

**Minutes of the Town of Johnsbury Regular Board Meeting March 6, 2012  
Held at the Wevertown Community Center, Wevertown, NY.**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, March 6, 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

Supervisor Vanselow noted that there were copies of the paperwork in the Town Board members' packets at the front table available to the public.

**RESOLUTION NO. 75**

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the February 21, 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 Mr. William (Bill) Moos expressing his interest in serving on the Planning Board.
2. A notification of a liquor license amendment application from Mrs. Andrea Waldron for Andi's at Smith's Restaurant at 296 Main Street, North Creek, NY.

Mr. Olesheski said that he did not see any difference between the two plans supplied; no one on the Town Board had any objection to an amendment of the liquor license.

Supervisor Vanselow noted that interviews have been done of persons interested in being appointed to Town boards and committees; he explained that he has spoken with Planning Board Chairman Dorothy Osterhout and she was supportive of the appointment of Mr. Moos. Supervisor Vanselow asked the Town Board members if they wished to appoint Mr. William Moos to the position on the Planning Board vacated by the resignation of Mr. Nate Pelton without an interview. Mr. Olesheski said that he was in support of the appointment of Mr. Moos; he said that being younger and a lifetime resident who has shown a long term interest in planning make him a good candidate and also, the appointment to a less than full term would let him become acquainted without a seven year time investment. Mr. Robert Nettle said that if the interviews were waived for this person then it will set a precedent. Supervisor Vanselow said that the last person appointed to the Planning Board was not interviewed; he added that if there were more candidates than vacancies that interviews would make sense. Mr. David Bulmer asked if there were any established guidelines; Supervisor Vanselow said that it is up to Town Board discretion.

RESOLUTION NO. 76

Supervisor Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board of the Town of Johnsbury appoints Mr. William Moos IV to fill the unexpended balance of the term of Mr. Nate Pelton on the Town of Johnsbury Planning Board for a term ending February 1, 2016 effective immediately. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays – 0

Mr. Olesheski asked if Mr. Moos would be notified and added that he would call him tonight to let him know of his appointment if Mr. Moos would not be notified immediately. Supervisor Vanselow said that he planned to call Mr. Moos soon.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Vanselow informed the Town Board that a copy of the contract with the Glens Falls Animal Hospital for handling stray animals which listed the costs as being for Warren County at the rates as previously stated and that he has signed the contract as authorized in Resolution Number 60 of 2012.

Supervisor Vanselow informed the Town Board that the Request for Proposal (RFP) for the Streetscape grant is ready to be advertised for bid. Warren County Planning Department Deputy Wayne LaMothe has prepared the RFP for preparation of a North Creek Main Street Enhancement Plan which is fifteen pages in length and Deputy LaMothe has also prepared a list of seven possible bidders to whom the Town Clerk will mail bid packets. Following a short discussion it was decided to advertise in the North Creek News-Enterprise March 17 edition with a closing date of April 3, 2012, with the bids to be opened at the Town board meeting at 7:00pm at the Wevertown Community Center. Mr. David Bulmer asked if this was the enough time to get a good response; Supervisor Vanselow said that he wants to get the process underway as soon as possible.

RESOLUTION NO. 77

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to authorize the Town Clerk to advertise the bid for the Request for Proposal for preparation of a North Creek Main Street Enhancement Plan for one week in the North Creek News-Enterprise; and further, to set the date and time for the final acceptance of bids at 12:00 pm on April 3, 2012 and further, that the bid opening will be at 7:00pm at the April 3, 2012 Town Board meeting at the Wevertown Community Center, Wevertown, New York. 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 has not yet heard from attorney Erika Sellar Ryan in Town Attorney Jordan's office regarding the Denton property cleanup so there is no additional report yet. Supervisor Vanselow said that he has spoken to Highway Superintendent Daniel Hitchcock about using Highway Department personnel to perform the cleanup or at least a part of the job and it seems to be a possibility.

Supervisor Vanselow asked the Town Board Buildings Committee (Olesheski, Stevens) when a prioritized list of building repairs will be available. Mr. Olesheski said that the committee plans to recommend what Building Superintendent Matt Olden can do as top priorities; Mr. Stevens asked if Buildings Supt. Olden had had time to look over the list of repairs. Mr. Olesheski and Mr. Stevens thought that they should get together with Buildings Supt. Olden to discuss the possibilities of what he can do versus what will require additional work. Supervisor Vanselow said that he hoped that the Buildings Committee would be able to have a list of priority projects for the March 22, 2012 Town Board meeting at the North River Fire House.

Supervisor Vanselow informed the Town Board and the public that a public discussion on cemetery mowing will be held during the April 3, 2012 Town Board meeting at Wevertown Community Center, Wevertown, New York; possible methods of obtaining mowing assistance will be discussed and the input of the public will be requested.

Supervisor Vanselow asked Engineer Kathleen Suozzo to update the Town Board on the Transfer Station rebuilding bid. Engineer Suozzo delivered three copies of the invitation to bid including the specifications and the plans; 1 copy each for the Town, the Warren County Planning Department and the Town insurance carrier. Engineer Suozzo explained that the building which burned last spring was not building code compliant and the law states that the new building (replacement) needs to be code compliant. Engineer Suozzo said that the insurance company will likely say that the replacement is an improvement and refuse payment for the code mandated upgrades. Supervisor Vanselow asked if there was any risk in the Town going out to bid on the project before having the insurance carrier response; Engineer Suozzo said that the insurance carrier may ask for the bid results. Mr. Arsenault asked if this was a final number from the insurance carrier; Engineer Suozzo said that the award is expected to be about \$46,000.00 and that this won't include upgrades. Mr. Arsenault said that he believes that it is the responsibility of the insurance carrier to keep up with the legislated improvements; he said that the Town Attorney should be asked about this issue. Engineer Suozzo said that it may depend on how the insurance policy is written. Mr. Arsenault said that there will probably be a substantial cost above the insurance award; Engineer Suozzo said that the bids will probably be well above the \$46,000.00 award. Mr. Arsenault asked if the contractor will be responsible for the entire project. Engineer Suozzo said that the Town can require the contractor to supply the compactor or that the Town can purchase the compactor; if the Town supplies the compactor, then any delay will be the responsibility of the Town and at the Town's cost. Mr. David Bulmer asked if breaking up the project would allow it to be below the threshold for prevailing wage; Engineer Suozzo replied that the procurement policy and New York State law would require prevailing wage and competitive bidding for the project.

Supervisor Vanselow suggested a bid opening of April 3; Mr. Olesheski suggested a bid opening of April 19. Mr. Stevens asked if Cedarwood Engineering will review the bids after receipt; Engineer Suozzo said that she would review the bids and make a recommendation. Engineer Suozzo said that Cedarwood Engineering would also like to have a walkthrough with

potential bidders to give a general overview of the project and such items as continued operation and public safety at about March 19. It was decided to set the opening for April 10 at 1:30pm at the Town Hall with a closing of acceptance of bids at 12:00pm.

#### RESOLUTION NO. 78

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Town Clerk to advertise the invitation to bid in the North Creek News-Enterprise for one week; and further, to set the date and time for the final acceptance of bids at 12:00 pm on April 10, 2012 and further, that the bids will be publicly opened at 1:30pm on April 10, 2012 at the Town Hall by the Town Clerk. 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 would be interested in allowing him to look into Ambit Energy as an electric supplier to the Town accounts; National Grid would remain the electric delivery utility. Supervisor Vanselow said that the Town is able to choose from a list of suppliers and that Warrensburg and Horicon both use Ambit Energy and the supervisors of those Towns have said that it saves the Towns money; Supervisor Vanselow says that he would like to look into this. Secretary Cherie Ferguson said that she uses this program at home and that it saves her about 1 percent annually. Mr. Arsenault asked if there was any indication of the level of savings; Supervisor Vanselow said that it was hard to pin down. Mr. Olesheski said that the 1 percent guarantee is good for some commercial or small business accounts. Supervisor Vanselow said that the Town electric meters are designated as residential. Supervisor Vanselow said that he is in favor of anything which will save the Town money. Supervisor Vanselow also added that he may look for independent ideas on the possibility of savings. Mr. David Bulmer said it is possible to earn free electricity and that the largest metered account should be signed up as the client.

Mr. Robert Nettle asked when the Town was going to invest in solar energy. Supervisor Vanselow said that he has personally filled out two grant applications for solar energy which were both rejected and he plans to continue to look into this as well. Mr. Olesheski said that the Town of Chester has recently installed solar energy and seems to have a good deal cost wise.

Mr. Olesheski noted for disclosure purposes that he is a consultant for Ambit Energy.

Supervisor Vanselow recognized Town Clerk William Rawson with a request to correct a mistake on the warrant of February 7, 2012. Claim number 2012-60 was billed to budget line A1620.4 (Town buildings) in error instead of budget line number A5182.4 (Streetlighting) the amount paid was correct. The Town Clerk asked that the Town Board authorize a correction by resolution to budget line A5182.4.

#### RESOLUTION NO. 79

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board authorizes the correction of the warrant of February 7, 2012, in which claim number 2012-60 was incorrectly billed to budget line A1620.4 (Town Buildings) and to the correct budget line to A5182.4 (Streetlighting). With 4 members voting in favor, the

resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow recognized Town Clerk William Rawson for the purpose of asking the Town Board for authorization to attend the N.Y.S. Town Clerk Convention April 23rd and 24<sup>th</sup> at Saratoga Springs. The Town Clerk estimates the following expenses to the Town for the Town Clerk attending the convention which has sessions from Robert Freeman on the legal changes in making more information available for Town Board meetings. Additional educational and training opportunities are available from the Department of Health and the Retirement System.

Estimated Costs:

Conference	\$100.00
Mileage	\$100.00
Meals	\$50.00
Total	\$250.00

RESOLUTION NO. 80

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski that the Town Board does authorize the Town Clerk to attend the educational N.Y.S. Town Clerk Convention April 23rd and 24<sup>th</sup> at Saratoga Springs at an anticipated cost to the Town of approximately \$250.00 and not to exceed \$300.00. 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 February 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 February 2012, was in the Town Board members' packets.

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

Supervisor Vanselow recognized Town Clerk William Rawson for the purpose of discussing the removal of some documents and other items from the Records Storage Room in order to free up some space for new documents. The Town Clerk would like to offer copies of the Proceedings of the Warren County Board of Supervisors to Mr. Thomas Lynch at the Warren County Records Center; these books take up a fair amount of space and are primary documents to Warren County, but not the Town of Johnsburg. Mr. Lynch has indicated that he would like to look over a list of the books so as to have a second copy of some for his records and the public use. Following this the Town clerk would like to offer the copies of these books to the Town of Johnsburg Historical Society. The Town Historian does not have room for these books and added that they are available at the Warren County Center.

The Town Clerk also presented a list of numerous records for destruction, mainly warrants

(1985 to 2002) and dog licenses (1990's through 2008) and some checking account deposit slips (2001-2003). All of these documents may be destroyed per the Municipal Records Retention and Disposition Schedule. The lists are for the Town Board members and the Public to look over and the Town Clerk will ask for authorization and recognition from the Town Board for the removal and destruction of records at the next Town Board meeting. Mr. David Bulmer said that Mr. Richard Kropp may be upgrading his business to digitalize documents prior to their destruction.

#### PRIVILEGE OF THE FLOOR

Mr. Peter Heid asked if the pipeline excavation costs are completed and if the pipeline project will be completed; Supervisor Vanselow said that this will be included in discussions of the Ski Bowl Park. Mr. Heid said that it could be discussed, but it doesn't seem to make much sense; he asked if there was a contract for the project. Supervisor Vanselow said that there doesn't seem to be a contract; Mr. Heid asked him to look for one.

Mr. Robert Nettle suggested that in connection with the lack of space that the Town Board look into construction of a new Town Hall building; he added that the Town of Johnsbury is the only Town in Warren County without a newer Town Hall building. Supervisor Vanselow said that some of them are in renovated schools and one of those not available in this Town; he added that he is willing to discuss anything.

Mr. David Bulmer asked when the contract between the Town and the Hamilton County-Gore Mt. Cable TV for cable opens; Supervisor Vanselow said that it opens this year and he is hoping to convince Time-Warner to come across the Hudson River from the Town of Chester to the Town of Johnsbury.

Mr. Peter Heid questioned whether the Town Board would withdraw the resolution allowing the Saratoga-North Creek Railroad to use Tannery Pond Community Center in light of their decision not to avail itself of the use of the facility. Supervisor Vanselow said that the train company did use the facility once or twice in the past months and the use will expire at the end of the month; he said that the resolution should not be rescinded since the train company had used the facility previously. Mr. Olesheski said that the resolution regarding Mr. Scott Cleveland had been incorrect and that it needed to be rescinded and replaced.

Mr. Peter Heid asked if the steps on the Wevertown Community Center would be repaired; Supervisor Vanselow said that the Town Board is working on building repairs.

Mr. Olesheski noted that Mr. William (Bill) Moos had arrived and said that he should be informed of his appointment to the Planning Board; Supervisor Vanselow agreed and Mr. Moos was informed of his appointment.

Mr. Peter Heid asked about the purchase of electricity for the street lighting; Supervisor Vanselow said that street lighting would not be included in the Ambit Energy discussion only individually metered uses.

Mr. David Bulmer asked about state of the "red barn" building; Mr. Stevens said that the Town Board had been informed that it was in a state of imminent collapse about twenty years ago. Supervisor Vanselow said that it houses the heating fuel tanks for the Town Hall; he added that it is an area which needs to be addressed. Supervisor Vanselow said that he was looking at the

possibility of demolition of both this building and a building at the Riverfront Park. Mr. Arsenaault asked if there was any chance of getting either torn down for the timber; Mr. Stevens said that there was very little timber in either building. Supervisor Vanselow said that he would look into the possibility.

RESOLUTION NO. 81

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski that the following certified bills which have been reviewed by the board members be paid: General Fund- Claims #2012-151 through 2012-172 and 2012-183 through 2012-185 and 2012-199 through 2012-202 and 2012-208 (Claim Number 2012-165 is a zero pay entered in error); Highway Fund- Claims #2012-173 through 2012-182 and 2012-186 through 2012-193 and 2012-196 through 2012-198; North Creek Water Dist.- Claims#2012-194 and 2012-195; Johnsbury Fire Protection District - Claims 2012-203 through 2012-207. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenaault, Olesheski, Stevens, Vanselow) Nays - 0

A motion to adjourn the meeting was presented by Mr. Arsenaault with a second from Mr. Stevens at 8:10pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenaault, Olesheski, Stevens, Vanselow) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on Thursday, March 22, 2012 at the North River Firehouse, North River, New York.

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Prepared by William Rawson, Town Clerk