

**Minutes of the
Town of Johnsbury
Regular Meeting
April 21, 2015
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 April 21, 2015 at 7:00 PM at the Tannery Pond Community Center, North Creek, NY.

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

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

APPROVAL OF MINUTES FOR MARCH 17, 2015

RESOLUTION #46-15

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the minutes of the March 17, 2015 regular Town Board Meeting as written.

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

CORRESPONDENCE:

Ann Dingman - Letter Dated March 20, 2015 stating she would like to continue to direct the Johnsbury Youth Program, which would be run in a similar time frame as previous years.

New York State Department of Agriculture and Markets - Municipal shelter Inspection Report on March 20, 2015 - services were rated "Satisfactory".

New York State Department of Health Glens Falls District Office - letter dated April 13, 2015 regarding the Dr. Jacques Grunblatt Memorial Beach

COMMITTEE REPORTS:

Supervisor Vanselow asked if anyone had any committee reports. Mr. Olesheski stated that Mr. Bob & Mrs. Kelly Nettle had approached him about a large trade show / conference in Atlantic Georgia regarding the Ski Museum project. Mr. Olesheski went on to stated that it is a 3 day conference which is \$1,300.00 for the registration, and Mr. Olesheski would like to use Occupancy Tax Funding to send them.

RESOLUTION #47-15

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Stevens to accept and approve the use of Occupancy Tax Funding to pay for a 3 day conference, in Atlantic Georgia regarding the Ski Museum project for Mr. & Mrs. Robert Nettle in the amount of \$1,300.

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

OLD BUSINESS:

YOUTH BASEBALL

Supervisor Vanselow stated that he has received an e-mail from Mr. Rob Wing which he has forwarded to all the board members, with a work estimate regarding

the "little league" fields. Mr. Wing's, and his cohorts, top priority, is to establish a third field at the Ski Bowl where the multi-use field is now. This plan would include moving the backstop (which has been discussed for years), and recreating a youth sized field up on that hill. There are some more minor repairs that need to be done to the existing fields, too. Mr. Wing has gotten an estimate for the backstop relocation, and is seeking a second. "I think we are looking at around \$10,000, which, as a capitol improvement could come out of the fund balance".

Mr. Olesheski stated that with 6 teams having a 3rd field would give the teams more practice time because there would be 2 teams per field.

Supervisor Vanselow stated that this was also in the 2020 vision.

RESOLUTION #48-15

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to accept and approve Mr. Rob Wing's estimate of \$10,000 to relocate the backstop and recreating a youth sized field at the Ski Bowl up on the hill, and minor repairs that need to be done to the other existing fields.

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

TPCCA SPACE REQUEST

Supervisor Vanselow stated that the current lease agreement which is from 2003 with the Chamber, automatically renews every April and Supervisor Vanselow would like to hold the lease agreement open this year. This lease agreement which is from 2003 also needs to be looked at and updated.

Mr. Olesheski asked if the Town has a contract with TPCCA, like we do with the Chamber.

Supervisor Vanselow stated that at this time, we do not, but we can work on that.

Ms. Salomon stated that she has looked at other contracts with Chambers and they are nothing like the one the Town has now.

Ms. Speech asked about storage space being available for them. Supervisor Vanselow stated that we would also work that out.

Mr. Olesheski stated that he would like to see all of this on paper, and the offer to swap spaces is fine with him, because at this time TPCCA is bigger. Both groups are a big asset to the community.

NEW BUSINESS:

HIGHWAY

Supervisor Vanselow explained that Superintendent of Highways Daniel Hitchcock had put together a letter explaining a long list of projects and items that the highway department would like to do and purchase this summer. Letter following:

Letter Dated April 14, 2015

Johnsbury Town Board,

Enclosed is a long list of projects the highway department would like to do this summer. Some of the projects will be paid by FEMA, and the balance the town would pay for.

During a meeting with Gene A., I gave him a price quote for engineering for 6 projects at \$36,050.00. Since then I have spoken with Warren County Soil & Water, and they feel they can help with Army Corp, DEC, and APA permit (if applicable). If so that would save approx \$13,650.00, for a total of \$22,400.00.

PROJECT #1 - Back To Sodom RD culvert

This culvert is located close to the county bridge that is being replaced early this summer. The new bridge is sitting in our yard; they are starting the project as soon as weather permits. The town culvert is approx 48" in diameter, and the bottom is rusted out bad. The county has asked if I could replace the culvert so they can align the finished height of their bridge as close as possible with our culvert. Some field work is done. Warren County Soil & Water said they will size the culvert, and assist installing it with their equipment. We do not have any culvert prices at this time. (non FEMA)

PROJECT#2-Barton Mines Road

The culvert for Barton Mines Road near Rogers Road intersection was delivered last fall at such a date where we were no longer allowed to work in streams. All we lack for this project is permits. (FEMA project)

PROJECT#3- 13th Brook Bridge

The new bridge we installed over 13th Brook last year still needs grouting under one side. We finished the deck a couple of days before the stream work deadline. We were unable to get permits at that time. This project is more labor intensive than costly. We have some of the supplies; however, dewatering will be necessary. (non FEMA)

PROJECT#4-Cosby road-(FEMA related)

A stone retaining wall needs to be built along a small stretch of a damaged area. The same type of work we done along 700' of Barton Mines road.

PROJECT#5- Claude Straight bridge (FEMA project)

Damage from the June flood scoured under one abutment. This is a large project for the highway department to undertake. It would require jacking up and supporting the deck while one abutment is removed. A concrete contractor will have to be hired to form the new abutment, wing walls need to be built, and new guiderail system installed. This bridge is located on a seasonal road with no houses or camps. Perhaps the town would be interested in trying to abandon the last couple hundred feet of this road. There would be access the one lot from Peaceful Valley Road, or Back To Sodom Road. If the town does want to fix the bridge, it would be started late summer. No engineering has been done on this project. If you should decide not to make repairs this summer, extensions have to be filed with FEMA.

PROJECT#6- Glen Creek culvert (non FEMA)

The base of this culvert is rusted out, with large holes in it. After meeting with Army Corp, they are requesting we install a bridge, or a bottomless culvert. They claim they will not allow us to replace the culvert with a new one since it will not allow fish passage. There are products available that would patch the bottom of the culvert. I have contacted DEC to see if they could help us with a

solution. An engineer will be needed. Perhaps put some of the unexpended fund balance towards these projects.

ITEM#7-

We just checked all town roads for signage. Several are missing, faded, or never installed. (list included) Included is an estimate for \$2378.69 if the general fund wishes to start replacing these, if purchased from Warren County sign shop.

ITEM#8- 1 ton dump truck

We would like to install a sander on our 1 ton. From the 4 quotes, T& T came in the cheapest at \$5695.00 for a 2.5 cu yd, gas operated.

ITEM#9- F350 pickup

The highway dept. would like to purchase a new pickup, and put a plow on it at a later date. Both pickups have over 100,000 miles on them. The truck can be purchased for \$28,000 through state contract.

ITEM#10-Paving project; Barton Mines Road

Using a combination of FEMA and CHIPS funding, we would like to pave approx. 2 miles on Barton Mines Road. Several locations were damaged from the June flood. Reclamation-\$17,553.32, Asphalt 2 1/2" binder-\$181,628= total \$199,181.32.

ITEM#11- Highway school

I would like to attend the school at Ithaca College, June 1st-3rd, 3 nights; 4 days normally cost approx. \$750.00

ITEM#12-2005 Sterling box with built in sander

The dump box on the 2005 Sterling is in poor shape. The bottom is rusted out of the box, and the sander bed is worn out. A new box with sander is 37,705.00. (State contract, Oneida county #1751) We are also looking at having the box relined. One town told us they did have a box rebuilt approx. 8 years ago, the cost then was in the \$20,000.00 range. I am asking at this time to make an appointment to have this job started once we determine which of the 2 options

is the best.

RESOLUTION #49-15

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Stevens to accept and approve the 6 engineering projects and 6 items requested by Superintendent of Highways Daniel Hitchcock in his communication request dated April 14, 2015.

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

CLAUDE STRAIGHT ROAD

Supervisor Vanselow explained that if the board decides to go with Superintendent of Highways recommendation of abandon the last couple hundred feet of this road, there would be access to the one lot from Peaceful Valley Road, or Back To Sodom Road. Supervisor Vanselow went on to state that this section of the road is seasonal and it would save the town a lot of money by abandoning it. Mr. Arsenault requested getting legal counsel. Supervisor Vanselow stated that he would and he would like to put it on next month's agenda and also place an ad in the paper about it.

RESOLUTION #50-15

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to accept and approve an ad in the paper for the abandonment of the seasonal portion of Claude Straight Road.

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

FIREWORKS CONTRACT

Supervisor Vanselow stated that he received the standard contract from Santore's World Famous Fireworks (previously Alonzo Fireworks) and is requesting permission from the board to sign the contract for this year's fireworks for the 4th of July.

RESOLUTION #51-15

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Olesheski, to accept and approve the contract from Santore's World Famous Fireworks (previously Alonzo Fireworks) and to authorize Supervisor Vanselow to execute the contract.

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

OUT OF SEQUENCE PAYMENTS

Supervisor Vanselow asked for a resolution for the out of sequence payments for warrant dated April 8, 2015.

RESOLUTION #52-15

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the following payments which were out of sequence to avoid a late charge.

General Fund (Total \$ 21,206.15) - Claims #15-203 to 15-207 & 15-210 to 15-219

Highway Fund (Total \$ 12,660.68) - Claims # 15-207 & 15-220 to 15-224

Water District Fund (Total \$ 1,895.78) Claims # 15-203 & 15-225 to 15-226

Public Library Fund (Total \$ 719.97) Claims # 15-207

Trust & Agency Fund (Total \$ 3,060.62) Claims # 15-207

Total all warrants \$ 39,543.20.

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

ANIMAL CONTROL OFFICER MONTHLY REPORT

Supervisor Vanselow noted that the Animal Control Officer's monthly report for March 2015 from Mr. William Mosher is in the Town Board packets.

ZONING ENFORCEMENT OFFICER MONTHLY REPORT

Supervisor Vanselow noted that the Zoning Enforcement Officer, Ms. Danae Tucker's monthly report for March 2015 is in the Town Board packets.

SUPERVISOR MONTHLY REPORT

Supervisor Vanselow noted that the Supervisors Monthly report for March 2015 is in the Town Board packets.

RESOLUTION #53-15

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

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

BOY SCOUTS TROOP 6036 - WAIVE SKI BOWL PARK CURFEW FOR MAY 15TH - 17TH

Supervisor Vanselow stated that Mr. Leonard Wilson has submitted a request for the weekend of May 15th – 17th asking to have the Ski Bowl Park Curfew waived for the Boy Scouts Troop 6036 Camp out.

RESOLUTION #54-15

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept and approve the request from the Boy Scouts Troop 6036 to waive the Ski Bowl Park Curfew for the weekend of May 15th – 17th.

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

BLANKET VENDOR PERMIT - WHITE WATER DERBY

Supervisor Vanselow noted that there was a request for a Blanket Vendor Permit for the White Water Derby which is May 2nd & 3rd.

RESOLUTION #55-15

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to issue a Town Wide Blanket Vendor Permit for the Hudson River White Water Derby which is May 2nd & 3rd.

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

LENGTH OF TERM FROM 2 YEARS TO 4 YEARS

Supervisor Vanselow presented 3 resolutions which Attorney Fuller had put together. They are changing the Supervisor, Clerk and Superintendent of Highways from a 2 year term to a 4 year term. Supervisor Vanselow went on to state that if the board approves the three resolutions then they would be on the election ballot in November of this year and if passed would go in effect for each the next election.

Ms. Nightingale stated that she checked into this and most all in Warren County are a four year term.

Mr. Olesheski stated that being the board is a four year term he doesn't see why the Supervisor, Clerk & Superintend of Highways could also be a four year term.

RESOLUTION #56-15

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept and approve the following

TOWN BOARD OF THE TOWN OF JOHNSBURG

COUNTY OF WARREN, STATE OF NEW YORK

Resolution No. ____ of 2015

Adopted _____, 2015

Introduced by _____

who moved its adoption

Seconded by _____

RESOLUTION INCREASING THE TERM OF OFFICE OF THE TOWN SUPERVISOR OF THE TOWN OF JOHNSBURG FROM TWO YEARS TO FOUR YEARS

WHEREAS, pursuant to Section 24-A of the Town Law of the State of New York, the Town Board may, at least 150 days prior to any biennial town election, adopt a resolution to provide that the term of office of each and any elective town official thereafter elected be four years, provided that such resolution shall be submitted to the qualified electors of the Town for their approval or disapproval at the next biennial town election; and

WHEREAS, after due deliberation, the Town Board wishes to increase the term of office of the Town Supervisor from two years to four years, and wishes to submit same to the qualified electors of the Town for their approval or disapproval at the next biennial town election.

NOW, THEREFORE BE IT RESOLVED as follows:

Section 1. The Town Board hereby increases the term of office of the Town Supervisor to four years.

Section 2. This resolution shall be submitted to the qualified electors of the Town for their approval or disapproval at the next biennial town election.

Section 3. The consideration and proposed adoption of this Local Law is an action under the New York State Environmental Quality Review Act (SEQRA). The Town Board hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5 and declares that the action does not have a significant impact on

the environment and the action is hereby precluded from further environmental review.

Section 4. This resolution shall take effect immediately, provided however that no increase in the term of office of the Town Supervisor to four years shall take effect until such time as the qualified electors shall have approved same at the next biennial town election.

Roll Call Vote:

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

RESOLUTION #57-15

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept and approve the following

**TOWN BOARD OF THE TOWN OF JOHNSBURG
COUNTY OF WARREN, STATE OF NEW YORK**

Resolution No. ___ of 2015

Adopted _____, 2015

Introduced by _____

who moved its adoption

Seconded by _____

**RESOLUTION INCREASING THE TERM OF OFFICE OF THE TOWN
CLERK OF THE TOWN OF JOHNSBURG FROM TWO YEARS TO
FOUR YEARS**

WHEREAS, pursuant to Section 24-A of the Town Law of the State of New York, the Town Board may, at least 150 days prior to any biennial town election, adopt a resolution to provide that the term of office of each and any elective town official thereafter elected be four years, provided that such resolution shall be

submitted to the qualified electors of the Town for their approval or disapproval at the next biennial town election; and

WHEREAS, after due deliberation, the Town Board wishes to increase the term of office of the Town Clerk from two years to four years, and wishes to submit same to the qualified electors of the Town for their approval or disapproval at the next biennial town election.

NOW, THEREFORE BE IT RESOLVED as follows:

Section 1. The Town Board hereby increases the term of office of the Town Clerk to four years.

Section 2. This resolution shall be submitted to the qualified electors of the Town for their approval or disapproval at the next biennial town election.

Section 3. The consideration and proposed adoption of this Local Law is an action under the New York State Environmental Quality Review Act (SEQRA). The Town Board hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5 and declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review.

Section 4. This resolution shall take effect immediately, provided however that no increase in the term of office of the Town Clerk to four years shall take effect until such time as the qualified electors shall have approved same at the next biennial town election.

Roll Call Vote:

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

RESOLUTION #58-15

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept and approve the following

TOWN BOARD OF THE TOWN OF JOHNSBURG

COUNTY OF WARREN, STATE OF NEW YORK

Resolution No. ____ of 2015

Adopted _____, 2015

Introduced by _____

who moved its adoption

Seconded by _____

**RESOLUTION INCREASING THE TERM OF OFFICE OF THE
SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF JOHNSBURG
FROM TWO YEARS TO FOUR YEARS**

WHEREAS, pursuant to Section 24-A of the Town Law of the State of New York, the Town Board may, at least 150 days prior to any biennial town election, adopt a resolution to provide that the term of office of each and any elective town official thereafter elected be four years, provided that such resolution shall be submitted to the qualified electors of the Town for their approval or disapproval at the next biennial town election; and

WHEREAS, after due deliberation, the Town Board wishes to increase the term of office of the Town Superintendent of Highways from two years to four years, and wishes to submit same to the qualified electors of the Town for their approval or disapproval at the next biennial town election.

NOW, THEREFORE BE IT RESOLVED as follows:

Section 1. The Town Board hereby increases the term of office of the Town Superintendent of Highways to four years.

Section 2. This resolution shall be submitted to the qualified electors of the Town for their approval or disapproval at the next biennial town election.

Section 3. The consideration and proposed adoption of this Local Law is an action under the New York State Environmental Quality Review Act (SEQRA).

The Town Board hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5 and declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review.

Section 4. This resolution shall take effect immediately, provided however that no increase in the term of office of the Town Superintendent of Highways to four years shall take effect until such time as the qualified electors shall have approved same at the next biennial town election.

Roll Call Vote:

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

MOTION TO PAY WARRANTS

Supervisor Vanselow asked for a motion to pay the warrants.

RESOLUTION #59-15

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 (Total \$64,237.77) - Claims #15-227 to 15-237 & 15-239 to 15-258 & 15-277 to 15-285 & 15-314 to 15-317 & 15-320 to 15-323 & 15-330 to 15-334

Highway Fund (Total \$ 38,967.05) - Claims # 15-251 to 15-252 & 15-258 TO 15-274 & 15-286 TO 15-299 & 15-324 TO 15-326 & 15-330

Capital Projects Fund (Total \$ 179.44) – Claims # 15-285 & 15-306 & 15-335

Fire Protection District Fund (Total \$ 44,676.00) – Claim #15-312

Water District Fund (Total \$ 24,755.70) Claims # 15-253 & 15-285 & 15-307 to 15-311 & 15-315 & 15-326 & 15-327 & 15-330

Public Library Fund (Total \$ 2,071.95) Claims # 15-300 to 15-305 & 15-330

Johnsbury Emergency Squad Fund (Total \$ 138,085.25) Claim #15-313

Trust & Agency Fund (Total \$ 3,044.44) Claim #15-330

Total all warrants \$ 316,017.60.

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

PRIVILEGE OF THE FLOOR

Mr. Arsenault inquired about the Department of Health Letter. Supervisor Vanselow stated that Ms. Nettle talked with the Health Department and they are ready to move forward. Mr. Arsenault asked if there was going to be swimming this year. Mr. Nettle stated yes there would be.

Ms. Solomon from the Chamber stated that the Town was awarded \$37,000 from the Smart Growth grant on behalf of the Chamber.

Mr. Nettle asked about the County allowing some fireworks in the county. Supervisor Vanselow stated that a state law passed allowing sparklers to be sold certain times of the year and the county did a public hearing and also passed it.

On motion of Mr. Stevens and seconded by Mr. Olesheski, the meeting was adjourned at 8:09 p.m.

The next regular Town Board meeting will be held at 7:00 p.m. on May 19, 2015 at Tannery Pond Community Center, North Creek, New York.

Prepared by Jo A Smith, Town Clerk
