

**Minutes of the Town of Johnsburg  
Regular Meeting  
Wevertown Community Center,  
2370 State Route 28, Wevertown, NY  
April 21, 2016**

Minutes of the Regular Meeting of the Town Board of the Town of Johnsburg held on Thursday April 21, 2016 at 7:00 PM at the Wevertown Community Center, 2370 State Route 28, Wevertown, New York.

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 - entered meeting at 7:08 pm  
Katharine Nightingale - Councilwoman  
Jo A Smith -- Town Clerk

**APPROVAL OF MINUTES FOR March 15, 2016**

***RESOLUTION # 60-16***

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the minutes of the March 15, 2016 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**

Letter Dated April 20, 2016 - Daniel Hitchcock Highway Superintendent - The Highway Department would like to purchase (2) items. (1) Our tire changer no longer works . Pretty sure repair parts could be purchased, however it is an old machine and is designed for smaller tires. The Small trucks have from 17" to 20" rims. Provided are 3 Price quotes, all for the exact same make and model. #1 quote NY Tech Supply \$4,253.71; #2 quote NAPA \$4,579.00; #3 Quote VI Enterprises \$5,995.00. Requesting approval to purchase from NY Tech Supply for \$4,253.71.

(2) In the Past have rented a concrete saw for culvert projects. Would like to purchase one because at times during construction season it can be difficult to locate a rental unit. The only walk behind saw we have located is a Husqvarna from Northern Tool for \$1,800.00.

Letter Dated April 20, 2016 - Honorable Vincent D. Schiavone - As you may be aware, the Chief Judge of the State of New York has established the following new rules for the courts. These rules include the following:

Arraignments of all defendants require the presence of the defendant, an attorney for the defendant, an Assistant District Attorney representing the People of the State of New York, the police officer who brought the defendant to court, the Court Clerk and the Judge, a minimum of six people.

The current size of the court office is approximately 7' x 10'. Under the new rules, this space is insufficient to provide space for attorneys for conferences with their clients, negotiating plea deals and mediations of civil matters. Youthful Offender matters may not be held in open court. The courtroom must be cleared of all people before a matter can be heard. Privacy is absolutely essential.

The existing court office currently contains the judge's desk, the court clerk's desk, computers, copy machine, fax machine, two desk chairs and file cabinets. There is no space to add additional furniture or chairs. The number of people now required to be present at a court proceeding far exceeds this limited space. Currently, if the center is being used for a party or other social event there is no place to hold the new court mandated proceedings.

As Town Justice, I am asking the Town Board to approve the size of the court office by adding an additional meeting room to abut the existing court office. The new room would be the same size as the existing court office (approximately 7' x 10'). The space involved would not impact any Community Center functions. The new space would contain a conference table, chairs and file cabinets.

The Court has inquired through the Office of Court Administration if a grant would be available through J-CAP Funds. I was advised that the grant would be considered if the Town will authorize the Court to apply as was done for the Court bench. A copy of that Resolution is enclosed for your reference. The approximate cost of this improvements is \$9,000 to \$10,000. This grant will come directly from J-CAP funds. The Town will not be required to match or repay these funds. The construction will come at no

cost to the Town. Thank you for your consideration of this matter.

Letter Dated April 7, 2016 - James J Lomax Water District Clerk - the total amount for the April 2016 water rents \$50,183.50.

Letter Dated March 17, 2016 from Agriculture and Markets - Dog Control Officer Inspection Report completed on 3/15/2016 - services were rated "Satisfactory".

Letter Dated March 17, 2016 from Agriculture and Markets - Municipal Shelter Inspection Report completed on 3/15/2016 - services were rated "Satisfactory".

### **RESOLUTION # 61-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to approve and accept the (2) purchase requests for the Highway Department (1) Tire Changer from NY Tech Supply for \$4,253.71 (2) a Husqvarna walk behind concrete saw from Northern Tool for \$1,800.00.

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

### **COMMITTEE REPORTS**

Mr. Olesheski stated that there was a late submission Occupancy Tax Application from the Upper Hudson Festivals, Inc. for the Bluegrass Festival requesting \$2,300. Mr. Olesheski went on to state that he had Ms. Williams the Towns Bookkeeper check to see what funding was left in the Occupancy Tax and the roll over funds from 2015 was \$20,000. Mr. Olesheski then turned the floor over to Ms. Emily Stanton from ORDA who presented a brochure "Things to do in the Gore Mountain Region". Ms. Stanton explained that they are looking for funding of about \$1,900 to distribute these brochures along the Thruway and the local regional area.

## **RESOLUTION # 62-16**

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Stevens to approve and accept the (2) Occupancy Tax requests (1) Upper Hudson Festivals, Inc. for the Bluegrass Festival in the amount of \$2,300 (2) ORDA for distributing "Things to do in the Gore Mountain Region" brochures along the Thruway and local regional area in the amount of \$2,000.

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

### **OLDBUSINESS:**

### **NEW BUSINESS:**

### **COMMUNITY FUND FOR THE GORE MTN REGION**

Mr. Tom Magee presented the following information to the board:



## **LOOKING FOR A GRANT?**

*Does your organization need project funding?*

The Community Fund for the Gore Mountain Region (CFGMR), a component fund of Adirondack Foundation, is now offering grants to certified 501(c)3's,

schools and local governments operating in the towns of Johnsburg, Chester, Minerva, Horicon and Schroon. Grants will support community beautification, historic preservation, culture and the arts, education, recreation and programs for youth and seniors. Until the fund grows, grant requests are limited to \$1,000. Applications must be submitted online via Adirondack Foundation's website: [www.generousact.org](http://www.generousact.org) *Application deadline is 5p.m. June 1, 2016.* Decisions will be made in July and successful applicants will be awarded grants at a ceremony in August. If you have questions please contact Wes Dingman (CFGMR) at (518) 251-5751 or [cwdingman@frontiernet.net](mailto:cwdingman@frontiernet.net) or Andrea Grout (Adirondack Foundation) at (518) 523-9904 or [andrea@generousact.org](mailto:andrea@generousact.org).

### **ACOC TRAILER**

Ms. Andrea Hogan stated that they received the \$4,000 grant for the trailer which means they are still short \$2,800 and at the last meeting the Board stated they would help.

### **RESOLUTION # 63-16**

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to approve and grant \$2,800 to ACOC for the balance of the Trailer Purchase.

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

### **LITTLE LEAGUE**

Mr. Phil Goodman stated that they would like to dedicate the "New Field" at the Ski Bowl to "Bill Durkin" and would like to place a monument similar to the other monuments in the park. They would also like up update the "Moffitt Plaque" monument at the Sodom field.

**RESOLUTION # 64-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to approve and accept the dedication of the new field at the Ski Bowl to Bill Durkin.

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

**SKI BOWL PARK - CURFEW \* DOGS \* CAMPING \* VENDING**

Supervisor Vanselow stated that he would like to have the curfew waived for Waynestock and the Bluegrass Festival and any other similar request for the year.

Supervisor Vanselow went on to state that we also need signage about the leash law at the park.

Supervisor Vanselow stated that we have (1) request for camping for White Water weekend and would also like to do a Blanket Vending Permit for that weekend.

**RESOLUTION # 65-16**

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to approve and accept a Blanket Vending Permit for White Water Weekend.

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

**RESOLUTION # 66-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the Supervisor to waive the curfew at the Ski Bowl Park at his discretion.

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

**ATTORNEY DISCUSSIONS RE: FRONT STREET, DUNKLEY FALLS, GOODMAN PROPERTY, TRANSFER STATION, BUTLER PROPERTY**

**Front Street**

Attorney Fuller explained that on Front Street the Board would need to do a Public Hearing on rezoning Parcels B & C.

**RESOLUTION # 67-16**

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to hold a public hearing on May 17, 2016 at the Tannery Pond Community Center, 228 Main Street, North Creek to discuss a proposed Local Law amending the Town of Johnsbury Zoning Map in accordance with the Town of Johnsbury Zoning Law. The amendment would re-zone certain parcels part of the Ski Bowl development from HP zoning district to the HX zoning district.

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

**Dunkley Falls**

Attorney Fuller stated that we have a contract with Open Space Institute Land Trust, Inc. which is a simple contract which he does have one small change in the contract. A SEQR would need to be done and he will be forwarding that information on to the Board. Mr. Arsenault asked about the Title Insurance. Attorney Fuller stated that he will be getting the title from Open Space and will be reviewing that before moving forward.

**Transfer Station**

Attorney Fuller stated that he would be in touch with Parks and Rec the following day to see how they have determined that the Transfer Station is in the Park.

## **Butler Property**

Supervisor Vanselow faxed the paper work to the surveyor as the board authorized at the last meeting. Attorney Fuller advised the board that there could be a small chance of an issue down the road regarding the mortgage. Mr. Suozzo also stated that we should increase our water rates to help offset this, that residential rates should be around \$400.00 per year. Mr. Arsenault stated that it has been about 15 years since they were raised. Supervisor Vanselow stated that \$400.00 a year would be about doubling our rate. Supervisor Vanselow went on to state that the Board was the Water Commissioners so they would have to meet and discuss this. Attorney Fuller suggested meeting with the engineer and coming up with a 5, 10, 15 year plan.

## **HIGHWAY WORK FOR THE SEASON**

Mr. Tom Suozzo gave the board the following letter with attachments and stated that Mike O'Reilly has been working on the bridges.

Cedarwood Engineering Service

Town of Johnsburg, NY Bridge Infrastructure Board Meeting

April 21, 2016

### **Background**

In November of 2015, Cedarwood conducted a visual inspection of four bridge/culvert structures located throughout the Town. A summary of our findings was provided to the Town for review (also attached).

### **Summary of Actions**

Cedarwood recommended that the Garnet Lake Road Bridge be closed due to its extensive deterioration. As such, the Town has installed a temporary bridge until more permanent repairs can be made.

Harvey Road has experienced extensive deterioration associated with the abutments and footings. Bid costs to make repairs to these structures were



excessive and exceeds useful life of the structure following repair. That is, regardless of making these smaller repairs, the overall condition of the structure is poor.

### **Proposed Actions Forward**

Proceed with generating a design package for the construction of a segmental block abutment/wingwall system utilizing a permanent steel bridge deck with NYSDOT approved guiderails for the Garnet Lake Road project. This type of system can be built using Town forces or small portions of it contracted out (i.e., concrete footing, bridge fabrication, etc.)

Review the possible construction a new raised bridge structure over the existing Harvey Road site. The estimated cost to replace this structure entirely is excessive due to its depth.

Recently Dan brought to our attention an additional structure with excessive deterioration, the Hudson Street Bridge. As can be seen from the attached pictures, the bridge beams are completely deteriorated, in some instances light can be seen through the beam's web. In other areas, the entire bottom flange of the beam is entirely missing. Due to the extensive deterioration, discussions should take place to address the structures future usage. At a minimum, the deck structure should be replaced, as the abutments appear to be sound.

### **Attachments**

Proposed construction of the Garnet Lake Road Bridge  
Proposed construction for the Harvey Road Bridge  
Photographs of the condition of the Hudson Street Bridge  
Harvey Road bridge complete replacement estimate  
Garnet Lake Road bridge complete replacement estimate.  
Previous Town structure evaluation

Mr. Tom Suozzo and Mr. Daniel Hitchcock discussed bridges and their plans.

Mr. Hitchcock discussed with the Board paving 1.3 miles on Goodman Road which he will be working on while the engineer works on the details for the bridges.

## **GOODMAN PROPERTY**

Supervisor Vanselow stated that he received an e-mail after hours today with the test hole results pertaining to the Goodman Property. Mr. Suozzo stated that the tests were good and he is advising the Board to move forward on the purchase.

### **RESOLUTION # 68-16**

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town of Johnsbury is intending to purchase the Goodman Property which is located at the Corners of Garnet Lake Road and Park Road.

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

## **SUPERVISOR'S MONTHLY REPORT**

Supervisor Vanselow noted that the Supervisors Monthly report for February 2016 was in the Boards packets.

### **RESOLUTION #69-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept and approve the Supervisors Monthly Report for February 2016.

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

## **ANIMAL CONTROL MONTHLY REPORT**

Supervisor Vanselow noted that the Animal Control Officer, Mr. Mosher's March 2016 report was in the Board's Packet.

**ZONING ENFORCEMENT OFFICER MONTHLY REPORT**

Supervisor Vanselow noted that the ZEO, Ms. Tucker's February 2016 report was in the Board's Packet.

**BUDGET AMENDMENTS**

Supervisor Vanselow stated that we have 3 Budget Amendments for April 2016, the (1) is Allocate Contingency Funds to cover additional Insurance Costs (2) Purchase of Land appropriate funds for continued costs associated with Goodman Sand Pit Purchase (3) appropriate funds for costs associated with engineering for various water related grant projects.

***RESOLUTION #70-16***

Mr. Aresenault presented the following resolution and moved its passage with a second from Ms. Nightingale to approve and accept the following budget amendments

Budget Amendments April, 2016

1	Unallocted Insurance	A19104	\$2,500.00
	Contingency	A19904	\$2,500.00

Allocate Contingency Funds to cover addl excess Insurance Costs

2	Purchase of Land CE	A19404	\$14,000.00
	Unassigned Appropriated Fund Balance	A915	\$14,000.00

Appropriate Funds for continued costs associated with Goodman Sand Pit purchase

3	Sanitary Sewers CE	SW81204	\$30,000.00
	Unassigned Appropriated Fund Balance	SW915	\$30,000.00

Appropriate Funds for costs associated with engineering for various water related grant projects

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

## **MOTION TO PAY WARRANTS**

Supervisor Vanselow asked for a motion to pay the warrants.

### ***RESOLUTION #71-16***

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to accept the following certified bills (Per Resolution #45-16) and to pay the following certified bills, which have been reviewed by the board members:

#### **March 30, 2016**

***General Fund*** (Total \$23,985.22) - Claims #16-245 to 16-253; 16-255; 16-272 to 16-277

***Highway Fund*** (Total \$19,533.92) - Claims #16-255 to 16-266

***Water District*** (Total \$17,091.33) - Claims #16-253; 16-255; 16-267 to 16-269; 16-275

***Library Fund*** (Total \$814.67) - Claims #16-255

***Trust & Agency Fund*** (Total \$3,300.17) - Claims #16-255

Total all warrants \$ **64,725.31**

#### **April 20, 2016**

***General Fund*** (Total \$64,267.13) - Claims #16-281; 16-283; 16-288 to 16-329

***Highway Fund*** (Total \$71,996.58) - Claims #16-282; 16-327; 16-329 to 16-357

***Capital Projects Fund*** (Total \$1,877.75) - Claims #16-372

***Fire Protection District*** (Total \$45,569.52) - Claims #16-371

***Water District*** (Total \$13,637.27) - Claims #16-326 to 16-328; 16-366 to 16-369

***Library Fund*** (Total \$3,155.82) - Claims #16-327; 16-358 to 16-365

***Johnsburg Emergency Squad*** (Total \$138,465.30) Claims #16-370

***Trust & Agency Fund*** (Total \$3,300.17) - Claims #16-327

Total all warrants **\$ 342,269.54**

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

### **PRIVILEGE OF THE FLOOR**

Mr. David Crikelair stated his concern about the utility trucks parked over by the Highway garage.

Ms. Kelly Nettle stated that she would like Mr. Olden to put up back board at the Tennis Courts and to put the liner in the pond.

Mr. Mike Pratt inquired about an update on the contract. Ms. Nightingale stated they would be meeting on Monday and would be in touch with him.

On motion of Ms. Nightingale and seconded by Mr. Steven the meeting was adjourned at 9:50 p.m.

The next regular Town Board meeting will be held at 7:00 p.m. on Tuesday May 17, 2016 at Tannery Pond Community Center, 228 Main Street, North Creek, New York.

---

Prepared by Jo A Smith, Town Clerk