

**Minutes of the Town of Johnsburg Regular Board Meeting December 3, 2013
Held at the Wevertown Community Center, Wevertown, NY. Including the minutes of the
Public Hearing on the Fire Protection Contract for the Johnsburg Fire Protection District**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, December 3, 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

PUBLIC HEARING:

Public Hearing on the Fire Protection Contract for the Johnsburg Fire Protection District

The Public Hearing on the Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District was called to order at 7:01pm by Supervisor Vanselow. The Town Clerk read the legal notice as it appeared in the North Creek News – Enterprise edition of November 23, 2013.

Supervisor Vanselow said that the purpose of the Public Hearing is for the Town Board to receive input from the public on the Johnsburg Fire Protection Contracts for the Johnsburg Fire Protection District. Supervisor Vanselow said that the Public Hearing was for the 2014 Fire Protection Contract only and that there would be discussions of additional issues during the regular portion of the meeting.

Supervisor Vanselow explained that the 2014 Fire Protection Contract was the same contract as the two year approved and signed by the fire companies two years ago except for an increase in the base distribution amount of two percent over the 2013 amount to \$40,800.00 and two companies will receive an additional amount for coverage of the area previously covered by the Wevertown Volunteer Fire Company and the contract is for a one period year not a two year period. Supervisor Vanselow asked for public comment on the Fire Protection Contract.

North River Fire Chief John Donohue asked if there would be a discussion of other fire company issues later in the meeting. Supervisor Vanselow said that it would follow the Public Hearing in the "Old Business" portion of the meeting. North River Fire Chief John Donohue said that he had no comment on the contract, but he did have questions regarding the distribution of other fire protection money.

Mr. Kyle Mulligan asked why the contract was for one year instead of two years as the previous contract had been. Supervisor Vanselow said that this was the desire of the Town Board. Mr.

Olesheski said that the Town Board wanted to have a year to discuss other issues involved in fire protection and to insure that there would be fire protection for the entire Town for 2014.

Supervisor Vanselow said that it would give time to discuss a fire protection district versus a fire district. Mr. Mulligan asked the difference between a fire protection district and a fire district. Supervisor Vanselow explained that currently there was a fire protection district for much of the Town of Johnsbury and that he would explain that in the regular portion of the meeting.

Mr. Robert Nettle asked the current status of the Wevertown Vol. Fire Company and its district. Supervisor Vanselow said that he would discuss that during the regular portion of the meeting as well.

Supervisor Vanselow asked if there was any further comment on the Fire Protection Contract and hearing none he asked for a motion to close the public hearing portion of the meeting and to return to the regular portion of the meeting.

Mr. Olesheski presented the following motion and moved it forward with a second from Mr. Arsenault to adjourn the Public Hearing on the Fire Protection Contracts at 7:06pm and return to the regular portion of the meeting. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

The Public Hearing was closed at 7:06pm.

RESOLUTION NO. 184

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept the minutes of the November 7, 2013 regular Town Board meeting as written and further, to accept the minutes of the November 19, 2013 regular Town Board meeting as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

CORRESPONDENCE:

1. A letter from New York State Department of Health outlining the steps required to reopen the Dr. Jacques Grunblatt Memorial Beach.
2. A letter from the New York State Department of Transportation informing the Town of Johnsbury that a portion of State Route 28N one mile to each side of the bridge across the Hudson River has been designated a restricted highway for a period through December 31, 2014 for the purpose of performing rehabilitation of the bridge.

Mr. Olesheski wanted to comment on the letter from the New York State Department of Health regarding the Dr. Jacques Grunblatt Memorial Beach. Mr. Olesheski said that it appeared that none of the items on the list could be performed at this time. Supervisor Vanselow agreed and explained that he wanted the Town Board to have time to digest the information. Mr. Olesheski said that it appeared that the research done by Mrs. Kelly Nettle had meant that the Town did not need to perform the sanitary survey.

Mrs. Kelly Nettle said that this list of requirements was very similar to the items in a sanitary survey. Mr. Olesheski said that several items on the list appear to be items which are specific local problems. Mrs. Nettle said that it was good to have the list and time to get a quote and schedule the process with Cedarwood Engineering.

COMMITTEE REPORTS:

None

OLD BUSINESS:

Supervisor Vanselow said that he would like to discuss the approval of the Johnsbury Fire Protection District Contract for 2014, the status of the redistricting of the former Wevertown Fire Company district and a surplus which exists in the current Johnsbury Fire Protection District fund budget line.

Supervisor Vanselow asked if the Town Board wished to approve the Johnsbury Fire Protection District Contract for 2014 as written.

RESOLUTION NO. 185

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski that pursuant to a Public Hearing on the Johnsbury Fire Protection District Contract for having been held on Tuesday, December 3, 2013, at 7:00pm at the Wevertown Community Center, Wevertown, NY; the Town Board approves Johnsbury Fire Protection District Contract for 2014 as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow said that he has spoken with Sarah Frankenfeld, Warren County G.I. S. administrator, and she informed him that the new fire company district lines will not be drawn until a formal resolution from the Town Board is received. Supervisor Vanselow said that the map had been conditionally approved by the Town Board last year. Supervisor Vanselow said that the process will also go through the Warren County Real Property Tax Services and Brian LaFlure, Warren County Fire Coordinator before the redistricting is finalized with the 9-1-1 responses being set up. Supervisor Vanselow asked that the Town Board pass a resolution with the word conceptually removed from the resolution to restart the process.

North River Fire Chief John Donohue asked if the Johnsbury Fire Protection District will make a payment to the North Creek Fire District as a result of the planned redistricting. Supervisor Vanselow agreed that the understanding was correct. Fire Chief Donohue said that he was against paying the funds to the North Creek Fire District from the Johnsbury Fire Protection District; he added that he believed that the properties in question should be added to the North Creek Fire District and then taxed at that fire district's rate. Supervisor Vanselow said that the arrangement was the same as that between the Town of Chester and the North Creek Fire District to cover the North Creek hamlet area in Chester and the Riverside Fire Company with the Town of Chester to cover the Riparius hamlet area in Chester. Fire Chief Donohue said that only three fire companies

were invited to the discussion on the fire district lines for the Wevertown area and the other companies were not and he did not believe that to be fair. Supervisor Vanselow said that the fire companies invited were companies which bordered on the district and it made sense to talk to the companies which bordered on the district as they would be the companies taking over the district and not companies which were not adjacent to the district.

Mr. John La Carrubba read from a document on Fire Protection in New York State which he said stated that Towns can create, alter or dissolve fire protection districts without discussing this with the fire companies. Supervisor Vanselow said that the Johnsbury Fire Protection District is not broken up like that. Mr. La Carrubba said that it should be set up that way. Supervisor Vanselow said that setting up that payment method would be a huge task. Mr. La Carrubba said that the Town is also supposed to get an obligation from each fire company explaining the use of the funds of the fire company. Supervisor Vanselow said that the Town Board has historically gotten as little involved in the operations of each company as is necessary.

Fire Chief Donohue said that he did not have a problem with the companies being paid, but he believed that the amount of payment was too large. Supervisor Vanselow said that the money is not from the North River Fire Company district and it was raised to provide fire coverage for the Wevertown district. Fire Chief Donohue said that the amount is too large for the small number of additional calls which will be generated by the added territory and the only added expense would be truck fuel and the \$7,500.00 contracting fee is not equable and giving the North Creek company \$7,500.00 to cover two miles of State Route 28 and a few side roads is not fair.

Mr. Olesheski said that the motion under discussion at this time is only for the redistricting; he added that the \$7,500.00 payment was for last year and not for the upcoming year and future funding has not been discussed. Mr. Olesheski said that the issue is not with the district lines, but the funding. Fire Chief Donohue said that he had no issue with the district lines. Mr. Olesheski said that if the Town Board finishes the redistricting; then the discussion of compensation, if any for the additional territory can take place. Supervisor Vanselow said that while the Town Board has authority over the Johnsbury Fire Protection District the Town Board does not have authority over the North Creek Fire District and that district may or may not want to cover additional area for free. Mr. Olesheski said that he believed that this was a risk which the Town Board would have to take and he wanted to proceed with the redistricting resolution.

Secretary Cherie Ferguson, a member of the North Creek Fire Company, said that to an unbiased view the companies appear to be squabbling over one half of the payment that one company would have received to cover the Wevertown district and the other half of that payment is still in the Johnsbury Fire Protection District Fund. Mr. Kyle Mulligan said that giving some companies an extremely larger amount of funding is telling the people of the Garnet Lake, North River, Riverside and Bakers Mills-Sodom districts that their departments won't get as much money to operate as the other districts. Mr. La Carrubba said that he would not have a problem if the money was going to equipment, insurance and building maintenance for a company and not just gasoline for vehicles.

Mr. Arsenault questioned deciding on the redistricting following discussions based on a certain

level of funding and then finding out that a fire district or a fire company was not going to follow through based on the changed funding. Mr. Olesheski said that the Town Board can draw the district lines where it would desire and tell the fire companies that these are your new districts. Supervisor Vanselow said that the Town Board does not want to be making continual changes and Warren County would not be in favor of that type of action. Mr. Olesheski said that as the fire companies had tentatively agreed to and he hoped that compromise on the funding could be worked out among the parties.

Johnsburg Fire Company Chief Barry Aldrich said that his fire company believes that it is better to get the redistricting taken care of that to have several fire companies out in response to each emergency in the Wevertown area as that is a dangerous situation. Fire Chief Aldrich added that there is an issue of liability for the fire companies as to which company is in charge of the scene and would be responsible for the reporting and therefore, the liability for any lawsuit.

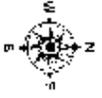
RESOLUTION NO. 186

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault, to move forward with the redistricting of the fire protection district of the Wevertown Volunteer Fire Company as shown on the map below and as agreed to by all the fire companies; and further, to proceed with the necessary steps to formalize new maps.



Fire Protection Districts
Town Of Johnsburg

Printed: Apr 25, 2012



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

Supervisor Vanselow explained that due to possible issues related with the dissolution of the Wevertown Volunteer Fire Company he has kept the Johnsbury Fire Protection District levy stable. Supervisor Vanselow said that there was an outstanding threat from Warren County to bill the Johnsbury Fire Protection District for the Workers' Compensation costs from the Wevertown Volunteer Fire Company; this has not been the case and there is now approximately \$41,000.00 in surplus funding in that budget line. Supervisor Vanselow said that while it is good to have some surplus; this is approaching a level which will not be acceptable to the NYS Comptroller. Supervisor Vanselow said that two suggestions have been presented as solutions for the question of what to do with the surplus: the first was to set up a revolving loan arrangement for the fire companies for large, long term purchases and the second to issue a onetime additional payment to the fire companies in the Johnsbury Fire Protection District. Supervisor Vanselow said that he was not inclined to support the solution of the revolving credit fund collections and he would be inclined to support the second suggestion. Supervisor Vanselow said that the payment would amount to approximately \$4,000.00 per company.

Mr. Olesheski said that even if the \$7,500.00 payments were made to the North Creek Fire District and the Johnsbury and Riverside fire companies and there was an approximately \$20,000.00 per company share paid as well then there would be about a \$40,000.00 surplus again next year. Supervisor Vanselow said that he planned to lower the levy to not have that large a surplus again.

Mr. Olesheski said that it appeared that the question to the fire companies is will the payments of \$44,800.00 and a potential onetime payout of \$4,000.00 in surplus monies make them happy enough to agree to the \$7,500.00 payments to the North Creek Fire District and the Johnsbury and Riverside fire companies to cover the Wevertown fire district territory. Mr. La Carrubba asked what the money will be used for. Supervisor Vanselow replied that the Town gets a pretty detailed budget from the fire companies prior to payment of the contracted payment. Mr. Stevens said that those companies are not getting enough money and all of the companies could use more money to come up to the required standards.

Ms. Nightingale asked if the Town Board had agreed to pay the \$7,500.00 forever; she added that such was not her recollection. Supervisor Vanselow said that he did not believe that a time frame was put on the payments. Ms. Nightingale said that she believed that the payments had to go back to being an equal share to each fire company.

Mr. Olesheski asked Johnsbury Fire Company Chief Barry Aldrich for his opinion on the payments as one of the recipients. Fire Chief Aldrich said that the \$7,500.00 payments are just going to create animosity among the fire companies and it's not worth that; he added that the Johnsbury Fire Company call volume has increased by twenty to thirty percent this year. Mr. Olesheski said that if the Riverside Fire Company also agreed that the only remaining question was if the North Creek Fire District had to be compensated. Fire Chief Aldrich suggested that if the

North Creek Fire District does not accept their share that the district either stay automatic mutual aid or redraw the district lines again; he added that it is a safety issue, not a financial issue. Mr. Olesheski suggested splitting equally the \$15,000.00 to be given to the Johnsburg and Riverside Fire Companies among all of the five fire companies and also, paying the North Creek Fire District the \$7,500.00 to cover that district.

Mrs. Kelly Nessle asked why the area to be covered by the North Creek Fire District is not added to that district. Secretary Cherie Ferguson replied that to change the lines of a separate fire district is much more involved than redrawing coverage lines in a fire protection district. Mr. La Carrubba said that the North Creek Fire District should get one sixth of the \$40,000.00 surplus as well as all of the companies in the Johnsburg Fire Protection District. Supervisor Vanselow said that the \$7,500.00 payment is the amount negotiated with the North Creek Fire District. Mr. Olesheski said that each of the fire companies in the Johnsburg Fire Protection District would be looking at an increased payment from \$40,800.00 to \$47,800.00 with the \$7,500.00 payment to the North Creek Fire District; he added that he was offended that the Johnsburg Fire Protection District fire companies are not pleased with that arrangement. Fire Chief Aldrich said that the Johnsburg Fire Company would be willing to cover the portion assigned to the North Creek Fire District for the contract amount and a five way share of the surplus among the Johnsburg Fire Protection District companies.

Mr. Arsenault suggested that the fire chiefs of the Johnsburg Fire Protection District and North Creek meet and then come to the Town Board with a recommendation; or if there is no agreement then, the Town Board will settle the issue. Mr. Arsenault said that the funding was just proposed tonight and all of the companies are not present and so attempting to finish this tonight may not be the best plan. It was suggested that the discussion would have to include the fire commissioners from the North Creek Fire District even though the North Creek fire chief was the only chief missing.

Mrs. Kelly Nessle asked if anyone has looked at the amount of tax money which would result from the area for which the North Creek Fire District would be assuming liability. Supervisor Vanselow said that it would not equal the \$7,500.00 proposed payment.

Mr. Olesheski said that if Fire Chief Aldrich had made his statement prior to his making the resolution to redistrict the Wevertown territory, then he would have asked the Town Board to consider not including the North Creek Fire District in the redistricting.

Mr. La Carrubba suggested that the Town Board establish a fund and pay the North Creek Fire District per fire call. Supervisor Vanselow said that would not be workable. Fire Chief Aldrich suggested that the surplus be used to cover the fire engine fuel bills instead of billing the fire companies.

Fire Chief Aldrich said that if the Wevertown Territory was given to specific companies, then new emergency plans could be drawn up for businesses and larger buildings in the Wevertown coverage area to tailor the plans to fit currently available equipment; he added that the plans cannot be changed now without the companies involved assuming responsibility and liability for locations outside their contracted areas.

Mr. Olesheski asked if his understanding of the Johnsbury Fire Protection District fire companies' position was correct; he said that the fire companies want to keep the payments equal among the fire companies. Mr. Olesheski asked what he needed to do to amend his resolution to redraw the Johnsbury Fire Protection District lines so as to remove the need to contract with the North Creek Fire District. Fire Chief Donohue said that it would be a mistake to eliminate the North Creek Fire District from the discussion without even talking to them. Fire Chief Donohue said that he was impressed with the discussion tonight and that he agreed with Mr. Arsenault that there should be a discussion including the North Creek Fire District. Mr. Olesheski said that as the North Creek Fire District was a contractor and their services would no longer be required, then there should be no hard feelings from the North Creek Fire District.

Supervisor Vanselow suggested that a onetime distribution of \$4,000.00 from the surplus to each fire company in the Johnsbury Fire Protection District with this amount not being applied to the contract base amount; and amend the Johnsbury Fire Protection District contract so that all fire companies in that protection district receive the same base amount (\$43,800.00). Supervisor Vanselow asked if that sounded reasonable. Fire Chief Donohue said that it seemed more than reasonable to him. Supervisor Vanselow said that he would not submit the redistricting plan to Warren County until after the next Town Board meeting (December 17, 2013) and if a change is to be made it could be made at that time and not inconvenience the Warren County departments. Supervisor Vanselow said that currently there is no contract with any fire companies or fire district to cover the Wevertown territory for 2014. Supervisor Vanselow and Mr. Arsenault said that it was only decent to speak with the North Creek Fire District commissioners prior to finalizing the redistricting.

RESOLUTION NO. 187

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale that the Town Board of Johnsbury will amend the Johnsbury Fire Protection District Contract for 2014 in the following manner: the base amount of payment to each fire company in the Johnsbury Fire Protection District will increase from \$40,800.00 to \$43,800.00 and further, that each fire company in the Johnsbury Fire Protection District will receive a onetime distribution from the surplus in the Johnsbury Fire Protection District fund of \$4,000.00 and this distribution will not count towards the base amount for any future contracts. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mr. Olesheski presented a resolution to rescind Resolution Number 186 approving the redistricting plan for the Johnsbury Fire Protection District. There was no second for this proposed resolution.

Mr. Stevens said that Resolution Number 186 should be left in place until the next Town Board meeting and then rescinded if necessary.

Fire Chief Donohue asked that in the future that the fire companies be consulted earlier in the

year for contract or any other proposed changes which the Town Board would be discussing as this would be helpful for both the Town Board and the fire companies. Supervisor Vanselow and Mr. Olesheski agreed that it would be helpful. Supervisor Vanselow said that the discussion of a fire district versus a fire protection district is out there. Mr. Arsenault said that the discussion of fire district versus a fire protection district is on the table and the information which Supervisor Vanselow found out about that issue appears to be worthy of discussion and as of yet a discussion at Town Board level has not occurred. Supervisor Vanselow said that consolidation is not a part of the discussion. Mr. Kyle Mulligan, of Garnet Lake Fire Company, said that the feeling that the fire company members are being kept in the dark is a problem.

Supervisor Vanselow and the members of the Town Board thanked the fire company members for their input into the discussion.

NEW BUSINESS:

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

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

Supervisor Vanselow explained that the Supervisor's Monthly Report, for the month of November, 2013, was not yet available.

Supervisor Vanselow asked that Secretary Cherie Ferguson update the Town Board on the contract with Standard Medical Services for employee drug screening for the year beginning January 1, 2014 through December 31, 2014.

(Supervisor Vanselow returned to the meeting at 8:07pm)

Sect. Ferguson explained that the exam costs will be as follows: urine screening \$48.00 each, alcohol breath testing \$25.00 each and Department of Transportation physicals \$100.00 each; this is a minor increase over the 2013 contract. Sect. Ferguson asked that the Town Board authorize the Town Supervisor to execute the contract with Standard Medical Services for employee drug screening for the year beginning January 1, 2014 through December 31, 2014.

RESOLUTION NO. 188

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens, to authorize the Town Supervisor to execute a contract Standard Medical Services for employee drug screening for the year beginning January 1, 2014 through December 31, 2014; and further that by the contract the exam costs will be as follows: urine screening \$48.00 each, alcohol breath testing \$25.00 each and Department of Transportation physicals \$100.00 each and non-Department of Transportation physicals \$85.00 each. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Stevens) Nays - 0

Secretary Cherie Ferguson explained to the Town Board that there was also a National Grid attachment contract for the attaching of street decorations to electric poles in the Town. National Grid requires that they be named as an additional insured party on the Town's liability policy and information on when the decorations will be attached and changed; this is an annual contract. Sect. Ferguson asked that the Town Board authorize the Town Supervisor to execute the "attachment contract" with National Grid and that National Grid be names as an additional insured on the Town of Johnsbury liability insurance policy.

RESOLUTION NO. 189

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Olesheski, to authorize the Town Supervisor to execute an "attachment contract" with National Grid for the purpose of allowing the attachment of street decorations to electric poles in the Town of Johnsbury; and further, to authorize the naming of National Grid as an additional insured for the purposes of this contract. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Stevens) Nays - 0

(Supervisor Vanselow returned to the meeting at 8:10pm)

Secretary Cherie Ferguson asked that the Town Board authorize the Town Supervisor to execute the 2013 contract for NYS Department of Transportation physicals with Hudson Headwaters Health Network (Department of Transportation physicals \$137.00 each and \$100.00 per standard physical) for employee Department of Transportation and standard physicals. Secretary Cherie Ferguson said that this service is used extremely infrequently and has not been used this year. Mr. Olesheski said that by accepting the contract from Hudson Headwaters Health Network it is a way of showing support for the local health organization.

RESOLUTION NO. 190

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale, to authorize the Town Supervisor to execute a contract with Hudson Headwaters Health Network for employee NYS Department of Transportation physicals at \$137.00 each and non- Department of Transportation physicals \$100.00 each. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Nightingale, Olesheski, Stevens, Vanselow) Nays – 0; Abstained-1 (Arsenault)

RESOLUTION NO. 191

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale that the following certified bills which have been reviewed by the board members be paid: General Fund (Total \$47,667.79) - Claim #2013-1011 through #2013- 1014 and #2013-1017 through #2013- 1020 and #2013-1028 and#2013- 1029 and #2013-1031; Highway Fund (Total \$71,191.08) Claim #2013-1011 through #2013-1014 and #2013-1021 through #2013-1026 and #2013-1030 and #2013-1032; North Creek Water Dist. (Total \$2,455.00) Claim #2013-1014

and #2013-1033 and #2013-1034; Library Fund (Total \$4017.63) Claim #2013-1011 and Claim #2013-1013; Trust and Agency (Total \$3,217.48) Claim #2013-1013 through #2013-1016 and Claim #2013-1027; Total all warrants \$128,548.98. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

PRIVILEGE OF THE FLOOR:

Secretary Cherie Ferguson informed the Town Board and the public that 2013-2014 tubing passes for free tubing at the Ski Bowl Park will be available at the Town Hall beginning next week. The passes allow Town of Johnsburg residents to use the tubing hill for a two hour period during the hours of operation on those days or the Village chair lift during the hours of operation on the free pass dates; subject to weather and availability. The passes are available to taxpayers in the Town of Johnsburg and in the Johnsburg Central School district. The dates for the passes to be used are as follows:

December 27, 2013
January 11, 2014
February 1, 2014
February 9, 2014
February 21, 2014
March 9, 2014

Mrs. Kelly Nettle said that she was concerned about the plowing in the Ski Bowl Park in front of the pavilion damaging the new planting. Ms. Nightingale said that when the Town of Johnsburg acquired the Kellogg property there was a supply of temporary fencing in one of the buildings and she believed that the fencing could be used in the park to shield the plants during the winter. Supervisor Vanselow said that there was an ongoing discussion about the plowing with ORDA Manager Mike Pratt as the plowing is not a high priority for the Town crews.

Mrs. Kelly Nettle suggested that the Town should look into setting up the proposed solar panels at the property owned by the Johnsburg Emergency Squad (EMS) instead of at the Transfer Station which is in the Ski Bowl Park. Mrs. Nettle said that the EMS was not looking for the financial benefit and added that the property is of little use beyond a building for the EMS or setting up solar panels. Mrs. Nettle added that setting up solar panels would allow the Town to reduce its carbon footprint and to lower its energy costs. Mrs. Nettle said that the EMS was seeking a continuation of the services currently provided by the Town. Supervisor Vanselow said that the Town had received the non-binding proposal from Apex Solar and he has submitted the proposal to Attorney J. Anthony Jordan for the his opinion and Attorney Jordan was concerned with some of the language in the proposal and he had explained that often the language in the non-binding proposal is included in the contract and signing the non-binding proposal could be construed as an agreement to the language. Mrs. Nettle said that Apex Solar representatives had

told her that there would be a time to work through the contract prior to its being signed. Supervisor Vanselow said that he would like the Town Board and the Town's legal representative to be comfortable with the language of the contract and the proposal prior to signing either. Mrs. Nessel asked if there was a deadline for the signing. Supervisor Vanselow said that Apex Solar had said that if the proposal was done by a certain date the Town might get in under a higher rate, but in any case there was little chance of getting the better rate.

Mr. Olesheski said that he was concerned that Attorney Jordan was involved now, but that he would not be able to be the Attorney for the Town after the end of the year. Mr. Olesheski suggested taking no action on the proposal from Apex Solar until an Attorney for the Town is appointed and can be involved for the entire process. Supervisor Vanselow said that the Town Board should solicit a Request for Proposal (RFP) for an Attorney for the Town; he added that he has had conversations with some legal firms which are interested in being appointed as Attorney for the Town. Mr. Stevens asked if this could be worked out prior to the Organizational meeting. Mr. Olesheski said that the key for him is availability. Supervisor Vanselow said that there is an advantage of availability in using a larger law firm; although the cost is higher. Mr. Stevens said that it would be helpful to know the firms' specialization areas and fees. Supervisor Vanselow said that he would speak to the firms and get some information together for the Town Board. Supervisor Vanselow said that he did not believe that any of the local firms would be interested in the position as they would in conflict in too many areas.

Mr. Olesheski informed the Town Board that the Occupancy Tax Committee has had a meeting and made recommendations on the Occupancy Tax funding requests for 2014 and these recommendations have been given to the Town Board members for review and planned action at the Town Board meeting of December 17, 2013.

Mr. Olesheski informed the Town Board that there is a request for the Town to purchase a television and DVD player for the lobby of the Tannery Pond Community Center so that informational DVD's may be shown. Supervisor Vanselow said that he believed that there would be some available funding. Secretary Cherie Ferguson said that there should be some funding in the Occupancy Tax line for such a purchase. Mr. Olesheski said that the request seemed to be a very good idea and the Occupancy Tax Committee said that since this was a Town building and it would be installed by the Town employees that

RESOLUTION NO. 192

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board of Johnsbury will purchase a 32" television and a DVD player for the lobby at the Tannery Pond Community Center at a total cost not to exceed \$400.00, and further, that the Tannery Pond Community Center association will be consulted as to the best location in the building and also, to work out the responsibility for the operation of this equipment. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mr. Bruce Dunkley asked if the Town Board could ask that Hudson Headwaters Health Network provide the employee physicals and drug testing and fire company physicals at no charge since the Town is already paying the organization \$28,000.00. Secretary Cherie Ferguson said that Hudson Headwaters Health Network is not qualified to perform firefighter physicals according to the National Fire Protection Association. Mr. Dunkley said that for the other physicals that it would be a good way for Hudson Headwaters Health Network to give back a little to the Town. Supervisor Vanselow said that it might be a worthwhile discussion. Mr. Olesheski said that the Town Board has said that it wants to use Hudson Headwaters Health Network in order to show its support of the organization. Mr. Arsenault said that while it was worthwhile having the discussion that he believes that this has been discussed previously and it was not possible at that time.

Mr. Robert Austin asked what service the Hudson Headwaters Health Network provides for the payment. Supervisor Vanselow said that the payment shows local support for the Hudson Headwaters Health Network the demonstration of which is important for applications for federal grant funding which helps to keep the facility open. Mr. Arsenault said that it is important to have local availability of medical service and the payment helps to assure that the service will continue.

Supervisor Vanselow reminded the Town Board and the public that beginning Friday night with the "Lights On" program and continuing with the parade on Saturday that there are several holiday events taking place this weekend; he urged all to attend the events. Mr. Robert Nettle added that the skiing is excellent.

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Olesheski at 8:30pm. 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 Tuesday, December 17, 2013 at the Tannery Pond Community Center, North Creek, New York.

Prepared by William Rawson, Town Clerk