

**Minutes of the Town of Johnsburg Regular Board Meeting September 18, 2012  
Held at the Wevertown Community Center, Wevertown, NY.**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, September 18, 2012 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Vanselow called the meeting to order at 7:06pm and the pledge to the flag was led by Supervisor Vanselow.

Roll call showed the following persons present: Supv. Ronald Vanselow; Town Councilmen/ Eugene Arsenault, Katharine Nightingale, Peter Olesheski, Jr, Arnold Stevens; Town Clerk/ William Rawson.

Guests: On attached list

**RESOLUTION NO. 206**

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski, to accept the minutes of the September 4, 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

Supervisor Vanselow noted that this morning he had changed the venue for tonight's meeting from the Garnet Lake Fire House due to the electrical power being off at that site. Supervisor Vanselow notified the Town Board members, the newspapers and the regular attendees and those on the agenda. Supervisor Vanselow added that the change had been posted on the Town website, as well as that of the Glens Falls Post Star and of DenPubs (North Creek News-Enterprise) and that also, signs were posted about Town in the post offices and at Johnsburg Central School.

**CORRESPONDENCE:**

1. A notification from Jordan & Kelly, the Town Attorney firm, on the amendments to Open Meetings Law regarding the reproduction of records scheduled for discussion at an upcoming meeting.
2. A letter from the Town of Johnsburg Youth Committee requesting that the Town Board pass a resolution authorizing the Youth Committee to seek grant funding from the NYS Council of the arts through LARAC for two ten week sessions of art instruction.
3. A request from the NYS Office of Parks, Recreation and Historic Preservation that the Town Board pass an authorizing resolution for the execution of amending Appendix B of the Ski Bowl Park grant in the form which they have supplied.
4. A notice for filing a Limited Notice of Appearance on behalf of the Johnsburg Central School in the proceeding of Pine Meadows Properties, LLC. versus the Town of Johnsburg; this has been delivered to the Town Attorney as well.

COMMITTEE REPORTS:

OLD BUSINESS:

Supervisor Vanselow informed the Town Board that the Board of Assessment Review position of board chairman Victor Sasse will expire on September 30, 2012 and he has spoken to Mr. Sasse to see if he wishes to continue in the position; Mr. Sasse has informed him that he does not wish to be reappointed for another term. Supervisor Vanselow asked that the Town Board authorize the advertisement of the soon to be vacant Board of Assessment Review position.

RESOLUTION NO. 207

Mr. Arsenault presented the following resolution, and moved its passage with a second from Ms. Nightingale, to authorize the Town Clerk to advertise for one week in box advertising in the North Creek News-Enterprise for interested individuals to be interviewed for appointment to the vacancy on the Board of Assessment Review. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow called upon Mr. Olesheski for a report from the Occupancy Tax Committee. Mr. Olesheski has given copies of the 2012 Johnsburg Occupancy Committee recommendations and also, the suggestions for changes to the Directions for Occupancy Tax Funding Request.

2012 Johnsburg Occupancy Tax Committee  
Recommendations For the Town Board

1. At this time, it is recommended that TOJ keep one application period per year for its occupancy tax fund distribution and that it should occur in the fall. For this year, it is recommended that applications made available to the public no later than Monday, September 24, 2012.
2. It is also recommended that TOJ keep the current application “as is” with a due date of October 31st. The goal of the Occupancy Tax Committee is to have award recommendations available for the Town Board by early December so action can be taken by the Board prior to year’s end.
3. It is recommended that the “Directions” for the application are rewritten and condensed to include a more simplified version of the project ranking process/scoring criteria – please see attached:

Directions For Occupancy Tax Funding Request  
For Tourism Promotion of the Town of Johnsburg  
Warren County Occupancy Tax Local Distribution

Requirements:

Applicants must submit their applications by mail, in person or electronically to [cherie@johnsburgny.com](mailto:cherie@johnsburgny.com) so that they are received no later than October 31st each year to be considered for funding.

Organizations unable to submit an application electronically may print and send the completed application to: Town of Johnsbury, PO Box 7, Johnsbury, NY 12853. Regardless of the form in which an organization submits an application, they must keep a copy in their records for six (6) years.

Applicants may be:

- o A community non-profit or service organization
- o A business group which promotes an entire category of businesses or all businesses in the community
- o Group of community-minded folks with a worthy idea

Projects should promote and attract tourism in the Town of Johnsbury.

Operational costs cannot be covered by bed tax money (salaries, overhead)

Project must be all-inclusive of the community

Funding up to four years only for the same request; each year, similar requests diminished by 25%.  
NOTE: Request the full amount of your need; the committee will do the percentage reduction depending on the number of applications placed for same event.

If previously funded, include the earlier project budget which clearly indicates the way awarded bed tax money was used with the current application; if this information is not provided, the current project will not be considered. If your former project has not been completed by this year's due date, submit a status report as well as projected expenses.

### Examples of fundable projects

Distributes information about the community

- o Websites/brochures/flyers/postcards/maps/posters
- o Bus signage
- o Kiosk development
- o Area Branding

Enhances the image of the town

- o Streetscapes/sidewalk plantings/parking lot improvements
- o Community signage/murals

- o Banners/flags

Provides something to do within the community

- o Enhance recreational attractions/create trails
- o Create outdoor theater
- o Promote special events

## Project Ranking Process

The Occupancy Tax Committee will assess each application and score it based on the following criteria;

### Information

Attractive/professional work potential Good distribution plan Fosters community image  
Informative; useful Delivers tourists into businesses

### Beautification

Welcomes and/or adds comfort for visitors  
Enhances community image and/or spaces  
Long-term maintenance and sustainability addressed  
Appearance (design, color, shape, size) appropriate for space  
Suitability to location

### Event or Things to Do

Number of visitor days and nights  
Season extender Relevancy of activity to potential market  
Good marketing plan  
Spin-off to businesses or hamlets

4. Seeing a need for the Town to set aside a portion of the available occupancy tax funds each fall for its own projects, it is recommended that TOJ claim a set percentage of available money and leave the remaining funds to be awarded to worthy applicants as deemed fit by the Occupancy Tax Committee. The Committee recommends TOJ take 1/3 of the available funds and encourages TOJ to ensure the money is spent on projects meeting the spirit of occupancy tax funding.

5. It is recommended that TOJ review and possibly rewrites its occupancy tax contract/agreement and procurement policy as necessary to provide more flexibility to cash-strapped organizations that may not be able to submit the documents required for reimbursement within a short time period.

a. It is suggested that TOJ discuss with County officials and the Town attorney, the process currently used for paying organizations, to determine whether or not providing a percentage of awarded funding up front is a legal and/or feasible action.

b. It is suggested that the contract expiration dates are extended by at least 30 days and that a clause be placed into the contract allowing for further extensions of the expiration date upon written request of the contracted organization.

6. With regard to the request by the Chamber of Commerce to extend its contract period with the TOJ, there is consensus among the non-Chamber associated members of the Occupancy Tax Committee that the extension should be granted. It is the opinion of the Committee that the Chamber is attempting to follow the established rules for reimbursement, but are not able to meet the deadline for reasons beyond their control. Furthermore, the projects of the Chamber of Commerce wholeheartedly meet the spirit of Occupancy Tax funding.

Mr. Olesheski said that following several meetings of the Occupancy Tax Committee the committee has come up with the recommendations listed above.

Supervisor Vanselow has suggested that the wording of the information regarding the twenty five percent reductions for repeat requests be changed to show that the amount will be deducted based upon previous requests not on a current inflated request. Mr. Olesheski said that he would rewrite that portion of the instructions to make that point clear.

Mr. Olesheski discussed the so-called "set asides" of the Town which are used to fund items consistent with the rules of Occupancy Tax funding. Mr. Olesheski suggested that the Town take 1/3 of the funds annually and thus, the committee would know the amount of money which was available for dispersal. Mr. Olesheski said that he could see that this could cause some budget problems for Supervisor Vanselow. Supervisor Vanselow said that this did not cause him too much worry, but he thought that it might have a small discretionary pool for mid-year requests.

Mr. Olesheski said that the committee believes that the Town Board should review the Occupancy Tax reimbursement policy and contract issues and with the Town Attorney and Warren County officials to try to match Warren County funding. Mr. Olesheski said that the committee has compared the Town and Warren County payment methods. Mr. Olesheski said that Warren County does not have a deadline for reimbursement requests and Warren County requires a voucher, the final budget of the event, copies of ads, invoices and does not require paid receipts or cancelled checks. Mr. Olesheski said that he believes that Warren County has updated its payment contract or policy. Secretary Cherie Ferguson said that Town books have to be closed by March 1 of the following year. Mr. David Bulmer said that three or four years ago that he brought this issue up and asked that the Town change its policy to match that of Warren County. Mr. Bulmer said that with the Warren County process that funds can be requested by turning in invoices and then the reimbursements can be used to pay for additional advertising. Mr. Bulmer said that the money has to go to promoting tourism; he added that he has an issue if Occupancy Tax funds are repairing potholes. Supervisor Vanselow said that that has never been an issue in this Town. Mr. Olesheski

said that the spending guidelines from Warren County list many uses for Occupancy Tax funding. Mr. Bulmer said that his bigger problem is with the reimbursement policy. Mr. Arsenault asked Secretary Ferguson if there was a reason why Mr. Bulmer's request would not work. Secretary Ferguson said that she was just following the rules as they are set down.

Mr. Arsenault asked how much the Town usually holds out; Supervisor Vanselow said that he believes it to be about ten thousand dollars plus ten thousand dollars for the shuttle. Mr. Arsenault asked for the total amount of hold over money. Secretary Ferguson said that that she was not sure. Mr. Olesheski said that it appears to be about forty thousand dollars. Secretary Ferguson suggested doing the scoring criteria and wait until the end of November for making funding recommendations.

Mr. Arsenault asked just what was meant by the same request funding for four years; he asked if it meant the same organization or the same activity. Mr. Olesheski said that it meant the same activity and the spirit is to come up with new ideas and to use the Occupancy Tax funding as start up money. Mrs. Kelly Nettle said that organizations that make money should get reduced. Mr. Olesheski said that there may be some activities which should be funded since they are worthy of being funded perpetually; Mrs. Nettle said that "Dollars for Scholars-Race the Train" is an example of a good project that needs annual funding.

Mr. Olesheski reminded the Town Board that the Chamber of Commerce request for a time extension had been tabled and also referred to the Occupancy Tax Committee for recommendation. Mr. Olesheski reported that there is consensus among the non-Chamber associated members of the Occupancy Tax Committee that the extension should be granted. It is the opinion of the Committee that the Chamber is attempting to follow the established rules for reimbursement, but are not able to meet the deadline for reasons beyond their control. Furthermore, the projects of the Chamber of Commerce wholeheartedly meet the spirit of Occupancy Tax funding. Mr. Olesheski said that he would be abstaining from any resolution moved forward on this issue. Mr. Olesheski said that he would like to see the Town Board set a limit of thirty days at a time for extensions. Mr. Arsenault asked if it should be thirty days from the request or from today; Supervisor Vanselow said that the Town Board has already made the Chamber wait for two weeks. Ms. Nightingale agreed that it should be from today.

#### RESOLUTION NO. 208

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the extension of the end date of the Occupancy Tax funds contract between the Gore Mt. Region/Town of Johnsbury Chamber of Commerce and the Town of Johnsbury regarding the funding of the 2012 Adirondack Adventure Festival and the 2012 Centurion Cycling be extended for thirty days from today, September 18, 2012. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Stevens, Vanselow) Nays - 0 Abstained - 1 (Olesheski)

Supervisor Vanselow asked Mr. Olesheski if there was any action from the Town Board

requested by the Occupancy Tax Committee regarding the recommendations. Mr. Olesheski said that he doesn't believe that any changes need approval with the exception of the tweaks to the directions in the applications. Mr. Stevens said that he would like to look at the process and said that the reading seems to be saying that the Occupancy Tax Committee would be making the awards instead of the Town Board. Mr. Olesheski said that that was not the intention and that he firmly wants the Town Board to make the awards and that he would re-write that portion of the directions as well. Mr. Arsenault said that he believed that it would be respectful to have a discussion with the Business Alliance regarding the shuttle funding as certain assurances were given regarding the funding of that project and the 1/3 amount to the Town would not allow for it; he added that the Business Alliance should be given time to secure additional funding.

Mr. Arsenault also asked if Supervisor Vanselow would speak to Town Attorney Jordan regarding the uses of the funds. Supervisor Vanselow said that he believed that the items discussed met the funding guidelines. Ms. Nightingale asked if the guidelines allowed for set-asides; Supervisor Vanselow said that he believed that they do and some Towns do not have a process like this and the Town Board spends the funds without other input. Mr. Olesheski said that to take such a large part of the funds and use it for one group such as the shuttle with the North Creek Business Alliance is a problem; he added that the committee does not take issue with the project. Mr. Olesheski also said that the committee thought that the fireworks should be paid for out of the General Fund since it is mostly a benefit to the local residents. Mr. Robert Nettle said that he believes that supporting the fireworks as a lifestyle benefit from the Occupancy Tax funds. Mr. Bulmer said that Warren County had voted not to entertain any fireworks applications. Mr. Bulmer said that Warren County publishes the meeting dates and sites of its Occupancy Tax Committee and suggested that the Town committee do the same. Mr. Olesheski said that the committee was certainly not going to be able to do everything right now and the committee has committed that they will work on changes during the winter and look at changes for next year as the time for accepting applications is now. Mr. Olesheski does want to have the applicants come to a meeting to explain or defend their request. Mrs. Kelly Nettle said that when she was chairman on the committee that inviting the public was tried and people did not show up. Mr. Bulmer said that there used to not be people showing up at the Warren County meetings, but now many presenters show up for the meetings. Mr. Olesheski said that we can only invite people to show up. Mr. Peter Heid asked if there was any cap to the amount which can be awarded to one organization; Mr. Olesheski replied that there was not, but it could be looked into. Mr. Olesheski said that he did not believe that any Town Board action was required tonight.

Supervisor Vanselow said that Mr. Peter Heid had asked to address the Town Board regarding the pipeline construction project at the swimming area at the Ski Bowl Park. Mr. Peter Heid said that he did not ask to address the Town Board; he asked that the Town Board address the issue. Supervisor Vanselow said that he has spoken as much as he is going to and asked Mr. Heid if there was something which he wished to say to the Town Board on this subject.

Mr. Peter Heid asked the Town Board if the project will be completed as everything has been

paid for and silt comes into the pipeline and needs to be shoveled out of it. Supervisor Vanselow replied that silt gets shoveled out of the pipeline and added that he does not expect the intake box will be installed. Supervisor Vanselow said that he has tried to explain the situation to Mr. Heid and that Mr. Heid doesn't seem to accept his answers; he added that Mr. Nessel had given the Town Board a pipeline summary which can be given to Mr. Heid.

Mr. Heid said that the pipeline is making the situation worse, that there are materials onsite and not being used and that taxpayer money has been spent for a poor project. Mr. Heid said that the Town engineers said that the project would not work and that the Town Board went ahead with the project and now the problem is worse.

Supervisor Vanselow said that he would respectfully disagree with Mr. Heid. Supervisor Vanselow said that he did not believe that the pipeline was making it worse. Mr. Heid read from the minutes of the July 27, 2010 where -Mr. Nessel reported that the pipeline was working, but debris occasionally blocks the intake- Mr. Heid said that the filter was to keep that from happening and he asked if the Town Board had asked the opinion of either the Town engineer or Warren County Soil and Water.

Mrs. Kelly Nessel replied that she and her husband had taken a "sludge-judge" to check the level of sand and that in all but one point it was 3" or less and the one other point was 5" and some tiny bits of organic matter. Mr. Heid said that any silt or organic debris will come in particles so fine as to not be measurable until thousands or millions of the particles are in place and that a small amount of the organic matter will cause a lack of water clarity. Mr. Heid said that "Brownian Movement" (particles which don't settle) and the organic and fecal matter which have been allowed to exist in the swimming area cause clarity and sanitary problems.

Mr. Olesheski asked Mr. Heid what he wanted the Town Board to do and the end result you want to achieve. Mr. Heid asked that the Town Board have the pipeline built to the plans and why wasn't it built that way; Mr. Heid added that the Town Board approved the plans and then did not see that the plans were followed. Mr. Olesheski said that he was not on the Town Board when the plan was approved, but in subsequent reports from Mr. Robert Nessel that it appears that some conditions have changed over the years and some of the items recommended would not make sense at this time. Mr. Heid said that the taxpayers paid to have the pipeline built according to the plans. Mr. Olesheski said that you would rather see the Town Board do something wrong, but in the plans than according to current recommendations. Mr. Heid asked who the recommendations were from; Mr. Olesheski replied the planner and builder. Mr. Heid said that in the July 2, 2009 minutes Mr. Nessel refused to meet with the Town Engineer and at the Town Board meeting of May 19, 2009 and at the Town Board meeting of July 2, 2009 and at the meeting in which the plan was approved the engineer was to make his final report, but was not present and the plan was approved without the report. Mr. Olesheski said that he cannot speak to the reason why the previous Town Board did anything which it did and will not be held responsible for past Town Board actions; he added that he wanted to see that some of the actions were not done in the manner of the past. Mr. Olesheski said that he doesn't see that the decisions of two years ago can be undone; he added that the Town Board can continue to work on the water quality issue. Mr.



Olesheski said that he didn't know that the Town Board could satisfy you on this particular matter. Mr. Heid said that it wasn't satisfying him, but the taxpayers. Mr. Olesheski said that the only person he has heard speak to this point was you, Mr. Heid. Mr. Heid asked if that meant that the Town Board was acting correctly in not seeing the plans followed. Mr. Olesheski said that the Town Board has to serve the interests of all the residents not just one. Mr. Heid said that he is representing the interests of the public.

Mr. Heid asked who got the NYS Department of Health (DOH) to close the beach when there were unsanitary conditions existing. Mr. Olesheski said that before the work was or could be completed that the Town was told to cease work on the site. Mr. Heid said that the work stoppage was lifted the next day. Mr. Olesheski and Ms. Nightingale said that it was not in the file. Mr. Heid said that Supervisor Goodspeed reported it had been lifted at the next Town Board meeting. Mr. Olesheski said that as far as he could see that the work stoppage was still in place. Mr. Arsenault said that he did not believe that the work stoppage was still in place, but the Town Board asked Mr. Nettle to stop working on the project. Mr. Olesheski said that there is nothing in the file to say the work stoppage has been lifted. Mr. Heid said that at the Town Board meeting of December 6, 2011 Mr. Arsenault asked Mr. Nettle what work remained to be done and Mr. Nettle replied that the work was complete and that the DOH work stoppage had ended work at this time; Mr. Heid added that there is no DOH work stoppage.

Mr. Arsenault said that from his perspective the project is not complete and the Town Board plans to see the project completed. Mr. Arsenault said that the Town Board was evaluating the project and that from the start that Mr. Heid had not been supportive of the project and have constantly opposed the project. Mr. Arsenault said that from his perspective Mr. Nettle had done the research and put together the plan and when the Town Board consulted the engineers concerns were raised and the plan was changed and the Town Board decided to go ahead with Mr. Nettle's proposal as compared to the engineer's cost estimates for a solution were much less and included volunteer labor and equipment time from Mr. Nettle. Mr. Arsenault gave Mr. Nettle credit for his bringing in a plan, doing the research, doing the work on the project and not just running his mouth. Mr. Arsenault said that Mr. Nettle has probably saved the Town tens of thousands of dollars, and while he is not an engineer, Mr. Arsenault believes that the project was to a good purpose. Mr. Heid asked that the Town Board ask an engineer if the pipeline is a beneficial project. Mr. Arsenault said that the project is in the ground and asked what Mr. Heid would like done at this point. Mr. Heid said that he would like to have the inlet filter installed as originally proposed. Mr. Heid said that in the September 22, 2009 minutes that Mr. Nettle said that the work would require less than one month and the materials have been paid for and the project is not completed. Mr. Arsenault replied that the engineer had quoted about thirty thousand dollars to do the project and Mr. Nettle did it for about three thousand five hundred dollars and much out of pocket expense to him. Mr. Heid said that it was not working and made the swimming area worse. Mr. Peter Heid said that the engineer said that six inch pipe should be used and it was done with four inch pipe. Ms. Nightingale said that the Army Corps of Engineers and NYS Department of Environmental Conservation issued permits approving of the design; she added that while the

plans included the filter it also included the four inch pipe. Ms. Nightingale said that you can't prove where any silt is coming from it could be from the entire dimension of the pond. Mr. Heid disagreed, saying that one can watch it coming in and that it is not in a continuous flow, but with rainstorms. Ms. Nightingale said that she has been there and looked at it and stands by her assessment, but added that some could come from the pipeline.

Supervisor Vanselow said that the files have been made available to Mr. Heid and that in the DEC approval it has four inch pipe listed. Mr. Heid said that the DEC approved the plan; the DEC did not comment on the design being workable. Supervisor Vanselow said that the purpose of the project was to keep the water level up and not to insure water purity. Supervisor Vanselow said that he has spoken to Engineer Kathleen Suozzo who told him that the pipeline is working, but to put swimming back that the outlet needs to be put closer to the swimming area.

Supervisor Vanselow said that the Town Board is not going to vote to remove the pipeline and the Town Board will not vote to not pay Mr. Nettle for failing to complete a project which he volunteered to do. Mr. Heid said that he just wants the project to be completed. Supervisor Vanselow asked Mr. Heid if he wanted to volunteer to complete the project. Mr. Heid said that he could not perform the work with the current state of the work; he could not work with the rip-rap rock which is in place. Mr. Heid said that he would have been willing to assist.

Mr. Heid asked if Mr. Nettle working to the best of his abilities is not informing the Town Board of changes to plans and not leaving the fence in place to insure safety. Supervisor Vanselow asked if the Town Board has any addition comment on this issue. Mr. Heid asked what will happen to the materials still onsite and not used and also the firewood. Supervisor Vanselow said that some of the materials belong to Mr. Nettle. Mr. Robert Nettle wished to comment on two statements: that it doesn't work and that the Town is worse off. Mr. Nettle said that before the separation berm all the debris and silt flowed into the swimming area and now only a small amount of material is going into the swimming area. Mr. Nettle said that the material found in the "sludge judge" was common said which is to be expected. Mr. Nettle said that the water flowing off the parking area put a great deal of sand into the swimming area and that has been mitigated. Mr. Nettle said that it would be totally impractical and not a good engineering practice to insert the catch basin in the pipe; silt, sand is not a big problem and over the years the catch basin would fill with sand and present a big problem when compared to the small sand problem at this time. Mr. Nettle said that a grill over the pipe would not filter out fine organic matter naturally coming down the creek. Mr. Nettle said that the problem is with algae and oxygenating the water.

Mrs. Kelly Nettle said that the materials still onsite belong to the Nessles and not to the Town and they were paid for by the Nessles and not the Town. Mrs. Nettle added that during the tests with the "sludge judge" yesterday which was borrowed from the Suozzos also a secchi disk test was done and the water clarity was six and a half to seven and a half feet which she considered pretty good.

Supervisor Vanselow asked Mr. Peter Heid for a closing statement. Mr. Heid thanked Mr. Nettle for finally agreeing with him that the catch basin would fill with sand and that a filter is needed to prevent the inflow of silt.

Supervisor Vanselow said that the next item on the agenda is the passage of the resolution by the Town Board to authorize the Supervisor to execute documents relating to this project as required by the NYS Office of Parks, Recreation and Historic Preservation. Supervisor Vanselow asked that the Town Board please pass this resolution.

#### RESOLUTION NO. 209

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

Resolved:

That Ronald Vanselow, as Supervisor of the Town of Johnsburg, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$57,910.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Johnsburg for Ski Bowl Park improvement and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

Supervisor Vanselow reminded the Town Board that at the meeting of July 17, 2012 at the Ski Bowl Lodge, North Creek, Mrs. Kelly Nettle made a presentation regarding the landscaping and fencing near the pavilion and lodge at the Ski Bowl Park and is ready to move forward with the plan. Supervisor Vanselow added that the removal will be done by workers from ORDA at Gore Mt. and stored near the transfer station. Supervisor Vanselow asked if the Town Board wished to formally accept the landscape plan as presented July 17, 2012. Mr. Olesheski thanked Mr. and Mrs. Nettle for their work on behalf of the Town. Mrs. Nettle explained that the chain link fence will be removed except for the area behind the North Creek Water District building to the Transfer Station on the road side of the Ski Bowl Park.

#### RESOLUTION NO. 210

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to authorize the landscaping plan as presented at the meeting of July 17, 2012 at the Ski Bowl Lodge, North Creek, with the addition of a sidewalk between the pavilion sidewalk and the arbor; and further, that the Town Board authorizes the removal of the chain link fence except for the portion from the area behind the North Creek Water District building to the Transfer Station on the road side of the Ski Bowl Park. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow added that work on the multiuse trail is moving forward.

Supervisor Vanselow asked if the Town Board wished to authorize the Youth Committee to seek grant funding from the NYS Council of the arts through LARAC for two ten week sessions of art instruction. Supervisor Vanselow reminded the Town Board that the match which is to be 20% is to be made up from other grants or donations.

#### RESOLUTION NO. 211

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski to authorize the submission of a grant application to LARAC by the Johnsburg Youth Committee, on behalf of the Town, for the after school art in the amount expected to be between \$1000.00 and \$1500.00, and the total of the request not to exceed \$5000.00 and the match is to be coming from grants, gifts and other non-Town funds. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow gave a quick update on the Transfer Station rebuild/repair project. Supervisor Vanselow reminded the Town Board had agreed to seek re-quotes on the waterline portion of the project from Jim Jones Excavating and Morin Trucking; the low quote was received from Jim Jones Excavating. Supervisor Vanselow said that the compactor arrived on site on Friday September 14 and that the installation can now proceed. Mr. Olesheski asked if Supervisor Vanselow wanted to consider the last/best final offer for all projects at this time. Supervisor Vanselow said that the procedure was acceptable to the NYS Office of General Services; he added that it would be an available tool on a case by case basis when there are two or more close bids and it can save municipalities money with lower bids resulting. Mr. Bert Miner asked the expected date of the compactor being in operation. Supervisor Vanselow said that he was not sure of the date, but he expected it to be finished early this fall.

#### NEW BUSINESS:

Supervisor Vanselow explained that he has informed most if not all of the Town Board members that funding is tight this year as it has been in previous years and one budget line which has stood out to him is the one funding the North Creek Railway Depot Preservation Association (NCRDPA); Supervisor Vanselow added that he has discussed the funding with the Town Attorney and it was his opinion that it is generally appropriate to distribute taxpayer dollars to a not for profit organization unless something fairly tangible is received in return. Supervisor Vanselow said that the only documentation which he has seen was from four budget cycles ago in the amount of \$11,000.00 to the NCRDPA in exchange for some curriculum development for the school and a general enriching experience for visitors to the Town. Supervisor Vanselow said that he has trouble justifying giving money to a non-profit and also, the problem of choosing one of the many non-profits in Town for support. Supervisor Vanselow said that he spoke to some of the members of that organization and they had requested time to address the Town Board regarding the work which they do for the Town; he called on Mrs. Helen Miner, Co-President of the NCRDPA, to speak for the NCRDPA. Mrs. Miner read a prepared statement to the Town Board

The letter received recently from the Supervisor, Ron Vanselow was indeed not good news. Last year the town cut the Museum's allocation from \$10,000 to \$7500. This year the museum was able to survive with the reduced allocation in town funds. The museum's operation will be in jeopardy without the town's support. We have eliminated the position of Director and that position must be restored on a part time basis in the near future, in order to remain in compliance with our N.Y. State charter. The museum could give up our charter but then would probably also lose our tax exempt organization status and possibly our 501 (c)3 status.

As you know so well, a tremendous amount of work has been done over the past 20 years to help turn around the economic possibilities for the Town of Johnsbury and especially North Creek. The successful effort to acquire, save and restore our historic train station was really the very beginning of a long road. The hard work of the many volunteers at NCRDPA inspired many other organizations to take a chance and reach for their dreams. These include many projects that have had a significant and positive impact on the Gore Region.

When the group first gathered to save the train station, there was little momentum going on in the Town of Johnsbury – no theatre group, -no Tannery Pond Community Center, - no active Business Alliance, - no Outreach Center and – no North Country Ministry, This in a way worked to the Depot's advantage as people responded very positively to our efforts, and since there was little else to support, our fund raising efforts were more that very positive. It is also a fact that it is far easier to get building or restoration grants than it is to obtain grants for the day to day operating expenses for an organization.

Where are we today? To date this year including the assistance from the Town, grants and our Platform/Capital campaign we have raised more than \$27,000. Where has this money gone? Our financial records show that most of the money has gone to local businesses, Fuel Oil providers, Propane providers, insurance companies, lumber suppliers, local sign companies, local restaurants, hardware stores, and Newspapers for advertising. In addition, the money goes to Frontier Communications, National Grid and Mahoney Security none of which are local businesses but are the only source for these services. Some of our expenses go for Gift shop inventory not made locally (note: every effort is made not to compete with local businesses. The owner of one local shop advises us regularly on items that might conflict with this voluntary policy, before we buy and stock that item).

The museum is constantly exploring new ideas; for example the Rail Fair that we initiated last year and held again this year is growing and bringing business to the town. Next year should even be better as we are constantly adding to the fair. We held six platform talks this past summer covering various aspects of local history. We have hosted educational sessions for the students at JCS and the surrounding schools.

The museum has hosted four tour groups so far this year and we have three more scheduled this fall. All of this brings business to the town. Without the museum being an anchor for the North end of town, these tour groups would not be coming to The Town of Johnsbury. Whenever the town has visiting dignitaries where does the town gather for their photo op? Not the Town Hall, nor the Wevertown community building nor J&J's in Bakers Mills. Yes, they gather at the Depot Museum.

With the changes that are coming to the school system (primarily consolidation), should we consider an educational area in the Owens house so that programs like Milda Burns' presentation "River Men" could be with other classes. How do we restructure our educational offerings to respond to these changes? What is the impact of Front Street development on the area and what should the museum be doing now to remain over the next 10,20,30 years? Will traffic patterns change? Will this affect our attendance? Will altered train schedules due to freight operations impact the museum and how do we adjust for that? What steps does the museum board need to take now to continue to provide a first class educational and entertaining experience?

The museum currently has 22 active docents- we need 34. Of the 22 all but four are well into their 70's. A solution – self guided audio tours. Cost for script writing, recording, buying and maintaining equipment to be \$7000.

What should the next steps be? We can cut all but essential expenses and close the building except for July and August, turn off the exterior lights, close the platform and reduce our liability insurance. Or we could turn the museum over to the town, merge with the SNCRR or shut the museum down completely. The depot board views the museum as a community partner but partnership is a two way street. The museum did manage to survive last year with reduced allocation and we request that these funds remain in the town budget.

This year we are proud to announce that we received our Absolute Carter for the museum from the

"New York State Education Department". This is a rare occurrence for a museum this young and this small.

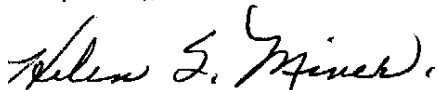
The Town of Johnsbury should be proud of the fact that it harbors the last remaining complete 1800's railroad complex in the state and look for ways to maximize this valuable resource.

We would like to invite the Town board to a guided tour of the museum to review the education aspects including Roosevelt's ride to the presidency, the history of New York's first commercial ski area and the excellent train diorama depicting the towns of North River, North Creek and Repairus built to scale as they were in the 1840's.

Come and explore the gem we have right here in the Town of Johnsbury.

If you have any questions please let us know. We may not be able to answer them all, but we will find the person who can and get back to you.

Respectfully,



Helen S. Miner

Co-President NCRDPA

Supervisor Vanselow said that there have been a couple of minor discussions about this and he could explore with the Town Attorney ways to arrange an exchange between the Town and the NCRDPA; he added that in the last four budget cycles that the Town has funded the NCRDPA in the amount of approximately \$40,000.00. Supervisor Vanselow asked the Town Board for comment and suggestions.

Mr. Olesheski said that he honestly appreciates the information about the museum and the challenges faced by non-profit organizations such as this in the current economy; he said that he was not sure that it was appropriate for the Town Board to single out organizations to be given a line in the budget. Mr. Olesheski said that some of the ideas mentioned such as audio tours would be good projects for Occupancy Tax funding, but he was concerned about negative public response when it is publicized that the Town Board has subsidized the overhead of the museum to the extent of the \$40,000.00 mentioned by Supervisor Vanselow. Mr. Olesheski said that this makes him wonder how many other actions like this occurred during the previous administration.

Mrs. Mary Moro asked to give some history of the situation. Mrs. Moro explained that in 1990 there was no Action Plan to help design a path for economic renewal in a Town that desperately needed it. Mrs. Moro added that the NCRDPA was assisted by Patricia Tatich, Director of Warren County Planning and Development Department to acquire grant funding to produce the North Creek Action Plan, which is a town-wide plan, on which has been the basis for many grants in the Town of Johnsburg. Mrs. Moro added that John Austin aided in the raising of over \$450,000.00 in grant funds to preserve the depot and Mr. Austin was so impressed that he worked hard to get the grant for Warren County to purchase the railroad. Mrs. Moro said that she believes that the NCRDPA has prepaid with the assistance which it has provided for the Town and Warren County. Mrs. Moro said that the group working to establish the library was also encouraged by the NCRDPA. Supervisor Vanselow emphasized that there will be several steps in the budget process and a public hearing as well and there will be more opportunities to speak on this issue.

Mr. Michael Brassel, NCRDPA board member, said that he was pleased to see the mural on the wall of the building which shows the depot as the centerpiece of the Town; the Towns of Indian Lake and Minerva have museums and the Town of Johnsburg should have one as well. The museum has a multiplier effect of people coming into this Town to see the museum and is beneficial to the local economy.

Mrs. Susan Forrest, docent at the museum, explained that the docents do a great deal to promote the Town its history and its businesses during the five or four days per week that the museum is open. An average attendance is twelve visitors per day and the maximum was ninety on one day. If more docents were available the museum could be open seven days per week to spread the word on the Town of Johnsburg.

Ms. Susan Murante, a resident since 1987, said that she has been doing media here since that time for many local organizations and the past five years she has been devoted to the museum; she added that she can't believe the attention from major market media services for the museum. She said that the museum is the spine or foundation of North Creek and we need to keep it going.

People come up from Albany for the fund raisers due to their interest in the museum and the restored depot building.

Mr. Olesheski asked what are the annual attendance and the annual budget of the museum. Mrs. Miner replied that to date since June the attendance has been 2500 people; closed during the winter as the platform is not accessible. Mrs. Miner said that she was not positive of the overall operating budget; they had given the information to Supervisor Vanselow who did not have the information with him. Mr. Olesheski asked for a rough estimate of the operating budget. Mrs. Miner said that when the annual funding was discussed with then Supervisor Goodspeed it was to go to heat, lights, insurance and telephone expenses. Mr. Olesheski said that this use of the funds was what worried him. Supervisor Vanselow said that there was two parts to the original agreement: to provide an enriching educational and historic experience for the Town and to develop an educational program for the fourth grade at the Johnsborg Central School.

Mr. Brassel said that the NCRDPA is working hard to find additional funding sources and there is a plan for next year that will do that; there is a problem of needing \$16,000.00 for a director and not having that position filled has hurt our ability to do some things.

Mrs. Kelly Nettle wanted to point out that the Town Board has supported other organizations operational expenses, such as the Emergency Squad and the Outreach Center. Supervisor Vanselow replied that the Emergency Squad and the Outreach Center are not similar cases as they provide direct services to the public.

Mr. Olesheski said that in the two cases mentioned that services are provided in return for the funding and it does not appear that this relationship has worked in the same manner; this appears to be a gift of money for operating expenses. Mr. Olesheski said that he appreciates that the museum is a jewel and that the members of the organization have worked hard on it, but he can't see it being okay for tax dollars to directly go to paying for the operation of a nonprofit museum when funding doesn't go to every other nonprofit organization.

Mr. Stevens asked about museums in other Towns in the area and how they are funded; is it by municipal funding or other funding? Supervisor Vanselow said that the other museums are chartered through the municipality. Mr. Stevens said that the wording of whether the museum is the Town of Johnsborg Museum or the North Creek Railway Depot Museum is of little consequence to him; is it a benefit to the Town and he believes that it is. Supervisor Vanselow said that his question was the legality of the payments to the NCRDPA.

Mr. Arsenault said that this is not the time for the Town Board to turn its back on the NCRDPA. He added that this organization has helped to improve the economy of the Town as Mrs. Moro said. Mr. Arsenault added that when the NCRDPA first came to the Town Board they had raised nearly a quarter of a million dollars and were short about thirty thousand dollars and asked the Town Board for help and the help was given. Mr. Arsenault said that he did not believe that it was right for the Town Board to stand on a principal and allow the NCRDPA to collapse; he added that while this does not guarantee that the NCRDPA will collapse, it will be severely damaged. Mr. Arsenault said the Town Board needs to find a legal way to assist the NCRDPA. Supervisor Vanselow said that the discussion of funding the NCRDPA does not end here; he added



that Occupancy Tax funding could help. Mr. Arsenault said that now is the time to determine the legal position and our funding opportunities. Mr. Arsenault encouraged the NCRDPA to look to the Saratoga North Creek Railroad as a funding partner as well as the museum is the first thing that riders see when they get off the train and it is a "wow" factor. Mr. Arsenault said that this is not an empty, dilapidated station and the NCRDPA should be commended for its work in this area. Mr. Arsenault said that he can't believe that the Town Board would think of walking away from this group. Supervisor Vanselow said that he sent the letter to the NCRDPA and subsequently spoke with Mrs. Miner about going forward with the process and that when more information was in hand that we would talk some more. A telephone call was received yesterday asking for time to address the Town Board about the issue. Supervisor Vanselow said that this was not a "we're going to cut your money now" talk, but the beginning of a discussion. Mr. Arsenault said that he was uncomfortable with the direction which the discussion was taking as to the legality of the payment.

Mr. Olesheski said that it seems to be a little too dramatic to say that the loss of \$7500.00 will end the NCRDPA operation. Mr. Olesheski said that he asked the amount of the operating budget and they could not tell him. Mr. and Mrs. Miner both said that they can, just not at this moment. Mr. Olesheski said that the Town Board doesn't know what percentage of the overall budget the \$7500.00 will be. Mr. Olesheski said that he questions saying that the lack of \$7500.00 will cause the project to fail. Mr. Olesheski said that if the people in the organization are as dedicated as they say they are, he can't believe that they will allow the loss of the \$7500.00 to end their project. Mrs. Miner said that she objects to that statement and added that the organization had raised the \$30,000.00 for the platform repair which was just performed without asking for any Town of Johnsbury funding. Mr. Olesheski said that if the organization could raise \$30,000.00 for the platform that it could raise \$7500.00 for operating expenses. Mrs. Moro said that the money could not be raised every year and that without a base support from the Town of Johnsbury or with the Town of Johnsbury twisting the arm of the Saratoga North Creek Railroad to replace the funding the chances of the museum closing are not just possible they are probable.

Mr. David Bulmer said that the comments made by Mr. Olesheski were unfortunate. Mr. Bulmer said that he has worked with the Chamber of Commerce and other groups and has worked with the NCRDPA members and said that they are very dedicated and the museum represents a great deal of the history of the Town and that the Town Board should not walk away from the history of the Town. Mr. Bulmer added Mrs. Moro is correct that the NCRDPA museum has been an economic engine driving the Town financial improvement. Mr. Bulmer said that he could appreciate Supervisor Vanselow's statement that this is the beginning of the discussion and urged the Town Board to put together a group to study the funding issue and look for ways to fund the NCRDPA. Mr. Bulmer said that Town Board members should not say that if the NCRDPA has done this once that they can do it again. Mr. Bulmer said that the NCRDPA members deserve the respect of the Town Board for putting their hearts and souls into the project.

Mr. Olesheski respectfully requested that he be allowed to speak until he is done and added that he believes that it is right as a Councilman to do so. Mr. Olesheski said that he has said twice

before and now for a third time that he respects all that has been done by those working to keep the NCRDPA museum open and operating. Mr. Olesheski said that he has been involved with not for profits himself, he added that Mr. Bulmer is not alone in working with these organizations, and he has dedicated a great deal of time to the community and that he has been in situations like the one of the NCRDPA. Mr. Olesheski said that money gets tight for every organization and you don't give up just because one door closes, you work harder to find other opportunities. Mr. Olesheski said that the NCRDPA members should be offended that the museum could close due to the loss of \$7500.00. Mr. Olesheski said that fund raising would happen if it was needed. Mr. Olesheski said that if people want the museum to stay open then they will see that it stays open. Mr. Olesheski said that he was born and raised in this Town and that this happened while I was growing up.

Supervisor Vanselow said that he would like to maintain order at this meeting and would like to wrap this discussion up; he added that the purpose of the meeting was for the NCRDPA to familiarize the Town Board with the issue. Supervisor Vanselow said that he was not prepared to have a budget discussion at this time. Supervisor Vanselow asked if there was more new information to be given in a non confrontational manner that he was willing to continue for a short time more, but he would like to wrap the item up soon. Mr. Michael Brassel said that he would not characterize Mrs. Miner's comments as dramatic, but passionate and that there is a great deal of emotion in the room and that the most dramatic statements have come from the Town Board. Mr. Peter Heid asked if the Town Board funds any other non profits similar to this one. Mrs. Miner said that there aren't any like this. Secretary Cherie Ferguson asked if the museum charged admission. Mrs. Miner said that they have begun this year; the admission is free to Town taxpayers and is \$2.00 to non taxpayers. Secretary Cherie Ferguson asked who to contact if interested in becoming a docent. Mrs. Miner said that they could contact either herself or Mrs. Susan Forrest.

Supervisor Vanselow thanked the NCRDPA members for presenting their point of view and was glad that they came and explained that the Town Board was not yet at the budget discussion stage. Mrs. Miner thanked the Town Board for giving them time.

#### RESOLUTION NO. 212

Mr. Stevens 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 21,584.25) - Claims #2012-750 through #2012-756, and #2012-775 through #2012-785; Highway Fund (Total \$2,660.06)- Claims #2012-757 through #2012-765 and #2012-787 through #2012-792; North Creek Water Dist.(Total \$4036.62)- Claims #2012-770 through #2012-775; Library Fund (Total \$1887.27) - Claims #2012-766 through #2012-769; and Capital Projects Funds (Total \$28,200.00) Claims #2012-786 and #2012-793; Total all warrants \$58,368.20. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

#### PRIVILEGE OF THE FLOOR

Mr. Peter Heid asked for an update on the fire company and gives the differences between his statement and the fire company's position. Supervisor Vanselow said that as he had e-mailed Mr. Heid this afternoon he will have a report at the next meeting. Supervisor Vanselow said that he and Mr. Arsenault had met with the Bakers Mills-Sodom Fire Chief and the incident commander from the fire at your place on Thissell Road. Supervisor Vanselow said that he was now working on a mutual aid arrangement for structure fires involving all Town of Johnsbury fire companies. Supervisor Vanselow said that not surprisingly the version of events from the Bakers Mills-Sodom Fire Company personnel differ from your version. Mr. Heid asked what the difference was. Supervisor Vanselow said that the first piece of hose was to dampen the area and the second was to fight the structure fire; they said that the structure was basically burned down by the time they arrived. Supervisor Vanselow said that this was what the fire company personnel said not arguing. Supervisor Vanselow said that the fire company personnel said that the radios weren't working well at that location.

Mr. Heid asked when he would get to make his points; Supervisor Vanselow replied that he had made a rather lengthy statement at the previous meeting. Mr. Heid said that he had with him the first person on the scene. Supervisor Vanselow said that he was not taking testimony at this time. Supervisor Vanselow said that fire company personnel said that there traffic congestion was in the road; that all those actively involved in fighting the fire were in turnout gear and that there were some members not actively involved, but at the location. Mr. Heid said that the dump pond was placed in the middle of the road and blocking the road. Mr. Heid asked if Supervisor Vanselow spoke to the safety officer on the scene; Supervisor Vanselow said that he did not know who that was. Mr. Heid asked if he saw the incident plan and is there one; Supervisor Vanselow said that he has not seen one and is not sure. Mr. Heid asked if he had seen the duty assignments and if such a list exists; Supervisor Vanselow said that he did not and did not know if one exists. Mr. Heid asked if he knew that failure to have any of those puts one in legal jeopardy of legal action under the National Incident Management System (NIMS); Supervisor Vanselow thanked him for the information. Mr. Heid asked Supervisor Vanselow to check for the items. Mr. Heid asked how many fighters were fighting the fire; Supervisor Vanselow replied two or three not a lot. Supervisor Vanselow said that he was not done. Mr. Heid said that he was not done either.

Mrs. Kelly Nessel gave the Town Board an update on her investigation on remedial techniques for the pond as some people had complained about the weeds in the swimming area. Mrs. Nessel said that these techniques could be a part of the Ski Bowl Park grant. The two main options were hand harvesting the weeds and aerating the pond. Mrs. Nessel said that she was looking into the costs of these options and possibly grants to pay for the options. Mrs. Nessel a partial drawdown of the water during the winter months.

Mrs. Kelly Nessel wanted to discuss the playground area surface where the covering has compacted. Mr. Olesheski said that he has asked about that and has been told it was raked or fluffed and it does not seem to have improved. Mrs. Nessel said that the climbing rock will need twenty cubic yards of engineered wood fibers at a cost of \$15.92 per cubic yard plus delivery costs of over \$20.00 per cubic yard. The engineered wood fibers are required by the Americans With

Disabilities Act (ADA) regulations. Mrs. Nettle said that the bill is much larger than expected. Mrs. Nettle said that the total cost for the engineered wood fibers was \$6527.00; she added that Supervisor Vanselow thinks that the amount of material required has figured out to too large an amount. Mrs. Nettle wanted to know from the Town Board if they wanted to spend this amount of money. Ms. Nightingale said that she was logging and would donate the wood to be chipped. Supervisor Vanselow said that it would not be compliant with the ADA requirements. Ms. Nightingale suggested filling in a layer of wood and topping off with the engineered wood fibers. Mrs. Nettle agreed that it had been discussed. Mr. Arsenault asked the freight cost; Mrs. Nettle said that for 273 cubic yards the freight was \$1862.00. Mr. Olesheski said that he believed that buildings and Parks Superintendent Matt Olden should have some money in his budget for such an item as this, although he did not believe that there would be \$6000.00. Supervisor Vanselow said that he would continue to talk about the subject.

Supervisor Vanselow asked Mr. Peter Heid if his request would be about the specific issue or other issues; Mr. Heid said a point on incident reports from other fire companies. Mr. Heid said that on May 11, 2010 the Bakers Mills-Sodom Fire Company was pulled off the scene of a fire because the company does not fight forest fires per Lewis Hitchcock, the Fire Chief. Supervisor Vanselow said that one of the reasons he had the meeting with Fire Chief Hitchcock was to discuss general issues and he responded that the company would fight brush fires around a structure and as far as a hose can reach, but that the company is not required to go further than that. Supervisor Vanselow said that Fire Chief Hitchcock said that the company would perform local search and rescue, but not go into the Siamese Ponds Wilderness Area. Supervisor Vanselow said that regarding mutual aid issues at the fire, Fire Chief Hitchcock said that there was so much radio traffic that they could not get through. Mr. Heid said that there were several cell phones available; Supervisor Vanselow said that he was not going to get into that. Supervisor Vanselow said that he was in a position of hearing versions of events from Mr. Heid, his brother, his witness and also from a similar or larger group of witnesses from the fire company as well. Mr. Heid asked why he asked the fire chief when he was not there; Supervisor Vanselow said that he had Fire Chief Hitchcock to ask about general issues and the incident commander to discuss the particular event. Mr. Heid wanted know if he had only spoken to the one person; Supervisor Vanselow said so far. Mr. Heid asked about the North Creek Fire Company pulling men off the scene when the Bakers Mills-Sodom Fire company has endangered them; Supervisor Vanselow said that he was not done and would continue the research.

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Ms. Nightingale at 9:30pm. 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 October 2, 2012 at the Wevertown Community Center, Wevertown, New York.

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Prepared by William Rawson, Town Clerk