

**Minutes of the Town of Johnsbury Regular Board Meeting
January 21, 2014
Held at the Tannery Pond Community Center, North Creek, New York**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, January 21, 2014 at 7:00 p.m. at the Tannery Pond Community Center, North Creek, NY.

Supervisor Vanselow called the meeting to order at 7:00 p.m. and the pledge to the flag was led by Supervisor Vanselow.

Roll call showed the following persons present: Supervisor Ronald Vanselow; Town Councilmen Eugene Arsenault, Katharine Nightingale, Peter Olesheski, Jr, Arnold Stevens; Town Clerk Jo A Smith.

Guests: On attached list

RESOLUTION #18-14

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the January 7, 2014 organizational meeting and regular Town Board Meeting as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

CORRESPONDENCE:

1. A letter from Mr. Lloyd K Burch advising the Town Board that he would like to serve on the Board of Assessment Review for another term contingent the Town of Johnsbury actively pursuing a full reassessment of town properties by an independent agency or individual.

Supervisor Vanselow explained that he, Ms. Sherry Williams and Mr. Arsenault met on Thursday and there will be 25 thousand in the revalue line after tonight.

OLD BUSINESS:

Cedarwood Engineering – Mr. Suozzo explained that Mr. Charlie Rawson has been up at Top Ridge overseeing the water lines that are being installed which are going to be dedicated to the water district. Usually they would charge the Town for this and the town would charge the developer. Supervisor Vanselow explained to Mr. Suozzo that the Town doesn't have a contract with the developer. Mr. Suozzo explained that it was their understanding that it was agreed that the North Creek Water District will take ownership of all distribution lines up to and including the curb stop just prior to the individual service lines for each town house. The agreement was referred to in a letter sent to the NYSDOH and signed by Jim Hutchins, dated March 23, 2007. Mr. Suozzo went to say that if the Town is going to take over these water lines they want to make sure they are installed correctly, with the correct material and where they are located. In 2010 the North Creek Water District adopted a fee schedule for all developments within the town for water hook up. Mr. Suozzo stated that Mr. Charlie Rawson had put all of this information in

the letter which Mr. Suozzo gave copies to the Town Board. (See attachment) Supervisor Vanselow asked how many units are hooked up now. Mr. Charlie Rawson stated that it is 14 units. Supervisor Vanselow asked if we had collected any fees yet. Mr. Charlie Rawson said that he didn't believe so.

Mr. Suozzo stated that he talked with Attorney Rob Simon regarding the easement. Usually it is only a 15 or 20 feet wide easement to be able to repair the lines. Attorney Simon's recommendation is that they get an easement to the whole subdivision for maintenance on the water lines. Supervisor Vanselow likes this idea because if more units go up they would not have to revise the agreement. In addition to the easement they need a map drawn up and a trace wire so they know where the lines are located. Supervisor Vanselow stated with 14 units already hooked up what is the current existing easement, does the homeowners association have that. Mr. Suozzo stated that he didn't know that was a question for the developer.

Mr. Arsenault asked what documentation we have on this. Supervisor Vanselow stated that we only have a draft agreement not a signed agreement. Mr. Arsenault asked if there was anything in the minutes of meetings. Supervisor Vanselow stated that we didn't find anything. Supervisor Vanselow stated that Mr. Hutchins was contacted about this and he stated that it was discussed but never an agreement signed. Mr. Suozzo stated that Mr. Hutchins who was the engineer of the development sent a letter to Department of Health stating that the town has agreed to take over ownership of the lines. Mr. Arsenault said wasn't part of the agreement was the extension off Durkin Road. Supervisor Vanselow said that was tied into it but that was separate. They paid to install the main and whatever repairs to Durkin Road. Supervisor Vanselow went on the state that there wasn't a good paper trail and he spoke with the former book keeper and a 40 thousand dollar payment was made by Top Ridge to buy into the system. Mr. Arsenault asked what that meant. Supervisor Vanselow stated that at one time they thought they would have to drill another well. Mr. Rawson stated to begin with they talked about opening up #3 well by the town hall but that is too close to the river. Mr. Suozzo stated that you have to prove to DEC not DOH that you have the capacity for the average daily demand. Mr. Arsenault asked if by adding them onto the system that we are going to need more supply. Mr. Suozzo said no that they are fine they are at no risk at this time. Mr. Arsenault asked about the connections that have been made if there was any over site. Mr. Rawson said that he has been there but there was nothing in progress so that when unit A1 or A2 was sold that they paid their application fee. There was never away Mr. Rawson stated he didn't know if it was the assessor that was going to do it, the book keeper or the town clerk, there was just nothing taken care of. Mr. Arsenault asked if he had ever seen all of the installations. Mr. Rawson said yes all but the first building.

Mr. Olesheski stated that it sounds like we are going to have to have a written contract. Supervisor Vanselow stated that with everything that was discussed in prior years and that with Top Ridge paying the 40 thousand dollars that it should have been a done deal. Mr. Olesheski stated that wasn't his point, he is willing "he guest" to go along with what the previous board saw as a good thing for the town. It would be nice to have it in writing because there are certain things that they are going to ask for, like the as built plan and payments. Supervisor Vanselow agrees and would like to collect the retro fees if at all possible. Mr. Arsenault stated he was concerned that the developer gave 40 thousand dollars with no contract. Supervisor Vanselow stated that they had a meeting before Christmas with the developers and he doesn't believe they

had any documentation either. Mr. Olesheski stated they were going to need a lawyer. Supervisor Vanselow said that Attorney Simon had an input on this and said that he would put together the easement. Mr. Suozzo stated that Attorney Simon said he would do the easement but the owners for Top Ridge would have to approach him to request this because the owners would have to pay for this. Supervisor Vanselow stated that the owners seem to want this formally done also. Supervisor Vanselow asked Mr. Suozzo's recommendation. Mr. Suozzo said that maybe they should bring the owners in and discuss everything with them, or you could do a resolution to collect all outstanding fees per the water regulation. Mr. Holt asked how much would the fees be. Mr. Olesheski figured it out to be per unit \$5734. Mr. Suozzo went on to state that other fees would be for Mr. Rawson's time over seeing the installation and that would be forward to the town so they could charge the developer.

Ms. Nightingale asked about installing the trace wire, you want that done or to be done. Mr. Suozzo stated that he would like the trace wire installed on all new installations and at least a map of the others.

Ms. Kelly Nessle suggested maybe they could pay the fees over time instead of shocking them with a big bill.

Mr. Suozzo stated that if anymore units are built that when they come in to do their applications the water district fees should be included at that time.

Mr. Arsenault asked if Attorney Simon would also do the other agreement at the same time.

Ms. Nightingale asked to have the lines explained again. Mr. Rawson stated that on three of the buildings the curb stop is at the end of the building at the gable end. From there it branches out to the 4 units and the branch is there responsibility. The first building is different though, the curb stop is located on the back of the building.

Supervisor Vanselow asked if they would like to go forward with it or invite the developers in for a meeting first.

Mr. Olesheski stated that being he wasn't around when this all started he thinks having the developer come in and discuss everything would be a good idea. Mr. Arsenault said he was fine with that and Ms. Nightingale though it was a good idea too. Supervisor Vanselow asked Mr. Suozzo if he would like to talk with them or would he like Supervisor Vanselow to talk with them. Mr. Suozzo said he would talk with them and then report back to the town board. Mr. Stevens stated that he will be setting out on this.

Mr. Suozzo went on to say that they have completed the feasibility study on the waste water. It is getting harder for main street business to expand or new business to come in because they don't have the space for an onsite septic system. They have put a plan together so if stimulus money comes along that it could actually be built and a proposed boundary line for the district. Mr. Suozzo will get copies to the board and will discuss this more in depth at a future board meeting.

Supervisor Vanselow stated that it's not just growth or restaurant type business it's the school, the Nursing Home, as big users they would help in reducing the user fee.

Ms. Kelly Nettle had a questions regarding when Front Street came in she thought there was talk of having some kind to joint facility for this. Supervisor Vanselow said it would not be realistic at this time.

Supervisor Vanselow stated that this study is being paid for by a grant that Wayne Lamont has applied for. The study was completed at the end of December. The proposal does mirror the water district but it would only be for main street and maybe over to the nursing home and there are steps that we need to take to get it approved.

Ms. Nightingale asked do they have to hook up and Mr. Suozzo said it was optional.

Mr. Suozzo stated that there was an issue at the school recently that has been resolved. They were notified by DOH that they need a Cross Control and connection control program. This has to be developed and implemented, basically what it is where you have a cross connection any type of user that is using chemicals and the pressure drops it could make its way back into the system they want these insurances in place that that can't happen. Mr. Suozzo stated that they are working on the Program at the moment and as soon as they get it together they will get copies to all board members and anyone else that would like to see it.

Mr. Charlie Rawson stated that there is a 40 year old pump in the booster station, which one was replaced in 2005 and the other 40 year old pump hasn't been used since then because it was leaking badly and needs to be replaced. If something happens to the new one there is no back up. He would also like to put a building above the vault to have all the shot off valves and electric up there instead of being down inside the vault. Mr. Rawson stated that he could then add chlorine to that end of town easier. The building of the building could be done in steps. Supervisor Vanselow stated that he asked Mr. Rawson to get quotes on the pumps to start with. Regarding the building we need to check and see how much property we own there or have easement to. Ms. Ferguson stated that it's such a confined space we don't have the equipment if something should happen to some while down in the vault. Mr. Suozzo and Mr. Rawson both stated they do have the equipment but would prefer not to use it. Mr. Olesheski stated that there is enough money to do this. Mr. Stevens asked if they were looking for conceptual approve of the existing plan that we know of to move forward with it. Mr. Rawson replied yes.

RESOLUTION #19-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski for the North Creek Water District to move forward on the conceptual plan for the Booster Station upgrade.

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

Supervisor Vanselow stated second item under old business is the Ski Bowl Plowing and that he

had a long talk with Mike Pratt. They don't have the resources to move the snow around. Mr. Pratt would be interested if the highway department surplus a truck or if the county had one purchasing that for the Ski Bowl and doing their own snow removal another year. Mr. Hitchcock is still trying to sand when needed. Supervisor Vanselow stated that we could also look at contracting it for next year if the other concept falls through.

NEW BUSINESS:

Supervisor Vanselow explained that the Supervisor's Monthly Report, for the month of December 2013 was in the Town Board members' packets.

Supervisor Vanselow said that there were several amendments to be acted upon. Supervisor Vanselow explained that most were within that department and the rest were from the contingency fund. Supervisor Vanselow asked that the Town Board accept the budget amendments.

RESOLUTION #20-14

Mr. Arsenault presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept and approve the following amendments to the 2013 Town Budget:

Budget Amendments for December 2013

1	Justices PS	A11101	570.00	
	Justices CE	A11104	40.00	
	Fines, Forfeits of Bail	A2610		610.00
	Apply Excess Fine Revenues to add Justice Expenses			
2	Assessor PS	A13551	500.00	
	Assessor CE	A13554		500.00
	Apply Assessor Class Reimbursement to add Assessor PS required to attend			
3	Buildings PS	A16201	3,700.00	
	Parks PS	A71101	540.00	
	Refuse/Garbage PS	A81601		4,240.00
	Apply Budgeted Funds for Transfer Station fill in hours to Bldgs/Parks lines. Bldgs/Parks personnel time not charged to Transfer Station.			
4	Youth Programs CE	A73104	560.00	
	State Aid Youth Program	A3820		560.00
	Apply Youth Grant Funds to Youth Program Expenditures			
5	Dental & Eye	A90618	950.00	
	Medical Insurance	A90608		950.00
	Apply Budgeted Funds for Medical Insurance to Dental/Eye.			
6	Assessor PS	A13551	2,110.00	
	Personnel PS	A14301	4,270.00	

	Personnel CE	A14304	175.00	
	Buildings CE	A16204	11,500.00	
	Unallocated Insurance	A19104	50.00	
	Traffic Control	A33104	235.00	
	Dog Control PS	A35104	40.00	
	Street Lighting	A51824	1,450.00	
	Planning PS	A80201	300.00	
	Contingency	A19904		20,130.00
	Allocate Contingency Funds			
7	Encumbrances	DA521	100,000.00	
	(Machinery EQ)	(DA51302)	100,000.00	
	Machinery EQ	DA51302		100,000.00
	Encumber for Highway Truck Purchase/ordered 2013/to be received and paid 2014			
8	Emergency Disaster Work	DA8760.4	58,248.47	
	Federal Aid	DA4960		58,248.47
	Allocate anticipated and received FEMA Payments to Disaster Work Performed			
9	Transfer to Capital Projects	L99509	7,000.00	
	Gifts & Donations	L2705		7,000.00
	Capital Projects/Buildings	H16202.11	7,000.00	
	Transfer from Library	H5031		7,000.00
	Transfer Funds raised by Library to Capital Projects for Roof Replacement			
10	Library CE	L74104	4,220.00	
	Library PS	L74101		1,420.00
	Gifts & Donations	L2705		2,800.00
	Apply Gifts & Donations and saved Personal Services to Library Contractual Expenditures			
11	Land Acquisition/Sand Property	H19044.16.28	11,500.00	
	Property ReVal	H13554.13	10,000.00	
	Insurance Recoveries/Transfer Sta	H2680.15		21,500.00
	Allocate Excess Capital Projects Revenues to other Capital Projects			

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

RESOLUTION #21-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that that the following certified bills which have been reviewed by the board members be paid:

General Fund - (Total \$ 60,086.63) Claims #14-21 to 14-29, 14-44 to 14-50, 14-52, 14-54 & 14-55

Highway Fund - (Total \$ 795.52) Claims #14-30 to 14-33, 14-53& 14-54

Capital Projects Funds - (Total \$740.49) Claim #14-43

North Creek Water Dist.- (Total \$3,393.74) Claim #14-39 to 14-14-42 & 14-55

Library Fund - (Total \$2,033.19) Claim #14-34 to 14-38

Total all warrants \$67,049.57.

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

PRIVILEGE OF THE FLOOR

Ms. Kelly Nessel informed the Board that they did receive the extension on the Park Grant to November they are going year to year at this point. Supervisor Vanselow stated that is a line that is in the negative awaiting money back from the state.

Mr. Quinn Redman from Onforce Solar and Mr. Brendan McCormick from Enlighten Power Solutions from Ballston Spa, NY they saw were the town was looking at different bids and different options regarding Solar. Super Vanselow stated that Apex Solar did a presentation but at this time they have not committed to anything. Supervisor Vanselow requested that they send in their information and told them if they would like a tour of the purposed properties they could sent up a date and time.

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Stevens at 8:15p.m.

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

The Town Board regular meeting will be held at 7:00 p.m. on February 4, 2014, at the Wevertown Community Center, Wevertown, New York.

Prepared by Jo A Smith, Town Clerk