

**Minutes of the Town of Johnsbury Regular Board Meeting
February 18, 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, February 18, 2014 at 7:00 p.m. at the Tannery Pond Community Center, North Creek, New York.

Supervisor Vanselow called the meeting to order at 7:03 p.m. and the pledge to the flag was led by Supervisor Vanselow.

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

Guests: On attached list

RESOLUTION #32-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the February 4, 2014 regular Town Board Meeting as written.

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

CORRESPONDENCE:

1. Letter from Mr. Daniel Hitchcock Superintendent of Highway requesting to run an ad in the News Enterprise for 2 weeks allowing for posting of roads when spring arrives.
2. Letter from Ms. Rebecca Mulvey requesting the fee for Tannery Pond to be waived for a benefit for Patricia Cleveland who has recently been diagnosed with cancer.

RESOLUTION #33-14

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale 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 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Olesheski, Stevens, Nightingale, Vanselow)

RESOLUTION #34-14

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens to allow Ms. Rebecca Mulvey to use the Tannery Pond Community Center, on February 22, 2014, with the fees waived for the purpose of hosting a fund raiser for Patricia Cleveland who has been recently diagnosed with cancer.

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

COMMITTEE REPORTS:

Mr. Peter Olesheski who is on the park committee stated that Mr. Lloyd Burch contacted him regarding the Blue Grass Festival. The Blue Grass Committee would like to see the weekend expanded to include Thursday night with a free concert for all. Ms. Nightingale stated that the Blue Grass Committee could pay for the band on Thursday. Supervisor Vanselow suggested using Occupancy Tax for the Band and he didn't have a problem with them staying longer. Mr. Nettle asked if there would be an additional charge for camping another night. Supervisor Vanselow explained that there is no fee for camping. Ms. Nightingale stated that camping was included in the ticket.

RESOLUTION #35-14

Mr. Peter Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault to extend the Blue Grass Festival to include a free concert on Thursday Night and to open up camping for that night.

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

OLD BUSINESS:

Supervisor Vanselow explained that Mr. Roger Smith's term for the Planning Board expired at the end of January and he is not interested in renewing. Even with a 5 member Board they are still down 2 seats and Supervisor Vanselow would like to advertise again for both the Planning and Zoning Boards.

RESOLUTION #36-14

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to run an ad in the News Enterprise for the Planning Board and Zoning Boards Seats that are empty.

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

Supervisor Vanselow stated the Mr. Jim Jones term had expired on December 31, 2013 for the Zoning Board. Supervisor Vanselow asked Mr. Jones if you would be willing to continue to be on the Zoning Board. Mr. Jones said that he would.

RESOLUTION #37-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale that they re-appoint Mr. Jim Jones for the Zoning Board retroactive Jan 1, 2014.

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

Supervisor Vanselow explained that there was a draft copy of a resolution for the creation of one fire protection district and extension of two existing fire districts within the former Wevertown Fire district set for dissolution. Supervisor Vanselow went on to stated that Ms. Cherie Ferguson has met with Chip Aldrich from Johnsburg, Bob Frevele from Riverside, Scott Monthony from North Creek to discuss the lines and they didn't have a problem with them. Ms. Ferguson stated that the draft copy of the resolution was e-mailed down to Real Property and she was waiting for them to get back in touch with her.

They had to make a new fire protection district for North Creek and they expanded Johnsburg and Riparius. Ms. Ferguson has been working on the map and when all finished colored copies would be furnished for our files.

Supervisor Vanselow asked Mr. Tom Suozzo of Cedar Wood Engineering to discuss Top Ridge. Mr. Suozzo did a recap regarding the water lines in the Top Ridge Development. Mr. Suozzo's recommendation to the Town Board: 1. An Easement for the Development agreement between the North Creek Water District and Top Ridge 2. A Map with the water lines marked out clearly 3. any New installs to put a trace tape in 4. to collect the hook up fee's per unit, all prior to excepting the dedication of waters lines in the development. Supervisor Vanselow asked how many units are hooked up know. Mr. Piper replied a dozen. Supervisor Vanselow went on to state that hook up fee's where not collected on those units. There was \$40,000 paid to the town which bought capacity into the water district. Supervisor Vanselow asked Mr. VanVoorhis and Mr. Piper if they had any questions on Mr. Suozzo's brief and if they would except it. Mr. Suozzo stated that they started the development under the old Water District Reg's and when the new ones went into effect in 2010 the rates changed so they are saving money on the hook ups.

Mr. Olesheski asked about Cedar Woods Fees. Mr. Suozzo replied that Mr. Charlie Rawson's hourly fee is \$65.00 an hour. Mr. Suozzo went on to also stated that usually Cedar Wood would charge the town and the town would charge the developer. Mr. Rudd VanVoorhis and Mr. Eric Piper where asked if 1 - 4 would be acceptable and they both agreed it would be. Mr. Rawson requested that in the Site Plan packets that the Planning Board gives out to include the Water District information.

Mr. Suozzo presented the Board with a Proposed Cross Connection Control Program & Cross Connection Control Regulation. He went on to say that if this is adopted then the North Creek

Water District is responsible to enforce it and it would be added to the regulations already in place. Mr. Olesheski asked if there was a time frame for customers in the water district to do the upgrade. Mr. Rawson responded that the School is already working on there's and if a residence needs a check value that they are inexpensive. Supervisor Vanselow asked if this would need a public hearing before adopted. Mr. Suozzo replied that it would. Supervisor Vanselow asked if they had a list of customers in the water district that this control program would effect. Mr. Suozzo stated he would get a list. Mr. Rawson stated that funeral homes, school, highway garage, green houses, waste water, laundry mat, anything that is bigger than a 2" line. Supervisor Vanselow asked about the Copperfield Inn. Mr. Rawson said Yes they would need one. Mr. Rawson went on to say that the Nursing Home has them installed, but they need to be checked. Mr. Suozzo stated that he would get a list of customers that would be effected by the Program, and that he would also have the appropriate language for the legal notice to schedule a public hearing. Supervisor Vanselow asked about the Hotel, Motel's on private well's. Mr. Suozzo stated that they have to have their water tested regularly.

NEW BUSINESS

Supervisor Vanselow stated that the Johnsbury Town Court was awarded a grant for \$7,200 for a Courthouse Bench.

Supervisor Vanselow explained that the Supervisor's monthly report for January 2014 was in there packets.

Supervisor Vanselow explained that the Budget Amendments are Re-Appropriate 2013 for 2014. Supervisor Vanselow asked that the Town Board accept the budget amendments.

RESOLUTION #38-14

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 2014 Town Budget:

Budget Amendments February 2014

1	Occupancy Tax	A64104.2	\$13,302.29	
	Assigned Appropriated Fund Balance	A914		\$13,302.29
Re-Appropriate Occupancy Tax Payment in 2013 for 2014				
2	Planning Contractual/Tall Timbers	A80204.7	\$242.12	
	Planning Board Fees/Tall Timbers	A2115.7		\$242.12
	Planning Contractual/Taylor Ledges	A80204.6	\$21.50	
	Planning Board Fees/Taylor	A2115.6		\$21.50
	Planning Contractual/FSMD	A80204.5	\$94.49	
	Planning Board Fees/FSMD	A2115.5		\$94.49
	Planning Contractual/Ward Hill	A80204.4	\$784.07	
	Planning Board Fees/Ward Hill	A2115.4		\$784.07

Planning Contractual/Shields Farm	A80204.9	\$2,092.00	
Planning Board Fees/Shields Farm	A2115.9		\$2,092.00
Re-Appropriate 2013 Balances of Planning Escrow Accounts			
3 Equipment	DA51302	\$100,000.00	
Assigned Appropriated Fund Balance	DA914		\$100,000.00
Per Board Resolution 117 (August 6, 2013 minutes), appropriate funds from Highway Fund Balance for 2013 Western Star Plow Truck			
4 Fire Portection CE	SF34104	\$20,000.00	
Assigned Appropriated Fund Balance	SF914		\$20,000.00
Per Board Resolution 187 (December 3, 2013 minutes), appropriate funds from Fire Protection Fund Balance to make addl \$4k pymts to Fire Protection District companies			

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

RESOLUTION #39-14

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

General Fund - (Total \$ 20,683.48) Claims #14-100 to 14-112, 14-134 to 14-136, 14-139 to 14-143

Highway Fund - (Total \$ 134,301.17) Claims #14-113 to 14-124, 14-137 & 14-138

North Creek Water Dist.- (Total \$ 7,947.70) Claims #14-125 to 14-128, 14-143 & 14-144

Library Fund - (Total \$ 1,089.07) Claims #14-129 to 14-133

Total all warrants \$164,021.42.

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

A motion to enter Executive Session for Pending litigation regarding a Zoning Matter at 8:05 pm.

A motion to adjourn Executive Session Pending litigation regarding a Zoning Matter at 8:37 pm

Supervisor Vanselow stated he would like a motion to take Ms. Sandra Racicot back to Town Court as a civil matter regarding her zoning violations. Ms. Danae Tucker stated that Ms. Erika Sellar Ryan, Esq. would do all the paper work.

RESOLUTION #40-14

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to take Ms. Sandra Racicot back to Town Court as a civil matter regarding her zoning violations.

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

A motion to adjourn the meeting was presented by Mr. Olesheski, with a second from Mr. Arsenault at 8:39 p.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 March 4, 2014, at the Wevertown Community Center, Wevertown, New York.

Prepared by Jo A Smith, Town Clerk