

**Minutes of the Town of Johnsbury Regular Board Meeting July 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, July 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

**OPENING OF QUOTES FOR RIVER ROAD WATER MAIN EXTENSION:**

Supervisor Vanselow explained that the quotes were for the purpose of closing a loop in the North Creek Water District water main system to allow for better circulation of the water in the system. Without the loop being closed there are two ends where the water stagnates and this can cause health issues. The Town engineers, Cedarwood Engineering sent out four requests soliciting quotes as it is not expected that the threshold for bids will be met. Four bid requests were mailed out by Cedarwood to the following firms: Jim Jones Excavating, Leon Morin Trucking, J. R. Pratt Excavating, and J.H. Schrade Excavating. Two responses were received from Jim Jones Excavating and J. R. Pratt Excavating. The quotes were opened in order of receipt by the Town Clerk and the quotes were in the following amounts: J. R. Pratt Excavating - \$11,000.00 for the water main work and price for new hydrant installation - \$5,000.00 and Jim Jones Excavating - \$26,000.00 for the water main work and price for new hydrant installation - \$5,400.00.

Supervisor Vanselow explained that both quotes will be given to Cedarwood Engineering for review and recommendation to the Town Board to award the project.

**RESOLUTION NO. 108**

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the July 2, 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 notification from the U. S. Army Corps of Engineers listing the types of permits issued by that department which may be required by municipalities or individuals if any repairs of damage caused by recent storms impact any navigable waters and some non-navigable waters and wetlands as well. The Town Clerk noted that a copy of this notification had been delivered to the Town Superintendent of Highways.

2. A letter from Mrs. Ann Schiavone explaining that the improvements to the Wevertown Community Center by the addition of new drapes, rods, blinds and artwork to the main room have been completed and requesting that the Town Board reimburse her for the purchase of the previously listed materials. The Town Clerk noted that her voucher was in the warrants tonight.

Supervisor Vanselow said that he expects that Parks and Buildings Superintendent Matt Olden will be down at the Wevertown Community Center later this week to work on the split rail fence and the painting of the bathrooms. Supervisor Vanselow added that Supt. Olden has had some manpower assistance from Warren County and has been brushing out cemeteries. Supervisor Vanselow said also, that Mr. John Helms has begun the second mowing of the cemeteries this week.

Supervisor Vanselow informed the Town Board that yesterday he had received an e-mail from the NY Towns.org informing Towns that the NYS Planning Federation is holding some schools this summer. Supervisor Vanselow said that he has left several copies in the Planning/Zoning mailbox.

#### COMMITTEE REPORTS:

Supervisor Vanselow asked if the Highway Committee (Nightingale, Olesheski) wanted to report and discuss Town Highway issues at this time. Mr. Olesheski informed the Town Board that there has been a request from Ms. Leslie Clement in North River that the Town formally abandon a portion of Shields Road. Mr. Olesheski said that apparently Ms. Clement has plans to upgrade and maintain the road. Mr. Olesheski said that this appears to be a complicated issue including some Planning Board interests. Mr. Olesheski said that he is hoping that the Highway Committee and Highway Supt. Hitchcock will be able to meet sometime next week to discuss the request and that the Highway Committee will be able to meet with Ms. Clements also. Mr. Olesheski is hoping to be able to make a report to the Town Board and possibly have Ms. Clements attend the August 6, Town Board meeting as she would like to address the Town Board. Supervisor Vanselow said possibly if events line up as he does not want to have things happen prematurely.

Mr. Olesheski said that that he had spoken with Highway Superintendent Daniel Hitchcock earlier and he believed that Highway Supt. Hitchcock had some Highway repair issues about which he would like to speak with the Town Board.

Supervisor Vanselow said that the Town Board members have received a memo from Town Engineers, Cedarwood Engineering, setting out two options for a retaining wall to prevent scouring which is to be installed on the right of way of the Barton Mines Road. Option number one is to construct a wall using "Redi-Rock" product at a cost of approximately \$42,900.00 and requiring a three week lead time from ordering. Option two is to construct the wall using "T-wall" blocks at a cost of approximately \$37,750.00 including a footer which will cost about \$1000.00 and would be available almost immediately. Both options would require backfill and labor costs in addition to

the products. The repairs will require digging down three feet below the creek bed due to the scouring from the downpours. Highway Supt. Hitchcock said that Barton Mines has offered to give the Town some heavy stone fill; he added that the problem with that as a repair material is that it varies in thickness and would be extremely difficult to work with to level the road and set the fill in place with the equipment which the Town owns. Highway Supt. Hitchcock said that options one and two are the best.

Highway Supt. Hitchcock said that he was concerned that Federal Emergency Management Agency (FEMA) had estimated the cost of the repairs to Barton Mines Road at approximately \$8,000.00 and the estimates from the team of Tom Suozzo from Cedarwood, a Warren County engineer and himself arrived at a cost of approximately \$800,000.00 for the entire 800 foot project. Mr. Arsenault asked how such a discrepancy can occur. Highway Supt. Hitchcock said that FEMA did not even look at all the damage and called it good enough. Supervisor Vanselow said that he spoke to Warren County Emergency Services Director Brian LaFlure about this discrepancy and Director Laflure told him that the Town should not worry about this estimate as it is a very preliminary estimate to determine if there is sufficient damage to warrant a FEMA action. Supervisor Vanselow said that he has been told that FEMA will be back to perform a realistic assessment of repair costs. Mr. Olesheski said that the Town has been told this is your money and then been told that it isn't. Supervisor Vanselow said that he has received assurances from Congressman Owens and Senator Gillibrand's office that if there is any problem with FEMA that they will assist the Town in any way they can.

Mr. Olesheski asked Highway Supt. Hitchcock if he was looking for the Town Board to approve an option for the repair of the retaining wall on Barton Mines Road tonight. Highway Supt. Hitchcock said that the situation following the storms has caused him serious stress. Highway Supt. Hitchcock would like the Town Board to meet as soon as possible following events such as the storm to discuss the situation. Highway Supt. Hitchcock explained that he can be held negligent if there is a problem with a road or culvert safety. Mr. Olesheski said that he was confused as the Town Board was polled for support to spend funds for emergency repairs. Mr. Olesheski said that he thought that he believed that the Town Board had agreed to emergency expenses and he was sorry to hear that Highway Supt. Hitchcock had been caused extra stress when he believed that he could spend as needed for repairs. Mr. Olesheski said that there must have been a breakdown of communications. Highway Supt. Hitchcock said that he was worried about people's safety and he did spend about \$20,000.00 for fill to bring Barton Mines Road up to a minimum level to allow emergency vehicles to use the road. Supervisor Vanselow said that he had spoken to Highway Supt. Hitchcock about the money remaining in the "summer budget" line and using that up and that there haven't been spending requests and that they aren't really needed in an emergency situation. Supervisor Vanselow said that basically Highway Supt. Hitchcock was putting band-aids on the problems and that we are now just getting cost amounts for the true repairs. Mr. Olesheski said that he could hear that Highway Supt. Hitchcock was still concerned about the safety of people on the road. Mr. Olesheski asked Highway Supt. Hitchcock if the retaining wall was the first order of business and if there was money for the retaining wall material

in the budget. Supervisor Vanselow said that he believes that the Town can find this amount of money. Supervisor Vanselow said that we will need to get a handle on the expenses. Supervisor Vanselow said that the Town has some reserve funding available; possibly \$100,000.00 to \$200,000.00, but not \$800,000.00. Supervisor Vanselow said that the Town Board will need to authorize expenditures and look for funding sources.

Highway Supt. Hitchcock said that Engineer Suozzo favored the T-wall process. There will be concrete footings installed as well as sandbagging and de-watering. Highway Supt. Hitchcock added that the permitting process was well underway. Highway Supt. Hitchcock said that he could divert traffic, except for residents, on other roads around Barton Mines Road during the work time.

Supervisor Vanselow asked Highway Supt. Hitchcock what action he would like from the Town Board tonight. Highway Supt. Hitchcock said that there was about \$335,000.00 in the Chip's fund with about \$230,000.00 remaining after the cost of work done on River Road. Highway Supt. Hitchcock said that there are culverts on Waddell Road and Glen Creek Road to be done as well. Highway Supt. Hitchcock said that if FEMA reimbursement comes through then the funding should be okay. Highway Supt. Hitchcock said that he would like to resurface Glen Creek Road with chip seal; he added that he understands that people don't like chip seal, but it is the least expensive method of resurfacing the road. Highway Supt. Hitchcock said that, speaking financially the Town could afford to keep the roads in good shape if they were in good shape, but they are not in good shape. Supervisor Vanselow asked if the Town Board wished to authorize the funding of the t-wall option for a retaining wall. Highway Supt. Hitchcock said that he would like Town Board authorization tonight as the road is continuing to be undermined and therefore, he would not be in favor of waiting two more weeks.

#### RESOLUTION NO. 109

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale to authorize the funding of the construction of a 3' x 4' x 110' retaining wall along a portion of Barton Mines Road, to stop the deterioration of the roadbed of that road due to flooding, using T-wall purchased from the Fort Miller plant at a cost of approximately \$37,750.00 for T-wall blocks; and further, it is understood that there will be additional costs of approximately \$1000.00 for the forming and pouring of a 110' footer; and further, it is understood that these estimates do not include the costs of labor and backfill; and further, the source of the funding for this project is to be determined by Highway Superintendent Daniel Hitchcock and Town Supervisor Ronald Vanselow. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mr. Curtis Richards said that he was concerned with Barton Mines Road repairs as regards the amount of daily traffic and the probable future use of that road; Mr. Richards asked if the repairs were worth the money the Town would spend on the road. Supervisor Vanselow replied that the stabilization needs to be done and that there is a business at the end of Barton Mines Road. Highway Supt. Hitchcock added that according to the business owner the business draws ten

thousand visitors annually. Highway Supt. Hitchcock said that there is a great deal of traffic on that road especially during the summer months. Supervisor Vanselow said that the Barton Mines Road certainly needs stabilization; it will be determined later what level of resurfacing will be done.

Highway Supt. Hitchcock addressed the statement from Mr. James Jones in the July 2, Town Board meeting during the Privilege of the Floor portion of the meeting about the costs of repairing Barton Mines Road. Highway Supt. Hitchcock said that the costs were generated from a Warren County program using the costs generated from the repairs on Thirteenth Lake Road a couple of years ago. Mr. James Jones said that the estimates were way too high. Highway Supt. Hitchcock said that Warren County had machinery which the Town would need to rent in addition to the other costs and these were figured in.

Highway Supt. Hitchcock informed the Town Board that there will also be repairs to the Glen Creek Road culvert which has developed a hole and the water running through the hole is scouring away the culvert support. Highway Supt. Hitchcock said that both Tom and Jim Suozzo came up during the flooding event to review the damage, but it takes some time to determine the materials needed to make the repairs and the costs takes time.

Mr. Curtis Richards said that the Chip's program was established to help fund large expensive highway projects and he believed that if the Town used product which was created by or available from the Town property then Chip's will pay the Town for that material. Highway Supt. Hitchcock said that through Chip's the Town can't claim materials used from the pit as it was a gift and not purchased. Highway Supt. Hitchcock said that the cob rock pile has been used up for repairs as is the pit.

Mr. Olesheski said that he believes that in the interest of better communication between the Town Board and the Highway Superintendent it makes sense to have a special meeting of the Town Board soon after an emergency event so that information may be shared. Mr. Olesheski said that as a Highway Committee member that he should have been in contact with Highway Supt. Hitchcock without being prompted and he apologized to Highway Supt. Hitchcock for that. Mr. Stevens said that the day after the event that he went to visit the Barton Mines Road site and spent some time with Highway Supt. Hitchcock discussing the situation. Mr. Stevens added that Supervisor Vanselow had made himself available at the time of the event. Supervisor Vanselow said that he did not believe that Mr. Olesheski was in town at the time of the event. Mr. Olesheski said that he had been on vacation at that time.

#### OLD BUSINESS:

Supervisor Vanselow explained that he has received a request from Mr. David Crikelair of Front Street Mountain Development (Front Street) to expand the lease agreement which the entered into with Front Street as a result of Resolution Number 33 of 2011 passed at a special meeting on February 10, 2011. Front Street would like to expand the land in the agreement to allow ORDA to construct additional ski trails on area held by the Town of Johnsbury. Supervisor Vanselow said that this would result in an enlargement to the area on the map which is part of the

agreement. Supervisor Vanselow said that ORDA Manager Mike Pratt has told him that the trails will probably not be added to the ORDA inventory this year for the upcoming ski season. Supervisor Vanselow said that he polled the Town Board for permission to sign the new lease agreement with the expanded property area and following the agreement from the Town Board he signed the lease. Supervisor Vanselow asked that the Town Board formally ratify his signing of the new lease agreement.

#### RESOLUTION NO. 110

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski, that the Town Board of the Town of Johnsbury retroactively authorizes the Town Supervisor to execute the new property lease agreement between the Town of Johnsbury and Front Street Mountain Development to enlarge the properties leased by the Town of Johnsbury for use by ORDA for the purpose of creating and maintaining ski trails at the North creek Ski Bowl. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow reminded the Town Board that he had provided them with language for changes in the Local Land Use Program and that he had also forwarded them a sample resolution from Adirondack Park Agency (APA) Local Government Assistance Specialist Brian Grisi to declare the intent of the Town of Johnsbury to be lead agency for a SEQR review for the revision of the Local Planning and Zoning Laws. Supervisor Vanselow asked that the Town Board pass the resolution declaring the Town of Johnsbury as lead agency in the SEQR review to begin the process of adopting the aforesaid provisions.

#### RESOLUTION NO. 111

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

**RESOLUTION FOR THE TOWN OF JOHNSBURG  
TO DECLARE INTENT TO BE LEAD AGENCY FOR SEQRA REVIEW  
FOR THE PROPOSED ADOPTION OF THE REVISED  
TOWN OF JOHNSBURG ZONING LAW AND SUBDIVISION CONTROL LAW**

**WHEREAS**, the Town of Johnsbury Town Board recognized the need to update and revise the Town of Johnsbury Zoning Law and Subdivision Control Law, to better promote the health, safety and general welfare of the residents and property owners of the Town and to protect the property values and aesthetics of the Town; and

**WHEREAS**, the proposed action will amend the existing Town of Johnsbury Zoning Law and the Town of Johnsbury Subdivision Control

Law to:

- revise the definition of "Lot" and its usage,
- provide a simplified process for obtaining approval for a minor boundary line adjustment,
- allow land designated as wetlands to be used in determining the potential building intensity for a parcel
- lessen the burden on applicants by requiring fewer copies of plans; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Town of Johnsbury Town Board hereby declares its intent to be Lead Agency for SEQRA review of the proposed amendments to the Zoning and Subdivision Control Laws. It further directs the Town Clerk to send copies of the proposed local law and regulations, SEQRA Environmental Assessment Form Part 1, copy of this Resolution stating the Town Board's intention to be Lead Agency for SEQRA review, to the Adirondack Park Agency, NYS Department of Environmental Conservation, Warren County Planning Office, and other involved Agencies as required by law.

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

**NEW BUSINESS:**

Supervisor Vanselow informed the Town Board that Johnsbury Historical Society would like the Town Board to authorize the placement of a historical marker on the Town Hall building. Supervisor Vanselow said that the markers are produced by the Historical Society and the cost to the Town would be \$65.00. Supervisor Vanselow asked if the Town Board wished to authorize the placement of the historical marker.

**RESOLUTION NO. 112**

Mr. Arsenault presented the following resolution, and moved its passage with a second from Ms. Nightingale that the Town Board authorizes the placement of a historical marker on the Town Hall building at a cost of \$65.00 to 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 informed the Town Board that Town Justice Vincent Schiavone has applied for a \$7,000.00 grant from the NYS Office of Court Administration funds to purchase a judicial bench for the Town of Johnsbury Justice Court and needs the approval of the Town Board to complete the application. This bench would include a privacy space for attorneys to discuss

issues with their clients. Ms. Nightingale asked if there was a match for the grant; Supervisor Vanselow replied that there was no match or repayment for this grant. Mr. Stevens asked if the bench was fixed or movable; Supervisor Vanselow replied that it was movable. Mr. Olesheski said that he was wondering about its use if Justice Schiavone was not elected for a term in the fall. Supervisor Vanselow said that Justice Schiavone was trying to professionalize the courtroom area.

#### RESOLUTION NO. 113

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the Town Justice, Vincent Schiavone, to apply for a grant in the amount of approximately \$7,000.00, for the purpose of purchasing a judicial bench for the Town courtroom; and further, with the understanding that there is no Town match; and also that the Town Supervisor may execute any necessary documentation for the aforesaid grant application. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow recognized Summer Youth Program Director Ann Dingman to discuss her request that the Town Board authorize the hiring of Ms. Kora Millington as a counselor for the balance of the 2013 Summer Youth Program. Director Dingman explained that the Youth Program was down two counselors from last year and that while a decrease of one was planned that the second was due to not receiving enough applications. Director Dingman added that Ms. Millington had been coming to the Youth Program and had asked why she hadn't applied for a position and Ms. Millington had replied that she was going to be on vacation the first week of the program and so she hadn't wanted to apply. Director Dingman said that she has spoken to most of the members of the Youth Committee and they were in favor of hiring Ms. Millington. Supervisor Vanselow asked if the Town Board wished to authorize the hiring of Ms. Kora Millington as a counselor for the balance of the Summer Youth Program.

#### RESOLUTION NO. 114

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski to authorize the hiring of Ms. Kora Millington as a counselor for the balance of the 2013 Summer Youth Program, with the approval of the Youth Committee, at the rate of \$7.25 per hour. 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 Supervisor's Monthly Report, for the month of June 2013 was in the Town Board members' packets.

#### RESOLUTION NO. 115

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale that that the following certified bills which have been reviewed by the board members be paid: General Fund- Claim #2013-595 through Claim #2013-602 and Claim #2013-615 and

Claim#2013-617 and Claim #2013-621through Claim#2013-629 (\$21,305.56); Highway Fund- Claim#2013-603 through Claim#2013-613 and Claim #2013-630 through Claim #2013-637 (\$25,176.02); North Creek Water Dist.- Claim #2013-614 and Claim #2013-618 through Claim#2013-621and Claim #2013-638 (\$5310.65); Capital Projects Funds Claim #2013-616 and Claim#2013-629 and Claim #2013-639 through Claim#2013-642 (\$5,687.19) Total all warrants \$57,479.42. 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. Peter Heid stated that Mr. Olesheski does not speak for him on the issue of repaying the mistakenly overpaid Federal Emergency Management Agency (FEMA) funds.

A motion to adjourn the meeting was presented by Mr. Arsenault with a second from Ms. Nightingale at 7:38pm. 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 August 6, 2013 at the Wevertown Community Center, Wevertown, New York.

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Prepared by William Rawson, Town Clerk