

**Minutes of the Town of Johnsbury Regular Meeting
October 5, 2015
Held at the
Wevertown Community Center,
Wevertown, NY**

Minutes of the Regular Meeting of the Town Board of the Town of Johnsbury held on Monday October 5, 2015 at 7:00 PM at the Wevertown Community Center, Wevertown, NY.

Supervisor Vanselow called the meeting to order at 7 p.m. and the pledge to the flag was led by Supervisor Vanselow.

PRESENT: Ronald Vanselow -- Supervisor
 Arnold Stevens -- Councilman
 Eugene Arsenault -- Councilman
 Peter Olesheski, Jr -- Councilman
 Katharine Nightingale -- Councilwoman
 Jo A Smith -- Town Clerk

ABSENT:

APPROVAL OF MINUTES FOR September 15, 2015

RESOLUTION #105-15

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the September 15, 2015 regular Town Board Meeting as written.

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

CORRESPONDENCE:

Department of Health letter dated September 24, 2015 addressed to John Monroe Re: Facility: J & J Foxx Lair Tavern, Facility Code: 56-AB18 - It has been brought to our attention that you are no longer operating the facility named above. As a result, it will be inactivated in the NYSDOH

database and you will no longer receive permit renewal application forms nor will your facility receive routine inspections. We would like to remind you that the New York State Sanitary Code does not allow a Permit to be transferred or assigned to another operator. If you decide to reopen the facility, please contact this office. A new Permit application must be submitted to the Glens Falls District Office at least 30 days prior to resumption of operation. Any proposed operation of this facility in the future must comply with all applicable portions of the New York State Sanitary Code and New York State Uniform Code.-Please be advised that failure to obtain a valid permit prior to resuming operation of the facility may result in enforcement action by this office with fines of up to \$2,000.00.-Anita M. Gabalski, Director Glens Falls District Office.

New York State Agriculture and Markets - Letter dated September 22, 2015 Re: Glens Falls Animal Hospital - Enclosed is the **Municipal Shelter Inspection Report** completed on **09/17/2015**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below. As the report indicates, dog shelter services were rated "Satisfactory". Please make note of any comments listed on the report. Municipal dog shelters are subject to inspection by this agency on a regular basis. Please notify this office within 30 days of any changes in municipal shelter services. If you have any questions regarding this inspection, please call me. Elizabeth Holmes Animal Health Inspector (518) 321-5002.

Highway Superintendent Daniel Hitchcock letter dated October 5, 2015 which Supervisor Vanselow will going into more detail regarding it.

COMMITTEE REPORTS:

OLD BUSINESS:

NOISE ORDINANCE

Mr. Arsenault asked Supervisor Vanselow if he has reviewed any of the sample noise ordinances that Attorney Fuller had sent. Supervisor Vanselow stated that he had reviewed Bolton and Marcy, but he is not in favor of a noise ordinance for the Town at this time. Mr. Olesheski stated that he agrees with Supervisor Vanselow a town wide ordinance is not warranted at this time and

would not be enforceable. Also, the cost, extra work and special equipment that would be mandated. Mr. Olesheski went on to state that if law enforcement was on Edwards Hill and if there was a problem then why didn't the parties involved get ticketed for disturbing the peace. Mr. Arsenault stated because they don't want to get involved. Mr. Stevens stated no matter what, in one persons eyes you will be right and another you will be wrong. At this time Mr. Stevens is not in favor of the Noise Ordinance. Ms. Nightingale stated she was 50/50. Mr. Stevens continued stating that the public is more than welcome to come forward with their opinions and we can revisit it again.

REQUEST/LETTER FROM HIGHWAY SUPERINTENANT DANIEL HITCHCOCK

Supervisor Vanselow stated that Highway Superintendent Daniel Hitchcock is requesting to place an ad to have some of the seasonal roads plowed. (This is the list that Mr. Hitchcock provided)

Porter Road - Approx. 1 mile

Crane Mtn Road - ? - Approx 1 Mile (replace 2 bridge)

Oehser Road - .27

River Road - approx. 1 1/2 mile - south end

Pasco Road - .39

Bartman (School) Road - .12

In Mr. Hitchcock's letter he stated that if the highway dept plows them, he will need more manpower and equipment. Suggesting putting snow removal out to bid would be a better option.

Mr. Hitchcock continued stating there are a few capital projects that should be addressed next summer. The first one is Gunitite applied to Harvey Road Bridge Abutment. Second, replace bridge on Garnet Lake Road, possibly just 1/2 of it. Third, replace 9' culvert on Glen Creek road with a bridge or bottomless culvert. Fourth, replace Claude Straight Bridge. (Part FEMA Funded) If funding is not made available, then the town boards only option would be to stoop paving for a few years, and direct the CHIPS funding toward these projects.

Mr. Stevens made a motion with a second from Ms. Nightingale to accept the request from the Highway Superintendent Mr. Hitchcock to run an ad for plowing

on seasonal roads.

Mr. Olesheski stated that the list which was provided is less than 5 miles.

Mr. Arsenault is wondering why? The Highway Department has over a million dollars in equipment and they can't plow these roads? Supervisor Vanselow stated he is doing what was requested of him. Mr. Arsenault is wondering why Mr. Hitchcock was not present to be able to discuss this with them? Mr. Olesheski also stated that he would like Mr. Hitchcock to come to the Town Board meeting and explain. Ms. Nightingale is wondering why they can't do it with smaller trucks, which would probably be cheaper and if need be hiring another person.

Mr. Jim Jones reported to the board that this past season he plowed Porter Road with his pickup and didn't have any problems.

Mr. Stevens rescinded his motion.

Mr. Arsenault asked about the paving and bridges. Supervisor Vanselow stated that there was nothing in the budget about them.

FRONT STREET

Supervisor Vanselow stated that Attorney Fuller has several questions at this time regarding Front Street which is in the boards packet. Mr. Arsenault asked if Mr. Crikelair was aware of the questions? Supervisor Vanselow stated that he was and that this time Parcel B & C do not exist it is still a hole parcel and no maps have been filed. Attorney Fuller is in contact with Tony Jordan and Dan Smith (Mr. Crikelairs' attorney) and the only phase that the planning Board approved was Phase 1. According to Mr. Crikelair all phases were approved.

UPDATE ON GRANT MONEY

Ms. Nightingale stated that the deadline for the grant was September 30th and not December so not to lose the money they bought items for the bathrooms etc.. Ms. Nightingale went on to state that on Monday or Tuesday they would be starting the next 500 foot of sidewalk which has about 10 laterals which should be replaced. Ms. Nightingale presented the board with a letter from

Cedarwood Engineering dated September 30, 2015. Re: Main Street Concrete Repair – Water Service Lines - Following our conversations regarding the replacement of sidewalk along Main Street on Friday September 25th and Tuesday September 29th, Cedarwood has prepared a short description of the proposed project and cost estimates depending if the work is performed during concrete replacement or after concrete replacement.

Existing Situation - As you know Warren County is planning on replacing sidewalk this fall, prior to the expiration of the grant paying for the work. The proposed concrete work would occur for 500 linear feet along the eastern side of Main Street from the existing replacement. There are ten service connections that will be exposed during the replacement of the concrete. Several of these connections have Curb stops in the concrete sidewalk, and are original construction. As part of the original streetscape project, it was planned to relocate the curb stops outside of the sidewalk and repair the lines to reduce the number of leaks and repairs required. If the lines are not modified or replaced it is likely that the proposed concrete sidewalk will have to be removed and replaced to repair leaks in the future. This removal and replacement of the sidewalk is not recommended as it will negatively impact the appearance of Main Street.

To avoid disturbance to the proposed concrete sidewalk in the future due to water leaks it is recommended that the existing water service lines and curb stops be modified. While the concrete sidewalk is being removed the water service connections can be repaired and sleeved to minimize impacts to the concrete sidewalks in the future. Work would consist of excavation of the water line and curb stop, relocation of the curb stop, partial replacement of the water service line, placement of the water line in a PVC sleeve for future work, and insulation/backfilling the water service line. The final condition would be a new water line under the sidewalk with a PCV sleeve to facilitate future repairs if required. It is anticipated that this option would cost between \$2,500 and \$3,000 per service connection.

If the modifications are not made at this time, repairing the laterals will be significantly more difficult and is anticipated to cost more. Repair would consist of removal of the concrete sidewalk installed by Warren County, excavation of the water line and curb stop, relocation of the curb stop, replacement of the water service line, placement of the water line in a PVC sleeve for future work, insulation/backfilling the water service line and repair

concrete work . It is anticipated that this option would cost between \$3,500 and \$4,000 per service connection. Additionally, the replacement concrete work will not match the style or appearance of the concrete work performed by the County. Mark Suozzo, E.I.

Mr. Olesheski stated about \$42 thousand might be needed to replace the laterals, could the water department pay this? Supervisor Vanselow stated they did have enough money to pay for it.

RESOLUTION # 106-15

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to make available up to \$50 thousand from the North Creek Water District cash reserve to pay for the necessary lateral replacements on the eastside of Main Street (also known as County Route 77).

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

MORO PROPERTY

Supervisor Vanselow stated that on Wednesday at 3:00 pm will be the closing on the Moro Property and the following checks will be needed for the closing.

Meyer & Fuller, PLLC - 161 Ottawa Street - Lake George, New York
12845 518-558-2199

SELLERS CLOSING STATEMENT as of October 7, 2015

SELLER: Mary C. Moro

BUYER: Town of Johnsbury

PROPERTY: State Route 28, Town of Johnsbury, Warren County, New York;
TMP 66.10-2-31

SELLING PRICE \$7,000.00

Balance \$7,000.00

ADJUSTMENTS

TOWN/COUNTY TAX = **\$386.59**

Buyer owes 88 days at \$1.0591 per day Adjustments Due Seller \$93.21

BALANCE DUE SELLER \$ 7,093.21

BUYER CLOSING EXPENSES

Warren County Clerk: Deed Recording	\$60.00	
RP-5217	\$250.00	
File TP-585	5.00	
TOTAL:		<u>\$315.00</u>
School Tax Bill: Mary J. Alexander, Collector	581.20	
Title Fees: Lake George Title Agency	200.00	
Legal Fee/Disbursements to: Meyer & Fuller, PLLC		<u>POC</u>
TOTAL		<u>\$1,096.20</u>

Check Cut List:

Mary C Moro \$7,093.21
Warren County Clerk: \$315.00
Mary J Alexander: \$581.20
Lake George Title Agency: \$200.00
Total checks Cut (Total Amount Due From Buyer): \$8,189.41

RESOLUTION # 107-15

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to cut the following checks for the closing on the Moro Property on Wednesday at 3:00 pm: Mary C Moro \$7,093.21, Warren County Clerk: \$315.00, Mary J Alexander: \$581.20, Lake George Title Agency: \$200.00
Total checks Cut (Total Amount Due From Buyer): \$8,189.41.

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

NEW BUSINESS:

BUDGET PRESENTATION

Ms. Jo A Smith, Clerk handed out the Tentative Budget for 2016 which was filed in the Office of the Town Clerk on September 30, 2015.

PUBLIC HEARING FOR THE TOWN AND FIRE (NOV 5TH)

Supervisor Vanselow stated that we need to run an ad for the Public Hearing on the Budget and also on the Johnsbury Fire Protection District which is going to be held on Thursday November 5th at Wevertown Community Center.

RESOLUTION # 108-15

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale place a Legal Notice in The Sun - News Enterprise for the Public Hearing on the Budget and also on the Johnsbury Fire Protection District which is going to be held on Thursday November 5th at Wevertown Community Center.

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

YOUTH PROGRAM - ADVERTISE

Supervisor Vanselow stated Ms. Nettle represented the following recommendation to the town board regarding the Youth Program and would like to place an ad in The Sun - News Enterprise paper for October.

- AM director
- Assistant director
- Arts and crafts counselor
- AM bus driver (8AM and 12PM runs)
- PM bus driver (2:30 run)
- Swim director
- Lifeguard/Counselors

The idea is to hire the directors by January and the others by February. This allows the directors to have input on who gets hired--it may end up being only the director who does the hiring--that has not been determined yet. This also allows us to advertise only once and have to pay only once unless we have to advertise for the counselors later in March?

Ms. Nettle budget request is for \$36,850.

RESOLUTION # 109-15

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault place a help wanted ad in The Sun - News Enterprise for the following 7 positions for the 2016 Youth Program * AM director * Assistant director * Arts and crafts counselor * AM bus driver (8AM and 12PM runs) * PM bus driver (2:30 run) * Swim director * Lifeguard/Counselors.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Stevens, Arsenault, Nightingale, Vanselow) Nays 1 - Olesheski

ZONING ENFORCEMENT OFFICER MONTHLY REPORT

Supervisor Vanselow noted that the Zoning Enforcement Officer, Ms. Danae Tucker's report for September 2015 was not ready.

ANIMAL CONTROL OFFICER MONTHLY REPORT

Supervisor Vanselow noted that the Animal Control Officer, Mr. Mosher's report for September 2015 was in the Board's Packets.

SUPERVISOR MONTHLY REPORT

Supervisor Vanselow noted that the Supervisors Monthly report for September 2015 was not ready.

MOTION TO PAY WARRANTS

Supervisor Vanselow asked for a motion to pay the warrants.

RESOLUTION # 110-15

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the following certified bills and to pay the following certified bills, which have been reviewed by the board members:

October 5, 2015

General Fund (Total \$32,037.83) - Claims # 15-832 to 15-833; 15-837 to 15-857; 15-868; 15-874

Highway Fund (Total \$15,531.43) - Claims #15-856 to 15-867; 15-869

Water District Fund (Total \$4,143.77) Claims # 15-870 to 15-873

Total all warrants \$ 51,713.03

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

TRANSFER STATION RATES & CLEAN-UP CARDS

Supervisor Vanselow stated to the board members that Ms. Smith has been working on an updated transfer and clean-up card rates which is in the boards packets to review and be discussed at a later date.

PRIVILEGE OF THE FLOOR

Mr. Holt asked for an update on the clean-up at 316 Goodman Road. Supervisor Vanselow stated that he still needed to address this issue.

On motion of Mr. Olesheski and seconded by Mr. Arsenault the meeting was adjourned at 8:04 p.m.

The next regular Town Board meeting will be held at 7:00 p.m. on October 20, 2015 at Sodom Community Center (AKA Scout Hall), Sodom, New York.

Prepared by Jo A Smith, Town Clerk
