

**Minutes of the Town of Johnsbury Regular Board Meeting August 7, 2012
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, August 7, 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, Peter Olesheski, Jr, Arnold Stevens; Town Clerk/ William Rawson. Town Councilperson Katharine Nightingale was absent.

Guests: On attached list

Supervisor Vanselow noted that Daniel Stec, Chairman of the Warren County Board of Supervisors was at this meeting as part of his decision to visit the Town Board meetings of each municipality in Warren County.

RESOLUTION NO. 173

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the July 17, 2012 regular Town Board meeting as written. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

CORRESPONDENCE:

1. A notification of a liquor license renewal application from Robert and Carmela Mastrantoni for Pete's Aah at 267 Main Street, North Creek, NY.
2. A letter from the Town of Johnsbury Attorney Jordan and Kelly, LLC. discussing the C & S Wholesale Grocers assessment challenge versus the Town of Johnsbury.
3. A request from Julie Deppe Wolfe and Jill Deppe Barilli that the Town Board waive the building fees and the ten percent of proceeds requirements for their fundraiser for the Leukemia & Lymphoma Society under the auspices of the Team in Training organization.
4. A filing against the Assessor of the Town of Johnsbury by Pine Meadows Properties, LLC. The Town Clerk noted that this has been delivered to the Town Attorney, the Town Assessor's Office and the Town Supervisor.

Supervisor Vanselow asked for a resolution to waive the fees for the use of the Tannery Pond Community Center for a fund raiser for the Leukemia & Lymphoma Society under the auspices of the Team in Training organization as requested by Julie Deppe Wolfe and Jill Deppe Barilli.

RESOLUTION NO. 174

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens, that the Town Board will grant the request from Julie Deppe Wolfe and Jill Deppe Barilli and will waive the building fees and the ten percent of proceeds requirements for their fundraiser for the Leukemia & Lymphoma Society under the auspices of the Team in Training organization to be held in September 2012 at Tannery Pond Community Center. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

COMMITTEE REPORTS:

Mr. Olesheski reported that the Personnel Committee (Olesheski, Nightingale) met with retired Assessor Ann Deppe to discuss assessment and would like to meet again and plan to make a report at the next Town Board meeting on August 21.

OLD BUSINESS:

Supervisor Vanselow asked that the Town Board authorize the execution of a contract with Mr. Steven Ovitt owner of Wilderness Property Management, Inc. for professional services for the design, layout and brushing of a 3K multi use loop trail in the Ski Bowl Park; the final billed cost to be \$5,400.00. Mrs. Kelly Nettle asked if Mr. Ovitt will be keeping track of his hours as some will be volunteered to the grant project. Supervisor Vanselow said that he was not sure, but expected that he would be doing so.

RESOLUTION NO. 175

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Olesheski, that the Town Board authorizes the supervisor to execute a contract with Mr. Steven Ovitt owner of Wilderness Property Management, Inc. for professional services for the design, layout and brushing of a 3K multi use loop trail in the Ski Bowl Park and that the final billed cost is to be \$5,400.00. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked that the Town Board retroactively affirms its authorization for the Town Clerk to advertise for one week and publish notice in the North Creek News-Enterprise for the playground elements of the Ski Bowl Park grant with the bids to be delivered to the office of the Town Clerk at or prior to 12:00pm on August 21, 2012 and with the bids to be opened at a Town Board meeting to be held at the Tannery Pond Community Center, 228 Main Street, North Creek, New York on Tuesday, August 21, 2012 at 7:00pm.

RESOLUTION NO. 176

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board retroactively affirms its authorization for the Town Clerk to advertise for one week and publish notice in the North Creek News-Enterprise for the playground elements of the Ski Bowl Park grant with the bids to be delivered to the office of the Town Clerk

at or prior to 12:00pm on August 21, 2012 and with said bids to be opened at a Town Board meeting to be held at the Tannery Pond Community Center, 228 Main Street, North Creek, New York on Tuesday, August 21, 2012 at 7:00pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow updated the Town Board on the Transfer Station repair project. Supervisor Vanselow explained that the project had progressed to the state of being ready for a framing inspection and it has been discovered that no building permit has been applied for. Supervisor Vanselow asked that the Town Board authorize him to execute an application for a Warren County building permit.

RESOLUTION NO. 177

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board authorizes the supervisor to execute an application for a Warren County building permit for the Transfer Station rebuild/repair project. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow explained that an update from Kathy Suozzo of Cedarwood Engineering on the Transfer Station rebuild/repair project. The update explained that change orders number one and two had been previously approved by the Town Board and that these related to the deletion of the roof over the trash hopper (cost decreased by \$4500.00) and the addition of new decking in the attendants' building (cost increased by 5922.50). Change order number three will be the addition of the underground electrical service from the new pedestal to the building at a cost increase of \$2496.35; the work was not part of the original contract as the location and configuration of the pedestal was not known at the time of the original bid. Engineer Suozzo added that the cost of this work will be submitted to the insurance carrier as it is necessary for the operation of the compactor and building. Supervisor Vanselow asked that the Town Board authorize him to execute this change order.

RESOLUTION NO. 178

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens, that the Town Board authorizes the supervisor to execute Change Order #3 which is the addition of the underground electrical service from the new pedestal to the building at a cost increase of \$2496.3; and further, that the cost of this work will be submitted to the insurance carrier as it is necessary for the operation of the compactor and building. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow noted that Water Superintendent Charles Rawson will ask Mr. James Jones for a quote on the estimated cost of excavation work to bring the water line into the building

underground to prevent freeze up during the winter months; the damage to the water line was not visible until the building was removed and the damage has been documented and the cost of repair will be submitted to the insurance carrier. Engineer Suozzo added in the update that repairs to the utilities enclosure was damaged by hydraulic oil and water following the fire and weather exposure. The contractor provided an estimate of \$4,111.25 for materials and labor to repair the utilities enclosure.

Mr. Robert Nettle asked why the roof was to be eliminated; Supervisor Vanselow replied that there will be an enclosed chute for the compactor which will eliminate the need for a roof. Mr. David Bulmer asked if this meant that there would be only one entrance to the compactor; Supervisor Vanselow said that there would be only one. Supervisor Vanselow asked if the Town Board wished to authorize the repair of the utilities enclosure.

RESOLUTION NO. 179

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski, that the Town Board approves and authorizes the supervisor to execute the paperwork for the repair of the utilities enclosure which was damaged by hydraulic oil and water following the fire and weather exposure at a proposed cost of \$4,111.25 for materials and labor as provided by the contractor AB Construction & Environmental, LLC. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow updated the Town Board on the request for a computer received at the previous Town Board meeting from Town Historian Jo Ann Smith. Supervisor Vanselow suggested that the appropriation be made in the amount of \$400.00 with the funds being taken from the contingency funds. Mr. Olesheski said that he would support and move the purchase of a computer for the Town Historian; he would like to discuss the overall computer situation in the Town Hall as well. Mr. Olesheski said that he would like to look at all the Town computers for uniformity. Supervisor Vanselow said that while the computers were not terribly uniform that they are relatively up to date; he added that those of the Assessor, Town Clerk and Zoning Enforcement Officer are relatively new. Mr. Olesheski agreed that they seem to be more up to date than before; he would like to see a broader approach to the computing needs. Secretary Cherie Ferguson noted that the Highway Superintendent needs a computer. Supervisor Vanselow added that he filed the technology grant paperwork for the business software, the computers for the Town Clerk and the Zoning Enforcement Officer and some other computer equipment for a total of approximately \$12,000.00. Mr. David Bulmer said that Mr. Andy Knoll has done a study for ORDA at Gore Mt. and set up a plan for costs and upgrading for their technology needs.

Mrs. Kelly Nettle suggested that the \$379.00 requested may not be enough as computers frequently do not contain more than the operating system, Supervisor Vanselow said that the Town has purchased the license to some software from Warren County and the Town Historian has the specialty programming for her needs. Mr. Peter Heid suggested Linux open source application software. Mr. Olesheski said that Johnsbury Central School Superintendent Mike Markwica is open to sharing with the Town and through his office a BOCES technician may be available to the

Town. Mr. Ted vonCzoerning said that a \$400.00 computer may be short some components; Secretary Cherie Ferguson said that the Town has some components for computers.

RESOLUTION NO. 180

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arseneault, that the Town Board approves the expenditure of up to \$400.00 for a computer for the Town Historian with the funds to be taken from the contingency funds budget line and moved to the Town Historian line. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arseneault, Olesheski, Stevens, Vanselow) Nays - 0

NEW BUSINESS:

Supervisor Vanselow explained that he had received a request from the North Creek Business Alliance to relocate the sign for the business area at the south entrance of the hamlet of North Creek. The Business Alliance would like to move the sign down to the right of the banners at the Ski Bowl Park in order to better direct visitors to the downtown business. Mr. Stevens said that he believed that under the current conditions the sign may be okay, that as the improvements occur in the park that it may be inappropriate. Supervisor Vanselow said that it was seen as a temporary solution. Mr. Olesheski said that there should be a response from the Ski Bowl Park Committee. Mr. David Bulmer said that the sign near Cunningham's Ski Barn is in a 45 mile per hour zone and that the sign near Austin Pond Road in a 55 mile per hour zone should be moved as it is less easy to see; he added that all of the signs need a lot of work.

Supervisor Vanselow said that he was trying to get ideas at this point. Mrs. Kelly Nettle asked about the ORDA sign at the corner of Peaceful Valley Road and State Route 28; Supervisor Vanselow said that it was a county road and a state authority. Mr. Stevens asked who would pay for moving the sign; Supervisor Vanselow said that he was not there yet and added that it was North Creek Business Alliance concern. Mr. Ted vonCzoerning said that the ORDA signs are a problem on Peaceful Valley Road; Supervisor Vanselow said that ORDA is not subject to Town regulations. Mr. David Bulmer asked if the Main Street grant money could be used for this signage; Supervisor Vanselow said that there was a distance requirement to Main Street to be met. Mr. Olesheski said that the Town is not really enforcing and suggested creating a committee to look at signage on a town wide scale. Supervisor Vanselow said that the non-enforcement of the sign ordinance has been going on about three years; he added that there are many issues involved in the sign ordinance. Supervisor Vanselow said that most sandwich type signs are on-premises signs and that he has been trying to discourage off-premises signs. Mr. Peter Heid said that plastic signs of the "sale" type are not allowed in many Towns. Mr. David Bulmer asked if the sign ordinance is part of the Land Use Plan. Supervisor Vanselow said that it was and that while it is lacking in several areas and work is needed on it. Mr. Olesheski asked if the Town wants a sign ordinance and suggested asking the Planning Board for its input. Supervisor Vanselow said that more diverse input than just the Planning Board should be sought and added that it is a part of the Adirondack Park Agency approved plan and so their input would be required as well. Mr.

Arsenault asked that Mr. Bulmer's suggestion of the Main Street grant for signage be followed up with Wayne LaMothe of Warren County Planning and Development. Supervisor Vanselow said that the issue would be revisited in the future.

Supervisor Vanselow asked that the Town Board authorize him to execute the Agreement between the Tannery Pond Community Center Association and the Town of Johnsbury which will transfer all scheduling of the Tannery Pond Community Center; the setting and collection of all fees, deposits, and commissions and associated forms necessary for recording the aforesaid duties; distribute and record the distribution of the building keys; update the marquee; negotiate the office space and facilities with the Gore Mountain Region Chamber of Commerce; do all possible to minimize crowding of the parking lot to the north of the Town Hall building; and make frequent building checks of the Tannery Pond Community Center and alert Town of Johnsbury personnel to problems as they are discovered. The Town of Johnsbury will continue to maintain and service the Tannery Pond Community Center.

Mr. Olesheski said that he was not sure of authorizing the Tannery Pond Community Center Association to set and collect all the fees, deposits, and commissions; he would like the Town Board to reserve the ability to waive fees for a good cause and to have an approval of the setting of the fees. Supervisor Vanselow said that he believed that this was a way to move away from the day to day operation of the Tannery Pond Community Center by Town personnel. Supervisor Vanselow said that due to the current fees that there is very little incidental use of the facility. Mr. Peter Heid suggested that the Town Board reserve the right to make exceptions to the fees. Mr. David Bulmer said that there is a bigger issue in that the Town does not charge any fees for the use of other Town buildings. Mrs. Kelly Nettle said that the fees seem to be a little too high.

Mr. Ted vonCzoerning asked who performs the outdoor maintenance at Tannery Pond Community Center as the retaining wall seems to be leaning in front of the building.

RESOLUTION NO. 181

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens, that the Town Board authorizes the supervisor to execute the Agreement between the Tannery Pond Community Center Association and the Town of Johnsbury with the following changes: the Town Board will have the final say on the fees to be charged and the Town Board reserves the right to make exceptions from the fees. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow said that he would contact the Tannery Pond Community Center Association with the Town Board comments and authorization for their response.

Supervisor Vanselow noted that the Town Board had received copies of the three month record of activities calendars or a recertification of the calendars filed from a previous term if their work schedule has remained substantially the same for the same position. These were received from the following elected officials who are not on a time recording system and are starting a new term this

year: Town Supervisor Ronald Vanselow, Town Councilman Peter Olesheski, Town Councilperson Katharine Nightingale, Town Justice James French and recertifications from Town Councilman Eugene Arsenault, Town Superintendent of Highways Daniel Hitchcock and Town Clerk William Rawson. The New York State Retirement System also directed that the Town Board review and approve the calendars of hours; set the standard work day for those officials listed above and set the number of days per month to be reported for each official. Supervisor Vanselow asked that the Town Board approve the calendars and recertifications and also to approve the Standard Workday and Reporting Resolution. The Standard Workday and Reporting Resolution will be posted on the official bulletin board in Town Hall.

RESOLUTION NO. 182

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the calendar of hours from the following officials: Town Supervisor Ronald Vanselow, Town Councilman Peter Olesheski, Town Councilperson Katharine Nightingale, Town Justice James French and recertifications from Town Councilman Eugene Arsenault, Town Superintendent of Highways Daniel Hitchcock and Town Clerk William Rawson. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

RESOLUTION NO. 183

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

Pages 7a and 7b attached

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of July, 2012, was in the Town Board members' packets.

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

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

Mr. Olesheski reminded Supervisor Vanselow about approval of the Occupancy Tax Funds Committee. Mr. Olesheski suggested that the following individuals be named the Occupancy Tax Committee: Mark Schmale, Michael Bowers, Trina Riedinger, Bernadette Speach, with himself as the chairman. Mr. Olesheski said that he has contacted all of the individuals and they are willing to serve as members of the committee; Mr. Olesheski had previously volunteered to serve as

chairman and Town Board member on the committee.

Mr. David Bulmer said that some of the proposed members are also requesters and receivers of Occupancy Tax Funds. Mr. Olesheski said that he wanted a well rounded group and members with experience in advertising and events; some of the individuals apply for Occupancy Tax Funds and others collect Occupancy Taxes. Mr. Olesheski said that he would also like to examine the set asides and previously funded projects. Mr. David Bulmer said that this could lead to questions of the members of the committee benefitting their projects. Mr. Bulmer would also like the Town to authorize payment on an invoice rather than a paid invoice to assist the recipients in their cash flow. Mr. Olesheski said that he has discussed the system with Warren County and that he also wants to review the application. Mr. Peter Heid said that there seems to be too much of a conflict of interest. Supervisor Vanselow said that there are scoring sheets which could reflect this possible bias. Mr. Olesheski said that he wants to make the scoring more stringent. Mrs. Kelly a prior chairman of the committee said that when someone on the committee was involved in an application that they frequently brought more information to the process. Supervisor Vanselow said that the committee may want to invite the applicants for a discussion. Mrs. Nettle suggested possibly increasing the size of the committee. Mr. Bulmer suggested seven members. Mr. Olesheski said that five seems to be a good number on a committee. Supervisor Vanselow agreed that sometimes increasing the number on a committee results in less being accomplished. Mr. Bulmer said that applicants always appear at the Warren County committee if the applicants are truly interested in receiving funds. Mr. Olesheski said that he has spoken to the proposed members and is planning a committee meeting for next week.

RESOLUTION NO. 184

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens, that the Town Board approves of the following members comprising the Occupancy Tax Committee, an advisory board to make recommendations to the Town Board regarding Occupancy Tax funding requests: Mark Schmale, Michael Bowers, Trina Riedinger, Bernadette Speech, and Councilman Peter Olesheski; and further, to name Councilman Olesheski as chairman of said committee. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow informed the Town Board that Waynestock had had about one thousand attendees; he noted that over the next two weekends the Town would be hosting numerous events including: the Heritage and Youth Fair, the Johnsbury Fire Company Pig Roast, the Decadence leaving for Nashville party at J & J's Fox Lair, Music by the River, Ididaride, the Hudson River Bluegrass Festival and the calendar launch party at the Tannery Pond Community Center.

RESOLUTION NO. 185

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 \$30,165.49) - Claims #2012-609 and #2012-610 and #2012-614 and

#2012-616 through #2012-634 and #2012-636 through #2012-640 and #2012-653 through #2012-661 and #2012-666 and #2012-668; Highway Fund (Total \$26,150.74)- Claims #2012-610 and #2012-652 and #2012-663 through #2012-665; Capital Projects Funds (Total \$13,276.43) Claims #2012-635 and #2012-667 and #2012-668; North Creek Water Dist.(Total \$1996.65)- Claims #2012-610 and #2012-652 and #2012-663 through #2012-665; Library Fund (Total \$1055.29) Claims #2012-609 and #2012-650 and #2012-651; Trust and Agency (Total \$2093.81) Claims #2012-609 through #2012-613 and Claim #2012-615; Total all warrants \$74,738.41. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

PRIVILEGE OF THE FLOOR

None

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Arsenault at 8:15pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on Tuesday, August 21, 2012 at the Tannery Pond Community Center, North Creek, New York.

Prepared by William Rawson, Town Clerk