

**Minutes of the Town of Johnsburg Regular Board Meeting
August 19, 2014
Held at the Tannery Pond Community Center, North Creek, New York**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, August 19, 2014 at 7:00 p.m. at the Tannery Pond Community Center, North Creek, New York.

Supervisor Vanselow called the meeting to order at 7:00 p.m. and the pledge of allegiance was led by Supervisor Vanselow.

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

Guests: On attached list

BID OPENING:

Supervisor Vanselow stated that two bid openings would be tonight the first would be for the Town Hall / Library Roof and a Culvert bid.

The Town Clerk read the Legal Notice for the Town Hall / Library Roof Replacement as it appeared in the North Creek News-Enterprise dated August 2, 2014, Adirondack Journal dated August 2, 2014, Times of Ti dated August 2, 2014, The Post Star dated August 1, 2014. There were three bids received. The bids were opened in order of receipt. One bid package did not have all of the appropriate forms filled out and signed.

Supervisor Vanselow stated that we already have \$45,500 in grants.

Rozell Industries - \$81,067.91

Mid-State Industries, LTD - \$98,811.00

Bill Ippoliti Construction - \$74,500.00 (Iranian Energy Sector Non-Investment Bidding Certification was not filled out)

The Board Members all want to view all of the bid proposal before making a decision.

The Town Clerk read the Legal Notice for the 40 foot 6 inch Aluminum Box Culvert as it appeared in the North Creek News-Enterprise edition of August 9, 2014. The bids were opened in order of receipt and contained all the appropriate forms. Lane Enterprises, Inc. in the amount of \$28,408.73 and Chemung Supply Corp. in the amount of \$26,688.35.

RESOLUTION # 111-14

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to accept Chemung Supply Corp. bid in the amount of \$26,688.35 for the 40 foot 6 inch culvert for Little Brook.

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

APPROVAL OF MINUTES FOR JULY 15, 2014***RESOLUTION # 112-14***

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the minutes of the July 15, 2014 regular Town Board Meeting as written.

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

CORRESPONDENCE:*1. Nate Pelton - Owner/Operator of North Creek Rafting Company*

E-mail letter dated: August 18, 2014 - North Creek Rafting Company recently submitted a grant application to the National Heritage Trust for the Adirondack Park Upper Hudson Recreation Hub Grants. Organized by the Nature Conservancy, this grant money is to be awarded to any business or municipality that aims to improve access for the public to the newly acquired Finch Lands. North Creek Rafting Company requested \$13,250 for the purchase of (10) tandem inflatable kayaks, (20) kayak paddles, and (20) personal floatation devices. Our goal is to provide inflatable kayak trips from Newcomb to the new river access point just above the confluence of the Indian and Hudson Rivers in Indian Lake. This new river access makes a beginner trip available to the public. For the last 100 years, anyone wishing to paddle the Hudson from Newcomb was forced to also paddle the Hudson Gorge because of the lack of river access above the Gorge. Part of the application process requires a resolution from our town stating support of this project. North Creek Rafting Company is requesting a resolution. A sample resolution is attached. I need to send a copy of the resolution postmarked by this Friday (8/22).

2. Thomas Suozzo - Cedarwood Engineering Services

Letter Dated August 7, 2014 addressed to Mr. Hitchcock Highway Superintendent
RE: Bridge Inspection-BIN 2203390 - Evaluated the bridge located on 13th Lake Road that crosses Thirteenth Brook at the intersection of Beach Road. Based on inspection, determined that this bridge has very serious structural deficiencies that could result in complete and sudden failure. The steel I-beams supporting the pressure treated deck are beginning to yield and have a permanent sag in the center portion of the beams. The steel thickness of the webs and flanges has deteriorated to the extent that large holes exist in the flanges in many of the beams. In our professional opinion, we recommend that this bridge be closed to all vehicular traffic immediately.

3. Tracy Watson - letter dated August 15, 2014

Concerns for traffic and pedestrian safety on Park Road. Cars and trucks have always traveled at a high rate of speed, but now since our road has been recently paved it is like a super highway. I would like to request the town post a speed limit on this road for the safety of the residents.

4. Mary Allen - letter Dated Aug 2014

Many people are upset over the site of current Farmer's Market on Thursdays of each week. One issue is the marker on current site is the place where a local young man died. They feel he is being disrespected. For the remaining weeks could the market be moved further down towards the Health Center. for future ideas - think the lawn surrounding the parking lot at the Gore Mt Senior Center would be ideal. Safer parking and plenty of vendor space.

Supervisor Vanselow explained that the Adirondack Park Upper Hudson Recreation Hub Grants are being given out to small business in the area. Mr. Stevens and Mrs. Olesheski don't understand why the Town needs to do a resolution when it is a business. Supervisor Vanselow explained, because the business is in the Township. Mr. Olesheski stated what exactly are we agreeing to, what if Mr. Pelton receives the money and doesn't use it in the proper way. Supervisor Vanselow stated that all we are doing is putting in a resolution of support. Mr. Olesheski doesn't like the line in the resolution that says "hereby authorized and directed to file an application for funds".

RESOLUTION # 113 -14

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to accept North Creek Rafting Company's request for a resolution for the support of the National Heritage Trust for the Adirondack Park Upper Hudson Recreation Hub Grants.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Stevens, Vanselow) 1-Opposed - Olesheski

COMMITTEE REPORTS:

Supervisor Vanselow asked if there were any committee reports - No updates at this time

OLD BUSINESS:**EMS TAX DISTRICT DISCUSSION**

Supervisor Vanselow stated that it looks like a resolution is needed now for the EMS Tax District. Ms. Nessel explained the following: After the public hearing, the Town Board has to find that the proposed tax district meets NYS criteria below: Notice published and posted - All property and property owners are benefited - All property and property owners are included - Establishment of a district is in the public interest - Votes to establish district or not - If resolution to establish district passes, town must file in duplicate with NYS Comptroller's office: (as per NYS 209 (f) - Certified copy of public hearing notes - Proof of publishing and posting -

Map, plan, and report filed - Statement of aggregate assessed value of real property in district -
Statement of average valuation

RESOLUTION # 114 -14

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale The Town Board of the Town of Johnsbury, having found that the August 12, 2014 public hearing concerning the establishment of an ambulance district in the Town of Johnsbury was properly advertised and posted, the boundaries of the proposed ambulance district include and benefit all property owners in the Town, and the public interest is served by the creation of the ambulance district, voted to establish said ambulance district at the duly noticed meeting of the Town Board on Tuesday, August 19, 2014.

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

RESOLUTION # 115 -14

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that The proposed ambulance district boundaries will include the entire Town of Johnsbury. The proposed district will support emergency medical and ambulance transport services, for the purpose of providing pre-hospital emergency medical treatment and transporting sick or injured persons found within the boundaries of the Town of Johnsbury for treatment of such illness or injury, and thereby serving the emergency medical needs of those persons within the boundaries described herein.

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

Ms. Nettle stated that all the board has done at this time is established an Ambulance District. Now anyone in the Town can do a petition calling for a voter referendum which would require 36 signatures and filed with the town clerk by September 23, 2014 which would be the thirty days from tonight and then it would have to be turned in to the Board of Elections at Warren County and then they put it on the ballot. Supervisor Vanselow stated he would do a little more research on how the petition should be set up and what is required on the petition, so it is done correctly. Mr. Olesheski stated so at this time it is out of our hands except to break the cap. Supervisor Vanselow stated yes and that would be address next month, which we may need to hold a public hearing on breaking the tax cap because it's a law and all other laws we have had to hold a public hearing. Then hopefully we can pass it in October. Mr. Olesheski would like someone to put a petition together so it goes on the ballot in November. Supervisor Vanselow stated that he too would like to see it on the Ballot and he will be checking into if the Board can

place it on the ballot.

TOWN BOARD MEETING SCHEDULE

Supervisor Vanselow stated that this summer we had gone to one meeting a month, now that we are heading into the fall what are thoughts on one meeting a month or two a month. The bookkeeper is happy with one a month. Mr. Olesheski asked if there has been any complaining about payments. Supervisor Vanselow stated no, we are on a good schedule. Ms. Olesheski doesn't like the third week as a board meeting, he would like to see the second week. Ms. Ferguson suggested that warrants be paid still once a month. Mr. Olesheski went on to state that he would not be at the Nov 18th meeting. Ms. Nightingale also stated she wouldn't be at that meeting. Mr. Stevens stated he likes two meetings a month with the understand of June, July and August with one. Mr. Arsenault agrees with Mr. Stevens. Supervisor Vanselow stated that we will be returning to our approved regular schedule for the Town Board Meetings and when preparing the agenda if no items then will be cancelling that meeting.

FIRE COMPANY / DISTRICT DISCUSSION

Supervisor Vanselow stated setting up the fire district would be the same process as the EMS District and do they want to have that discussion with the five fire companies. Looking for support from the board to have this discussion know or extend the contracts for another year. Mr. Stevens suggested waiting until EMS was done. Mr. Arsenault instead of having them come to the Town board meeting to discuss - just sit down and see what they have to say, if you only have one that is interested it's not really worth moving forward. Also there is a lot of unanswered questions. Mr. Arsenault went on to state that he thinks EMS has given them a good road map as to how the process works. Supervisor Vanselow stated it would give the companies a chance to set their own budget's, but there are a couple of companies that fear change. Mr. Olesheski stated that we don't know how much the companies as a district would be looking for. It might be around the same amount as to what we pay out to them now or it could be a large number. Mr. Arsenault stated he agrees there are just too many unanswered questions at this time. If they do it who over sees the district? Do the 5 company's still stay where they are? In favor of having that discussion, if people will set down, exchange ideas and respect ideas. Mr. Stevens stated that he is not interested in pursuing this now. He would like to wait until the EMS is done that way they have the knowledge as to the process. Ms. Nightingale completely agrees the Mr. Stevens. Mr. Olesheski stated that if they want to start the discussion on the district why not start there. The ball is in their court. Ms. Ferguson stated that there is a Chiefs meeting on August 27th at 7 PM at the Riverside Fire House. Mr. Olesheski stated he would like to go to the Chiefs Meeting to discuss it and Supervisor Vanselow stated he would also go.

HIGHWAY GARAGE LIGHTING

Supervisor Vanselow stated a couple of months ago we received a quote from Hope Energy for the replacement of the lighting in the Highway Garage. Our share would be just over \$7,000 and National Grid contributes just over \$8,000 equaling about 60% funding. We get a break on the

installation which would bring our share down to \$6,669. We contacted two other electrical companies, Gore Electric did not want to put a quote in and we did receive one from Panther Mountain Electric for \$14,569, no contribution from National Grid in the quote. The annual savings for the year with the new lighting would be \$4,000.

RESOLUTION #116-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to accept Hope Energy's quote for the Highway Garage Lighting.

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

NEW BUSINESS

ZEO MONTHLY REPORT

Supervisor Vanselow noted that the ZEO monthly report was in the boards packets.

ACO MONTHLY REPORT

Supervisor Vanselow noted that the ACO monthly report was in the boards packets.

SUPERVISORS MONTHLY REPORT

Supervisor Vanselow noted that the Supervisor monthly report was in the boards packets.

RESOLUTION # 117-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the Supervisor's monthly report for the month of July 2014.

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

APPOINTMENT OF ATTORNEY FOR THE TOWN

Supervisor Vanselow stated that he has been working with **Matthew F. Fuller, Esq. from Meyer & Fuller** 161 Ottawa Street, Lake George, New York 12845. Attorney Fuller has been working out well and he would like to appoint him for the Town's Attorney for the remained of 2014. Mr. Arsenault asked if Attorney Fuller could come up so the Board could met him.

RESOLUTION # 118-14

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to appoint Mr. Matt Fuller Attorney for the Town of Johnsburg for the remaining of 2014.

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

STANDARD WORK DAY FOR ZEO - RETIREMENT REPORTING

Supervisor Vanselow stated that we needed to update the Standard Work Day and Reporting Resolution for the Zoning Enforcement Officer

RESOLUTION # 119-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to accept the updated standard workday and retirement report.

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

STEWARTS POND

Supervisor Vanselow stated that the town owns a good portion of Stewarts Pond AKA Goose Pond. One of the property owners that borders Stewarts Pond / Goose Pond would like to buy it. Supervisor Vanselow went on to state that if the Town was to do that he would like to offer to all property owners that boarder it. Another person that lives around there is concerned about it being a breeding ground for mosquito's.

TENNIS COURT FENCE REPAIRS

Ms. Ferguson stated that the third contractor came today and she is waiting on his quote for the Tennis Court Fence Repairs and concession stand replacement. It is an insurance claim with a \$1,000 deductible. The ball park figure is 15 to 25 thousand.

SENIOR MEALSITE - 5 YEARS LEASE AGREEMENT

Senior Meal site which Warren County leases for a \$1.00 a year expired in 2012 would like to sign the new lease agreement dated January 1, 2013 to December 31, 2017

RESOLUTION #120-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale authorizing Supervisor Vanselow to accept and sign the Lease Agreement with Warren County to lease the Senior Citizens Center for \$1.00 - lease agreement dates January 1, 2013 to December 31, 2017.

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

STREETSCAPE & RIVER FRONT PARK (SEORA)

Ms. Nightingale stated that the Board needs to do a SEQRA form for the Streetscape and the River Front Park. Supervisor Vanselow stated that he doesn't see any red flags on this. Ms. Nightingale asked if they could table until the next meeting.

RATIFICATION OF OCCUPANCY TAX

Supervisor Vanselow stated that a ratification resolution needs to be done for the Occupancy Tax for the Rail Fair & Chris Hitchcock Memorial Ride. Mr. Olesheski stated that the Occupancy Tax committee recommended that they each get \$500, the Town Board choose to go a little bit more and awarded them \$750.00 each.

RESOLUTION # 121-14

Mr. Olesheski, presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the retroactive approval of Occupancy Tax and award the Rail Fair and Chris Hitchcock Memorial Ride each with \$750.00.

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

BUDGET AMENDMENTS

Supervisor Vanselow explained there was a Budget Amendment - Recognize additional CHIPS and Extreme Winter Recovery Funds Available

RESOLUTION #122-14

Ms. Nightingale, presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept and approve the following Amendment to the 2014 Town Budget:

Budget Amendments August, 2014

1	Permanent Improvement EQ	DA51122	119,000.00	
	State Aid/CHIPS	DA3501		119,000.00

Recognize addl CHIPS and Extreme Winter Recovery Funds Available

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

BERM AND NEW ENTRANCE TO HIGHWAY DEPARTMENT

Supervisor Vanselow stated that Mr. David Crikelair would like a berm put up starting at the Nursing home and going down past the gate house. This would be moving the entrance down the road, Mr. Hitchcock wants it paved and Mr. Crikelair is mostly ok with that. After the entrance to the Highway Department then the berm would continue down past the well house. Mr. Hitchcock has a stock pile over there from work on Barton Mines road which Mr. Crikelair would use that material to build the berm and Mr. James Jones will be constructing it. Mr. Suozzo from Cedarwood Engineering's is requesting a list of items pertaining to this berm from Mr. Crikelair. Mr. Suozzo is stating that it needs to be an engineered plan. Ms. Nightingale is concerned about the well house and run off. Supervisor Vanselow stated that culverts will be needed and Mr. Crikelair would have to pay for it. Mr. Jones stated that they did need a storm water plain for this project.

RESOLUTION # 123-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale that that the following certified bills which have been reviewed by the board members be paid:

General Fund - \$56,431.35 - (Claim's #14-639 for \$559.76 and 14-646 for \$2,209.98 paid to National Grid already) Claim #14-639; Claim #14-646 through 14-648; Claim #147-650 though 14-670; Claim #14-686; Claim # 14-706; Claim #14-726; Claim #14-729 through 14-742; Claim #14-744; Claim #14-748

Highway Fund - \$171,446.86 - Claim #14-670 through 14-683; Claim #14-707 through 14-718; Claim #14-729 through 14-730; Claim #14-733; Claim #14-745 through 14-747

Capital Projects Fund - \$43.72 - Claim # 14-703

North Creek Water District - \$8,697.85 - Claim # 14-727 through 14-728; Claim # 14-730;

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Claim #14-732; Claim #14-743; Claim # 14-749 through 14-750

Library Fund - \$2,498.83 - Claim #14-719 through 14-725; Claim #14-729

Trust & Agency - \$3,133.20 - Claim #14-729 through 14-730

Total all warrants \$239,422.07 Plus 2 National Grid Bills \$559.76 and 2269.98 = \$242,251.81

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

PRIVILEGE OF THE FLOOR

Supervisor Vanselow opened privilege of the floor

LETTER FROM TRACY WATSON

Mr. Olesheski asked about the letter that was received from Ms. Watson regarding the posting of a speed limit on Park Road. Supervisor Vanselow stated they would have to do a resolution and Ms. Ferguson stated there are forms that will need to be filled out. Mr. Olesheski stated he thought a speed limit of 30 to 35 would be good.

RESOLUTION #124-14

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Stevens to accept the request for a speed limit of 35 with signage posted on Park Road.

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

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Arsenault at 9:40 p.m.

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

The Town Board regular meeting will be held at 7:00 p.m. on September 2, 2014, at the Wevertown Community Center, Wevertown, New York.

Prepared by Jo A Smith, Town Clerk



MEETING ATTENDANCE SIGN-IN

MEETING DATE: August 19, 2014

LOCATION: Tannery Pond Community Center

Please PRINT name and address clearly to assure the correct spelling in the minutes of this meeting.

1	Cherie Ferguson	North Creek
2	STEVE HAYES	NO. CREEK
3	ROBERT NESSLE	J-BURG
4	Kelly Nessel	J'burg
5	Joe Conroy	North Creek
6	Jim Jones	Johnsburg
7	Betty Jones	
8	Drew Briggs	NORTH CREEK
9	Jeanne Marshome	Johnsburg
10	James Hater	N. River
11	SANDRA RACILOT	WEVERTOWN
12	BILL BIBBY	NORTH CREEK
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