

**Minutes of the Town of Johnsburg  
Public Hearing & Regular Meeting  
Wevertown Community Center  
2370 State Route 28  
Wevertown, NY  
October 4, 2016**

Minutes of the Continued Public Hearing & Regular Meeting of the Town Board of the Town of Johnsburg held on Tuesday October 4, 2016 at 7:00 PM at the Wevertown Community Center, 2370 State Route 28, Wevertown, New York.

**Continued Public Hearing** – to discuss a proposed Local Law concerning the reduction of the number of Board of Assessment Review members from five (5) to three (3) and the establishment of an alternate board member position on the Board of Assessment Review for the Town.

After discussion between the Board and Assessor Mr. Holt Supervisor Vanselow closed the public hearing.

**REGULAR MEETING**

Supervisor Vanselow called the regular meeting to order at 7:20 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 at 7:06 PM  
Katharine Nightingale - Councilwoman  
Jo A Smith - Town Clerk

**MEMORIAM PRESENTATION:**

**Town of Johnsburg Town Board**  
**Resolution #128**

SPONSORED BY ENTIRE BOARD:

***IN MEMORIAM  
ANN SCHIAVONE***

WHEREAS, recognizing Ann Schiavone, departed this life on Aug. 9, 2016, and

WHEREAS, for many years had served as a member of the Johnsburg Town Assessment Review Board, continually fulfilling her duties with enthusiasm and distinction; and

WHEREAS, had served the community of Johnsburg, as a dedicated volunteer clerk for the Johnsburg Town Court with prudent oversight and commitment to quality service; and

NOW, THEREFORE, at a regular meeting of the Town Board of the Town of Johnsburg, it is

RESOLVED, that the members of the Town Board hereby express their appreciation for the many years of service, beyond the call of duty, rendered by the late Ann Schiavone to the entire community, and hereby express their regret for the loss to the Town, to the community and to her family, and it is

FURTHER RESOLVED, that a copy of this resolution as inscribed in the minutes of this meeting be submitted to her widower, Vince Schiavone, in suitable form executed by the Supervisor of the Town of Johnsburg.

**Town of Johnsburg Town Board**

**Resolution #129**

SPONSORED BY ENTIRE BOARD:

***IN MEMORIAM  
PETER HEID***

WHEREAS, recognizing Peter Heid, departed this life on September 1, 2016, and

WHEREAS, Peter was an integral part of the family business, Heid's Hodaka motorcycle and repair shop; and

WHEREAS, he was known for making custom fishing lures, hosting many shows and having his lures highlighted in the Adirondack Life Magazine; and

WHEREAS, Peter was a member of the Steam Automobile Club of America; and

NOW, THEREFORE, at a regular meeting of the Town Board of the Town of Johnsburg, it is

RESOLVED, that the members of the Town Board hereby express their appreciation for the many years of service, rendered by the late Peter Heid to the entire community, and hereby express their regret for the loss to the Town, to the community and to his family, and it is

FURTHER RESOLVED, that a copy of this resolution as inscribed in the minutes of this meeting be submitted to his family, in suitable form executed by the Supervisor of the Town of Johnsburg.

### **APPROVAL OF MINUTES FOR September 20, 2016**

#### **RESOLUTION # 130-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the September 20, 2016 Public Hearing & 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 from Mr. Daniel Hitchcock Superintendent of Highways dated October 3, 2016** – Donald Moore resigned as Deputy Highway Superintendent for the Town of Johnsburg due to unforeseen circumstances effective October 3, 2016. I have appointed Mike Dunkley as Deputy Highway Superintended effective October 3, 2016.

### **COMMITTEE REPORTS**

Supervisor Vanselow stated the Safety Officer Olesheski has worked up a New Workplace violence prevention plan & policy for the Town of Johnsburg.

Mr. Olesheski presented the new plan & policy.

**RESOLUTION # 131-16**

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to adopt the following:

**TOWN OF  
JOHNSBURG  
WORKPLACE VIOLENCE  
PREVENTION PLAN & POLICY**

*Date Adopted:10/4/16*

**Workplace Violence Prevention Plan & Policy**

**Purpose**

Section 27-b of the New York State Labor Law requires public employers (other than schools covered under the school safety plan requirements of the education law) to develop and implement programs to prevent and minimize workplace violence. The Law is designed to ensure that the risk of workplace assaults and homicides are regularly evaluated by public employers and that a workplace violence protection plan is implemented to prevent and minimize the hazard to public employees.

**Town Board Policy Statement**

The safety and security of Town of Johnsburg employees, contractors, visitors and clients is very important and the Johnsburg Town Board is committed to providing a safe workplace. Therefore, threats, threatening behavior, acts of violence, or any related conduct that disrupts the work of an individual, or that of a Town Department, will not be tolerated.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts in the workplace may be removed from the premises immediately and indefinitely, pending the outcome of an investigation. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve.

There is no single ingredient that will prevent or reduce violence in the workplace. Preventative measures must be based on a thorough understanding of risk factors associated with the various types of workplace violence that could occur. While understanding the factors that lead to workplace violence are not always evident, sufficient information is available which can reduce the risk. However, strong management commitment, and the day-to-day involvement of supervisors and employees is required to reduce the risk of workplace violence. To that end, the Town Board will utilize the following measures in developing and maintaining its Workplace Violence Prevention Program:

- **Foster a supportive harmonious work environment:** Create a culture of mutual respect to help reduce harassment and hostility in the workplace. Management will strive to communicate openly, give employees adequate control in their work and provide them with support and recognition. Conflict and stress are lower when employees feel empowered to work independently and are motivated to work cooperatively.
- **Train employees on how to resolve conflicts:** Conflicts on the job can be reduced by developing employee skills in negotiating, communicating effectively, team building and resolving disputes.
- **Develop effective policies to protect employees from harassment:** Strive to build a culture free of harassment and discrimination and advance this goal by having systems in place to address infractions. The Johnsburg Town Board will not tolerate physical assault, threatening behavior or verbal abuse. Further, all complaints will be expeditiously and thoroughly investigated. Appropriate action will be taken to those who violate this policy.
- **Establish procedures for handling grievances:** Employees will follow grievance procedures for reporting complaints of unfair treatment, discrimination or harassment.

### **Workplace Violence Prevention Responsibility**

The Town Board has identified the following responsibilities for implementing and maintaining the provisions of the Workplace Violence Prevention Plan:

- The Town Safety Officer shall be responsible for the implementation of the Plan and for coordinating the delivery of required annual employee workplace violence prevention training and for ensuring that all new employees receive a copy of the Plan and required

training.

- The Town Safety Officer with help from the Town Personnel Committee shall be responsible for investigating any reports of workplace violence incidents, as well as, annual Plan review, ensuring that its provisions are implemented and answering all employee questions relative to workplace violence prevention procedures.
- All Town employees will complete workplace violence prevention training and review the contents of this Plan on an annual basis. In addition, copies of this Plan will be available to employees in the Town Supervisor's office.

### **Defining Workplace Violence**

- A. For the purpose of the policy, "workplace" means any location, either permanent or temporary, where an employee or contractor appointed by the Town, a visitor, temporary or contract employee, performs any work-related duty. This includes but is not limited to, the buildings and surrounding perimeters including the parking lots, alternate work locations, and travel to and from work assignments.
- B. In accordance with Section 27-b of the New York State Labor Law and for the purpose of this workplace violence prevention plan, workplace violence is defined as any physical assault, threatening behavior or verbal abuse occurring in the work setting within the Town of Johnsburg. It includes, but is not limited to; beating, stabbing, rape, psychological trauma such as threats, obscene phone calls, an intimidating presence, and harassment of any nature such as stalking, shouting or swearing.

### **Prohibited Conduct**

Workplace violence may include threats made in person, in writing, by telephone or electronic communication:

Prohibited conduct includes, but is not limited to:

- Injuring another person physically
- Specific or non-specific threats to injure an individual or to damage property
- Intentionally damaging property
- Engaging in behavior that creates a reasonable fear of injury to another person
- Engaging in behavior that subjects another individual to extreme emotional distress
- Possessing, brandishing or using a weapon that is not required by the individual's position while in the workplace or engaged in Town business
- Committing injurious acts motivated by or related to, domestic violence or sexual harassment
- Retaliating against any employee who, in good faith, reports a violation of this policy

**\* Violent acts of employees occurring outside the workplace may also be grounds for disciplinary action, up to and including termination**

### **Weapons**

In accordance with this policy employees may not carry a prohibited weapon while performing any work-related task on the Town's behalf unless the employee has been given specific written consent by the Town Board to do so. Employees other than trained security personnel are not expected to handle potential situations or incidents of violence.

Prohibited weapons shall include any form of weapon or explosive restricted under local, state or federal regulation including, but not limited to; all firearms and illegal knives. Legal, chemical dispensing devices such as pepper spray that are sold commercially for personal protection are permitted. Small, folding pocket knives or Leatherman-style multi tools are also permitted within the workplace. Any questions about whether an item is covered by this policy, employees are directed to contact the Town Safety Officer.

### **Domestic Violence**

Victims of domestic violence who believe that the violence may extend into the workplace or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace are encouraged to notify their immediate supervisor, so measures can be taken to protect all employees from potential workplace violence incidents. Confidentiality will be maintained to the extent possible.

### **Reporting of Incidents**

All threats of violence or actual violence, both direct and indirect should be reported as soon as possible to an immediate supervisor or other member of management, as well as the police during a legitimate emergency by calling 911.

Any employee, visitor, temporary or contract employee or contractor engaged by the Town who witnesses an incident of workplace violence or potential for violence also has a duty to report the incident to management. When reporting a threat of violence, employees may do so initially in a verbal manner, but will be required to make a written statement using the Workplace Violence Incident Report Form (Appendix A). Any verbal or written accounts of an incident should be as specific and detailed as possible.

### **Investigation of Complaints**

Allegations of workplace violence will be treated seriously by the Town and all

reports of threats of violence, actual violence and suspicious activities will be promptly and thoroughly investigated by the Town Safety Officer and/or the Town Personnel Committee. If warranted, the Warren County Sheriff's office may also be asked to assist with an investigation.

As soon as possible upon receipt of a complaint, the Town Safety Officer shall verbally notify the accused party thereof and invite them to share their recollection of the events/activities in question. Interviews may also be scheduled with the complainant and any witnesses if warranted. All investigations will be conducted in such a way as to maintain employee confidentiality to the extent practicable under the circumstances. In the event that they are asked, employees and management are expected to cooperate fully with any ongoing investigation.

### **Retaliation**

Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination

### **Disciplinary Action**

Upon completion of a workplace violence incident investigation, both the complainant and accused will receive a brief written summary for their records. If it is determined that unacceptable workplace conduct has been committed by an employee, the Town shall take such action as is appropriate for the degree of violation. Punishment for minor offenses may include, but are not limited to; counseling, mandated anger management or other employee training and mandated unpaid leave, not to exceed one week. Punishment for more serious offenses or for employees who have repeatedly violated this policy may include, but is not limited to; counseling, mandated anger management or other employee training, mandated unpaid leave of up to two weeks and complete termination of employment.

Any Town employee, including supervisors or managers, having knowledge of a threat of violence or an actual act of violence that has occurred and takes no action, or who fails to report an incident of workplace violence shall also be subject to corrective action up to and including termination of employment.

**THIS POLICY SHALL NOT BE CONSTRUED TO CREATE A DUTY OR OBLIGATION ON THE PART OF THE TOWN TO TAKE ANY ACTIONS BEYOND THOSE REQUIRED OF AN EMPLOYER BY EXISTING LAW.**

**APPENDIX A: Town of Johnsborg  
Workplace Violence Incident Report**

*Note: In completing this form, attach any supporting documents; such as police reports and photographs*

Affected Party(s): \_\_\_\_\_

Immediate Supervisor: \_\_\_\_\_

Department/Phone Ext.: \_\_\_\_\_

**Incident Information:**

Date of Incident: \_\_\_\_\_

Time of Incident: \_\_\_\_\_

Location of Incident (bespecific): \_\_\_\_\_

Description of Incident: (Use the back of this form for additional space)

---

---

---

Has this or a similar incident ever happened to you before? If so, please explain.

---

---

---

If you incurred any injury whatsoever, (physical-emotional) please describe the injury, in detail, and the location of any treatment received.

---

---

---

List all witnesses of the incident:

Name: \_\_\_\_\_ Title/Department: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Was a weapon involved? If so, specify type and to what extent:

---

**Aggressor Information:**

Name: \_\_\_\_\_

Title/Department: *(if an employee)* \_\_\_\_\_

Relationship to aggressor: *(if stranger, indicate relationship, if any)* \_\_\_\_\_

***Had anything occurred in the past to make you feel this would happen? If so, please explain.*** \_\_\_\_\_

Home address/vehicle information: *(if not an employee)* \_\_\_\_\_

**Follow-up Information:**

***Did this incident cause lost workdays? If so, how many?*** \_\_\_\_\_

What action did your immediate supervisor take? \_\_\_\_\_

Have you had any counseling or any form of emotional support since the incident? If not, would you like to be afforded this? \_\_\_\_\_

As you see it, does something need to be done to avoid such an incident from happening again? If so, explain.

\_\_\_\_\_  
Report Completed by

\_\_\_\_\_  
Town Safety Officer Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

.....  
Distribution (via hard copy, fax OR e-mail): Original to Town Safety Officer  
Copy to Personnel Committee

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

**OLDBUSINESS:**

Supervisor Vanselow asked the Board what their recommendations are for the Board of Assessment Review.

**RESOLUTION # 132-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to put the Board of Assessment Review member's reduction on hold and to advertise for members.

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

**NEW BUSINESS:**

**SUPERVISOR'S MONTHLY REPORT**

Supervisor Vanselow noted that the Supervisors Monthly report August was in the Boards packet.

**ANIMAL CONTROL MONTHLY REPORT**

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

**ZONING OFFICER MONTHLY REPORT**

Supervisor Vanselow noted that the Zoning Officer, Ms. Tuckers report was not available.

**RESOLUTION # 133-16**

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

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

**Resolution authorizing the Supervisor to enter into the inter-municipal agreement with the county for 2017 Solid Waste and Recyclable disposal and Transportation Services Agreements**

Supervisor Vanselow stated that he had received a letter from the Warren County Attorney's Office requesting a resolution from the Town Board authorizing the Town Supervisor to enter into the inter-municipal agreement with the county for the 2017 Solid Waste and Recyclable Disposal and Transportation Services Agreement.

**RESOLUTION # 134-16**

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to authorize the Supervisor to enter into the inter-municipal agreement with the county for the 2017 Solid Waste and Recyclable Disposal and Transportation Services Agreement.

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

**Public Hearing for the 2017 Budget and Johnsbury Fire Protection District**

Supervisor Vanselow requested to advertise for a public hearing on the 2017 Budget and the Johnsbury Fire Protection District for November 1, 2016 at the Wevertown Community Center.

**RESOLUTION # 135-16**

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to authorize the advertisement for a public hearing on the 2017 Budget and the Johnsbury Fire Protection District for November 1, 2016 at the Wevertown Community Center.

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

## **WARRANTS**

Supervisor Vanselow requested for a motion to pay the warrant.

### **RESOLUTION # 136-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to pay the following certified bills, which have been reviewed by the board members:

**General Fund** (Total \$15,636.79) - Claims #16-1023; 16-1025 to 16-1031; 16-1033 TO 16-1036; 16-1038 to 16-1040; 16-1042 TO 16-1043; 16-1055; 16-1060 to 16-1062; 16-1064

**Highway Fund** (Total \$15,222.77) - Claims #16-1032; 16-1040 TO 16-1041; 16-1044 TO 16-1054

**Water District** (Total \$4,075.65) - Claims # 16-1024; 16-1037; 16-1056; 16-1063

**Total all warrants \$34,935.21**

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

## **PRIVILEGE OF THE FLOOR**

Ms. Nettle asked if an ad should be running for youth program / swim hires for next year. Mr. Olesheski stated that we should advertise for all.

### **RESOLUTION # 137-16**

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to accept and approve, to advertise for help for the youth/swim program for 2017.

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

Ms. Nettle also stated that she has found help from the Adirondack/Glens Falls

Transportation Council. They act as consultants to municipalities in Warren and Washington counties for transportation issues. If we get selected for their work schedule, they will help us create a concept plan for the walk way for Route 28 but that she needs a letter from the town for the assistance and also a representative.

**RESOLUTION # 138-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept and approve, a letter to Adirondack/Glens Falls Transportation Council for grant assistance and appointing Kelly Nessel from the Park Committee to represent the Town.

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

Mr. Olesheski stated that he just received an occupancy tax application from the NYS Museum of Skiing and Ski Hall of Fame representatives in the amount of \$1,600. This would cover the cost of setting up at the Adk Sports & Fitness expo in Saratoga, materials to hand out at the expo and to set up a website. Ms. Nessel stated that they are looking for charter membership to get some funding going to build the Statewide Ski Museum.

**RESOLUTION # 139-16**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept and approve, the occupancy tax in the amount of \$1,600 for the NYS Museum of Skiing and Ski Hall of Fame representatives.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Stevens, Arsenault, Vanselow) Nays-1–Nightingale Abstained – 1 Olesheski

On motion of Mr. Olesheski and seconded by Mr. Arsenault the meeting was adjourned at 8:43 p.m.

The next regular Town Board meeting will be held at 7:00 p.m. on Tuesday October 18, 2016 at Scout Hall Community Center, 4 Peaceful Valley Road, North Creek, New York.