to all income levels and at the lower end of the scale the fees are very low and there is prescription assistance as well. Mr. Nelson said that the organization will try to help the uninsured to obtain insurance or federal assistance (Medicaid). Mr. Nelson said that the organization provides a wide range of services and also has a same day appointment if at all possible and additionally, the Warrensburg Health Center is an emergency care facility with 7 days a week and six evenings.

Supervisor Vanselow noted that other communities do make financial commitments similar to the Town of Johnsburg; Mr. Nelson said that the Towns of Minerva, Warrensburg, Chester, Horicon, Schroon Lake and Moriah all make financial commitments to Hudson Headwaters Health Network. Mr. Olesheski asked if the level of contribution was known; Supervisor Vanselow replied that Minerva is \$5000.00, and Warrensburg is \$25,000.00 plus in-kind services. Mr. Nelson said that the total contribution of Warrensburg is over \$30,000.00.

Mr. Robert Nettle urged the Town Board to make no funding payment to the Hudson Headwaters Health Network. Mr. Nettle said that Dr. Jacques Grunblatt provided medical services to the Town without asking for support payments from the taxpayers. Mr. Nettle said that the amount paid to Hudson Headwaters Health Network is a small portion of their overall funding and it should end. Mr. Nettle said that the funding for Hudson Headwaters Health Network should be used to help put a roof on the Town Hall. Mr. Nettle said that this year the payment should be cut in half and next year completely eliminated.

Mr. Arsenault said that if the community members were surveyed the availability of good medical services would be at the top of the list of services desired. Mr. Arsenault said that if there was no medical service in the Town and someone offered to provide first class medical services for \$32,000.00 that most people including himself would be in favor of it. Mr. Arsenault said that he is a member of the board of the Hudson Headwaters Health Network and he would be abstaining from a vote on funding the organization. Supervisor Vanselow said that he doesn't want to have the hearing become a back and forth between the Town Board and the public. Mr. Nettle said that there is no possibility that the loss of a \$24,000.00 stipend would break the Hudson Headwaters Health Network budget.

Mr. Peter Heid asked if this was similar to the North creek Railway Preservation Association (NCRDPA) museum funding discussion of funding the operating costs of a private not for profit organization; he added that it appears that Hudson Headwaters Health Network is trying to help those with less income to obtain good medical services at lower cost as was done by Dr. Jacques Grunblatt who would arrange payment if needed. Supervisor Vanselow said that the contract

between the Town and Hudson Headwaters Health Network calls for that organization to provide medical services in the Town and there is a very visible return for the payment and this is a very small portion of the Town budget to pay in return for high level medical services. Mrs. Helen Miner said that Dr. Ruge is a visionary and the Town should support good medical services. Mr. Michael Brassel said that there is no way that one can compare the services provided by Dr. Jacques Grunblatt and Hudson Headwaters Health Network. Mr. David Bulmer said that he supported the funding of the Hudson Headwaters Health Network and that he would like it if Hudson Headwaters Health Network could provide the Town with a more detailed breakdown of what the payment is used for. Mr. Olesheski said that he believes it safe to say that the amount of funding for the Hudson Headwaters Health Network is not going to drop to zero or anywhere near zero. Mr. Olesheski said that the discussion is not whether or not to support the organization, but at what level and he is interested in the possibility of in kind services.

Secretary Cherie Ferguson asked how the amount of contribution is determined. Mr. Howard Nelson said that he was not sure how the level of support is determined. Mr. Joseph Kelly said that in the case of the Town of Minerva it was a lack of understanding of the importance of the funding in raising money from outside sources.

Mr. David Bulmer asked if the Town will have the ability to fund necessary maintenance with the small increase in the Town budget. Supervisor Vanselow said that he believes that funding for maintenance and repairs will be available. Supervisor Vanselow added that not raising taxes would lead to a problem with funding down the road and he had originally planned on a 1.5% tax increase, but that several items had changed and had lowered the tax increase and that in general with smaller tax increases the Town will not put itself in a budget hole. Supervisor Vanselow said that a number of building repairs have been made and that the cemeteries have been maintained and he expected the Ski Bowl Park improvements to continue. Mr. Olesheski said that he believes that Supervisor Vanselow has done well with a budget which he did not design and that the 2013 budget seems to be an efficient use of the money.

Mr. Robert Nettle suggested that the Town fund the North Creek Railway Depot Preservation Association (NCRDPA) museum at the \$10,000.00 level as the depot building needs care as it is irreplaceable. Mrs. Helen Miner is a totally volunteer and totally not for profit organization. Mrs. Miner explained that the museum has a national charter. Mr. Michael Brassel said that it is possible that the door may need to be closed at some point and that the museum needs the support of the Town. Mr. William Bibby spoke in support of funding the historical depot museum building. Mr. Bibby explained that the building and also the D & H turntable have not only local, but national historical significance as most other stations have been allowed to fall into disrepair and most destroyed. Mr. Bibby said that great strides have been made in repairing the building, platform and turntable through federal funding, the work of unpaid volunteers and through fundraising efforts.

Mr. Olesheski agreed that the NCRDPA was worth funding; he said that it appears to be a question of how and at what level to support the organization. Mr. Olesheski still questioned the legality of funding the NCRDPA and asked if this organization could fund operational costs. Supervisor Vanselow said that there is still a question of funding operational costs; he added that Occupancy Tax funding was a possibility for promoting this venue. Mr. Olesheski said that he was not sure that creating the precedent of funding a not for profit organization was a good one as there are a number of organizations which could ask for town funding as well. Mr. Robert Nettle said that the town supports the not for profit baseball group by allowing that organization

at no charge to use two baseball fields which have been constructed and are maintained by the Town at taxpayer expense. Mr. Olesheski replied that Mr. Nessel could himself use the fields at no charge for playing with his grandchildren. Mr. Nessel added that the North Country Outreach is supported by Town funding. Supervisor Vanselow added that there are tangible benefits to the Town from that organization. Mr. Nessel said that the NCRDPA provides a tangible service by having the platform for loading or offloading passengers. Mr. Olesheski replied that the railroad is receiving the service not the Town as the Town does not own the railroad and the railroad should be leasing the platform from the NCRDPA. Mrs. Kelly Nessel said that the NCRDPA museum fits under economic development for funding by helping create other economic opportunities and possibly a national historic site registration; Mr. and Mrs. Miner both noted that the North Creek Depot is on the historic register. Mrs. Nessel said that being on the register should help generate federal funds and added that sometimes in a small group it is difficult to do the work and also to hold fundraisers. Mr. Michael Brassel said that the Town of Queensbury supports a number of not for profits with operating funds and suggested that the Town try to put together one big fund raising group. Mr. Olesheski agreed that it is difficult to both do the work and fund raise in a small organization.

Mr. Arsenault said that the Town Board is struggling to see their way to assist the NCRDPA and that he find it difficult to understand why the Saratoga-North Creek Railroad is not trying to work with the association as they would have more problems if the depot was shuttered and in disrepair. Mrs. Helen Miner said that the railroad was not listening to the NCRDPA and will not get back to them in any continual way. Mr. Olesheski asked if there was an agreement with the railroad; Mrs. Miner said that she did not know of any. Supervisor Vanselow said that in funding the platform restoration that there may have been an agreement put in place through Warren County. Mr. Olesheski asked Supervisor Vanselow to look into the existence of such an agreement. Mr. Olesheski said that the railroad should be assisting in a modest way and that the Town should try to facilitate such help. Mr. Ted vonCzoerning said that he does not believe that it is in the best interest of the railroad to assist the NCRDPA as the railroad would like to purchase the depot for their use. Ms. Nightingale said that the train can operate without the platform in most cases. Mr. vonCzoerning said that if the NCRDPA closed off the platform that the publicity from the train would be very nasty about the NCRDPA as neighbors. Mr. Olesheski said that the NCRDPA may need to go to that level to assert their rights. Ms. Nightingale suggested going to the next Warren County Parks and Recreation Committee meeting to ask if the railroad is keeping to the contract. Mrs. Miner asked that the Town Board help the NCRDPA to move forward with the railroad. Mr. Bibby said that it is his opinion it would be nice for the railroad to own the station and they would like to push the NCRDPA out to the baggage room which is a less desirable room. Mr. David Bulmer suggested that the Town look a buying the building and leasing it back to the NCRDPA to operate. Supervisor Vanselow said that the grant entanglement would probably not allow that. Mr. Nessel said that \$10,000.00 was about \$1.10 on the tax rate.

Supervisor Vanselow asked if there were any other issues on the budget.

Supervisor Vanselow asked for a motion to close the public hearing on the Town of Johnsbury Preliminary Budget for 2013 and to return to the regular portion of the meeting.

Ms. Nightingale presented the following motion and moved it forward with a second from Mr. Stevens to adjourn the Public Hearing on the Town of Johnsbury Preliminary Budget for

2013 at 8:35pm and to return to the regular portion of the meeting. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

The Public Hearing was closed and returned to the Regular portion of the meeting at 8:35pm.

RESOLUTION NO. 232

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Olesheski, to accept the minutes of the October 16, 2012 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 notification that the 16th Annual Adirondack Park Local Government Day Conference Mace for Laura's at 288 Main Street, North Creek, NY.
3. A letter from Capital Digitronics, Inc. providing the Town Board with their company upgrades as required by the FCC.
4. A letter from Mr. Raymond "Rick" Sprague requesting that the Town Board extend his intervals.
5. A letter from Mr. Raymond "Rick" Sprague requesting that the Town Board continue to Sprague also requests that he be paid any remaining vacation, personal and sick leave time which he has remaining.
6. An email from the North Creek Rotary Club requesting the use of the Senior Meal Site
7. An email from Warren County Office for the Aging expressing their support for the North Creek F
8. A letter from Town of Johnsbury Health Officer John Rugge, M.D. on the conditions at the
9. A postcard from Julie Deppe-Wolfe and Jill Deppe-Barilli thanking the Town of Johnsbury for allowing the use of the Tannery Pond Community Center to raise funds in the amount of \$6000.00 for the Leukemia & Lymphoma Society.
10. A letter of retirement from Town of Johnsbury Judge James L. French announcing his
11. A letter from the North Creek Rotary Club supporting the American Legion petition to name the lodge at the Ski Bowl in honor of Joseph Minder in tribute to the sacrifices which he made while serving the United States of America.
12. A letter from the Adirondack Community Outreach Center requesting that the Town Board
13. A letter from Highway Superintendent Daniel Hitchcock requesting permission from the
14. A letter from the Adirondack Tri-County Nursing and Rehabilitation Center requesting that the Town Board waive the fees for the use of the Tannery Pond Community Center to conduct their annual Sportsman Raffle on November 10, 2012.

Supervisor Vanselow asked if the Town Board would accede to the requests of Mr. Raymond "Rick" Sprague regarding his health insurance, holding open his position, the allowing of a payment plan for continuing the coverage of his wife on the insurance and the request that he be paid any remaining vacation, personal and sick leave time which he has remaining on the Town Books. Secretary Cherie Ferguson said that the health insurance has historically allowed health insurance to be continued for up to six months and by contract the position is to be held upon request for up to one year and that previously payment terms have been arranged for the spouse or other family members to continue health insurance coverage. Mr. Olesheski said that he

believed that the sick time, personal and vacation time had to be exhausted prior to the leave. Sect. Ferguson explained that while Mr. Sprague's sick leave was exhausted that he had a minimal amount of personal and vacation time still on the books; she added that historically the Town had not allowed payment for time on the books.

RESOLUTION NO. 233

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens that the Town Board of Johnsbury grants an additional ninety day medical leave without pay to Town Highway Department employee Mr. Raymond "Rick" Sprague through February 2013; and further, a ninety day health care extension through February 2013; and further the Town will work to arrange a payment to allow continued health care coverage for Mr. Raymond Sprague's wife; and further, the Town Board does not authorize a cash payment to Mr. Raymond Sprague for any personal or vacation time which he has remaining on the Town books. 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 allow the use of the Senior Meal Site by the North Creek Rotary Club for the purpose of holding a fund raising meal on Saturday, January 19, 2013.

RESOLUTION NO. 234

Mr. Arsenault presented the following resolution, and moved its passage with a second from Ms. Nightingale that the Town Board of Johnsbury grants the North Creek Rotary Club the use of the Senior Meal Site for the purpose of holding a fund raising meal on Saturday, January 19, 2013 with the conditions for use requested by the Warren County Office for the Aging, as follows: that the North Creek Rotary Club supply all of their own food, that the Senior Meal Site building be cleaned following the use and that anything which is moved be returned to its original location following the use by the North Creek Rotary Club. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked that the Town Board officially accept the retirement of Judge James L. French from the position of Town of Johnsbury Town Justice per his letter which was read in the Correspondence portion of the meeting.

RESOLUTION NO. 235

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board of Johnsbury officially accepts the retirement of Judge James L. French from the position of Town of Johnsbury Town Justice effective as of November 30, 2012 per his letter of retirement. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow announced that it appears that the Town Board will be appointing an individual to the position of Town Justice and he added that he hoped to make the process a very open one as any individual who has been appointed by the Town Board and has received the training for that position will have advantages in an election. Supervisor Vanselow said that he has spoken to Town of Chester Supervisor Fred Monroe and Warren County District Attorney

Kate Hogan about the agreement to have Town of Chester Judge James P. McDermott cover the position until an individual is appointed to the position and has received training. Mr. Ted vonCzoerning said that when he was a Town Justice and Judge James P. McDermott had a case from which he needed to recuse himself that he would go to the Town of Chester court and that he would expect that Judge McDermott would come to the Town of Johnsburg courtroom to conduct the Town of Johnsburg cases. Mr. Olesheski asked about compensation for Judge McDermott as a replacement. Supervisor Vanselow said that the funds for paying the Town Justice were already in place and that the Town of Johnsburg would pay either Judge McDermott or the Town of Chester for the assistance of Judge McDermott.

Supervisor Vanselow explained that the letter from Dr. Ruge regarding the inspection of the property in the hamlet of Wevertown in his capacity as Town Health Officer had suggested that the bags of dog feces be removed from the property and that the Town should continue to monitor the location.

Supervisor Vanselow asked if the Town Board wished to give permission to Highway Superintendent Daniel Hitchcock to hire a relative to fill a position in the Highway Department. Mr. Peter Heid asked which relative is it whom Highway Superintendent Daniel Hitchcock wants to hire. Supervisor Vanselow replied that it was Highway Superintendent Daniel Hitchcock's son Daniel Hitchcock.

RESOLUTION NO. 236

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale that the Town Board of Johnsburg grants permission to Highway Superintendent Daniel Hitchcock to hire a relative to fill a position in the Highway Department. 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 grant the request of the Adirondack Tri-County Nursing and Rehabilitation Center to waive the fees for the use of the Tannery Pond Community Center to conduct their annual Sportsman Raffle on November 10, 2012. Mr. Olesheski said that this was a way for the Town Board to help out the not for profit organizations by waiving the building fees.

RESOLUTION NO. 237

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board of Johnsburg will grant the request of the Adirondack Tri-County Nursing and Rehabilitation Center and waive the fees for the use of the Tannery Pond Community Center to conduct their annual Sportsman Raffle on November 10, 2012. 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 give permission to the Adirondack Community Outreach Center to place a toy donation box in the Town Hall through December 10, 2012; he added that this was a routinely granted annual request.

RESOLUTION NO. 238

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale that the Town Board of Johnsbury will give permission to the Adirondack Community Outreach Center to place a toy donation box and money donation container in the Town Hall through December 10, 2012. 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 Personnel Committee (Nightingale, Olesheski) has met with Mrs. Ann Deppe, acting Town Assessor, to discuss applications received for the position of Town Assessor and the committee, with the assistance of Mrs. Deppe, will soon be moving forward with interviews.

OLD BUSINESS:

Supervisor Vanselow noted that the Town Board of the Town of Johnsbury having held a Public Hearing on the Preliminary Town Budget for 2013 asked for input and discussion from the Town Board members as to whether the Town Board members would prefer to continue negotiations on the 2013 Town Budget or if they would wish to move to Final Budget with or without amendments at this time. Supervisor Vanselow said that he could see four potential amendments as follows: restore \$5,000.00 in funding to the Johnsbury Emergency Squad: to increase by \$1700.00 the Highway Department Budget to purchase a new inspection machine as required by the NYS Department of Motor Vehicles; a possible change to the Hudson Headwaters Health Network funding; and possible change to the North Creek Railway Depot Preservation Association funding. Supervisor Vanselow added that two account lines could be discontinued as they are no longer being used, these are the Recycling, General Fund budget line (A80901) and the Landfill Closure Testing, Capital Projects Fund budget line. Supervisor Vanselow explained that Bookkeeper Sherry Williams had made this request to "clean up" the budget.

Mr. Stevens proposed amending the 2013 Preliminary Budget in the following manner; to restore the Hudson Headwaters Health Network funding to \$28,000.00 and to fund the North Creek Railway Depot Preservation Association by restoring \$2800.00 to that budget line and by guaranteeing that organization \$2500.00 in Occupancy Tax funding from the Town Board's discretionary allotment. Mr. Olesheski said that he was in favor of raising the Hudson Headwaters Health Network funding, but he was not in favor of restoring the North Creek Railway Depot Preservation Association Museum funding to the budget. Mr. Arsenault said that he would abstain on the Hudson Headwaters Health Network funding vote as he is on that Board of Directors of that organization. Ms. Nightingale said that she would second Mr. Stevens's proposal to move the process along. Mr. Olesheski questioned the legality of funding the North Creek Railway Depot Preservation Association Museum. Ms. Nightingale said that she believed that the "Platform Talks" fulfilled that requirement. Mr. Stevens said that he believed that the Town Board could fund the North Creek Railway Depot Preservation Association Museum. Mr. Olesheski said that he would support all the amendments suggested by Supervisor Vanselow if there was an agreement that it would be conditional upon the receipt of a letter from the Town Attorney confirming the legality of the funding. Mr. Arsenault said that any letter from the Town Attorney would have so many caveats as to be meaningless. Mr. David Bulmer said that he was concerned with Mr. Arsenault saying that he would abstain from voting on the Hudson Headwaters Health Network funding that it could hurt the passage of the North Creek Railway

Depot Preservation Association Museum funding. Mr. Peter Heid said that the docent presentation to visitors at the museum could be considered as an educational benefit. Supervisor Vanselow called for a vote on the seconded proposal.

RESOLUTION NO. 239

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale that the Town Board of Johnsbury amend the 2013 Preliminary Town Budget to restore the Hudson Headwaters Health Network funding to \$28,000.00 (A45604) and funding this amendment by increasing the Unreserved Fund Balance Appropriated by \$4000.00; and further, to fund the North Creek Railway Depot Preservation Association Museum by restoring \$2500.00 to that budget line (A74504) and funding this amendment by increasing the Real Property Taxes to be collected by \$2500.00; and also, to guarantee the North Creek Railway Depot Preservation Association Museum \$2500.00 in Occupancy Tax funding from the Town Board's discretionary allotment. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Nightingale, Stevens, Vanselow) Nays - 1 (Olesheski) Abstained - 1 (Arsenault)

RESOLUTION NO. 240

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens that the Town Board of Johnsbury amend the 2013 Preliminary Town Budget to increase the Highway Fund Machinery, Equipment and Capital budget line (DA51302) by \$1700.00 and to increase the revenue by increasing the amount to be raised by property taxes by \$1700.00; and further to increase the Ambulance, Contractual expense budget line (A4504) by \$5000.00 and funding this amendment by increasing the Unreserved Fund Balance Appropriated by \$5000.00; and further, to consolidate the Recycling personal services budget line (A80901) into the Refuse and Garbage personal services budget line (A81601) to better reflect the actual work performed; and further, to discontinue the Landfill Closure Testing, Capital Projects Fund budget line and to pay this expense from the Refuse and Garbage contractual services budget line (A81604). With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

RESOLUTION NO. 241

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to accept the Tentative Budget for 2013 which was filed in the Town Clerk's office on September 27, 2012, the Preliminary Budget in which was included the following changes: to amend said budget by the addition of the list of exemptions received from the Town Assessor since the presentation of the tentative budget; and also, to amend the budget by increasing the Highway Health Insurance (DA9060.8) by the amount of \$14,910.00 and also, the Unreserved Fund Balance Appropriated by \$14,910.00 to the Preliminary Budget, on which a Public Hearing was held on November 8, 2013, at 7:00pm, at the Wevertown Community Center, Wevertown, NY:

THEREFORE, the Preliminary Budget is to be accepted as the Final Budget for the Town of Johnsbury for the year to begin January 1, 2013; and further with the following changes as set forth in Resolution Number 239 and Resolution 240:

1. To restore the Hudson Headwaters Health Network funding to \$28,000.00 (A45604) and funding this amendment by increasing the Unreserved Fund Balance Appropriated by \$4000.00.

2. To fund the North Creek Railway Depot Preservation Association Museum by restoring \$2500.00 to that budget line (A74504) and funding this amendment by increasing the Real Property Taxes to be collected by \$2500.00; and also, to guarantee the North Creek Railway Depot Preservation Association Museum \$2500.00 in Occupancy Tax funding from the Town Board's discretionary allotment.
3. To increase the Highway Fund Machinery, Equipment and Capital budget line (DA51302) by \$1700.00 and to increase the revenue by increasing the amount to be raised by property taxes by \$1700.00
4. To increase the Ambulance, Contractual expense budget line (A4504) by \$5000.00 and funding this amendment by increasing the Unreserved Fund Balance Appropriated by \$5000.00.
5. To consolidate the Recycling personal services budget line (A80901) into the Refuse and Garbage personal services budget line (A81601) to better reflect the actual work performed.
6. To discontinue the Landfill Closure Testing, Capital Projects Fund budget line and to pay this expense from the Refuse and Garbage contractual services budget line (A81604).

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

Supervisor Vanselow updated the Town Board on the unfunded mandate requirement from the FCC (Federal Communications Commission) that all of the radios of the Town of Johnsburg need to be reprogrammed or upgraded through purchase to be able to work on the narrow band which will be used by Warren County. Supervisor Vanselow said that there are approximately 30 radios in the various departments which will need to be upgraded or replaced; about 27 radios will need to be replaced. The estimates for NYS contract purchase of the radios is about \$300.00 each and no bidding process will be required. Supervisor Vanselow noted that there was available funding in the Contingency line. Mr. Arsenault said that the Town Board has just spent two hours discussing how to handle \$30,000.00 and the FCC has created a like expense in just a few minutes.

Supervisor Vanselow updated the Town Board on the request from the Tannery Pond Community Center Association that the Town of Johnsburg hire a carpet cleaning service to clean the carpets at the entrances. Supervisor Vanselow said that the original quote received was from North Country Janitorial in the amount of \$584.00 with an additional charge of \$125.00 possible if the carpets required a second treatment. Supervisor Vanselow said that a second quote had been received from Hutchins Professional Cleaning in the amount of \$1066.38 for the entire building and it was indicated that that company was not interested in cleaning only a portion of the building. Supervisor Vanselow asked which option the Town Board wished to pursue. Secretary Cherie Ferguson said that Hutchins Professional Cleaning had attempted to clean the building previously without success on the worst stains. Mrs. Kelly Nettle asked what the difference was between the home/personal varieties of cleaning versus the professional cleaning. Secretary Ferguson said that the Town owns a carpet cleaner which is supposed to be used to clean following events and seldom is; she added that the professional system probably uses more chemicals. Mr. David Bulmer said that Wayne Hutchins did the carpets in The Exchange at a reasonable price and did a very good job and had returned at no charge to complete the job. Mr. Olesheski asked when it had last been cleaned; Secretary Ferguson said that it had been about five years. Mr. Olesheski wondered if this should be done regularly. Mr.

Olesheski asked if there were funds available to pay for this carpet cleaning. Supervisor Vanselow said that the funds would come from the Buildings budget line; he added that the Town was making a considerable investment in the building at this time in waterproofing the basement wall and there is a heat pump to be replaced in the near future.

RESOLUTION NO. 242

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board authorizes the hiring of Hutchins Professional Cleaning to clean the entire Tannery Pond Community Center carpet for the amount of \$1066.38. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays - 0 Abstained - 1 (Stevens)

Supervisor Vanselow informed the Town Board that another change order has been received for the Transfer Station rebuild project. Engineer Kathleen Suozzo of Cedarwood Engineering has forwarded change order number 8 for the addition of an external compactor disconnect remote from the main panel as required by OSHA in the amount of \$2644.30. Supervisor Vanselow said that Engineer Suozzo has said that the change order is billable back to the insurance carrier and will be submitted to the insurance carrier. Supervisor Vanselow asked if the Town Board wished to authorize him to execute change order number 8.

RESOLUTION NO. 243

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, that the Town Board authorizes the supervisor to execute Change Order #8, in the amount of \$2644.30, for the addition of an external compactor disconnect remote from the main panel as required by OSHA and with the understanding that the change order is billable back to the insurance carrier and will be submitted to the insurance carrier. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mr. David Bulmer asked for an update on the Transfer Station rebuild/repair project. Supervisor Vanselow explained that there has been a slow down due to illness in the contractor's family and the contractor has assured us that the project will be wrapped up soon.

Supervisor Vanselow informed the Town Board that the annual contract for Senior Citizens Transportation will need to be bid for 2013 and asked that the Town Board authorize the Town Clerk to advertise the bid for one week in the North Creek News-Enterprise and to set the date and time for the bid opening; he suggested the December 4, 2012 meeting at 7:00pm at the Wevertown Community Center with the closing for the bid acceptance to be 12:00pm December 4, 2012. Mr. Arsenault asked if this expense was borne entirely by the Town of Johnsburg; Supervisor Vanselow said that it was totally a Town expense.

RESOLUTION NO. 244

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the Town Clerk to advertise the 2013 Senior Citizens Transportation bid for one week in the North Creek News-Enterprise; and further, to set the date and time for the bid opening at 7:00pm at December 4, 2012 meeting at 7:00pm at the Wevertown Community Center, Wevertown, New York; and further, with the closing for the bid

acceptance to be 12:00pm December 4, 2012. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

NEW BUSINESS:

Supervisor Vanselow informed the Town Board that he believes that it would be prudent to increase the Petty Cash Fund from the current \$25.00 to \$100.00. Supervisor Vanselow explained that mailing expenses for the Planning Board often exceed the current amount and the employees need to pay for the difference and await reimbursement.

RESOLUTION NO. 245

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the Town of Johnsbury Petty Cash Fund be increased from the current amount of \$25.00 to \$100.00 to better reflect the increased cost of mailing and other similar needs. 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 monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of October, 2012, was not in the Town Board members' packets as she is ill and the report will be delivered at the next Town Board meeting.

Supervisor Vanselow noted that the monthly report of the Animal Control Officer, William Mosher, for the month of October, 2012, was in the Town Board members' packets.

Supervisor Vanselow distributed the Supervisor's Monthly Report, for the month of October, 2012, to the members of the Town of Johnsbury Town Board.

Supervisor Vanselow said that there were eleven budget amendments to be acted upon. Supervisor Vanselow explained that amendments 6 through 11 deal with allocating funds to pay for Highway Department items which will be addressed in the next agenda item. Amendment number 5 is to transfer some monies from one cemetery account to another to pay for item 4 improvements in the Bates Cemetery roadway. Amendment number 4 is for the purchase of a sign by the Highway Department. Amendments number 2 and 3 are to increase the Personnel and Planning Board personal services budget lines as a great deal of work is being done to catch up in those areas. Amendment Number 1 is to move \$3,000.00 is to increase the contract budget line of the Planning Board to allow for the payment of the Planning Board attorney firm. Supervisor Vanselow explained that the Planning Board now has an attorney at every meeting instead of only rarely; he added that he has spoken with the Planning Board chairperson about this issue, apparently without result. Supervisor Vanselow said that the account has been underfunded in the budget in the past two years and in each year approximately \$5000.00 has later been added to the Planning Board contractual budget line. Mr. Arsenault said that department supervisors are responsible for their budgets and that there can't be open ended upper limits. Supervisor Vanselow said that the Planning Board chairperson polled the Planning Board members as to having the attorney at each meeting and the response in favor was unanimous. Supervisor Vanselow said that he would speak to the Planning Board chairperson again about the budget line issue and noted that she would be leaving as chairperson in February 2013. Mr. Arsenault asked if this addition of funds would carry the Planning Board through to the end of the year. Supervisor Vanselow said that he would inform the Planning Board that this would be the

monies which they would have for the balance of the year. Supervisor Vanselow asked that the Town Board accept the budget amendments.

RESOLUTION NO. 246

Mr. Arsenault presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept and approve the following amendments to the 2012 Town Budget:

Budget Amendments November, 2012

1 Planning CE	A8020.4	\$3,000.00	
Contingency	A1990.4		\$3,000.00
Transfer from Contingency to Planning Board Contractual			
2 Planning PS	A8020.1	\$2,000.00	
Contingency	A1990.4		\$2,000.00
Transfer from Contingency to Planning Board Personnel			
3 Personnel PS	A1430.1	\$2,000.00	
Contingency	A1990.4		\$2,000.00
Transfer from Contingency to Personnel Personnel			
4 Traffic Control CE	A3310.4	\$55.00	
Contingency	A1990.4		\$55.00
Transfer from Contingency for Highway Sign Replacement			
5 Cemeteries CE	A8810.4	\$200.00	
Cemeteries PS	A8810.1		\$200.00
Transfer from Cemeteries Personnel to Cemeteries Contractual			
6 Permanent Improvement EQ	DA5112.2	\$85,000.00	
State Aid/CHIPS	DA3501		\$85,000.00
Recognize additional CHIPS expenditures and reimbursements			
7 Bridges CE	DA5120.4	\$15,000.00	
FEMA	DA4960		\$15,000.00
Allocate FEMA reimbursements to Harrington Road Bridge Wingwall Repair			
8 General Repairs CE	DA5110.4	\$20,000.00	
FEMA	DA4960		\$20,000.00
Allocate FEMA reimbursements to purchase of additional Item 4			
9 Machinery CE	DA5130.4	\$20,000.00	
FEMA	DA4960		\$20,000.00
Allocate FEMA reimbursements to Equipment Repair			
10 Machinery EQ	DA5130.2	\$65,000.00	
FEMA	DA4960		\$65,000.00
Allocate FEMA reimbursements to purchase of F350/Fisher 9' Plow/Viking Dump Box			
11 Machinery CE	DA5130.4	\$3,014.62	
Insurance Recoveries	DA2680		\$3,014.62
Recognize Insurance Recovery received for repair of wrecked truck			

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

Supervisor Vanselow explained that he had polled the Town Board for approval of several emergency purchases by Highway Superintendent Daniel Hitchcock prior to the arrival of

Tropical Storm Sandy. Supervisor Vanselow asked that the Town Board formally approve the purchases by resolution. Supervisor Vanselow explained that the approvals were for the purchase of a plow (\$4555.00); a dump box for a Highway plow vehicle (\$26,527.00); and an F-350 pickup truck \$32,800.00) and the total is reflected in the Machinery purchase line increase by \$65,000.00 in Resolution Number 246. Supervisor Vanselow added that the current F-350 vehicle which is being replaced is going to be given to the Town of Johnsbury Parks Department to replace a vehicle which is currently being used and should be removed from service due to necessary repair issues.

RESOLUTION NO. 237

Ms. Nightingale presented the following resolution, and moved its passage with a second from

Mr. Olesheski that the Town Board of Johnsbury approve of the following purchases by Highway Superintendent Daniel Hitchcock, all of which are being made under NYS contract: a Fisher 9' plow (\$4555.00); a Viking dump box for a Highway plow vehicle (\$26,527.00); and an F-350 pickup truck \$32,800.00). With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

RESOLUTION NO. 248

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault that the following certified bills which have been reviewed by the board members be paid: General Fund (Total \$40,717.30) - Claims #2012-870* and #2012-8872 and #2012-873 and #2012-877 and #2012-878 through #2012-900; *Claim #2012-870 already paid (National Grid \$28.40); Highway Fund (Total \$43,784.11)- Claims #2012-872 and #2012-873 and #2012-877 and #2012-901 through #2012-917; Capital Projects Funds (Total \$26,024.88) Claims #2012-923 through #2012-926; North Creek Water Dist.(Total \$3,978.88)- Claims #2012-873 and #2012-918 through #2012-922; Library Fund (Total \$725.29) Claim #2012-872; Trust and Agency (Total \$1,885.14) Claims #2012-872 through #2012-876; Total all warrants \$117,115.60. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle asked that the Town Board authorize the purchase of curbing for placement along the sidewalk to help keep parked vehicles away from the planting bed at the boundary of the parking area near the pavilion in the Ski Bowl Park. Mrs. Nettle wanted the Town Board to express its approval or disapproval of the use of timber and tailings for the curbing; the cost would be between \$1600.00 and \$1700.00. Supervisor Vanselow explained that this would be a modest change to the approved design. Mr. Stevens asked if there were funds available; Supervisor Vanselow said that there are funds available, although it will require an additional budget amendment. Mr. Olesheski said that he was happy with the work so far. Mrs. Nettle said that the plants will not be able to be planted until the spring. Mrs. Nettle added that a \$10,000.00 grant has been received from the Charles Wood Foundation.

RESOLUTION NO. 249

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board authorizes the purchase of treated 6 x 6 or other landscaping

timbers or railroad ties at a cost of between \$1600.00 and \$1700.00 to delineate the parking area from the planting beds along the sidewalk at the Ski Bowl Park. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mr. Ted vonCzoerning asked about the status of the Wevertown Volunteer Fire Company. Supervisor Vanselow explained that the Town is working with the attorney for the Wevertown Volunteer Fire Company to come up with a plan to divest the fire company of its equipment and to be overseen by the court. Mr. VonCzoerning said that twice he has seen a white vehicle parked behind the fire house building and individuals apparently loading items out the window into the vehicle from the building. Mr. VonCzoerning said that he did not contact the Town Hall and he wondered if the Town had a padlock on the building. Supervisor Vanselow said that the Town had a temporary restraining order regarding the sale of any fire company assets, but no lock on the building.

Mr. Peter Heid said that the cost of harvesting the weeds in the swimming area of the pond at the Ski Bowl Park seemed to be a lot of money for aesthetics and for something which will be an annual project. Mr. Heid added that the timing of the harvesting makes no sense as the plants probably went to seed in July and to make the harvesting effective the entire pond should be done. Mr. Heid said that he has seen leaves entering the pond through the pipeline and this would feed the plants which the Town is trying to get rid of. Mr. Heid said that the woman in the boat assisting the man who was performing the harvesting was not wearing a life preserver. Supervisor Vanselow said that after Mr. Heid had reported this to him that he had immediately gone to the park and spoken to the individuals regarding the life preserver. Supervisor Vanselow said that the life preserver had to be in the boat by law, but not worn and it was in the boat after this. Mr. Heid said that this was not enough of a precaution as the woman could strike her head and not be able to get the life preserver in order to save herself.

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Stevens at 9:45 pm. 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 Tuesday, November 20, 2012 at the Tannery Pond Community Center, North Creek, New York.

Prepared by William Rawson, Town Clerk