

**Minutes of the Town of Johnsburg Regular Board Meeting March 5, 2013  
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, March 5, 2013 at 7:00PM at the Wevertown Community Center, Wevertown, NY. Supervisor Vanselow called the meeting to order at 7:04pm and the pledge to the flag was led by Supervisor Vanselow.

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

Guests: On attached list

**RESOLUTION NO. 41**

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the minutes of the February 19, 2013 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

**CORRESPONDENCE:**

1. A letter from the NYS Department of Transportation notifying of highway repair at various locations in the region. Town Clerk William Rawson reported that Highway Superintendent Daniel Hitchcock had stated that none of the projects listed directly affects the Town of Johnsburg Highway or roads; the nearest projects being the work on the State Route 28N bridge in North Creek and the painting of the State Route 28 bridge at The Glen. The notification and list will be available to the public at Town Hall upon request.

**COMMITTEE REPORTS:**

Supervisor Vanselow informed the Town Board that the ad hoc Town Board committee formed to review the books of the Town Clerk, Tax collection, Town Justice and bookkeeper (Arsenault, Vanselow) had performed a brief audit, inspection and review of the cash books of the Town Clerk, the tax collection and the Town bookkeeper for 2012 earlier today and all seemed to be in order. Supervisor Vanselow said that the committee would review the cash books of the Town Justice at a later date. Supervisor Vanselow asked that he Town Board accept the report of the ad hoc committee.

**RESOLUTION NO. 42**

Supervisor Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board accepts the report from the ad hoc Town Board committee formed to review the books of the Town Clerk, Tax collection, Town Justice and bookkeeper (Arsenault, Vanselow) that the committee had met and performed a brief audit, inspection and review of the cash books of the Town Clerk, the tax collection and the Town bookkeeper for 2012 earlier today and all seemed to be in order. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

## OLD BUSINESS:

Supervisor Vanselow reminded the Town Board that at the previous Town Board meeting there had been a discussion of his vote on the countywide resolution regarding the New York Safe Act at the Warren County Board of Supervisors and that Mr. Olesheski had expressed an interest in the Town Board also passing a resolution on this issue; to this end Supervisor Vanselow explained that he had written a resolution for the Town Board on this issue. Supervisor Vanselow read aloud the suggested resolution which appears below, noting that it was based upon suggestions from Representative Daniel Stec, the Warren County Board of Supervisors' resolution and input from others. Supervisor Vanselow asked if there was any comment or discussion on the resolution from the Town Board. Mr. Olesheski said that it was a fine resolution.

Supervisor Vanselow asked for public comment. Mr. William Russell agreed with Mr. Olesheski's comment on the resolution. Mr. Robert Nettle asked when the Town Board planned on voting on this resolution. Supervisor Vanselow replied that the vote will be called probably tonight. Mr. Nettle pointed out that the Town Board will be doing the exact same thing as the resolution complains of in passing a resolution without sufficient time for hearings and discussion. Supervisor Vanselow said that if this was a law that he would agree, however, this is only an expression of opinion from the Town Board and the townspeople in general to whom he has spoken. Mr. Nettle asked how many townspeople Supervisor Vanselow had spoken to suggesting possibly three or four hundred residents. Supervisor Vanselow replied that it had not been that large a number. Mr. Nettle suggested that the proposed resolution be published in the newspaper and a date for passage be set in about a month. Mrs. Wendy Russell said that the topic had been discussed in the newspaper. Mr. Nettle said that the specific wording had not been made public prior to tonight. Supervisor Vanselow replied that he had shared it with the Town Board members. Supervisor Vanselow asked if the point that Mr. Nettle was making was that the resolution was not representative of the Town or that it had not been publicly discussed. Mr. Nettle said that he objected to the lack of discussion. Supervisor Vanselow said that he believed that this topic had been the subject of much discussion in Town including social media and there are many people who use the social media; he added that at the previous Town Board meeting that the topic had been discussed at length between himself and Mr. Nettle. Supervisor Vanselow said that a handful of people were present who did not normally attend due to the agenda and the newspaper articles which had indicated that this topic would be discussed.

Mr. Olesheski said that all of the Town Board members take their position seriously and that they are looking at the resolution as representatives of the community rather than as our own personal beliefs and he believes that all the members have discussed this issue with members of the public and he believes that the public supports this resolution. Mr. Olesheski said that he was ready to vote on the resolution.

Mr. Nettle said that this resolution obviously represents the opinion of five people in this room and asked about the possibility of a group with a different resolution to be presented for a vote. Supervisor Vanselow said that he did not believe that Mr. Olesheski had meant to say that he spoke for all of the Town Board members and he thinks that if a group wished to form in support of the NY Safe Act and the use of a message of necessity to ram it through without any meaningful discussion that they are welcome to get together

and present their point of view to the Town Board. Supervisor Vanselow said that the Town Board will be discussing numerous items that have not been published in the newspaper and do not require publication prior to being acted upon. Supervisor Vanselow asked if there was any further comment and seeing no one seeking recognition called for a vote on the proposed resolution.

#### RESOLUTION NO. 43

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

#### A RESOLUTION EXPRESSING DISSATISFACTION WITH THE PROCESS EMPLOYED BY THE NEW YORK STATE LEGISLATURE WHEN ADOPTING THE NY SAFE ACT AND SOME ELEMENTS OF THE ACT ITSELF

WHEREAS, on January 15, 2013, the New York State Legislature passed the NY Secure Ammunition and Fire Arms Enforcement Act of 2013 (NY SAFE Act) and Governor Cuomo signed the legislation into law the same day, and

WHEREAS, the Town Board of the Town of Johnsburg maintains that when a State government decides to test and restrict the boundaries of constitutional protections, such action should be done with prudence and caution and only after our elected State legislators have had ample opportunity to study, review and debate the need for new or further legislation and the merit of any proposed legislation, and the affected public including lawful gun owners and non-gun owners in New York State should have an opportunity to be heard and comment upon proposed legislation which will test and restrict fundamental constitutional rights including rights guaranteed under the Second Amendment to the United States Constitution, and

WHEREAS, the NY SAFE Act was adopted by the New York State Legislature and signed into law by Governor Cuomo in an unprecedented expedited fashion and completely devoid of any opportunity for our elected State legislators to study, review and debate the legislation and without any opportunity for the public to comment upon the legislation or to have any input whatsoever upon the legislation, and

WHEREAS, the Johnsburg Town Board recognizes the horrific and needless loss of life and irreparable damage that can be caused when violent criminals or mentally ill individuals possess and use firearms, and

WHEREAS the Johnsburg Town Board recognizes that there are some elements of the NY SAFE Act that are worth keeping including the strengthening of Kendra's Law, increased penalties for illegal firearm usage and the measures taken to protect first responders.

WHEREAS, a more full and detailed public discussion and debate about how to keep guns out of the hands of the mentally ill and violent criminals is desperately needed and, as adopted, the NY SAFE Act focuses too much on infringing the rights of law abiding gun owners in New York State while not addressing in any meaningful fashion keeping firearms out of the hands of criminals and the mentally ill, now, therefore, be it

RESOLVED, that the Johnsburg Town Board expresses its dissatisfaction with the process engaged by Governor Cuomo and the State Legislature in enacting the NY SAFE Act, and be it further

RESOLVED, that the Johnsburg Town Board encourages Governor Cuomo to meet with interested parties to address problems that have arisen due to the hasty enactment of the NY SAFE Act and thereafter propose amendments to the NY SAFE Act which will protect the rights of law abiding gun owners in New York State and focus upon the real problem of firearms being in the hands of criminals and the mentally ill, and be it further

RESOLVED, that the Clerk of the Town of Johnsburg be, and hereby is, authorized and directed to forward copies of this resolution to Governor Andrew M. Cuomo; Senator Elizabeth O'C. Little; and Assemblyman Daniel G. Stec.

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

Supervisor Vanselow said that he has spoken to Brian Towers regarding the cable television franchise contract extension proposed by Hamilton County Cable TV, Inc and Gore Mountain Cable TV as requested by members of the Town Board at the previous Town Board meeting. Supervisor Vanselow explained that at one point that money had been set aside annually in the approximate amount of \$3000.00 for use by the cable company in expanding into areas of the Town not already covered by the cable company and in recent years it has been turned over to the Town funds. Supervisor Vanselow reported that Mr. Tower had said that if those funds were allowed to be retained by the cable company that expansion could be done. Supervisor Vanselow explained that the "non exclusive" clause in the contract meant that while another cable company could come into the Town of Johnsburg that the new company would either have to provide their own infrastructure or negotiate with Hamilton County Cable TV, Inc and Gore Mountain Cable TV for the use of their infrastructure. Supervisor Vanselow said that the original contract had been for ten years and the extension was for five years and that there was no particular reason for the difference.

Mr. Olesheski asked if the contract extension would begin when signed or continue from the date of expiration of the original contract. Supervisor Vanselow replied that he believed that it would continue from the date of expiration in 2012. Mr. Olesheski asked if there were any additional questions from Mr. David Bulmer which were not answered and wondered if Mr. Bulmer had asked to look over the contract. Supervisor Vanselow said that there had been a question about oversight of rate increases. Supervisor Vanselow explained that the Federal Communications Commission had taken away the right of municipal oversight on rates. Supervisor Vanselow said that the NYS Public Service Commission has some oversight. Ms. Nightingale said that there are limits to the extent of an increase through those agencies.

Mr. Arsenault asked if the return of the \$3000.00 annually would result in an immediate expansion or if it would take several years to accumulate enough money to pay for an expansion of the service area. Supervisor Vanselow said that it appeared to be totally based upon the population density and that the two possible areas of expansion

seem to be the Garnet Hill area in North River or the Harrington Road area in Wevertown.

Mr. Olesheski asked if the cable access channel was included in the contract extension and added that he was in favor of operating it with volunteer service. Supervisor Vanselow said that it was an available service and noted that the Chamber of Commerce had limited staffing at this time.

#### RESOLUTION NO. 44

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens to authorize the Town Supervisor to execute the five year extension of the cable television franchise contract as proposed by Hamilton County Cable TV, Inc and Gore Mountain Cable TV from December 17, 2012 for a five year period. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

Supervisor Vanselow informed the Town Board that Engineer Kathleen Suozzo has asked that he request authorization from the Town Board to execute a Certificate of Substantial Completion for the work on the Transfer Station Repair and Reconstruction project. Mr. Arsenault asked if the project was completed and Mr. Olesheski asked if the training was also completed as well. Supervisor Vanselow replied that the project is done and the training has been done and the compactor is in use. Ms. Nightingale asked if the word substantial was being used in an engineering definition to say that the project is completed; Supervisor Vanselow said that it means fully done. Mr. Olesheski asked if this document is needed to submit for the final payment from the insurance company; Supervisor Vanselow said that he believes that it will be needed. Mr. Arsenault asked for a report on the final insurance settlement when it is received. Supervisor Vanselow said that he would make it available after it is received.

#### RESOLUTION NO. 45

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale to authorize the Town Supervisor to execute the Certificate of Substantial Completion for the work on the Transfer Station Repair and Reconstruction project as Engineer Kathleen Suozzo has agreed that the project is completed. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

#### NEW BUSINESS:

Supervisor Vanselow reminded the Town Board that for the past several years that the Town of Johnsburg has contracted with Alonzo Fireworks to provide the fireworks display for the Independence Day Celebration held at the Ski Bowl Park and he would recommend that the Town contract with that company again this year. Supervisor Vanselow explained that Secretary Cherie Ferguson has spoken to other fireworks companies and discussed the amount of money to be spent and been told that she will need to design our display whereas, Alonzo Fireworks will design the display based upon the amount of money to be spent. Secondly, the person who had coordinated the celebration for Braley and Noxon in the past does not work for that company anymore and this has lead to some organizational issues which are being resolved. Finally, since Alonzo Fireworks has been doing the fireworks display here for so many years they have

kept the date available for us and other companies are filling up quickly. Supervisor Vanselow asked the Town Board for authorization to sign the contract.

Mr. Olesheski asked the cost of the display. Supervisor Vanselow replied that the cost was a total of \$8,000.00 with the Town of Johnsbury paying \$5,000.00 and Braley & Noxon contributing \$2500.00. Mr. Olesheski asked if the funding was coming from the general fund. Supervisor Vanselow said that he believed so as the Occupancy Tax monies had been dispersed.

#### RESOLUTION NO. 46

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the Supervisor to sign the contract with Alonzo Fireworks to provide a fireworks display for the Independence Day Celebration at an overall cost of \$8000.00 with funding from Occupancy Tax monies in the amount of \$5,500.00 and \$2500.00 from a Braley & Noxon donation. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow informed the Town Board that last year the Chamber of Commerce and the Business Alliance thought that it would be a good idea to hold a fishing derby for children at the Ski Bowl Park pond in conjunction with the Adirondack Adventure Festival. Ms. Nightingale said that this was a Chamber of Commerce idea not the Business Alliance.

Supervisor Vanselow said that over the course of several months of discussion with Paul Butler, Director of the Warren County Parks and Recreation Department about stocking the pond for a fishing derby that both Mr. Butler and the NYS Department of Environmental Conservation had agreed to stock the pond for a children's fishing derby. Supervisor Vanselow explained that Mr. Butler had said that he could stock the pond in one of two ways depending upon how the ice goes out of the ponds. Supervisor Vanselow said that if there was an early spring ice out that the stocking would be of 125 fish just after ice out and another 125 just prior to the derby; if it was a later ice out then he would stock the entire amount just before the fishing derby. Supervisor Vanselow said that he would like the Town Board to authorize informally posting the pond as a "No Fishing" site prior to the fishing derby to preserve the fishing for the children. Supervisor Vanselow said that he understands that families like to go there to picnic and fish and he appreciates that, but he believes that for a short time prior to the fishing derby it would be good to try to preserve the fish for the children.

Mr. Stevens said that he wonders if the signage should be worded stronger than please don't fish here. Mr. Olesheski said that he has spoken to the Warren County fish facilities director who had told him that to do this correctly that the Town should have proper signs which say either "no adult fishing" or "no fishing" for law enforcement to stop fishing. Supervisor Vanselow said that he did not want tickets issued. Mr. Olesheski said that in Crandall Park in Glens Falls that the Department of Environmental Conservation has checked licenses and reminded people fishing of the upcoming fishing derby and asked that they not fish. Mr. Stevens said that he would propose a resolution to put up signage to ask for "no fishing" during the period just prior to the children's fishing derby and also to place public advertising.

#### RESOLUTION NO. 47

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the placement of signage to ask for "no fishing" at the Ski Bowl Park pond during the period just prior to the fishing derby for children to be held in conjunction with the Adirondack Adventure Festival, and further, to authorize advertising to inform the public of this request. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow informed the Town Board that he had received a request from the Johnsbury Historical Society for high speed internet access at the Wevertown Community Center. Supervisor Vanselow said that there was high speed access for the Town Justice, but that should remain separate and secure. Ms. Nightingale asked why two separate connections were necessary. Supervisor Vanselow replied that currently the Historical Society has a dial up connection and they would like the Town to provide a high speed connection to assist in downloading large volume files which they receive.

Ms. Nightingale asked why one connection being used by two separate systems would not be secure. Supervisor Vanselow said that he could speak to the Town Justice and ask him to speak to the support staff from the Unified Court System about the possibility of using that connection. Mr. Arsenault asked if the Town or the state through the Unified Court System paid for the Town Justice connection. Supervisor Vanselow replied that he believed that the Town paid for the Town Justice connection although the state has supplied a great deal of hardware and software for the Town Justice Court. Supervisor Vanselow explained that when the auditors from the New York State Comptroller's Office in Town Hall last year that they were not pleased with the bookkeeper using wireless service from the library, even though it was password protected, due to security issues. The Comptroller's Office insisted on a separate wireless service for the Town offices and this may also be the case with the Town Justice court connection.

Supervisor Vanselow said that he has checked with the provider and found that a separate line would cost about fifty dollars per month; about six hundred dollars annually. Supervisor Vanselow said that the Historical Society is a group of dedicated people who do good work for the Town and ask little in return; he added that he would like to honor their request. Supervisor Vanselow said if another user could be added to the Town Justice connection he would want to go that way and if not with a separate connection at a cost not to exceed six hundred dollars annually. Mr. Stevens asked where in the budget the funding would come from. Supervisor Vanselow said that there is a line for the Historical Society in the General Fund, but it would not be sufficient to fund the connection.

Mr. Olesheski asked if there was public wireless access in the Wevertown Community Center. Supervisor Vanselow replied that there currently is not, but he would like to pursue that as well so as to allow attorneys to use it at court and possibly for presentations.

#### RESOLUTION NO. 48

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the Town Supervisor to pursue a high speed access for the Johnsbury Historical Society with public wireless access included as well by the least expensive method possible. With 5 members voting in favor, the resolution is declared

carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of February 2013 was in the Town Board members' packets.

Supervisor Vanselow noted that the monthly report of the Animal Control Officer William Mosher for the month of February 2013 was in the Town Board members' packets.

Supervisor Vanselow explained that the Supervisor's Monthly Report, for the months of January 2013 and February 2013 was in the Town Board members' packets.

Supervisor Vanselow said that there were three budget amendments for the 2013 budget to be acted upon. Supervisor Vanselow explained that the first two amendments are the re-appropriation of Occupancy Tax funds, and the re-appropriation of Planning escrow funds for use in 2013; the third is to appropriate planning escrow funds received in January for a project to be reviewed by the Planning Board. Supervisor Vanselow asked that the Town Board accept the budget amendments.

RESOLUTION NO. 49

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept and approve the following amendments to the 2013 Town Budget:

Budget Amendments March, 2013

1. Appropriated Fund Balance	A599	\$41,45430
Appropriations	A960	\$41,45430
Occupancy Tax	A6410.4.2	\$41,45430
Re-Appropriate Occupancy Tax Carryover from 2012		
2. Planning Contractual/Tall Timbers	A8020.4.7	\$242.12
Planning Board Fees/Tall Timbers	A2115.7	\$242.12
Planning Contractual/Taylor Ledges	A8020.4.6	\$21.50
Planning Board Fees/ Taylor Ledges	A2115.6	\$21.50
Planning Contractual/FSMD	A8020.4.5	\$94.49
Planning Board Fees/ FSMD	A2115.5	\$94.49
Planning Contractual/Ward Hill	A8020.44	\$816.07
Planning Board Fees Ward Hill	A2155.4	\$816.07
Appropriated Fund Balance	A599	\$1,174.18
Appropriations	A960	\$1,174.18
Fund Balance	A909	\$1,174.18
Revenues	A960	\$1,174.18

Re-Appropriate 2012 Balances of Planning Escrow Accounts

3. Appropriated Fund Balance	A599	\$2,500.00
Appropriations	A960	\$2,500.00
Planning/Shield's Farm	A8020.4.95	\$ 2,500.00
Planning Revenue/Shield's Farm	A2115.9	\$ 2,500.00

Increase Appropriations for Planning and Development Funds Received Jan.

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

Supervisor Vanselow informed the Town Board that the possibility of instituting direct deposit of payroll checks for Town employees and officials was being looked into and he expects to have a recommendation on this issue in the near future.

Supervisor Vanselow asked that the Town Board authorize the final retainage payment of the Transfer Station Repair/Rebuild project to A.B. Construction and Environmental, LLC. in the amount of \$4,482.49 (Claim #2013-232) with the following conditions: receipt by the Town of Johnsbury of acceptable proofs of the release of liens from the subcontractors who worked on said project and secondly, the receipt of the maintenance bond on the workmanship on the project from A.B. Construction and Environmental, LLC.

RESOLUTION NO. 50

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski to authorize the Town Supervisor to pay Claim #2013-232, to the order of A.B. Construction and Environmental, LLC. in the amount of \$4,482.49 for retainage on the Transfer Station Repair/Rebuild project with the following conditions: receipt by the Town of Johnsbury of acceptable proofs of the release of liens from the subcontractors who worked on said project and secondly, the receipt of the maintenance bond on the workmanship on the project both to be provided by A.B. Construction and Environmental, LLC. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

RESOLUTION NO. 51

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale that the following certified bills which have been reviewed by the board members be paid: General Fund (Total \$23,188.24) - Claim #2013-204 and #2013-205 and Claims#2013-209 through #2013-217 and #2013-220 through #2013-227; Highway Fund (Total \$43,127.04)- Claims #2013-204 and #2013-205 and #2013-218 and #2013-227 through #2013-230 and #2013-142 ; North Creek Water Dist.(Total \$1916.25)- Claims #2013-204 and #2013-219 and #2013-231; Library Fund (Total \$812.85) - Claim #2013-205; Capital Projects Funds (Total \$4,482.29) Claim #2013-232; Johnsbury Fire Protection District (Total \$120,000.00) Claims #2013-233 through Claim #2013-235; Trust and Agency (Total \$2503.28) Claims #2013-204 through #2013-208; Total all warrants \$196,030.15 and further, that Claim #2013-232 has additional conditions as

listed in Resolution Number 50. 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. Robert Nettle reminded the Town Board that during the discussion of the Town Board looking for a site to acquire which has sand suitable for highway use on it and he had suggested that the Town Board plan on setting aside about \$10,000.00 annually for five or six years for the reclamation of the current sand pit area by the Ski Bowl Park so as to create additional park land. Mr. Nettle said that he thinks that some fairness logic exists that the Town has had the benefit of free road sand from lands within the Ski Bowl Park. Mr. Nettle said that it is not fair for the taxpayers to pay for the new sand source and for the reclamation of the current sand mine. Mr. Nettle said that it would have been fair for the Town to have set up a fund to reclaim the mine forty years ago when the Town began using sand from that site. Supervisor Vanselow said that he agrees with the suggestion of funding and he believes that there is an existing plan; he added that he is not sure that the existing plan includes the entire area and believes that it would have been very difficult to stabilize the area without the removal of the sand from the entire area. Supervisor Vanselow said that the planning is a prudent move.

Mr. Arsenault said that the Town has not been using that sand for forty years; he added that during the 1980's when Clarence Beattie was the Superintendent of Highways that he was spending about \$100,000.00 annually to buy sand for the roads. Mr. Arsenault agrees that it would be prudent to begin planning for the closure of the sand mining.

Mr. Olesheski asked if the current mining permit contains a reclamation plan. Ms. Nightingale said that she was sure that the reclamation plan would be required. Mr. Olesheski said that a new reclamation plan will probably be needed for the new site and that planning is a good idea. Supervisor Vanselow said that there may be a third partner involved if Front Street takes over a portion of the property in the land swap portion of the agreement to set up their development.

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Olesheski at 7:55pm. 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 March 19, 2013 at the Sodom Scout Hall, North Creek, NY.

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Prepared by William Rawson, Town Clerk