

**Minutes of the Town of Johnsbury Regular Board Meeting May 15, 2012  
Held at the Tannery Pond Community Center, North Creek, NY.**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, May 15, 2012 at 7:00pm at the Tannery Pond Community Center, North Creek, NY. Supervisor Vanselow called the meeting to order at 7:02pm 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, Katharine Nightingale, Peter Olesheski, Jr, Arnold Stevens.; Town Clerk/ William Rawson.

Guests: On attached list

**RESOLUTION NO. 131**

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept the minutes of the May 1, 2012, 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 Mrs. Kelly Nettle, informing the Town Board of her interest in continuing to serve on the Johnsbury Youth Committee.
2. An invitation to the Town Board to the opening reception for the new exhibit " The Country Doctor: from the Johnsbury Historical Society.
3. A request from the North Country Hardship Fund, Inc. asking that the Town Board allow camping for their volunteers at the Ski Bowl Park for the night of August 4, 2012 following their Waynestock V fund raiser.

**COMMITTEE REPORTS:**

**OLD BUSINESS:**

Supervisor Vanselow explained that there were two items which had not made the agenda and that he would like to take care of them at the start of the meeting.

Secretary Cherie Ferguson informed the Town Board and the public that there will be a Red Cross Blood Drive at the Tannery Pond Community Center on May 21, 2012, from 12:00 noon to 5:00pm.

Supervisor Vanselow asked that the Town Board authorize him to sign the retirement agreement between the Town and James French regarding his position with the Highway Department.

**RESOLUTION NO. 132**

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale, to authorize the Town Supervisor to execute the retirement agreement with between the Town and James French regarding his retirement from his position with the Highway Department. With 5 members voting in favor, the resolution is declared carried. Ayes-

5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow recognized Mr. James (Cork) Nester to speak for the North Country Hardship Fund, Inc. regarding their request that the Town Board allow camping at the Ski Bowl Park following their Waynestock V fundraiser on August 4, 2012 by the volunteers working at the fundraiser. The officers and board of directors for the North Country Hardship Fund, Inc. asked that the Town Board allow the camping by the volunteers at the following sites: south of the beach pavilion, south of the transfer station access road and as overflow at the base of the tubing hill; the total number of volunteers is expected to be about sixty to seventy people. The officers and board of directors of the organization will provide portable toilet facilities, a carry-in carry-out policy for garbage, provide no swimming signs and one fire pit per location (three sites) and also provide liability insurance for the camping. Mrs. Kelly Nettle asked if there was any payment to the Town for the use of the Ski Bowl Park; Supervisor Vanselow said that this is a significant fundraiser for the organization. Mr. Olesheski asked if this would be tent camping; Mr. Nester said that it would. Mr. Olesheski asked if the estimate of campers included the security personnel already agreed to; Mr. Nester said that it did. Mr. Arsenault asked who the responsible parties providing oversight would be; Mr. Nester said that it would be the officers and board of directors North Country Hardship Fund, Inc.

#### RESOLUTION NO. 133

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to allow camping on the night of August 4, 2012 for volunteers for the Waynestock V fundraiser under the oversight of the officers and board of directors of the North Country Hardship Fund, Inc. with the following considerations: the officers and board of directors of the organization will provide portable toilet facilities, a carry-in carry-out policy for garbage, provide no swimming signs, and one fire pit per location (three sites) and also provide liability insurance for the camping. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

#### NEW BUSINESS:

Supervisor Vanselow informed the Town Board that he had received from the Youth Committee a list of recommended hires for the Summer Youth Program; he asked if the Town Board wished to authorize the hiring of the recommended personnel. Supervisor Vanselow explained that this year there is no mention of raises or pay changes with the request. Mrs. Kelly Nettle said that raises were not even discussed at the time of the hires were being discussed. Mrs. Nettle said that the Youth Committee may return with suggestions for raises; Supervisor Vanselow said that the raises may be recommended, but the Town Board will look to see if there is funding for the recommendations. Mr. Olesheski asked if the Town Board was approving the recommended hires without pay being set; Supervisor Vanselow said that the pay would be the same as the previous year.

#### RESOLUTION NO. 134

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens, to authorize the hiring of the following individuals for the listed positions for the 2012 Johnsburg Summer Youth Program at the same pay rate per position as 2011:

Ann Dingman      Director

Phil Goodman     Assistant Director  
Cheri Hayes       Arts & Crafts Director  
Anna Goodman    Bus Driver/Counselor  
Catherine Allen   Substitute & second trip Bus Driver

Returning Counselors:

Samantha Cleveland  
Nichole Calvert  
Lindsey Comstock  
Hailey West

New Counselors:

Ethan Cooper  
Meghan Sponable  
Austin Washburn  
Zach Watson

Alternate Counselors:

Kayla Williford  
Lindsay Russell  
Colleen Fuller

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

Supervisor Vanselow recognized Ms. Nightingale to speak regarding a request for asbestos testing at the "Scales Building" at Riverfront Park (Kellogg Property). Ms. Nightingale explained that it appears to be probable that stabilizing the "Scales Building" would not require asbestos testing, however, any work beyond that or the demolition of the building would require testing. Hanson Van Vleet, LLC, the company for which Ms. Nightingale works, has offered to perform the testing at no labor or other charge to the Town beyond the laboratory fees. Ms. Nightingale said that the expected cost for the laboratory testing would be about \$500.00 and also, that Planning and Development Deputy Director Wayne LaMothe has said that the cost can be reimbursed from the grant for that property. There are slightly different charges for friable versus non-friable asbestos. To prove there is no asbestos there must be three negative results, if there is a positive result it will probably show up in one test and result in a cheaper cost. Supervisor Vanselow asked for a clarification of the terms describing the asbestos; Ms. Nightingale said that the friable is breathable and the non-friable is not breathable. Mr. Olesheski asked if there was an issue with the company is one which Ms. Nightingale works for; Secretary Cherie Ferguson said that professional services don't need to be bid and added that Ms. Nightingale should note her involvement and refrain from voting on the issue. Secretary Ferguson asked if the labor is volunteered in either the case of keeping or demolishing the building. Ms. Nightingale said that if the Town keeps the building that the labor will be

volunteered and if the building is demolished the cost for the labor will be at a professional rate. Ms. Nightingale said that she is not being paid for her work on the project. Supervisor Vanselow asked what type of an action is being requested; Ms. Nightingale asked for a resolution to proceed with the funding to hire Hanson Van Vleet, LLC. Mr. Stevens asked if there was funding available; Supervisor Vanselow said that there was funding for the \$500.00 available, possibly from the contingency fund which has remained untouched.

Mr. Robert Nettle asked when the decision was going to be made on what is to be done with the "Scales Building". Supervisor Vanselow said that the Town is currently working with the grant funding and added that the decision will be made with the input of the Riverfront Park Committee and the results of the asbestos testing. Ms. Nightingale said that approximately \$180,000.00 is designated for the stabilization of the "Scales Building"; if the decision is made to demolish the building then that portion of the grant must be renegotiated with the granting agency to try to retain the funding for other uses; the cost of demolishing the building, including the removal of any asbestos will revert to the Town. There was a discussion of which if any buildings are designated on the historic register; Mr. Nettle said that he doesn't believe that any of the buildings are so designated. Supervisor Vanselow said that this discussion is above and beyond the current discussion to proceed with testing. Mr. Arsenault said that at some point the committee will bring a recommendation for the "Scales Building" to the Town Board with costs included; Ms. Nightingale said that the committee will be doing that when the information is available.

#### RESOLUTION NO. 135

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Olesheski, to authorize the funding in an amount of approximately \$500.00 for the hiring of Hanson Van Vleet, LLC. to perform asbestos testing on the "Scales Building" at the Riverfront Park (Kellogg Property). With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow informed the Town Board that he had received two requests for temporary alcoholic beverage permits on Town property: the Adirondack Mountain Club, has requested that the Town Board allow a special event alcohol permit for August 12, 2012 at the Ski Bowl Park, in connection with the "ididaride!" bicycling event which they are sponsoring and the second from Mr. Michael Bowers for the "Brewfest" at the Riverfront Park on June 2, 2012. Supervisor Vanselow asked for authority to execute the permits.

#### RESOLUTION NO. 136

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to authorize the Town Supervisor to execute a special event alcohol permit permission for the Adirondack Mountain Club for August 12, 2012 in the Ski Bowl Park and further, to authorize the Town Supervisor to execute a special event alcohol permit permission for Mr. Michael Bowers for the "Brewfest" at the Riverfront Park on June 2, 2012; and further, the Town Board requires that the Town of Johnsburg be named as an additional insured and that proof of insurance for the event is delivered to the Town Supervisor. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays - 1 (Stevens)

Supervisor Vanselow said that there were budget amendments involving putting money into the Highway accounts in order to purchase the John Deere 624K Loader for \$163, 248.00 as authorized in Resolution 84 of 2012 on March 22, 2012. Supervisor Vanselow asked that the Town Board approve the amendment to the 2012 budget.

#### RESOLUTION NO. 137

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury the following amendment to the 2012 Town Budget:

#### Budget Amendments May 2012

Appropriated Fund Balance	DA599	\$163248.00	
Appropriations	DA960		\$163,248.00
Equipment	DA513202	\$163,248.00	

Per Board Resolution 84 (March 22, 2012 minutes), appropriate funds from Highway Fund Balance for John Deere 624K Loader

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

#### RESOLUTION NO. 138

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale that the following certified bills which have been reviewed by the board members be paid: General Fund- Claims #2012-378 through #2012-382, and #2012-392 and #2012-393 and #2012-404 through #2012-416; Highway Fund- Claims #2012-383 through #2012-385 and #2012-387 through #2012-391 and #2012-417 through #2012-420; North Creek Water Dist.- Claims #2012-394 and #2012-410; Library Fund- Claims #2012-395 through #2012-401; and Capital Projects Funds Claims #2012-402 and Claim #2012-403; and noting that claim number 2012-386 is a zero amount (void) as a result of error in posting. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

#### PRIVILEGE OF THE FLOOR

Mrs. Lisa Bateman asked the Town Board the state of the Town government finances if there were no emergency payments from the federal and/or state governments; she wondered if the Town is relying on federal or state funds for daily operation. Supervisor Vanselow said that the Town relies on the state government mostly in the form of relaying the sales tax monies and the CHIP's funding in addition to the property taxes for daily operations. Mrs. Bateman asked if the Town of Johnsbury is solvent and if there is a contingency plan to cover the costs of a major disaster. Mr. Stevens said that damage such as that sustained by the Town of Thurman last May was catastrophic and the Town can't hold that amount of money in reserve. Supervisor Vanselow said that he believed that the Town could survive without CHIP's, but some Highway projects might need to be postponed or set aside. Mrs. Bateman said that she was worried about the survival of the Town. Mr. Olesheski said that the Town is currently debt free and he would hope that if a serious need arose then money could be borrowed to make repairs. Supervisor Vanselow

added that the Town Board is working on some infrastructure repairs and Highway equipment purchases so that when they are completed that the Town should be in a better position to withstand problems. Mrs. Bateman said that the 13th Lake Road washout was one of her worries and she explained that she has friends in the Town of Thurman who lost many services following the washouts; she was also worried about the aging population. Supervisor Vanselow noted that the Hudson Street washout was a problem for the Town of Johnsbury; he added that while the Town Board was doing its best that some services have been lost here as well. Mr. Olesheski said that it was important for the Town Board to be thinking about where the Town is going and to try to set the Town up for success. Supervisor Vanselow thanked Mrs. Bateman for bringing her concerns to the Town Board and hoped that the answers were beneficial.

Mr. Robert Nettle asked how the sale of surplus property was a reason for an executive session; Supervisor Vanselow said that it was a negotiation of a contract for the sale. Mr. Nettle said that the contract was not mentioned. Mr. Olesheski said that it seemed to be jumping the gun and it was done by a previous Town Board which cannot bind the current Town Board. Supervisor Vanselow said that the decision had been taken and not yet finalized and if the Town Board wished that the sale could be stopped if the Town Board wanted to. Supervisor Vanselow explained at the request of Mr. Mike Mender that the parcel, about 0.05 acres, was just to the north of the Town Hall and between the Town Hall and the property of Neil Shaw.

Mrs. Kelly Nettle asked if anything could be done to either remove or bury the green half barrels along the waste line of the pavilion and the Ski Hut in the Ski Bowl Park. Mr. James Jones said that the NYS Department of Environmental Conservation has said that they need to be above the ground and that Front Street Mountain Development had wanted to bury them, but could not do so. Mrs. Nettle asked if there would be an odor from the structures; Mr. Jones said that there would be no odor.

Mrs. Nettle said that she thought that Mr. Mike Mender's reporting was very good.

Supervisor Vanselow asked that the Town Board now move into executive session to discuss negotiations of a contract for the sale of surplus property. Supervisor Vanselow noted that no Town Board action was expected to follow the executive session.

Mr. Olesheski presented the following motion, with a second from Ms. Nightingale to enter into executive session for the purpose of discussing negotiations of a contract for the sale of surplus property at 7:40pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Ms. Nightingale presented the following motion, with a second from Mr. Olesheski to adjourn the executive session for the purpose of discussing negotiations of a contract for the sale of surplus property; and further, to reenter the regular session at 7:50pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow said that that no action would be taken at this time as a result of the executive session.

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Olesheski at 7:51pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on June 5, 2012 at the Wevertown Community Center, Wevertown, New York.

-----  
Prepared by William Rawson, Town Clerk