

**Minutes of the Town of Johnsburg Regular Board Meeting April 2, 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, April 2, 2013 at 7:00PM at the Wevertown Community Center, Wevertown, NY. Supervisor Vanselow called the meeting to order at 7:00pm and the pledge to the flag was led by Supervisor Vanselow.

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

Guests: On attached list

RESOLUTION NO. 52

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the March 5, 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. Municipal Shelter and Dog Control Officer inspection reports from the New York State Department of Agriculture and Markets rating the shelter and the Dog Control Officer as satisfactory.
2. A letter from North Creek Cub Scout Pack 36 Committee Chair Tara Sears requesting that the Town Board waive the \$150.00 annual building use fee for the Cub Scouts to use the Tannery Pond Community Center for meetings.
3. A letter from Town of Johnsburg Safety Officer Cherie Ferguson informing the Town Board of possible safety risks at the Highway Garage.
4. A letter from Highway Superintendent Daniel Hitchcock notifying the Town Board that the road sand is running out and the supply is not sufficient for the 2013-2014 winter season and also, outlining options for dealing with the situation.
5. A request from Highway Superintendent Daniel Hitchcock to attend the annual conference for Superintendents of Highways at Ithaca College June 3rd through 5th at a probable cost of \$454.00 plus mileage.
6. A request from Assistant Assessor Christian Holt to attend a required assessment training class at the NYS offices in Syracuse April 15th through 19th at an estimated cost of \$820.00 including mileage.

Supervisor Vanselow said regarding the request from North Creek Cub Scout Pack 36 to waive the \$150.00 annual building use fee for the Tannery Pond Community Center as a meeting site that he did not believe the fee to be a lot of money for the use of the site and he wondered why the Cub Scouts can't all meet at one site. Supervisor Vanselow said that the Town Board is trying to fund the building and this seems to be a lot of building usage to allow it to occur for free. Supervisor Vanselow said that he would like to speak to Tara Sears about these issues and asked the Town Board for their thoughts. Mr. Arsenault agreed that it was best to discuss the situation with Tara Sears and Ms. Nightingale agreed

with Supervisor Vanselow about the funding for the building and speaking to Tara Sears. Mr. Olesheski noted that there are other Town buildings which are available at no charge to the organization.

Mrs. Judy Brown said that the Outreach building is free to use and that Girl Scouts meet there already.

Supervisor Vanselow said that he would discuss possible transportation and other issues regarding building space with Tara Sears and Kate Hartley and report back to the Town Board.

Supervisor Vanselow informed the Town Board that it appears that there needs to be serious discussions regarding safety issues at the Town Highway Garage resulting from water on the floor. Supervisor Vanselow asked Safety Officer Cherie Ferguson to explain the problems to the Town Board and the public.

Safety Officer Cherie Ferguson explained that she had spent two hours at the Highway Garage doing a safety inspection. Safety Officer Ferguson that during the mining safety training the issue of water coming into the garage and the lack of drainage or pumping and storage to clear the water has lead to the electrical issues as a result of melting snow and ice from the vehicles as well as snow melt and rain runoff seeping into the building. No drains for the water were built into the floor during construction. There is no slope to allow the water to run to an area; the floor is flat.

Safety Officer Cherie Ferguson explained that the second problem at the Highway Garage is that the eyewash stand has rust due to its plumbing system. Safety Officer Ferguson said an additional issue is that the drain hose from the eyewash stand is not connected to a drain and runs on the ground. Safety Officer Ferguson added that she will be purchasing new first aid kits for the Highway Department vehicles and the garage as the current kits are outdated; the anticipated cost is about \$150.00.

Mr. Stevens asked Supervisor Vanselow if there was any plan regarding the drainage issue. Supervisor Vanselow replied that he has spoken with Highway Superintendent Daniel Hitchcock who had suggested a graded concrete floor with a raised welding area to allow for a dry welding spot. Supervisor Vanselow said that trenching or draining of the garage floor had been discussed, but it is not as easy a solution as it would at first appear and he added that the inactivity had also been predicated upon the belief that the Highway garage site might be moved and a new building constructed due to the Front Street project.

Mr. Arsenault asked if Cedarwood Engineering might provide possible solutions. Ms. Nightingale said that as soon as infrastructure is built that the Department of Environmental Conservation will view it as a non-allowable drain. Mr. Olesheski said that Highway Supt. Hitchcock had suggested closing off an area for welding. Safety Officer Ferguson said that when working on the trucks the snow and ice will still be present.

Mr. Olesheski asked about the rusting of galvanized pipes and if the pipes were the source of the rust in the eyewash stand. Supervisor Vanselow said that he believed that the pipes where the supply entered the building could be the problem and it shows up in the eyewash stand due to a lack of use. Ms. Nightingale added that there is iron bacteria in the water and the lack of use would lead to the rusty deposits in unused fixtures. Ms. Nightingale asked if the eyewash stand could be relocated so that the waste water could be run into an existing drain. Safety Officer Ferguson said that the eyewash stand had to be

within a certain distance of the maintenance operations. Mr. Olesheski suggested a tub or a garbage can as a temporary collection device which could be dumped into a toilet or washbasin. Safety Officer Ferguson said that the garbage can would work for testing, but not for emergency use.

Safety Officer Cherie Ferguson said that with some clearing of stored paper products and the purchase of a new eyewash stand, the connection to an existing drain of the fixtures and the implementation of a testing schedule the safety issues could be corrected. Supervisor Vanselow said that they will continue to work on correcting the safety issues at the Highway Garage.

Supervisor Vanselow updated the Town Board regarding the possibility of the Town running out of sand before the end of the 2013-2014 winter season as stated in the letter from Highway Superintendent Daniel Hitchcock. Supervisor Vanselow said that the purchase of the NYS Department of Transportation right-of-way property is currently hung up in the office of the Attorney General. Supervisor Vanselow said that he plans to contact the Department of Transportation to find out whom to contact at the office of the Attorney General in order to find out the current status of the purchase and the timetable for the transfer. Supervisor Vanselow said that the Stoddard property purchase has been held up in subdividing the parcel for sale. Supervisor Vanselow said that he has discussed the need to order sand with Highway Supt. Hitchcock and there is currently no pressing need to preorder for the winter season.

Supervisor Vanselow said that recertification of CPR and First Aid is a matter of finding a provider for the training and scheduling the classes. Mr. Arsenault asked if the permit needs to be modified. Supervisor Vanselow said that the current mine extraction permit is in process of being modified by Cedarwood Engineering to allow for the extraction of sand on the right-of-way property. Mr. Arsenault asked for the estimated numbers of seasons from the right-of-way property. Supervisor Vanselow said that it was expected to yield four to six years worth of sand. Supervisor Vanselow noted that Highway Supt. Hitchcock is also asking that the Town Board authorize a bid for the cutting of several trees near the three phase power line on the right-of-way property. Supervisor Vanselow also noted that he has asked Cedarwood Engineering to review the reclamation for the sand area and that is also in process.

Mr. Curtis Richards asked about the costs of hauling the sand if it is purchased. Supervisor Vanselow said that the cost of the sand is \$30,000.00 and the hauling is about \$15,000.00. Mr. Arsenault asked if some of the sand was needed for the reclamation of the area. Supervisor Vanselow said that he was not sure of the details of the reclamation plan. Mr. Arsenault said that we haven't been this close to exhausting the sand and it would be good to find out the details of the reclamation plan. Supervisor Vanselow said that he would check into the plan.

Mr. Curtis Richards said that he thought that it would be good if Highway Supt. Hitchcock would come to a Town Board to explain the issues regarding the Highway Department. Supervisor Vanselow said that he had asked Highway Supt. Hitchcock to come to the meeting, but he was unable to come to this meeting.

Supervisor Vanselow asked if the Town Board wished to act upon the request from Highway Superintendent Daniel Hitchcock that the Town Board authorize him to attend the 2013 Highway School at Ithaca College June 3 through 5, 2013. Supt. Hitchcock informed the Town Board that the costs would be: registration-\$100.00, lodging approximately \$354.00 and the mileage cost of approximately \$254.00 for a total of \$708.00.

RESOLUTION NO. 53

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale to authorize Highway Superintendent Daniel Hitchcock to attend the 2013 Highway School at Ithaca College June 3 through 5, 2013, with the costs expected to be as follows: registration registration-\$100.00, lodging approximately \$354.00 and the mileage reimbursement for the trip at \$.50 per mile (est. \$254.00) for a total of \$708.00. With 5 members voting in favor, the resolution is declared carried.

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

Supervisor Vanselow asked if the Town Board wished to act upon the request from Assistant Assessor Christian Holt to attend a required assessment training class at the NYS offices in Syracuse April 15th through 19th, 2013 at an estimated cost of \$820.00 including mileage. Assistant Assessor Christian Holt informed the Town Board that the expected costs would be: lodging approximately \$470.00, meals \$200.00 and the mileage reimbursement for the trip at \$.50 per mile (est. \$150.00) for the total cost of \$820.00.

RESOLUTION NO. 54

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize Assistant Assessor Christian Holt to attend a required assessment at the NYS offices in Syracuse April 15th through 19th, 2013, with the costs expected to be as follows: lodging approximately \$470.00, meals \$200.00 and the mileage reimbursement for the trip at \$.50 per mile (est. \$150.00). With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked that the Town Board authorize the members of the Town Board, the Planning Board, the Zoning Board of Appeals and the Zoning Enforcement Officer to attend the Adirondack Park Agency Local Government Days conference to be held on April 24 and 25, 2013 at Saranac Lake. Supervisor Vanselow said that the Town has historically authorized Town officials to attend this educational opportunity. Mr. Stevens asked if there was a cost per person; Supervisor Vanselow replied that he was not sure. Ms. Nightingale said that she believed that the cost was \$125.00 per person and added that she wished to attend. Supervisor Vanselow said that any overnight stays were not to be included in the authorization.

RESOLUTION NO. 55

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Olesheski that the Town Board authorizes the payment of registration and mileage for attendance of the Adirondack Park Agency Local Government Days conference to be held on April 24 and 25, 2013 at Saranac Lake for the members of the

Town Board, the Planning Board, the Zoning Board of Appeals and the Zoning Enforcement Officer. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

COMMITTEE REPORTS:

OLD BUSINESS:

Supervisor Vanselow informed the Town Board that Brant Lake Taxi will no longer be operating the shuttle for the North Creek Business Alliance; the company has left the shuttle business due to the discovery of some New York State Department of Transportation (DOT) regulations. Supervisor Vanselow noted that the North Creek Business Alliance has received a sizable Occupancy Tax grant from Warren County for the purpose of purchasing a shuttle bus. Supervisor Vanselow said the operating regulations for not for profits were being looked into to determine what DOT regulations applied to them. Supervisor Vanselow said that the only alternative for exemption from the regulations seemed to be a municipality operating the shuttle which he did not wish to discuss tonight. Mr. Stevens said that it sounded like the Town would be asked to get into the shuttle business. Supervisor Vanselow said that it was quite possible.

Supervisor Vanselow updated the Town Board on the possibility of direct deposit for employees. Supervisor Vanselow recommended that a meeting with the bank be set up to discuss the security issue of the collection of and storage of checking account numbers. Mr. Arsenault said that he was not positive of how the account numbers would be handled, but he believed that the numbers would be securely stored by the bank. Mr. Olesheski asked if this would be available to all employees and if it would be an opt-in or a mandatory program. Supervisor Vanselow said that it would be optional, not required and open to all employees. Supervisor Vanselow said that he would like authorization from the Town Board to set up a meeting with Community Bank to discuss the rules, options and find out what is needed to move forward with direct deposit.

RESOLUTION NO. 56

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Olesheski that the Town Board authorizes the Town Supervisor to set up a meeting with Community Bank to determine the requirements necessary and options available to set up direct deposit for all Town of Johnsburg employees. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow explained that computer upgrades had been on the menu for the previous meeting and explained that there are two computers in Town Hall which are in the process of failure. The two computers in question are those used by Bookkeeper Sherry Williams and Secretary Cherie Ferguson. Due to the somewhat emergency status of the problem he has had his secretary research the costs of computers with the necessary capabilities and have ordered two new computers at a total cost of approximately \$750.00. Sect. Cherie Ferguson said that this should get everyone on a more even operating system and allow for her computer to be used by the Highway Department if it can be rehabilitated.

Mr. Olesheski said that the Town should have a unified plan to determine the most effective computers for each office and the best method of having them operate together; he added that it might be good to have a replacement schedule for the computers as they have a shorter life than might be expected. Mr. Olesheski said that the "best deal, least expensive" solution wasn't always the best way to go as the computers also have a variety of program and anti-virus software. Mr. Olesheski asked why a laptop for Bookkeeper Sherry Williams. Supervisor Vanselow said that she does work at home as well as in the office. Supervisor Vanselow said that Bookkeeper Sherry Williams has discussed the transition with the software provider and has been assured that the transfer will not be a problem.

Mr. Olesheski asked about the backup for the computers. Secretary Cherie Ferguson replied that it was basically by external hard drive. Supervisor Vanselow said that he had been looking into carbonite as well. Supervisor Vanselow said that he would like the Town Board to authorize the purchase of the two computers which have been ordered.

RESOLUTION NO. 57

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Stevens that the Town Board authorizes the Town Supervisor to purchase two computers, one each for Secretary Cherie Ferguson (desktop) and Bookkeeper Sherry Williams (laptop) and software at a cost of up to \$750.00 total expenditure. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow explained that he remembered having a discussion about solid waste contracts, but apparently no Town Board action was taken and Warren County has contracts with both Waste Management and Casella for hauling solid waste and Warren County wants the Town Board to enter into an intermunicipal agreement with Warren County to allow the Town of Johnsburg to use the county purchase process for the Town of Johnsburg hauling. Warren County also wants the Town Board to pass a resolution choosing which hauler to be used for Town of Johnsburg waste hauling.

Supervisor Vanselow explained that both waste hauling firms have similar cost schedules with some charging more for some items and less for others. The Town of Johnsburg currently uses Waste Management and their service is good. Building and Parks Superintendent Matthew Olden has said that he sees no reason to change; Supervisor Vanselow said that neither does he. Supervisor Vanselow asked that the Town Board enter into the intermunicipal agreement with Warren County for the purpose of solid waste hauling.

RESOLUTION NO. 58

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

TOWN OF JOHNSBURG

RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF JOHNSBURG AND WARREN COUNTY

RELATING TO SOLID WASTE AND RECYCLABLE DISPOSAL SERVICES (WC 065-12)

AND SOLID WASTE AND RECYCLING TRANSPORTATION SERVICES (WC 070-12)

WHEREAS, as a result of a competitive bidding process completed by Warren County (“County”) and for the benefit of local municipalities including the Town of Johnsburg (“Town”), the County has arranged for Solid Waste and Recyclable Disposal Services (WC 065-12) and Solid Waste and Recycling Transportation Services (WC 070-12) to be available to the Town through the various contractors who have been awarded contracts by the County for the foregoing services, and

WHEREAS, the Town Board desires to utilize the County’s contractual arrangements for Solid Waste and Recyclable Disposal Services upon the terms and conditions set forth in the County’s agreements for such services with Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp., and

WHEREAS, the Town Board desires to utilize the County’s contractual arrangements for Solid Waste and Recycling Transportation Services upon the terms and conditions set forth in the County’s agreements for such services with Waste Management of New York, LLC and Casella Waste Management d/b/a Casella Waste Services, and

WHEREAS, after review and deliberation of the competitive bid proposals of Waste Management of New York, LLC and Casella Waste Management d/b/a Casella Waste Services, the Town desires to have Waste Management of New York, LLC and Casella Waste Management d/b/a Casella Waste Services transport all the solid waste and recyclable materials from the Town’s transfer station with the services to be provided by each Contractor and the price for such services identified and as set forth in the Schedules attached hereto and incorporated herein, and

WHEREAS, after review and deliberation of the competitive bid proposals of Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp., the Town Board desires to have Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp., dispose of solid waste and recyclable material from the Town’s transfer station with the services to be provided by each Contractor and the price for such services identified and as set forth in the Schedules attached hereto and incorporated herein, and

WHEREAS, the County has presented the Town Board with a proposed Intermunicipal Agreement which sets forth the terms and conditions upon which the Town will participate and pay for Solid Waste and Recyclable Disposal Services and Solid Waste and Recycling Transportation Services through the County’s contractual arrangements for such services, and

WHEREAS, the term of the Intermunicipal Agreement shall commence on March 1, 2013 and terminate December 31, 2013, and the Intermunicipal Agreement may be extended for two (2) consecutive one (1) year terms through December 31, 2015, should the County elect to extend its agreements with the various contractors identified in foregoing preambles of this resolution and should the Town elect to continue to participate in the County's contractual arrangements for Solid Waste and Recyclable Disposal Services and Solid Waste and Recycling Transportation Services during any extended term,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves and authorizes the Intermunicipal Agreement between the County and the Town regarding Solid Waste and Recyclable Disposal Services and Solid Waste and Recycling Transportation Services and authorizes the Town Supervisor on behalf of the Town to execute the Intermunicipal Agreement with the County, and be it further

RESOLVED, that the Town Board elects to have Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp. provide Solid Waste and Recyclable Disposal Services to the Town which services and prices by contractor have been identified by the Town on the attached Schedules and otherwise in accordance with the terms and conditions of the agreements between the County and Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC and Perkins Recycling Corp., and be it further

RESOLVED, that the Town Board elects to have Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services provide Solid Waste and Recycling Transportation Services to the Town which services and prices by contractor have been identified by the Town on the attached Schedules and otherwise in accordance with the terms and conditions of the agreements between the County and Waste Management of New York, LLC, Casella Waste Management d/b/a Casella Waste Services, D & G Recycling, LLC, and be it further

RESOLVED, that the Town Board further authorizes and directs the Town Supervisor, Town Clerk and/or Counsel for the Town to take any further action necessary to effectuate the terms of this Resolution.

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

Supervisor Vanselow asked that the Town Board decide on a service provider for the transportation of solid waste. Mr. Olesheski said that the people who know best what has been transported are Supervisor Vanselow, Building and Parks Superintendent Matthew Olden and Secretary Cherie Ferguson and he believes that their recommendation would be the best educated and he would move to name Waste Management as the solid waste and

recycling hauler.

RESOLUTION NO. 59

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens to name Waste Management as the solid waste and recycling hauler through the period covered by the intermunicipal agreement which was authorized by the Town Board in Resolution Number 58. 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 Ms. Karin Badey was present with a slideshow presentation for the Town Board in support of her request to be allowed to use areas in the Ski Bowl Park for conducting classes in outdoor science and nature. This presentation was to have occurred at the previous Town Board meeting which was cancelled due to weather conditions.

(Supervisor Vanselow left the meeting at 7:47pm)

Ms. Badey said that there are several great areas in the Ski Bowl Park for opening her outdoor science and nature center. Ms. Badey said that she believed that having the center located in the park would give her varied areas in which to create environmental education opportunities for families and individuals in conjunction with the Ski Bowl Park Committee; she added that she has been in contact with Kelly Nessle of that committee. Ms. Badey said that she believed that her programs could help draw people to the park, thus creating more interest in the facility. Ms. Badey plans programs to last about one hour each at various times during the day to allow for those individuals who cannot come at any one particular time of day.

(Supervisor Vanselow returned to the meeting at 7:49pm)

Ms. Badey said that she was asking for the use of the Ski Bowl Park in the vicinity of the brook, the walking trails, the gardens, the use of the pavilion rest rooms and in agreement with the Ski Bowl Park Committee the ability to put up some bird houses. Ms. Badey said that she planned to carry liability insurance and was pursuing not-for-profit status and hoped to achieve that designation soon. Ms. Badey hoped to have a dedicated building in the future with computer access, microscopes and possibly live animals. Ms. Badey said that she has had approximately 10 years of experience in presenting science classes and presented her credentials to the Town Board and asked for questions from the Town Board.

Supervisor Vanselow said that the concept is great; he expressed some concerns. Supervisor Vanselow added that the idea of adding a building to the Town inventory when the Town already has numerous buildings is a problem and he asked about an advertising program. Ms. Badey said that she was working with an individual to come up with a campaign to attract people to her classes. Ms. Badey added that she hopes to work with the train so as to schedule her classes to fit their schedule. Supervisor Vanselow said that the park belongs to the entire Town and said that there should be some discussion prior to allowing use of the park for five days per week. Ms. Badey said that she did not mean to be exclusive and flexible with the use of the park space. Ms. Badey said that she would not want people to tag along without paying, but that if people were in the area for a while

walking or picnicking she would not object. Supervisor Vanselow asked if Ms. Badey was aware that there was no electricity at the pavilion near the pond.

Ms. Nightingale asked if Ms. Badey would need storage area for her equipment. Ms. Badey said that she has spoken to Kelly Nessle about storage and that Mrs. Nessle believed that some small amount of space could be found. Secretary Cherie Ferguson mentioned the Town's Summer Youth Program and asked if she could work with that program. Mr. Arsenault said that it seemed to be a good complement and Ms. Badey said that she believed that she could work with that program.

Mr. Olesheski asked how much Ms. Badey planned to charge per head for her classes. Ms. Badey said that she was still working on the cost, but she was planning on five to ten dollars per person and possibly a discount if multiple programs are purchased in a package. Mr. Olesheski asked if she planned to operate year round or seasonally. Ms. Badey said that she planned programs for spring, summer, fall and possibly will develop winter programs in the future. Mr. Olesheski asked why North Creek as the place for offering the programs. Ms. Badey explained that she has relatives in the area and that she has seen potential for growth in the area and also, there is a multiplicity of ecological type areas in the Ski Bowl Park. Mr. Olesheski asked if she had any idea as to the number of expected customers. Ms. Badey said that she was working toward a very science based and hands on program and she is hoping for classes sized up to ten individuals.

Mr. Stevens asked if she a plan as to how to limit class sizes if she is very successful. Ms. Badey said that she would limit class size if there were more individuals interested in classes and it would also depend on ages of children; she added that if such an abundance of customers occurred she would look to hire an additional instructor. Mr. Stevens asked if she had any experience teaching similar programs. Ms. Badey said that she has operated similar programs for organizations, but it is her first attempt at running her own business.

Secretary Cherie Ferguson asked about a fee for use payable to the Town. Mr. Olesheski said that he thought that the request for use was understood to be without fees. Ms. Badey said that she expected to pay some fees for the property use; but she would accept a waiver of use fees. Mr. Olesheski said that the insurance requirements for use of municipal property seem to be pretty steep. Supervisor Vanselow said that at the time that Warren County was operating the Kellogg property that their insurance requirements were incredible and those of the Town were not as high so as to allow use. Mr. Olesheski said that if Ms. Badey were able to secure not-for-profit status that the Town frequently waives use fees for not-for-profit organizations. Ms. Badey said that she is doing the paperwork on filing for the not-for-profit status, although the corporate filing should be finished soon.

Supervisor Vanselow said that the Ski Bowl Park Committee seems to be well aware of Ms. Badey's proposal and he thinks that the Buildings and Grounds Committee (Stevens, Nightingale) should discuss the proposal with the Ski Bowl Park Committee and bring a recommendation back to the Town Board. Mr. Olesheski asked that he be kept in the loop during the discussions. Supervisor Vanselow said that we will keep in touch and try to move forward.

Supervisor Vanselow reminded the Town Board that he had polled the Town Board for permission to authorize the Town Clerk to place a legal notice for two mowings of thirteen cemeteries in the Town of Johnsburg as follows: Bates, Hack, Isaac Morehouse, Jarius

Wescott, Johnsburg Methodist Church, Kenwell, Mill Creek, North River, Morehouse-Dunklee, Pasco, Union, Wakely, and Wevertown; and further, that each mowing will be within two weeks of Memorial Day and Labor Day; and further, that the bids will be received at the office of the Town Clerk, Town of Johnsburg, North Creek, New York until 12:00 p.m. (noon) April 16, 2013 and will be opened at a regular meeting of the Town Board at the Tannery Pond Community Center, North Creek, New York at 7:00 p.m. on the same day. Supervisor Vanselow asked that the Town Board retroactively authorize the Town Clerk to place the legal notice in the North Creek News-Enterprise for one week.

RESOLUTION NO. 60

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the Town Clerk to place a legal notice for one week in the North Creek News-Enterprise for two mowings of thirteen cemeteries in the Town of Johnsburg as follows: Bates, Hack, Isaac Morehouse, Jarius Wescott, Johnsburg Methodist Church, Kenwell, Mill Creek, North River, Morehouse-Dunklee, Pasco, Union, Wakely, and Wevertown; and further, that each mowing will be within two weeks of Memorial Day and Labor Day; and further, that the bids will be received at the office of the Town Clerk, Town of Johnsburg, North Creek, New York until 12:00 p.m. (noon) April 16, 2013 and will be opened at a regular meeting of the Town Board at the Tannery Pond Community Center, North Creek, New York at 7:00 p.m. on the same day. 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 been approached by Rob Wing and the youth baseball organization about removing the grass from the baselines and the infields to a depth of about four to six inches at the ball fields and replacing it with a clay and dirt mixture; the labor was to be volunteered and the cost of the materials to be borne by the Town. Supervisor Vanselow said that Mr. Wing was to have been present tonight to explain the project and the costs but that he was not present. Supervisor Vanselow said that he had no idea of how to proceed without any idea of the cost of the materials or any timeframe for the work.

Mr. Olesheski suggested that he could ask Johnsburg Youth Athletics, the youth baseball organization, to draft a letter which could be disseminated by e-mail and which would explain the costs and time frame and scope of the work for the project and possibly have the Town Board polled and at a later date ratify the decision and thus allow work to proceed if the weather allowed. Supervisor Vanselow said that they don't want to get the project underway, but not completed by the time which the games were to begin.

Supervisor Vanselow asked if there was any conceptual disapproval of the project. Mr. Stevens asked if there was any way to establish an approximate dollar figure to authorize expenses up to. Supervisor Vanselow said that he had no idea of the cost. Mr. Olesheski said that it would be very difficult to estimate the cost of the material. Supervisor Vanselow said that he was fine with the letter and emailing proposal; there were no objections to Mr. Olesheski's proposal.

Supervisor Vanselow informed the Town Board that a serious and possibly protracted

Highway issue which sounds fairly simple at the beginning, but becomes more involved as the discussion goes on. Supervisor Vanselow that following the legal notice of the Town road postings by Highway Superintendent Daniel Hitchcock being approved and in the North Creek News-Enterprise and the roads being posted that a contractor had called in a cement delivery on one of the most easily damageable roads in Town and the cement delivery vehicles did cause serious damage. Highway Supt. Hitchcock said that the cost to repair the damage was approximately \$2200.00. Highway Supt. Hitchcock wants to bill someone for the damage.

Highway Supt. Hitchcock has spoken with the Warren county Sheriff's office personnel and with the attorneys from the Association of Highway Superintendents about possible recourse and the advice from the attorneys was to get the Warren County Department of Public Works superintendent involved. Supervisor Vanselow said that he spoke to DPW Superintendent Jeffrey Tennyson and he said that no other highway departments in the county are trying to recover these expenses. Supervisor Vanselow said that there is a question of who is responsible and it is obvious that the driver of the cement delivery vehicle would be the individual ticketed if a ticket was requested to be issued. Supervisor Vanselow explained that the contractor had asked for some truckloads of gravel to be delivered to the site after the road had been repaired; obviously the contractor did not understand the situation. Supervisor Vanselow said that he, Highway Supt. Hitchcock with the attorneys from the Association of Highway Superintendents and DPW Superintendent Tennyson are trying to work out a solution and trying to decide if the Town Attorney needs to be involved at an additional cost as well in order to decide if it will be cost effective to try to have the Town reimbursed for the repairs. Supervisor Vanselow said that he does not want people to think that they can do this without a cost to themselves.

Mr. Olesheski said that he has spoken to Highway Supt. Hitchcock who informed him that he had told the contractor that he would let him know if a day that the road could be driven on would occur, but the contractor just picked a day that was not at all good to have heavy vehicles on the road. Mr. Olesheski said that it annoyed him that the contractor knew that the road was posted and that he just went ahead and damaged the road after talking with Highway Supt. Hitchcock. Mr. Olesheski said that the Town Board should make a statement that the Town taxpayers should not have to pay for unnecessary repairs.

Mr. Stevens asked if tickets were issued. Supervisor Vanselow said that the Sheriff Deputy said that a ticket could not be issued; although after Highway Supt. Hitchcock spoke with a sergeant in the Sheriff's office the sergeant said that tickets could be issued. Supervisor Vanselow said that he would like to work out a method for dealing with this type of issue in a way that would allow the Town to recoup the costs of repair of the road. Mr. Arsenault said that if the Town Board isn't going to follow up in an attempt to recoup costs then why post the roads. Supervisor Vanselow said that this is not a Town law, but a NYS law and we want to handle it correctly. Mr. Stevens said that the tickets should be issued and that the Town Board should do what we can or need to do to support Highway Supt. Hitchcock. Supervisor Vanselow said that he would let Highway Supt. Hitchcock know that the Town Board is universally in support of his efforts to recoup the repair costs and that he will try to help Highway Supt. Hitchcock if necessary. Supervisor Vanselow said that DPW Superintendent Tennyson said that Highway Supt. Hitchcock is getting to

be very well versed in Highway law. Mr. Olesheski said that it is good to see a return of the Town's investment in the training classes which Highway Supt. Hitchcock attends.

Supervisor Vanselow reminded the Town Board that the lease for the Town Hall telephone system is up and Secretary Cherie Ferguson would explain the proposal for renewing the lease. Sect. Ferguson explained that she is working on wireless DSL for the Wevertown Community Center and a part of the problem is that the telephone bill is for all of the Town buildings so it is difficult to separate a single building's cost. Due to that issue she has been working on the overall contract for service to all the Town buildings. Sect. Ferguson explained that some services which the Town has been paying for are not actually usable in most of the Town buildings so she is suggesting switching to a standard business line configuration which will allow unlimited long distance with the exceptions of Tannery Pond Community Center and the Sodom Scout Hall. Sect. Ferguson reported that the savings should be approximately \$150.00 per month system wide and a more user friendly telephone system in the Town Hall building. Sect. Ferguson asked that the Town Board authorize Supervisor Vanselow to sign the contract once it is received from Frontier.

RESOLUTION NO. 61

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale that the Town Board authorizes the Town Supervisor to sign the new telephone system contract with Frontier, the service provider, with changes to the system which will result in savings of approximately \$150.00 per month system wide and make the telephone system more user friendly in the Town Hall building by changing the "Centrex" lines to a standard "B1" business line. 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 Animal Control Officer William Mosher for the month of March 2013 was in the Town Board members' packets

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

Supervisor Vanselow explained that the Supervisor's Monthly Report, for the month of March 2013 was in the Town Board members' packets and he added that Bookkeeper Sherry Williams is trying a different version of the report and she is hoping to be able to use it as this version provides much more detail.

Supervisor Vanselow noted that the minutes of the Town of Johnsburg Youth Committee for the month of February 2013 were in the Town Board members' packets

Supervisor Vanselow reminded the Town Board that he had polled the Town Board for authorization to payment of the Warrant created for the cancelled Town Board meeting of March 19, 2013 and he asked that the Town Board retroactively authorize the payment of the Warrant created for the cancelled Town Board meeting of March 19, 2013 and then he would ask for a resolution to approve the current warrant.

RESOLUTION NO. 62

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale that the Town Board retroactively authorizes the payment of the following certified bills which have been reviewed by the board members be paid and which were to be paid at the cancelled Town Board meeting of March 19, 2013: General Fund (Total \$44,135.00) - Claim #2013-236 through #2013-246 and Claims#2013-266 through #2013-283; Highway Fund (Total \$14,773.41)- Claims #2013-247 and #2013-255 and #2013-283; North Creek Water Dist.(Total \$4967.92)- Claims #2013-262 and #2013-281 and #2013-284; Library Fund (Total \$1658.35) - Claims#2013-256 through #2013-261 and Claim #2013-265; Capital Projects Funds (Total \$70.00) Claim #2013-264; Johnsburg Fire Protection District (Total \$40,000.00) Claim #2013-263; Total all warrants \$105,605.58 . With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

RESOLUTION NO. 63

Mr. Arsenault 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 \$21,720.80) - Claim #2013-285* and #2013-287 through #2013-291 and #2013-298 and #2013-299 and #2013-302 through #2013-308 *Claim #2013-285 already paid (National Grid \$299.00); Highway Fund (Total \$27,168.25)- Claims #2013-291 through #2013-294 and #2013-298 and #2013-299 and #2013-309 through #2013-317; North Creek Water Dist.(Total 749.85)- Claims #2013-295 and #2013-296 and #2013-298 and #2013-318; Library Fund (Total \$812.85) - Claim #2013-299; Capital Projects Funds (Total \$1260.00) Claim #2013-319; Johnsburg Fire Protection District (Total \$40,000.00) Claims #2013-297; Trust and Agency (Total \$2029.92) Claims #2013-286 and #2013-298 through #2013-301; Total all warrants \$94,326.99. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

PRIVILEGE OF THE FLOOR

None

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Arsenault at 8:37pm. 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 April 16, 2013 at the Tannery Pond Community Center, North Creek, NY.

Prepared by William Rawson, Town Clerk