

**Minutes of the Town of Johnsbury Regular Board Meeting October 2, 2012  
Held at the Wevertown Community Center, Wevertown, NY.**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, October 2, 2012 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: Supv. Ronald Vanselow; Town Councilmen/ Eugene Arsenault, Katharine Nightingale, Peter Olesheski, Jr, Arnold Stevens; Town Clerk/ William Rawson.

Guests: On attached list

**RESOLUTION NO. 213**

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept the minutes of the September 18, 2012 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

Supervisor Vanselow noted that Town Clerk William Rawson wanted to ask the Town Board to acknowledge by resolution the voiding of check number 733 and claim number 2012-766 from the warrant of September 18, 2012 due to the claim having been previously paid and resubmitted by the Library Board of Trustees.

**RESOLUTION NO. 214**

Mr. Arsenault presented the following resolution, and moved its passage with a second from Ms. Nightingale, to acknowledge the voiding of check number 733 and claim number 2012-766 from the warrant of September 18, 2012 due to the claim having been previously paid and resubmitted by the Library Board of Trustees. 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 Warren County DPW superintendent Jeffrey Tennyson that he has forwarded the request for a speed limit reduction on State Route 28 between the Warren/Hamilton Counties line and 4479 State Route 28 to the NYS Department of Transportation.
2. A notification from the NYS Association of Towns of a "Fall Personnel and Ethics School" to be held in November 2012 at a cost of \$75.00 per attendee to member municipalities.
3. A letter from the Johnsbury Fine Arts, Inc. announcing that their annual show at the Tannery Pond Community Center will be installed on October 12, 2012 and the

Fine arts group wishes to thank the Town board for their annual funding of the group as well as allowing them the use of the Wevertown Community Center.

#### COMMITTEE REPORTS:

#### OLD BUSINESS:

Supervisor Vanselow explained that there had been a number of applications for the position of Transfer Station attendant. Following reviews of the applications, Parks and Buildings Superintendent Matt Olden recommended the hiring of Ray Flath. Mr. Flath has been interviewed by the Personnel Committee (Nightingale, Olesheski). Supervisor Vanselow explained that Mr. Flath had previously worked for the Town of Johnsbury and was let go due to budget constraints; Mr. Flath had been promised that he would be rehired if his position was made available again. Ms. Nightingale said that Mr. Flath seems to be fine. Supervisor Vanselow explained that the position was for 31 hours weekly with no benefits and at an hourly rate of no more than \$10.00 per hour. Mr. Olesheski asked how the hourly rate would be determined; Supervisor Vanselow replied that he did not want to start Mr. Flath at a rate above any of the current employees and would discuss this with Mr. Flath. Supervisor Vanselow asked if anyone wished to move to authorize the hiring of Mr. Ray Flath for the position of Transfer Station attendant. Supervisor Vanselow said that if approved Mr. Flath might start on Saturday, October 6.

#### RESOLUTION NO. 215

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale, that the Town Board of the Town of Johnsbury, with consideration to the recommendation of Parks and Buildings Superintendent Matt Olden, authorizes hiring of Mr. Ray Flath for the open position of Transfer Station attendant under the following conditions of 31 hours weekly with no benefits and at an hourly rate of not to exceed \$10.00 per hour. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow updated the Town Board on the Transfer Station rebuild project. Engineer Kathleen Suozzo of Cedarwood Engineering has forwarded three change orders, numbers 5, 6 and

7. Change order number 5 in the amount of \$989.00, is for the addition of a new 4 ft. x 5 ft. wooden deck at the entrance of the attendant's building, including all labor and materials. Change order number 6 in the amount of \$528.00 is for the addition of a new sewer vent through the roof, compliant with the NYS Plumbing Code. These changes are a result of NYS Building Code requirement, and were identified during a site inspection by the Warren County Codes Officer. Change order number 7 in the amount of \$150.00 is for the addition of a security light on the back side of the attendant's building, as requested by the Town to replace the light destroyed by the fire.

Supervisor Vanselow said that all of the change orders are billable back to the insurance carrier and will be submitted to the insurance carrier. Supervisor Vanselow added that the total cost of the change orders is about \$1000.00. Supervisor Vanselow asked if the Town Board wished to

## RESOLUTION NO. 216

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski, that the Town Board authorizes the supervisor to execute Change Order #5 in the amount of \$989.00, is for the addition of a new 4 ft. x 5 ft. wooden deck at the entrance of the attendant's building, including all labor and materials; Change Order #6 in the amount of \$528.00 is for the addition of a new sewer vent through the roof, compliant with the NYS Plumbing Code; and Change Order #7 in the amount of \$150.00 is for the addition of a security light on the back side of the attendant's building, as requested by the Town to replace the light destroyed by the fire; and further, that the cost of these changes will be submitted to the insurance carrier as it is necessitated by NYS code or is a replacement of lost material. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow informed the Town Board that the Transfer Station rebuild/repair project is moving forward. The remainder of the sheet metal needs to be fabricated and installed.

Supervisor Vanselow said that he had been reviewing projects which the Town could get accomplished by the end of the current year and he suggested that the Town Board ask for bids on the ceiling of the Wevertown Community Center. Supervisor Vanselow said that the project would not be weather dependent and had been identified by the Buildings Committee (Olesheski, Stevens) for repair. Mr. Stevens asked if this would mean both the ceiling on the main floor and the basement ceiling as well; Supervisor Vanselow replied that he planned on both ceilings. Mr. Olesheski asked if the bid was due to the need to replace the framework as well as the panels; Supervisor Vanselow replied that the grid work needed to be replaced in most of the ceilings. Supervisor Vanselow asked if the Town Board wanted to do both ceilings in one bid or in two separate bids at different times. Mr. Stevens said that he believed that it should be one bid. Supervisor Vanselow said that he wanted to complete the work during the 2012 budget year.

## RESOLUTION NO. 217

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the Town Clerk to advertise the bid for the Wevertown Community Center main floor and basement ceilings replacement for two weeks in the North Creek News-Enterprise; and further, to set the date and time for the final acceptance of bids at 12:00 pm on November 8, 2012 and further, that the bid opening will be at 7:00pm at the November 8, 2012 Town Board meeting at the Wevertown Community Center, Wevertown, New York. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow updated the Town Board that he has been informed by neighbors of the property in the hamlet of Wevertown with the livestock issues that the health conditions on that

property have deteriorated over the summer and the neighbors would like to have Dr. Rugge, Town Health Officer, make another visit to the property. Supervisor Vanselow said that he did not believe that Town Board action was needed to request a follow up visit by the Town Health Officer.

Mr. Robert Nettle what was the issue with the property in Wevertown. Supervisor Vanselow explained that there is a property owner in the center of the hamlet who is harboring chickens and goats; the hamlet is not zoned for that use. It has been reported by the neighbors that the animal waste is being sacked up and stored around the house and there are concerns regarding general stench and unsanitary conditions regarding wells on adjacent properties.

#### NEW BUSINESS:

Supervisor Vanselow explained that the 2013 Tentative Town of Johnsburg Budget has been delivered to the Town Clerk and asked the Town Clerk to distribute copies of the 2013 Tentative Budget to the Town Board members which was then done.

Supervisor Vanselow said that he expects that the Town Board will move the 2013 Tentative Town of Johnsburg Budget to Preliminary and set the date, time and place for the Public Hearing on the budget at the next Town Board meeting. Mr. Stevens asked if the Tentative Budget was for the Town Board members only; Supervisor Vanselow replied that it was at this time and it would be made available to the public following its being moved to Preliminary in two weeks.

Mr. David Bulmer asked how much time between the release of the Preliminary budget and the final passage of the budget. Supervisor Vanselow said that there will be approximately six weeks between the budget being moved to preliminary and it's being passed as the final budget. Supervisor Vanselow said that he had hoped to pass the budget prior to the general election, but the timeframe in NYS law does not work to allow that. Mr. Bulmer asked if a budget is not passed is a contingent budget put in place. Supervisor Vanselow said that he was not sure and the Town Clerk and Mr. Stevens said that they believed that the Tentative budget is then put in place. In any event such is not expected to take place.

Supervisor Vanselow noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of September, 2012, 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 September, 2012, was in the Town Board members' packets.

Supervisor Vanselow distributed the Supervisor's Monthly Report, for the month of September, 2012, to the members of the Town of Johnsburg Town Board. Supervisor Vanselow said that in addition to the regular report that there was also a copy of the budget lines with up to date expenditures.

Supervisor Vanselow said that there were three budget amendments to be acted upon. Supervisor Vanselow explained that one is to move \$17,865.95 in Highway Funds from

unexpended balance to the Equipment line to complete the purchase of a New Holland Tractor for \$97,865.95 which was approved in Resolution Number 84 passed on March 22, 2012. The other two amendments are to record the appropriation of Planning escrow funds received for the Ward Hill project and the 4 V's project. Supervisor Vanselow asked that the Town Board accept the budget amendments.

#### RESOLUTION NO. 218

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept and approve the following amendments to the 2012 Town Budget:

#### Budget Amendments September, 2012

1. Appropriated Fund Balance	A599	\$1,000.00	
Appropriations	A960		\$1,000.00
Planning/Ward Hill	A8020.4.4	\$1,000.00	
Planning Revenue/Ward Hill	A2115.4		\$1,000.00
Increase Appropriations for Planning and Development Funds Received July			
2. Appropriated Fund Balance	A599	\$2,000.00	
Appropriations	A960		\$2,000.00
Planning/4 V's	A8020.4.8	\$2,000.00	
Planning Revenue/4 V's	A2115.8		\$2,000.00
Increase Appropriations for Planning and Development Funds Received June			
3. Appropriated Fund Balance	DA599	\$17,865.95	
Appropriations	DA960		\$17,865.95
Equipment	DA51302	\$17,865.95	

Per Board Resolution 84 (March 22, 2012 minutes), appropriate funds from Highway Fund Balance for New Holland Tractor less 80k already budgeted in 2012 budget

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

#### RESOLUTION NO. 219

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the following certified bills which have been reviewed by the board members be paid: General Fund (Total \$12,953.35) - Claims #2012-799\* through #2012-806 and #2012-810 and #2012-812 and #2012-815 through #2012-819 and #2012-821; \*Claim #2012-799 already paid (National Grid \$30.44); Highway Fund (Total \$108,699.64)- Claims #2012-807 through #2012-810 and #2012-812; Capital Projects Funds (Total \$4,930.00) Claims #2012-819 and #2012-820;

North Creek Water Dist.(Total \$459.00)- Claim #2012-812; Library Fund (Total \$725.29) Claim #2012-810; Trust and Agency (Total \$1,885.14) Claims #2012-810 through #2012-814; Total all warrants \$129,652.42. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

#### PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle gave the Town Board an update on the Ski Bowl Park. Mrs. Nettle noted that three new sidewalks have been poured and soon the pad for the climbing boulder will be poured as will a sidewalk into the pavilion. Mrs. Nettle explained that boulders have been placed along the path where the chain link fence had been and the planting barrier will be planted very soon. Mrs. Nettle said that Volt Landscaping has offered to supply the plants to the Town at cost.

Mrs. Nettle asked that the Town Board consider additional expenses to remediate the pond area in the Ski Bowl Park. Mrs. Nettle explained that a young man, Peter Morehouse who possesses a scuba license has offered to hand harvest the weeds on the floor of the pond for the cost of \$2800.00 including the cost of his insurance. Mrs. Nettle has asked a professional invasive species harvesting company for an estimate and was given a cost of \$3800.00 to \$4500.00 to hand harvest the weeds. Mrs. Nettle explained that hand harvesting meant going to the floor of the pond and pulling the weeds up by hand and putting them in a dewatering bag and bringing them up to the dry ground to drain off the water and then disposing of the weeds. Mrs. Nettle asked if the Town Board wished to have this action performed. Mrs. Nettle said that she has written a grant to help fund this project if the Town Board authorized the project.

Supervisor Vanselow asked how long the harvesting take would; Mrs. Nettle expected that it would take about eight or nine days. Supervisor Vanselow asked if this was a personal service and noted that we have two quotes and one is under three thousand dollars. Supervisor Vanselow asked for Town Board comment. Mr. Olesheski asked if the money was in hand to spend on the Ski Bowl Park; Mrs. Nettle replied that in the modifications of the grant that twelve thousand dollars had been written in to remediate the pond and was approved by the Office of Parks and Historical Preservation. Mr. Olesheski said that if the Town was charged twenty-eight hundred dollars then the Town could file for fourteen hundred dollars in reimbursement. Mr. Olesheski asked if the Town had the twenty-eight hundred dollars in the bank; Supervisor Vanselow said that he believed that the funds were available and he expects that a reimbursement will be submitted by Mrs. Nettle in November for the current funds expended. Supervisor Vanselow said to keep in mind the fact that there has been no formal extension of the grant beyond this year. Mr. Olesheski said that he has heard a lot of public comment that while there is no swimming that people want to have the area look well. Mr. Olesheski said that getting the weeds out and the pond aerated would be an aesthetic improvement. Mr. Stevens said that he believed that this was a professional service. Mr. Olesheski said that he would move the hiring of the lowest quoting responsible operator to harvest the weeds in the pond area at the Ski Bowl Park. Mr. Stevens asked if there were references to perform this work and not just a person with a snorkel and a wet suit. Mrs. Kelly Nettle said that Peter Morehouse is not in the business, but is a capable scuba diver and

added that hand harvesting is not difficult.

#### RESOLUTION NO. 220

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board authorizes the hiring of the individual offering the lowest quote to harvest the weeds in the pond area at the Ski Bowl Park. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mrs. Kelly Nettle said that this would show activity in every phase of the grant and should help in getting an extension for the balance of the grant.

Mr. Robert Nettle said that he was happy to have the chain link fence removed, he described it as looking like a prison fence and it has improved the looks of the area immensely. Mr. Stevens said that he remembered that the problem of removing the fence had resulted to the fact that it had been installed with federal grant funds and the Town might be held responsible financially for its removal. Mrs. Kelly Nettle said that in discussions with previous grants controller at the Office of Parks and Historical Preservation who had indicated that the time for its retention had passed; she added that in discussions with the USDA people that the time limit is three years on equipment.

Supervisor Vanselow asked that the Town Board now move into executive session to discuss pending litigation. Mr. Mike Mender asked if any Town Board action was expected following the executive session; Supervisor Vanselow said that no formal Town Board action was expected to result from the executive session.

Mr. Olesheski presented the following motion, with a second from Ms. Nightingale to enter into executive session for the purpose of discussing pending litigation at 7:44pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mr. Stevens presented the following motion, with a second from Mr. Arsenault to adjourn the executive session for the purpose of discussing pending litigation; and further, to reenter the regular session at 8:30pm. 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 Mr. Stevens with a second from Mr. Olesheski at 8:30 pm. 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, October 16, 2012 at the Sodom Scout Hall, North Creek, New York.**

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Prepared by William Rawson, Town Clerk