

**Minutes of the Town of Johnsburg  
Regular Board Meeting  
December 2, 2014  
Wevertown Community Center  
Wevertown, New York**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, December 2, 2014 at 7:00 p.m. at the Wevertown Community Center, Wevertown, 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

**APPROVAL OF MINUTES FOR NOVEMBER 18, 2014**

***RESOLUTION # 181-14***

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to accept the minutes of the November 18, 2014 Regular Board Meeting which was held at the Tannery Pond Community Center, North Creek, New York as written.

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

**CORRESPONDENCE:**

1. ***Justin Minder & Sandra Penny*** - Requesting having the park curfew extended to midnight on the eve of July 18, 2015 to give them additional time for clean up after their wedding.
2. ***Dexter Baker*** - annual letter from Mr. Baker applying for the Animal Control Officer position.
3. ***Sherry Williams Bookkeeper*** - requesting the board to pass a resolution that as bookkeeper would allow her to keep the account at Community Bank NA for the Health Reimbursement Plan funded as needed by making transfers, approved by the Town Supervisor from the Money Market account.
4. ***Cherie Ferguson, Secretary, Town of Johnsburg & Chief of North Creek Fire Company*** - requesting an additional 10 hours of paid leave to respond to emergencies

**COMMITTEE REPORTS:**

Supervisor Vanselow asked if there were any committee reports - Mr. Olesheski stated that they found another committee member, Mr. John Stafford. Received 14 applications totaling \$66,653.45. The funds that are available are \$33,600. Mr. Olesheski stated that the town reserves 1/3 of the funds which he would like to talk with Supervisor Vanselow about. The committee has had the applications since before Thanksgiving and are scoring them. Their next meeting will be next week and they will be starting their recommendations at our next meeting December 16th.

**OLD BUSINESS****WINTER PARKING ON MAIN STREET, NORTH CREEK**

Supervisor Vanselow stated that in the Boards packet was the Local Law #1 of 1999, which is our Main Street Parking Ordinance. As discussed before it is not workable because of the time frame and confusion as to which side of the street they are supposed to be parking on. Supervisor Vanselow went on to stated, the recommendation from the Business Owners on Main Street was to have no overnight parking on the Eastside of the road from November to April. Supervisor Vanselow went on to state that he has put that recommendation into a draft. In section 5 the italics would be the new language and the strike through is what would be removed.

**Section 5 - PARKING, STANDING AND STOPPING ~~The parking of vehicles on~~ *There shall be no overnight parking on the east side of Main Street between November 15 to April 15, between the intersections of Main Street, also known as County Route 77, (hereinafter referred to as "Main Street") between the intersections of Main Street and State Route 28N and Main Street and Ski Bowl Road. shall be restricted to the east side of the street on even days of the week and on the west side of the on odd days of the week between 2 a.m. and 6 a.m. from November 15 to April 15.***

Supervisor Vanselow stated if the Board wanted to proceed with this they would need to schedule a public hearing.

**RESOLUTION # 182-14**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to hold a public hearing on January 6, 2015 at the Wevertown Community Center, Wevertown, NY at 7:00 PM for the purpose of considering Proposed Local Law #1 of 2015 entitled ***A Local Law of the Town of Johnsbury, Warren County, New York to Regulate Parking upon the Highways within the Corporate Limits of the Town of Johnsbury***, at which time and place said Town Board will consider the proposed Local Law and hear all persons interested in the same. The purpose of this Proposed Local Law is to amend Local Law #1 -1999 to no overnight parking on the eastside of Main Street between November 15 to April 15. Also, to authorize the Town Clerk to place a legal ad in the North Creek News.

With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Stevens,

Nightingale, Olesheski, Vanselow) Nays – 0

### **PORTER ROAD DISCUSSION**

Supervisor Vanselow stated that Mr. David Crikelair wants the Town to maintain Porter Road, but not to put any money into it for upgrading. Mr. Hitchcock wants the Town Board to make the decision to plow it or not, it would be an additional .07 miles. There was a verbal agreement with Mr. Crikelair to hire a third person to plow the road and the Town would pay for it. Mr. Hitchcock believes it would be a better to hire Mr. Jones to do the plowing. Supervisor Vanselow stated that he tried to reach Mr. Hitchcock to have him come to the board meeting but he was on the road and he couldn't get a hold of him.

Mr. Arsenaault asked why are we making the call.

Supervisor Vanselow stated that the lawyer at the State Highway Superintendents Association that it's up to the Town Board to designate the level of maintenance the road would get because it is a seasonal road. Mr. Arsenaault asked if Mr. Hitchcock has spoken with our attorney regarding the road. Supervisor Vanselow stated that Mr. Hitchcock has and the general information that he has received is that we will have to maintain the road.

Mr. Olesheski asked if the road was up to par. Supervisor Vanselow stated not as far as Mr. Hitchcock is concerned because he went in there a couple of weeks ago and got his truck stuck. Supervisor Vanselow went on to state that if the road is not brought up to spec's and if there was a fire and the fire trucks can't get in there who is going to be responsible.

Supervisor Vanselow asked Mr. Jim Jones how much his quote was to plow the road? Mr. Jones stated \$70 every time he goes in there, 10 to 12 times a year to plow, a max of \$2,000.

Mr. Stevens stated we should just turn it over to our attorney and have something in writing from the attorney before doing anything.

### **DIRECTIONAL BORING**

Supervisor Vanselow stated that Mr. Jones was award the Directional Boring in the amount of \$5,236.00 for the Waterfront Enhancement Waddell Building which did not work out. Cedarwood Engineering sent Supervisor Vanselow an email that they have been in contact with Bellamy Construction the second bidder on this project and they will still honor their quote of \$14,450.00 for the boring. This is part of the Grant so it is reimbursable. Mr. Jones stated that he has called a couple of other drillers to see what he could get it done for and is awaiting a call back from them. Mr. Stevens asked if there is a reason for it to be done now. Ms. Nightingale stated yes because they need to use the grant money so they don't lose it. Mr. Olesheski stated that it looks like quite a difference in price, if Mr. Jones found someone could we still do it under him? Mr. Jones stated if he could get someone to do it for the \$5,236.00 then he could just do it and if it was more then he would be in contact with Supervisor Vanselow.

Supervisor Vanselow stated that he would like to back up for a moment to the Correspondence

The request from **Justin Minder & Sandra Penny** - regarding the park curfew - extended to midnight on the eve of July 18, 2015 to give them additional time for clean up after their wedding.

***RESOLUTION # 183-14***

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to extend the park curfew for Justin Minder & Sandra Penny to midnight on the eve of July 18, 2015 to give them additional time for clean up after their wedding.

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

Supervisor Vanselow stated the next request was from **Sherry Williams our Bookkeeper** - who is requesting the board to pass a resolution that as bookkeeper would allow her to keep the account at Community Bank NA for the Health Reimbursement Plan funded as needed by making transfers, approved by the Town Supervisor from the Money Market account.

***RESOLUTION # 184-14***

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to allow Sherry Williams, bookkeeper for the Town of Johnsbury to keep the account at Community Bank NA for the Health Reimbursement Plan funded as needed by making transfers, approved by the Town Supervisor from the Money Market account.

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

Supervisor Vanselow stated the last request was from **Cherie Ferguson, Secretary, Town of Johnsbury & Chief of North Creek Fire Company** - requesting an additional 10 hours of paid leave to respond to emergencies. After a brief discussion and concerns from the public

***RESOLUTION # 185-14***

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to grant Ms. Ferguson, Secretary, Town of Johnsbury & Chief of the North Creek Fire Company an additional 10 hours of paid leave to respond to emergencies.

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

**NEW BUSINESS**

**ANIMAL CONTROL OFFICER'S MONTHLY REPORT**

Supervisor Vanselow noted that the Animal Control Officer's Monthly Report was late and not in

the boards packets.

### **ZEO MONTHLY REPORT**

Supervisor Vanselow noted that the ZEO's monthly report was in the Boards Packets.

### **CLEMENTS - ESCROW REFUND**

Supervisor Vanselow stated Ms. Clements would like to get the balance of her escrow funds back from the sub-division that she did in North River. Supervisor Vanselow went on to state that all bills have been satisfied and the Chairman of the Town of Johnsbury Planning Board Mr. Nester has confirmed that via an e-mail.

### **RESOLUTION # 186-14**

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to return the balance of her Planning Escrow in the amount of \$1,323.25 to Ms. Clements and to include it in the current warrant.

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

### **BUDGET AMENDMENTS**

Supervisor Vanselow explained out the following budget amendments

### **RESOLUTION # 187-14**

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to approve the following Budget Amendments which have been reviewed by the board members:

Budget Amendments December,  
2014

1	Justice CE	A11104	1,500.00	
	State Aid/Other (used to record Justice Grant)	A3089		1,500.00
	Recognize Grant Funds for Justice Bench, etc			
2	Personnel PS	A14301	1,000.00	
	Contingency	A19904		1,000.00
	Adjust for increased salaries			

Town Board Meeting                      2 December 2014

3	Unallocated Insurance	A19104	995.00	
	Insurance Recoveries	A2680		995.00

Allocate Insurance Settlement Payment to addl  
Insurance

4	Youth Programs CE	A73104	1,500.00	
	Youth Programs PS	A73101		1,500.00

Allocate unused PS funds to CE funds for  
Youth

5	Library CE	L74104	3,000.00	
	Gifts & Donations	L2705		3,000.00

Allocate Grant Funds raised by Library to Library CE Appropriation line

6	Recycling CE	A80904	1,600.00	
	Contingency	A19904		1,600.00

Allocate Contingency Funds for  
underbudget line

7	Buildings CE	A16204	20,000.00	
	Streetlighting CE	A51824	5,000.00	
	Parks CE	A71104	10,250.00	
	General Fund Balance	A915		35,250.00

Use Fund Balance to cover unbudgeted expenses for Stables/Scales Bldgs;  
LED  
Conversion at Hwy Garage; Tennis Court Fence Replacement; higher  
than  
anticipated electric costs

8	FEMA	DA87604	10,000.00	
	Medical Insurance	DA90608	3,000.00	
	Highway Fund Balance	DA915		13,000.00

Use Fund Balance to cover unbudgeted expenses

9	Sanitary Sewers CE	SW81204	7,500.00	
	Source Power Pump CE	SW83204	30,000.00	
	Water Fund Balance	SW915		37,500.00

Use Fund Balance to cover unbudget expenses for Waterfront  
Revitalization/  
Streetscape/Booster Station  
Upgrade

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

### **DRUG & ALCOHOL TESTING CONTRACT**

Supervisor Vanselow explained that it was time to renew the Drug & Alcohol Testing Contract for the year.

### ***RESOLUTION # 188-14***

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to accept the Drug & Alcohol Testing Contract for the year of 2015.

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

### **EMS CONTRACT**

Supervisor Vanselow stated that before Thanksgiving he had a meeting with Mr. Joe Conley and Ms. Kelly Nettle regarding the proposed EMS contract. Supervisor Vanselow went on to state that he doesn't believe the contract has to be signed by the first of the year but a price list must be in place so we will be doing that at the next meeting. Supervisor Vanselow stated regarding the contract, town attorney has a copy and all board members have it in there packets. Two things that stuck out was on page 2 item #3.2 which is the compensation schedule, it looks like we are paying them a lot of money but this also includes the collections from billing. Supervisor Vanselows concern is what if billing is down, the Town is not going to make up the difference. Mr. Olesheski asked about #3.1 \$552,341, he understands the concept but what if calls are down for that quarter. Supervisor Vanselow stated that is why he wants the language tightened up. Supervisor Vanselow went on to state the other item is on page #3 #7 Termination - 60 days written notice - talked about changing to 90 days, also under "b" it states material breach or failure to perform, it doesn't say if you fail to pay or fail to perform, there is nothing that triggers that breach of contract. Supervisor Vanselow went on to state that the Towns lawyer and EMS's lawyer needs to work this out.

### **WARRANTS**

Supervisor Vanselow asked about paying the warrants

### ***RESOLUTION # 189-14***

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

**General Fund** - \$55,266.80 - Claim #14-1034 to 14-1051 (General Fund total includes \$1,323.25 for Clement Resolution #14-186 - Claim # ?)

**Highway Fund** - \$102,536.65 - Claim #14-1034 to 14-1036; 14-1050; 14-1052 to 14-1061

**Capital Projects Fund** - **\$7,630.00** - Claim #14-1051; 14-1068

**North Creek Water District** - \$19,358.83 Claim #14-1035; 14-1062 to 14-1067

**Library Fund** - \$5,674.72 Claim #14-1034; 14-1036

**Trust & Agency Fund** - \$3,338.95 Claim #14-1034; 14-1035

**Total all warrants - \$192,482.70 Plus \$1,323.25 = \$193,805.95 (which includes Clements refund per Resolution 14-186)**

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

**PRIVILEGE OF THE FLOOR**

Supervisor Vanselow opened privilege of the floor

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Olesheski at 8:20 p.m.

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

The Town Board regular meeting will be held at 7:00 p.m. on Tuesday December 16, 2014, at Tannery Pond Community Center, North Creek, NY.

-----  
Prepared by Jo A Smith, Town Clerk

### MEETING ATTENDANCE SIGN-IN

MEETING DATE: December 2, 2014

LOCATION: Wevertown Community Center

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

1	<i>Jim &amp; Betty Jones</i>	
2	ROBERT NESSLE	J-BURG
3	Terence Allard	North Creek
4	Aidan Conolly	North Creek
5	Joe Conolly	North Creek
6	CHRISTIAN HOLT	J-Burg
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		