

**Minutes of the Town of Johnsborg Regular Board Meeting February 7, 2012  
Held at the Wevertown Community Center, Wevertown, NY.**

Minutes of the regular meeting of the Town Board of the Town of Johnsborg held on Tuesday, February 7, 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, Peter Olesheski, Jr, Arnold Stevens; Town Clerk/ William Rawson. Town Councilman Katharine Nightingale was absent.

Guests: On attached list

**BID OPENING:**

The Town Clerk read the Legal Notice for the Scrap Metal Bid as it appeared in the North Creek News-Enterprise edition of January 14, 2012. The Clerk noted that four copies of the bid packet had been sent out to East Side Metals and Recycling, Earth Waste Systems and Northern Car Crushers; two more bids were picked up by R&L Metals and County Waste & Recycling Services. There were four bids received. The bids were opened in order of receipt and contained all the appropriate forms. East Side Metals and Recycling bid \$224.00 per net ton, R&L Metals bid 102.50 per net ton, Northern Car Crushers bid \$150.00 per net ton (bid had additional conditions listed) and County Waste & Recycling Services bid \$10.00 per net ton to purchase and remove the scrap metal from the Town of Johnsborg Transfer Station.

**PUBLIC HEARING**

The Public Hearing on the Johnsborg Fire Protection Contracts for the Johnsborg Fire Protection District was called to order at 7:05pm by Supervisor Vanselow.

The Town Clerk read the legal notice as it appeared in the January 28, 2012 edition of the North Creek News – Enterprise. Supervisor Vanselow asked for comment from either the Town Board or the public.

Mr. Arsenault asked how the 40% response threshold is to be determined; North River Fire Chief John Donohue said that fire companies' responses are checked and reported through Warren County. Supervisor Vanselow added that he is informed that these records are available to the Town. Mr. Arsenault asked if the financial reporting from the fire companies will satisfy the Town requirement; Secretary Cherie Ferguson said that the information would be the tax reporting information to the government. Mr. Bruce Dunkley, of the Bakers Mills-Sodom Vol. Fire Company, said that the document in question was apparently tax form 990 which is an accounting of fire company funds.

Mr. Arsenault asked about the five and one half percent late charge to the Town if the funds were not paid on time. Fire Chiefs John Donohue and Chip Aldrich said that they were confused by the clause and believed that this was legal verbiage from the attorneys. Mr. Arsenault said that he did not believe that the late charge should be in the contract and that it should be removed. Supervisor Vanselow said that he did not see the penalty coming into play; Mr. Olesheski said that the fire companies should have some satisfaction that the Town will pay on time. Mr. Arsenault asked if the clause was legal. Secretary Cherie Ferguson said that the payment was contingent upon the submission of financial documents and vouchers by the fire

companies. Mr. Stevens said that he did not see the charge was a deal breaker; he added that he doesn't believe that the Town has ever been late in payment and that it did seem to show a lack of trust. Mr. Olesheski said that the fire companies had been waiting a long time for the contract. Mr. Arsenault said that as the fire companies had not known of the clause that they should agree to its removal.

Mr. Stevens asked what the "VFBL benefits" were. Mr. Stevens asked if the Town Attorney has seen the contract; Supervisor Vanselow said that the Town Attorney assisted in writing the contract. Mr. Robert Nettle suggested that the "benefits" could refer to NYS Retirement. Secretary Cherie Ferguson said that the retirement paid by some fire companies is not through the NYS Retirement System; North Creek Fire Chief Steve Studnicky supported this. Mr. Olesheski suggested that the reference may be that the fire companies will have insurance to cover liability. Mr. Stevens said that the contract reads "thee Town will arrange for these benefits".

Mr. Olesheski asked about closing the public hearing. Supervisor Vanselow called for a vote to close the public hearing 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 7:25pm. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

The Public Hearing was closed at 7:25pm.

#### RESOLUTION NO. 48

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept the minutes of the January 17, 2012 regular Town Board meeting as written. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

#### CORRESPONDENCE:

1. A letter from the Upper Hudson Bluegrass Festival thanking the Town Board for the use of the Ski Bowl Park, noting the inclusion of their donation check in the amount of \$250.00, and requesting the use of the Ski Bowl Park August 15<sup>th</sup> through 20<sup>th</sup> of 2012 for the 2012 bluegrass festival.
2. A request from North Creek Water District Clerk to increase water rents in the amount of \$115.00 per year due to finding that two additional apartments have been located: upstairs over Bar Vino at parcel 66.10-1-66 and downstairs at parcel 66.14-1-55 owned by Mr. Peter Parker.
3. A letter from Dr. John O'Connor, DVM requesting that the Town Board authorize the Town Supervisor to sign the enclosed contract for handling stray animals for 2012.
4. An e-mail from the NYS Retirement System noting that within 150 days of the start of a new term elected and appointed officials who are members of the Retirement System and are not recorded on a timekeeping system need to create a record of time involved in work related activities.
5. A registration form for the Adirondack Park Local Government Day Conference to be held March 20 & 21, 2012 at the Crowne Plaza Resort in Lake Placid, NY.
6. A copy of Town of Queensbury Resolution 62 of 2012 supporting the application of the Saratoga and North Creek Railway, LLC before the Surface Transportation Board to

provide rail service between North Creek and Newcomb, New York.

7. An article published in The Leader Herald, Gloversville, NY on the new amendment to the Open Meeting Law regarding the making available of additional records to the public prior to Town Board meetings.

8. A letter from the Town of Johnsbury Library Board of Trustees requesting that the Town Board will confirm the re-appointment of Mrs. Denise Conti and Ms. Anne Morse to the Town of Johnsbury Library Board of Trustees for a term ending December 31, 2014.

9. A letter from Ms. Laurie Prescott Arnheiter informing the Town Board of her interest in being appointed to the Streetscape Committee as well as the Action Plan Update and the Economic Development Committee.

Mr. Olesheski said that he did not see why payroll deductions for the NYS Retirement are being made from his paycheck as his full time employment for Warren County fills the time requirement for retirement. Supervisor Vanselow replied that his Town Council pay will increase his overall retirement benefit and that he has less than ten years of service; that is why deductions are currently being made. Mr. Olesheski said that he was planning to call the NYS Retirement System to discuss the matter and that he would seek further clarification on the timekeeping notification.

Supervisor Vanselow asked if the Town Board members if they wished to act upon the request by the Town of Johnsbury Library Board of Trustees asking that the Town Board confirm the re-appointment of Mrs. Denise Conti and Ms. Anne Morse to the Town of Johnsbury Library Board of Trustees for a term ending December 31, 2014.

#### RESOLUTION NO. 49

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury confirms the re-appointment of Mrs. Denise Conti and Ms. Anne Morse to the Town of Johnsbury Library Board of Trustees for a term ending December 31, 2014. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

#### COMMITTEE REPORTS:

Mr. Olesheski reported that he and Ms. Nightingale had met with Highway Superintendent Daniel Hitchcock to speak about keeping a dialogue open between Highway Supt. Hitchcock and the Town Board; he added that they let Highway Supt. Hitchcock know that they are looking forward to working with him.

Mr. Stevens reported that he and Mr. Olesheski had met as the Building Committee to discuss the Town buildings. They wanted to set priorities to establish a starting point for buildings work using the report from Mr. Donald Filkins. Mr. Stevens reported that he and Mr. Olesheski had both agreed that a good starting point would be to have Buildings Superintendent Matt Olden look for jobs that he can do. They believed that the roofs of the Scout Hall and the Mealsite buildings would be the priorities. Mr. Olesheski mentioned that usage could be important criteria and added that the Wevertown Community Center is used very frequently and that that could increase its priority status. Supervisor Vanselow said that he has spoken to Buildings Supt. Matt Olden about cemetery maintenance and the time it takes; he added that if the cemetery maintenance was bid out that it would free up some of Matt's time. Mr. Stevens said that some of the jobs are simple and that others are more involved. Mr. Olesheski said that the repair or replacement of the

ceiling at the Wevertown Community Center "would be an easy fix" (corrected by resolution 64, 02-21-2012).

#### OLD BUSINESS:

Supv. Vanselow reminded the Town Board that the Scrap Metal Bid had been opened earlier in the meeting and could be awarded; The bids were as follows: East Side Metals and Recycling bid \$224.00 per net ton, R&L Metals bid 102.50 per net ton, Northern Car Crushers bid \$150.00 per net ton (bid had additional conditions listed) and County Waste & Recycling Services bid \$10.00 per net ton to purchase and remove the scrap metal from the Town of Johnsburg Transfer Station. Supervisor Vanselow asked if the Town Board wished to award the bid at this time.

#### RESOLUTION NO. 50

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to award the Scrap Metal Bid to East Side Metals & Recycling Corp., 2323 State Route 149, Fort Ann, NY, 12827, in the amount of \$224.00 per net ton to purchase and remove the scrap metal from the Town of Johnsburg Transfer Station between January 1, 2012 and December 1, 2012. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow noted that the definition and meaning of the term "VFBL Benefits" and the issues of late penalty and Warren County bookkeeping regarding the number of calls responded to by the fire companies. Supervisor Vanselow noted that this is a two year contract and that the Town Attorney has said that the Town Board could approve contracts with some companies, but not all.

Supervisor Vanselow said that he does not believe that there is adequate protection for the Town in the contract; he added that he is more interested in reaching an agreement with the districts to pursue adequate procedures. North River Fire Chief John Donohue said that he was not sure how the Town Board would decide on whether proper procedure is followed and where the information would come from. Chief Donohue noted that frequently decisions are made in the heat of the moment by the fire chief in charge and that there was only hearsay about the decision. Chief Donohue said that he was not against working on the issue, but he was not sure of how to qualify the issue. Supervisor Vanselow said that the problems which were being referenced affect the other fire companies; he said that this may involve speaking to Warren County Fire Coordinator or Emergency Services. Johnsburg Fire Chief Chip Aldrich said that the mission statements may help to solve this. Bakers Mills-Sodom Fire Chief Lewis Hitchcock said that asking one fire chief to stick his nose into another fire company's business without knowing the other company's by-laws is not fair. Supervisor Vanselow said that reports of inappropriate handling of mutual aid and a lack of response by some companies were at the heart of the question; he added that he was not prepared to give specifics at this time. Chief Donohue said that most aspects of fire fighting are governed by time and that the response records are public information and the instantaneous decisions in fighting a fire are made by the fire chief in charge. Supervisor Vanselow said that there were also reports of arriving on scene with equipment which is not in working condition or having no turn out gear. Chief Donohue agreed that fire companies need to have the proper equipment. North Creek Fire Chief Steve Studnicky said that asking the fire chiefs to speak ill of other companies or fire chiefs is not realistic; he said that if there are concerns with a specific company that the Town Board should not approve contracts for that company. Supervisor Vanselow said that each fire company is relying upon the others and asked

if Chief Donohue believed that there were adequate protections for the fire companies. Chief Donohue replied that there were not necessarily adequate protections.

Supervisor Vanselow asked if the fire companies would be open to discussing some items after the signing of the contracts. Mr. Arsenault asked why go ahead with the contracts if there are serious questions; he asked shouldn't the Town Board meet with the specific companies to discuss specific concerns. Supervisor Vanselow said that the contracts have been waiting for months and that he wants to move ahead. Mr. Arsenault said that as the contract is for two years that any issues should be discussed now. Mr. Olesheski said that there is always a reason not to approve the contract and said that there is a clause for making adjustments; he added that if the contract is not passed tonight the payment will probably not be made in March. Mr. Stevens said that he could not remember a payment to the fire companies as early as March. Mr. Arsenault said that the Town Board historically has not been involved in the internal working of the fire companies.

Mr. Bruce Dunkley agreed that there is a cause for concern regarding the contract; he said that the clause discussing the 40% performance issue is not even a complete sentence. Mr. Dunkley said that this was a very poor document to have come from attorneys and he would not recommend passage of it by the fire company. Mr. Dunkley, as treasurer of the Bakers Mills-Sodom Vol. Fire Co., did agree that the Town has not missed a payment on time. Fire Chiefs Donohue and Hitchcock said that the Town has never been late with payment and that the late fee language was not needed. Mr. Stevens suggested a meeting of the fire companies and the attorneys to have the contract understood. Fire Chief Aldrich said that the fire companies would need to get approval from their members for additional attorney fees. Mr. Olesheski asked that Supervisor Vanselow name the company or companies which he was not ready to move forward with. North River Fire Chief John Donohue said that it was time to settle the contract and that every time there is a meeting that there is a new issue brought forward. Mr. Olesheski said that the point was well taken and that there has been three weeks since the last meeting when the contract was given to the Town Board members and that the contract should be approved.

#### RESOLUTION NO. 51

Mr. Olesheski presented the following resolution and moved its passage with a second from Supervisor Vanselow that pursuant to a Public Hearing on the 2012 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District having been held on Tuesday, February 7, 2012, at 7:00pm at the Wevertown Community Center, Wevertown, NY; the Town Board approves of the 2012 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District as written by the attorneys for both the Town of Johnsburg and the Fire Companies as being in the safety of the residents and the best interests of the taxpayers. With 2 members voting in favor and 2 members opposed, the resolution fails to carry. Ayes-2 (Olesheski, Vanselow) Nays - 2 (Arsenault, Stevens)

Mr. Arsenault asked if Mr. Olesheski would amend the resolution to include the wording "subject to a definition of the benefit and a review of the verbiage"; Mr. Olesheski said that he would not amend the resolution and the resolution was voted on.

Mr. Olesheski offered his personal apology to the Fire Chiefs and members of the Fire Companies and gave his word that the Town Board will work on this issue for a solution. Secretary Cherie Ferguson asked if it was possible to entertain a short term contract to cover the liability and authorize coverage by the fire companies. Mr. Stevens said that when the three outstanding questions or issues are solved that the contract will move forward smoothly. Mr.

Olesheski said that the issues should have been dealt with by now so as not to waste the time of the Fire Chiefs. Supervisor Vanselow said that he wants to have a contract in place and that he will try to have the contract ready for finalization at the next regular Town Board meeting. Mr. Arsenault asked if another public hearing would be needed if the changes being discussed were made; Mr. Olesheski said that changes made following a public hearing made it a significant change in his opinion. Mr. Stevens asked if there were any objections to the suggested amendments.

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that pursuant to a Public Hearing on the 2012 Johnsbury Fire Protection Contract for the Johnsbury Fire Protection District having been held on Tuesday, February 7, 2012, at 7:00pm at the Wevertown Community Center, Wevertown, NY; the Town Board approves of the 2012 Johnsbury Fire Protection Contract for the Johnsbury Fire Protection District with the following amendments: elimination of the 51/2 percent late fee clause; reworking of the language regarding the 40 percent appearance and performance clause; and an explanation of the "VFBL benefit" clause. (This motion was withdrawn by Mr. Stevens)

Fire Chiefs Aldrich and Studnicky said that the "VFBL" law had been on the books for years. Mr. Olesheski said that the fire companies should not allow the 51/2 percent penalty clause to be withdrawn as it protects the fire companies. Supervisor Vanselow said that he is not satisfied that the "VFBL" is a real issue; he added that he is not worried about the 51/2 percent penalty language and he believed that the 40 per cent non-appearance clause problem is mostly a correction of the wording.

#### RESOLUTION NO. 52

Supervisor Vanselow presented the following resolution and moved its passage with a second from Mr. Olesheski that pursuant to a Public Hearing on the 2012 Johnsbury Fire Protection Contract for the Johnsbury Fire Protection District having been held on Tuesday, February 7, 2012, at 7:00pm at the Wevertown Community Center, Wevertown, NY; the Town Board approves of the 2012 Johnsbury Fire Protection Contract for the Johnsbury Fire Protection District as written. With 2 members voting in favor and 2 members opposed, the resolution fails to carry. Ayes-2 (Olesheski, Vanselow) Nays - 2 (Arsenault, Stevens)

Supervisor Vanselow said that this issue was obviously not going to be settled at this time and said that he would speak to the Town Attorney and to the Fire Chiefs and the Town Board members to achieve a solution by the next Town Board meeting of February 21.

Supervisor Vanselow informed the Town Board that the Warren County GIS Program Coordinator request for payment of the 2011 GIS services in the amount of \$125.00 reported at the last meeting was a typographical error and the correct amount is \$120.00 and that a voucher in that amount is included in the warrants for payment at this meeting.

Supervisor Vanselow explained that he has not determined that there are any benefits to a membership payment to the Adirondack Association of Towns and Villages (AATV). Mr. Robert Nettle said that the AATV has an anti-Adirondack Park Agency (APA) bias and added that he personally is not supportive of the organization; he said that if the Town supports the AATV it should also support organizations which are supportive of the APA. Mr. Olesheski said that he doesn't see any need to have this issue linger and reoccur on upcoming agendas. Supervisor

Vanselow said that if anyone found a significant benefit to membership in the AATV that the issue could be brought back to the agenda for discussion.

Supervisor Vanselow gave the Town board an update on the sand procurement issue. Supervisor Vanselow said that Ms. Nightingale has been looking for potential sand sites in the Town of Johnsbury and that there seems to be a good inventory of possible sites. Supervisor Vanselow said that he has spoken with Engineer Thomas Suozzo and that the mining permit for the NYS right of way property will probably take about four months to obtain. Supervisor Vanselow added that it does not appear that the Town will run out of sand prior to finding additional sources. Mr. Olesheski asked about the current status of the Goodman property; Supervisor Vanselow replied that he was awaiting additional information.

Supervisor Vanselow explained to the Town Board that he has been informed by Warren County Planning Department Deputy Wayne LaMothe that a committee needs to be created to provide input for the Streetscape grant. Supervisor Vanselow reminded the Town Board that a letter had been received from Ms. Laurie Arnheiter earlier in the correspondence asking to be appointed to such a committee; he asked that the Town Board create a Streetscape Committee and appoint the following people as members for that committee: Joel Beaudin, Michael Bowers, Thomas Suozzo and Laurie Arnheiter.

#### RESOLUTION NO. 53

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to create an advisory committee for the purpose of providing input for the Streetscape grant and that the following shall be the members of that committee: Joel Beaudin, Michael Bowers, Thomas Suozzo and Laurie Arnheiter. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow said that he and Mr. Arsenault will be meeting with Wayne LaMothe to review Town grants. Mr. Olesheski asked if a Town Board member or Supervisor Vanselow will be attending the Streetscape Committee meetings; Supervisor Vanselow said that he expects that frequently a Town Board member will be attending the committee meetings.

Supervisor Vanselow informed the Town Board that the Warren County Attorney has said that Town Board Resolution Number 30 of 2012 while authorizing the execution of an intermunicipal agreement for solid waste disposal, but it does not specifically include the transportation of solid waste in the agreement; he asked that the Town Board pass a resolution to reiterate Resolution Number 30 of 2012 and to add the inclusion of the transportation of solid waste to the agreement.

#### RESOLUTION NO. 54

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to reiterate Resolution Number 30 of 2012 to authorize the supervisor to execute an intermunicipal agreement with Warren County for solid waste disposal and further, to authorize said agreement to include the transportation of solid waste. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow recognized Attorney Daniel Smith representing Front Street Mountain Development to give an update on Phase 1 Residential and a request regarding that project. Supervisor Vanselow informed the Town Board that the water has been turned on to the project.

Attorney Smith said that the wastewater treatment system has been completed and he asked that the Town Board acting as the North Creek Water District Board accept the water lines in the Phase 1a Residential portion of the Front Street Mountain Development into the North Creek Water District. Supervisor Vanselow said that he had received e-mails from Town Attorney Jordan and Delaware Operations (Cedarwood Engineering), the Town Engineers that the Town can accept the water lines into the North Creek Water District.

#### RESOLUTION NO. 55

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board acting as the North Creek Water District Board and with the advisement of the Town Attorney and the Town Engineer accepts the water lines in the Phase 1a Residential portion of the Front Street Mountain Development on Ski Bowl Road in North Creek, New York into the North Creek Water District. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

#### NEW BUSINESS:

Supervisor Vanselow asked if the Town Board wished to act upon the letter from North Creek Water District Clerk James J. Lomax proposing the charging of additional water rents for two properties in the district. The two properties are parcel number 66.10-1-66 (owner Choptank Mills) and 66.14-1-55 (owner Peter Parker). It has been recently brought to the attention of the Water District Clerk that each property has an additional apartment; he would like the Town Board to authorize an additional billing of \$115.00 per year per parcel beginning in the April 2012 billing cycle.

#### RESOLUTION NO. 56

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board acting as the North Creek Water District Board authorizes the Clerk of the North Creek Water District to increase the water rents to the following properties in the next billing cycle (April 2012) in the amounts described: parcel 66.10-1-66 an additional \$115.00 per year for a second floor apartment and 66.14-1-55 an additional \$115.00 per year for an additional apartment; both apartments were recently discovered to exist and be receiving service from the North Creek Water District. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow informed the Town Board that it was his intention to generate a certificate of appreciation for William Heidrich in recognition of his twenty two years of service to the Town of Johnsburg on the Planning Board.

Supervisor Vanselow informed the Town Board that a compressor in the Tannery Pond Community Center HVAC heating and cooling system has failed. Thermal Associates has given an estimate of \$2500.00 for the cost of the replacement of the heat pump including labor. Secretary Cherie Ferguson added that Thermal Associates believes that the damage could be a result of Hurricane Irene and that either the Town's insurance or if denied by the insurance carrier a claim could be filed with Federal Emergency Management Agency (FEMA). Mr. Olesheski asked if the payment was coming from the buildings fund; Supervisor Vanselow replied either there or the contingency fund. Supervisor Vanselow asked that the Town Board authorize the replacement of the compressor.

#### RESOLUTION NO. 57



Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board authorizes the purchase of and installation of a compressor for the Tannery Pond Community Center HVAC heating and cooling system. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow informed the Town Board that he had recently received the 2012 North Creek Water District operation contract from Delaware Engineering; he noted that it was the same as the 2011 contract and asked that the Town Board authorize his execution of the contract.

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the supervisor to execute the contract with Delaware Engineering to operate the North Creek Water District for the year of 2012. (This motion was withdrawn by Mr. Stevens and Mr. Arsenault)

Mr. Olesheski said that he would like to read the contract and that he believed that it should be reviewed by the entire Town board and that he expected that Ms. Nightingale would agree. Following the withdrawal of the resolution to authorize the execution of the contract, Supervisor Vanselow said that he would bring the issue back at the next Town Board meeting.

Supervisor Vanselow informed the Town Board that Superintendent of Highways Daniel Hitchcock has requested that due to the warm winter the Town Board authorize him to post the town roads to protect them from damage and authorize the Town Clerk to advertise the posting of the Town roads.

#### RESOLUTION NO. 58

Mr. Olesheski presented the following resolution and moved its adoption with a second from Mr. Arsenault to direct and authorize the Highway Superintendent to post Town Highways according to Subdivision II of Section 1660 of Vehicle and Traffic Law that all Town Roads will be temporarily closed upon posting to all vehicles having a gross weight of over four (4) tons. Further notice is hereby given that any person or persons violating this order shall be subject to punishment as provided in Section 1800 of the Vehicle and Traffic Law; and further that the Town Clerk is authorized to notice said posting in the North Creek News-Enterprise for two (2) weeks. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked if the Town Board wished to act upon the request from the Upper Hudson Festivals, Inc. for the use of the Ski Bowl Park from August 15<sup>th</sup> through 20<sup>th</sup> of 2012 for the 2012 bluegrass festival for the Bluegrass Festival, as well as a blanket vending permit and permission to display their banner. Supervisor Vanselow thanked Mr. Joel Beaudin, who was present for Upper Hudson Festivals, Inc., for the letter of thanks and the \$250.00 donation check. Mr. Olesheski asked where the \$250.00 donation is applied; Secretary Cherie Ferguson explained that it is added to the parks and recreation through the recreation fees.

#### RESOLUTION NO. 59

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to allow the Upper Hudson Festivals, Inc the use of the Ski Bowl Park August 15, 2012, through August 20, 2012 for the Bluegrass Festival; and further, the Town authorizes the

Town Clerk to issue a blanket vending permit for the aforesaid event; and further, the Town Board grants permission to the Upper Hudson Festivals, Inc. to display their Bluegrass Festival banner. With 4 members voting in favor and none opposed the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow reminded the Town Board that a letter from Dr. John O'Connor asking that the Town Board approve the contract with the Glens Falls Animal Hospital for handling stray animals; he added that the Town Board has looked for a no kill facility and it does not appear to be an option. Supervisor Vanselow asked that the Town Board authorize him to execute the contract with Glens Falls Animal Hospital. Mr. Olesheski noted that the pricing included is labeled for Washington and Saratoga Counties and asked why Warren County is not labeled. Supervisor Vanselow suggested approving the contract under the condition that the pricing for Warren County is either the same or less than that attached to the contract.

#### RESOLUTION NO. 60

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Stevens to authorize the Town Supervisor to execute the contract with the Glens Falls Animal Hospital and Dr. John O'Connor for the holding and disposition of seized dogs as presented with the condition that the pricing for Warren County is determined to be equal or less than the attached pricing labeled Washington and Saratoga County. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

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

Supervisor Vanselow distributed the Supervisor's Monthly Report, for the month of January 2012, to the members of the Town of Johnsbury Town Board.

Supervisor Vanselow reminded the Town Board that there are currently two vacancies each in the Planning Board and the Zoning Board of Appeals and also the alternate position of the Planning Board is vacant. Supervisor Vanselow said that in the interest of having quorums he has encouraged member of the public to consider becoming more involved in these zoning boards to increase the membership and also he has discussed the possibility of a five member Planning Board. Supervisor Vanselow said that there is a question of how to reduce the Planning Board to five members in order to achieve a quorum more easily. Supervisor Vanselow also informed the Town Board that Planning Board Chairman Dorothy Osterhout has told him that she wants to phase out of the Planning Board chairman position over the summer. Mr. Olesheski asked why there have been so many turnovers in the zoning boards. Supervisor Vanselow said that the term length, seven years on the Planning Board, is a long time commitment; he added that to change the

term length requires a local law. Supervisor Vanselow asked if the Town Board wished to place an advertisement in the newspaper. Glens Falls Post Star reporter Jon Alexander said that he would blog about the vacancies. Mr. Robert Nettle suggested that the Town Board consider paying members of the zoning boards a fifty dollar per meeting stipend for their attendance. Supervisor Vanselow suggested that the Town Board investigate the size and possible compensation of the zoning boards; he also asked that the Town Board authorize advertising for residents interested in filling the vacancies on the zoning boards. Mr. Stevens suggested checking with local municipalities for a possible compensation level.

#### RESOLUTION NO. 61

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Stevens to authorize the Town Clerk to advertise for one week in both box advertising and the help wanted section in the North Creek News-Enterprise for interested individuals to be interviewed for appointment to the two vacancies on the Zoning Board of Appeals and the Planning Board and also to the alternate position on the Planning Board. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked that the Town Board authorize the members of the Town Board, the Planning Board, the Zoning Board of Appeals and the Zoning Enforcement Officer to attend the Adirondack Park Agency Local Government Days conference to be held on March 20 and 21, 2012 at Saranac Lake. Mr. Olesheski noted that the conference is co-sponsored by the Adirondack Association and asked if the Town not becoming a member of that organization will affect the cost of attendance for the Town's officials and added that attendance at this conference after refusing to join the Adirondack Association of Towns and Villages seemed contradictory. Supervisor Vanselow said that the Town has historically authorized Town officials to attend this educational opportunity and added that he had reviewed the conference website and found only one cost for attendance of the conference for members as well as non-members.

#### RESOLUTION NO. 62

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens that the Town Board authorizes the payment of registration and mileage for attendance of the Adirondack Park Agency Local Government Days conference to be held on March 20 and 21, 2012 at Saranac Lake for the members of the Town Board, the Planning Board, the Zoning Board of Appeals and the Zoning Enforcement Officer. With 3 members voting in favor the resolution is declared carried. Ayes-3 (Arsenault, Stevens, Vanselow) Nays – 1 (Olesheski)

#### PRIVILEGE OF THE FLOOR

None

Supervisor Vanselow noted that the warrants have a new look as they have been produced by the new financial software.

**RESOLUTION NO. 63**

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- Claims #2012-55, 2012-58, 2012-60, 2012-61 and 2012-63 through 2012-92 and 2012-111 through 2012-114; Highway Fund- Claims #2012-93 through 2012-105; North Creek Water Dist.- Claims#2012-106 through 2012-110. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

A motion to adjourn the meeting was presented by Mr. Arsenault with a second from Mr. Stevens at 9:12pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on February 21, 2012 at the Tannery Pond Community Center, North Creek, New York.

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Prepared by William Rawson, Town Clerk