

**Minutes of the Town of Johnsbury Regular Board Meeting April 16, 2013
Held at the Tannery Pond Community Center, North Creek, NY.**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, April 16, 2013 at 7:00pm at the Tannery Pond Community Center, North Creek, 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

BID OPENING:

The Town Clerk read the Legal Notice for the Cemetery Mowing Bid as it appeared in the North Creek News-Enterprise edition of March 30, 2013. One copy of the bid was mailed to Mr. John Helms and no other copies were requested. One bid was returned by John Helms on April 15. Mr. Helms' bid was in the amount of \$6975.00 for mowing the cemeteries twice during the summer of 2013.

RESOLUTION NO. 64

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Olesheski, to accept the minutes of the April 2, 2013 regular Town Board meeting. 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 Mr. David Cavanagh expressing interest in being appointed to the Town of Johnsbury Board of Assessment Review.
2. A letter from the Tannery Pond Community Center Association, Inc. proposing that the Town Board purchase a rug cleaner for the maintenance of carpets in the Town buildings as a more cost effective solution than hiring a carpet cleaning company.
3. A letter from Lisa Salamon, Executive Director of the Gore Mountain Region Chamber of Commerce, requesting that the Town Board allow a blanket vending permit for the 4th Annual Adirondack Adventure Festival to be held May 3 through 5, 2013 in conjunction with the White Water Derby weekend.

Supervisor Vanselow asked if the Town Board members if they wished to act upon the request from the Gore Mountain Region Chamber of Commerce for a blanket vending permit for the 4th Annual Adirondack Adventure Festival to be held May 3 through 5, 2013 in conjunction with the White Water Derby weekend and he informed the Town Board that the White Water Derby would also be requesting a blanket vending permit for their 56th annual race event to be held May 4 and 5, 2013. Ms. Nightingale noted that she would abstain from voting as she is the president of the White Water Derby organization and Mr. Olesheski noted that he would abstain from voting as he is on the board of the Gore Mountain Region Chamber

of Commerce.

RESOLUTION NO. 65

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to authorize the Town Clerk to issue at no charge a blanket vending permit to the Gore Mountain Region Chamber of Commerce permit for the 4th Annual Adirondack Adventure Festival to be held May 3 through 5, 2013; and further, the Town Board authorizes the Town Clerk to issue at no charge a blanket vending permit to the White Water Derby for their 56th annual event to be held May 4 and 5, 2013. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Stevens, Vanselow) Nays - 0 Abstained-2 (Nightingale, Olesheski)

COMMITTEE REPORTS:

Ms. Nightingale reported that the Buildings, Parks and Recreation Committee (Nightingale, Stevens) were asked to make a recommendation regarding the request by Ms. Karin Badey to be allowed to use areas in the Ski Bowl Park for conducting classes in outdoor science and nature. Ms. Nightingale explained that she and Mr. Stevens had met to discuss the request from Ms. Badey. Ms. Nightingale said that the committee had thought that possibly the use of either the bathhouse or the yurt would be better as it would be less likely to discourage others from using the park. Ms. Nightingale said that the committee said that they thought that Ms. Badey might be able to help with conducting the testing for a sanitary survey if the Town Board decided to authorize that action. Ms. Nightingale said that the committee also firmly believed that there should be at least a nominal use fee to the Town for the use of the park property.

Mrs. Kelly Nettle pointed out that she had spoken to ORDA manager Mike Pratt about the use of the yurt and he had informed her that ORDA stores equipment in the yurt over the summer. Mrs. Nettle added that she had suggested that Ms. Badey schedule her classes in the afternoon as the Summer Youth Program would not be in the park and it would be free of use. Secretary Cherie Ferguson said that there would still be the use by the public and reserved use which had already been arranged. Mrs. Nettle said that she was referring to the weekdays. Supervisor Vanselow said that he was sure that Ms. Badey would rather be down near the pond.

Mr. Olesheski asked if the suggestion of using the bathhouse included some renovation or maintenance as he thought that the building was in poor shape. Ms. Nightingale said that she did not believe it to be too bad and that some maintenance could make it useable. Secretary Cherie Ferguson said that the bathhouse was currently being used as storage for the Town. Supervisor Vanselow said that he had spoken to Parks and Buildings Superintendent Matt Olden about consolidating the storage and the possible renting of a storage container a little cost. Ms. Nightingale said that the idea of the building looking more appealing is a good idea. Supervisor Vanselow said that he has reviewed the septic plan for the bathhouse and it appears that the system is still in working order.

Mr. Olesheski asked if Ms. Badey had given any additional sense of her time to begin; he had questioned the spring starting time as possibly being overly optimistic. Ms. Nightingale said that the committee had spoken amongst themselves and not with Ms. Badey. Mr. Olesheski said that there were many items which needed to be completed by the Town this spring and he doesn't believe that the project should be rushed into; possibly the operational

date should be in the summer or fall. Supervisor Vanselow said that there is a work crew of kids from Warren County which are helping with the spring clean up. Supervisor Vanselow said that he will await developments from the Buildings, Parks and Recreation Committee.

OLD BUSINESS:

Supervisor Vanselow noted that the bid received for Cemetery Mowing seemed to be reasonable and it was the same individual who had provided mowing last year. The amount of the bid was \$6975.00 and Supervisor Vanselow said that if the Town Board was amenable that a mowing in the middle of the summer could be paid for by the budget line. Mr. Stevens asked how it compared to last year. Supervisor Vanselow said that it was slightly higher than last year, but not unexpectedly so. Mr. Olesheski asked if there were any complaints about Mr. Helms last year. Supervisor Vanselow said that there was only one complaint and when he looked at the cemetery it had obviously been mowed recently. Mrs. Kelly Nettle asked if Union Cemetery was included in the bid. Supervisor Vanselow said that it was.

RESOLUTION NO. 66

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Olesheski, to accept the bid for Cemetery mowing received from Mr. John Helms in the amount of \$6975.00 for mowing the cemeteries twice during the summer of 2013. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mrs. Kelly Nettle updated the Town Board on the Ski Bowl Park Grant activities. Mrs. Nettle said that the curbing at the pavilion needed to be finished, the irrigation for the flower beds, the walkways need work, signs need to be framed and installed and piles of dirt need to be spread and seeded. Mrs. Nettle said that the areas around the pavilion will not be available to the Youth Program due to the seeding; the Ski Bowl Park Committee has suggested using the multi-use field for their activities.

Mrs. Nettle said that the Friends of the Park, Inc. has been awarded a Charles R. Wood grant to help pay for a solar charging unit to help power an aeration system for the pond. Mrs. Nettle asked that the Town Board authorize the start of work on a sanitary survey for the pond as a part of the grant. Mrs. Nettle would like to be able to start the sanitary survey soon as this would take some time to complete. Mrs. Nettle explained that according to Gregg Reynolds at the NYS Department of Health, the sanitary survey would establish a baseline for future planning. Mrs. Nettle said that she would like to see swimming returned to the Ski Bowl Park due to not being able to offer swim instruction. Mrs. Nettle said that she has explored the possibility of sending children to Minerva to join that swim program, but the costs are prohibitive.

Mrs. Nettle said that she finally understands how NYS reimburses the grant expenses. The total goal of the grant is \$115,840.00. The Town currently has submitted a reimbursement request for \$70,488.00. For the Town to reach the full goal of \$115,840 an additional \$45,352.00 will have to be spent. Mrs. Nettle explained that while volunteer services can be used to fill the grant that reimbursement will cover only the actual money spent. Supervisor Vanselow said that the submission from the Town is \$70,488.00 and if it is all accepted then the reimbursement will be \$34,157.00 at some time in this year. Supervisor Vanselow said that the Town will have to spend an additional \$10,000.00 or thereabouts with about one half to be

reimbursed. Mrs. Nettle said that the potential reimbursement was approximately \$57,900.00 and the state will only match expended funds. Supervisor Vanselow said that this was not the way in which it was originally explained.

Mr. Olesheski asked what is currently needed to keep the project moving forward. Mrs. Nettle said that she was not sure at this time. Mr. Olesheski said that the Town board can't at this time say here is \$45,000.00. Supervisor Vanselow asked if NYS will only reimburse \$34,157.00 since that was the amount of money expended by the Town. Mrs. Nettle said that as it was explained to her that when the town gets up to the \$57,900.00 then the reimbursement will be limited to that of money spent. Supervisor Vanselow said that it appears that little of the grant work this year will be volunteer labor. Mrs. Nettle said that most of the work would be on the trail which will be paid for.

Mr. Arsenault said that the cost of the multi-use trail is more than he had expected. Mrs. Nettle said that the trails came in between \$36,000.00 and \$37,000.00 and less the design cost it left about \$31,000.00. Supervisor Vanselow said that last year Mr. Steve Ovitt had done the design work for \$5400.00 and valued the work at \$10,000.00; this year would be the physical building of the trail which would cost about \$31,000.00. Mrs. Nettle said that she would get a clarification for the next meeting and then decisions could be made.

Mr. Olesheski asked about the Recreation fees. Supervisor Vanselow said that there was supposed to be \$13,000.00 in Recreation fees which have been difficult to find, but may be in the Capital Projects Funds earmarked for parks and he said that he would look into that. Supervisor Vanselow said that the Town Board had agreed to fund the project and he expected that a portion of the required funding could come from Capital Projects Funds previously earmarked for buildings repair if not from other sources. Mr. Arsenault asked for additional clarification of the Capital Projects Funds and amounts in lines; Supervisor Vanselow agreed to provide the information.

Ms. Nightingale asked how long it took for the NYS Office of Parks, Recreation and Historic Preservation to return the application for reimbursement after it was filed. Mrs. Nettle said that it had taken between four and six weeks. Ms. Nightingale said that she would expect the reimbursement to not be a long term for the response.

Mr. Olesheski asked if it would be reasonable and helpful to move on authorizing the sanitary survey. Mrs. Nettle said that it would be helpful and the Department of Health was pleased as well as the NYS Office of Parks, Recreation and Historic Preservation was also looking to have this done. Mr. Stevens asked for an estimate of the cost of the sanitary survey. Mrs. Nettle replied that the estimate from Delaware (now Cedarwood) Engineering was approximately \$5500.00 with some suggested solutions.

RESOLUTION NO. 67

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the sanitary survey for the pond in the Ski Bowl Park with funding up to \$5500.00 and any cost over that amount is to be brought back to the Town Board for approval prior to any additional expense. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mr. Robert Nettle asked when the reimbursement will come though. Mrs. Nettle said probably two months at the longest. Mr. Nettle said that approximately \$35,000.00 will be returned during the fiscal year so the Town should have that money towards the grant funding.

Mr. Olesheski said that is why it is good to get the explanation in writing.

Mrs. Nettle said that when she spoke to Daniel Dwyer from the NYS Office of Parks, Recreation and Historic Preservation that she had indicated that the grants program has changed to where all grants went through the consolidated grant system and large programs such as this grant were not going to be funded for parks, although smaller requests may be funded. The smaller grants will be more achievable than this large one.

Supervisor Vanselow introduced Ms. Lisa Salamon of the Gore Mountain Region Chamber of Commerce to update the Town Board on the 4th Annual Adirondack Adventure Festival. Ms. Salamon explained that the intent of the Adirondack Adventure Festival is to bring people to North Creek and introduce them to rafting, hiking and other outdoor activities. Ms. Salamon explained that the hiking portion is run through the Adirondack Mountain Club and the rafting is operated by students from SUNY Adirondack. Ms. Salamon added that the Gore Mountain Region Chamber of Commerce is working with the White Water Derby and the Saratoga North Creek Railroad will be running the weekend so there should be an increased attendance this year.

Mr. Olesheski asked about the problem of needing volunteers. Ms. Salamon replied that this was an age old problem and she expects to begin the planning, including seeking volunteers to begin much earlier next year. In the meantime, Ms. Salamon has requested that Secretary Cherie Ferguson put out a request for volunteers on Facebook.

Supervisor Vanselow asked Ms. Nightingale, as the White Water derby Chairman, if she had any report or requests regarding the derby. Ms. Nightingale explained that this year there will be a new Saturday afternoon race from Ordway Crossing to Riverfront Park to encourage younger paddlers, older paddlers, families and groups to become involved in the racing events; this will be an official race. Supervisor Vanselow said that they are hoping to be able to offer some limited camping at the Ski Bowl Park as was done last year. Supervisor Vanselow asked if there has been any interest in camping. Ms. Nightingale said that camping reservation information would be available had been included in the letters to racers.

Supervisor Vanselow suggested that the Town charge \$15.00 per night or \$25.00 for two nights. Mr. Robert Nettle said that this was too little an amount. Supervisor Vanselow said that NYS campsites charge less and have hot showers and an infrastructure. Supervisor Vanselow said that he was going to be in the park over the weekend to oversee the camping. Mr. Jonathan Ordway suggested looking into the fire company overseeing the camping. Supervisor Vanselow said that this has not been historically successful although he was willing to discuss it.

RESOLUTION NO. 68

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to authorize camping in the Ski Bowl Park following the rules drawn up previously by Ms. Nightingale and by reservation only, at a charge of \$15.00 per night or \$25.00 for two nights the sanitary survey for the pond in the Ski Bowl Park. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow explained that the NYS Department of Transportation (DOT) representative Susan Coxeter has been ill and unable to make the trip to the Town of Johnsburg

to finalize the transfer of title to the "right of way" property; he added that it was expected that a DOT representative will be coming to the Town to finalize the transfer and collect the balance of the payment for the property next week. Supervisor Vanselow noted that while the Town Board had authorized the moving forward of the purchase of the property, after the experience with the Comptroller's Office last year that it would be appropriate for the Town Board to authorize the final payment for the property in the amount of \$5130.00.

RESOLUTION NO. 69

Mr. Arsenault presented the following resolution, and moved its passage with a second from Ms. Nightingale, to authorize and direct that the Town Supervisor execute the final purchase paperwork, if any and pay the final payment in the amount of \$5130.00 to complete the purchase of the NYS right of way property adjacent to the Town of Johnsbury Highway garage by the Town of Johnsbury. 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 members if they wished to act upon the letter of interest from Mr. David Cavanagh and appoint him to the Board of Assessment Review for a term ending September 30, 2016. Mr. Curtis Richards asked why some individuals are appointed without interviews and other individuals seem to require interviews. Supervisor Vanselow said that the Town has no set policy; he added that this vacancy is of long standing and Mr. Cavanagh is well known and is the court security officer. Supervisor Vanselow said that Mr. Cavanagh will have to attend a training session which is coming up soon.

RESOLUTION NO. 70

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board of the Town of Johnsbury appoints Mr. David Cavanagh as a member of the Board of Assessment Review for a term ending September 30, 2016. 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 Town Buildings Cleaner Mr. Dreu Briggs would discuss the letter from the Tannery Pond Community Center Association recommending the purchase of a rug cleaner by the Town as being more fiscally effective than hiring a cleaning service. Mr. Dreu Briggs explained that he and Tannery Pond Community Center Executive Director Bernadette Speach had collected the information on the rug cleaning machines and their costs and the costs of hiring a rug cleaning service. (Supervisor Vanselow left the meeting at 7:58pm)

Mr. Briggs said that he had started looking at 100 psi machines which cost approximately \$1700.00 and following discussions with many marketing people he was informed that those machines would leave the dirt in the carpets; he began investigating 500 psi models which are those being recommended.

Mr. Dreu Briggs said that three machines in the listing presented have various extraction features; two utilize wands and only have a back and forth motion, the third (Rotovac 360i) allows for a multi directional head and included interchangeable heads to allow use on carpet, tile and stairs. Mr. Briggs recommended the Rotovac 360i at a cost of \$3995.00 plus \$285.00 for shipping. The other two machines cost \$2834.00 (Powr-Flite) and \$4995.00 plus

\$163.00shipping (Daimer). The total cost of cleaning both the library and the Tannery Pond Community Center one time is approximately \$3000.00.

(Supervisor Vanselow returned to the meeting at 8:00pm)

Secretary Cherie Ferguson explained that the Tannery Pond Community Center and the entire Town Hall including the library are very high traffic areas and would benefit from regular cleaning. Sect. Ferguson said that regular cleaning of the carpets would extend their lives.

Supervisor Vanselow said that he was sure that there was sufficient money in capital reserve to cover the cost of the purchase of a carpet cleaning machine. Supervisor Vanselow asked if the Town Board would like to think about the possibility of this purchase until the next Town board meeting. Supervisor Vanselow said that he believed that the Tannery Pond Community Center needs to have such regular maintenance and that the purchase of a machine seems to make more fiscal sense than to hire a cleaning company. Mr. Arsenault agreed that the cost of the machine would seem to be offset by extending the life of the carpeting. Mr. Arsenault asked Mr. Briggs if he would be able to operate the machine; Mr. Briggs replied that he would. Mr. Arsenault asked Mr. Briggs if there was a good warranty and readily available parts for the cleaner which he recommended. Mr. Briggs replied that the warranty included a thirty day return guarantee which would allow him to determine its suitability.

Mrs. Kelly Nettle asked if Mr. Briggs had discussed the type of heads with carpet cleaning professionals. Mr. Briggs said that the two who gave quotes to the Town use the wand type and the carpets don't get clean. Mr. Robert Nettle asked the estimated lifespan of the carpet cleaning machine and if Mr. Briggs has any experience as a carpet cleaner. Mr. Briggs replied that he has used carpet cleaners and that the machine should last thirty years or longer in the professional version.

Mr. Arsenault asked if the vendor or the manufacturer had provided any referrals. Mr. Briggs said that he would ask for referrals. Mr. Olesheski said that this appeared to be the best machine; the best point for him was that the machine extracts ninety percent of the water which will lessen the required drying time following a cleaning which is important in a busy building. Mr. Olesheski asked which buildings have carpet; the Scout Hall, the Wevertown Community Center, the Town Hall and the Tannery Pond Community Center. There are stairs in the Wevertown Community Center and the Tannery Pond Community Center. Ms. Nightingale said that being able to do stairs and bathrooms was important. Mr. Arsenault said that the cleaner appears to be easily portable. Supervisor Vanselow said that he believed that this decision should be postponed until the next Town Board meeting to allow Mr. Dreu Briggs to obtain additional information; Mr. Olesheski agreed.

Supervisor Vanselow reminded the Town Board that Mr. Olesheski was going to contact Mr. Rob Wing about the repair/upgrade of the infields of the youth baseball fields. Mr. Olesheski reported that Mr. Wing was seeking approval to create "skinned out" infields at the youth baseball fields in both North Creek and Sodom. This is done by removing the sod and dirt to a depth of approximately four inches and replacing it with an infield mix. This would cut down on maintenance. Mr. Wing is going to provide the manpower and equipment necessary for the project; he would like the Town to commit to purchasing up to approximately thirty five tons of infield mix at an estimated cost of approximately \$2000.00. Mr. Olesheski added that Mr. Wing had suggested allowing for an amount of approved funding to cover any additional material which was required and asked that the Town Board authorize up to

\$3000.00 for "infield mix" material. Mr. Olesheski added that while Mr. Wing will provide the Town with contact information for a vendor for the material he will play no part in the purchase.

Mr. Olesheski reported that Mr. Wing wants to begin as soon as possible and expects that it will require about two days for each field and not working on both fields at one time. Secretary Cherie Ferguson asked if the adult field would be included. Mr. Olesheski said not at this time as plans have been discussed to reorient the field and it might not be productive.

Supervisor Vanselow said that he spoke to Secretary Cherie Ferguson about the current costs of replacing the clay in the base paths in a semi-annual rotation and the estimated cost is about \$2000.00 plus the cost of hauling by Town Highway Department vehicles. Supervisor Vanselow said that this would be a year in which the clay would have been bought for replacement. Secretary Ferguson asked if this would be a onetime purchase. Mr. Olesheski said that it would probably need to be repeated, but not an annual application as is required for the clay.

Mr. Stevens asked if the clay would be able to be used as a credit towards the Ski Bowl Park grant. Mrs. Kelly Nettle said that she was not sure, but she would look into the possibility. Mr. Robert Nettle asked about the possibility of stockpiling the sod for use in the park. Mr. Olesheski said that he was not sure, but he would be willing to ask Mr. Wing if he could save the sod. Mrs. Nettle asked when the work would be done. Mr. Olesheski said that he believed that the games begin about the first of May, so it would be as soon as possible.

RESOLUTION NO. 71

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsburg authorizes the expenditure of up to \$3000.00 total for the purchase of "infield mix" material for the youth baseball fields in both North Creek and Sodom. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mr. Olesheski said that Mr. Rob Wing will provide a signed copy of a contract to perform the work at no charge to the Town of Johnsburg, a copy of the quote for the "infield mix" material with contact information and with a certificate of liability insurance for the project. Secretary Cherie Ferguson said that the certificate of liability insurance had been received.

NEW BUSINESS:

Supervisor Vanselow explained that the Town Board has recently been made aware of a Board of Health issue and upon the advice of the Town Attorney the Town Board acting as the Board of Health will enter an executive session to discuss possible litigation as a possible remedy for this issue.

RESOLUTION NO. 72

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski that that the following certified bills which have been reviewed by the board members be paid: General Fund- Claim #2013-321 through Claim #2013-332 and Claim #2013-349 through Claim #2013-355 and Claim#2013-366 through Claim#2013-368 (\$15,101.76); Highway Fund- Claim #2013-333 through Claim #2013-344 and Claim #2013-363 through Claim #2013-365 (\$10,313.00); North Creek Water Dist.- Claim #2013-345 through Claim #2013-347 and Claim #2013-361 and Claim# 2013-362 (\$6,169.03); Library

Fund- Claim #2013-356 through Claim #2013-360 (\$975.75); Capital Projects Funds Claim #2013-348 (\$5,130.00) Total all warrants \$37,689.54. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle would like to add thanks to Mr. Rob Wing for his assistance to the Ski Bowl Committee in purchasing shrubs for the Town at cost and also donating the services of his landscaping designer to assist in the planning of the shrub purchases at no charge to the Town. Supervisor Vanselow said that Mr. Wing will be receiving official thanks for his assistance to the Town on various projects.

Mrs. Kelly Nettle said that she believes the Town was lucky to obtain his services and that he is in need of a clerk to assist in his record keeping.

Mrs. Kelly Nettle asked if Union is still an active cemetery. Secretary Cherie Ferguson replied that she did not believe that there were any unsold lots; however, there could be some continuing burials there. Mrs. Kelly Nettle said that family members should help to pay for upkeep of cemeteries and how to keep this from happening. Sect. Ferguson said that the only reason that the Town performs upkeep maintenance on the cemeteries is because they have been abandoned and state law requires that the Town continue the care. Mrs. Kelly Nettle wants the Town to try to stop abandoned cemeteries from reverting to the Town. Supervisor Vanselow said that Bates Cemetery is in even worse shape; the location of some graves and plots is not known. Sect. Ferguson added that Town Historian Jo Ann Smith is trying to map grave locations of the cemeteries in the Town.

Supervisor Vanselow asked that the Town Board acting as the Board of Health and move into executive session upon the advice of the Town Attorney to discuss a possible litigation issue regarding a health issue which was recently brought to the attention of the board. Supervisor Vanselow said that Town Board action was expected to result from the executive session.

Mr. Olesheski presented the following motion, with a second from Ms. Nightingale that the Town Board acting as the Board of Health enter into executive session at 8:25pm, for the purpose of discussing a possible litigation issue regarding a health issue which was recently brought to the attention of the board. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

Ms. Nightingale presented the following motion, with a second from Mr. Arsenault to adjourn the executive session for the purpose of discussing a possible litigation issue regarding a health issue; and further, to reenter the regular session at 8:58pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

RESOLUTION NO. 73

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale that the Town Board of the Town of Johnsbury acting as the Board of Health authorizes the Town Supervisor to compose and send a letter to the owner of parcel number 134.-1-5, a residence at the corner of Hudson Street and South Johnsbury Road, to notify said owner

that the Town Board requires that an evaluation of the current septic system and a suggested remediation plan from either a professional septic system installer or an engineer be given to the Town Board for review and approval within two weeks of notice and prior to any physical work being done; and further, that following Town Board approval of a plan that the physical work be performed within thirty (30) days and the also that the approval of the Zoning Enforcement Officer also be obtained as the corrective action is performed and further, that if said plan is not developed and forwarded to the Town Bard and the physical work performed within the above time frames that there exists the possibility of fines being imposed until said plans and work are performed and completed. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Arsenault at 9:00pm. 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 May 7, 2013 at the Wevertown Community Center, Wevertown, New York.

Prepared by William Rawson, Town Clerk