

**Minutes of the Town of Johnsbury Regular Board Meeting  
March 4, 2014  
Held at the Wevertown Community Center, Wevertown, New York**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, March 4, 2014 at 7:00 p.m. at the Wevertown Community Center, Wevertown, 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; Town Clerk Jo A Smith. Absent: Arnold Stevens, Katharine Nightingale

Guests: On attached list

**RESOLUTION #41-14**

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the February 18, 2014 regular Town Board Meeting as written.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Olesheski, Vanselow)

**CORRESPONDENCE:**

1. Letter from Mr. Daniel Hitchcock, Superintendent of Highway regarding an issue with the Boiler system at the Town Garage where it was throwing flames against the wall. Mr. Hitchcock went on to say that lucky this happened during working hours and there was an employee that was able to shut the boiler down. The highway garage does have smoke alarm system, however there is no smoke sensor located in the boiler room. Mr. Hitchcock spoke with Foresight Electronic Monitoring System and was told there should be. They quoted out, purchased and installed in that room it would be \$303.45.
2. Letter from Mr. Daniel Hitchcock, Superintendent of Highway regarding Clearing of the balance of the pit that is the State Right Of Way the Town Purchased. The trees need to be cut and removed, the stumps need to be dug out, and the top soil stripped. It had been discussed with a local company to trade unused, and worn out equipment, in exchange they would perform the clearing of the new pit property. Mr. Hitchcock had met with the company owner and informed him he had to get his process started, but here it is March and he has heard nothing.
3. Letter from Ms. Jennifer Gadway requesting the fee for Tannery Pond to be waived for a fundraiser for Decadence who was recently chosen to go to Log Angeles, CA for a production offer from Shooter Jennings (Waylon Albright Jennings) son of the late Waylon Jennings.

Mr. Olesheski thinks it great for the band to have been chosen to go to California, but normally when the fee is waived it is for a non-profit group. Mr. Olesheski also thinks more people would come forward to have the fee waived. Mr. Olesheski doesn't like the fees at all. Mr. Vanselow stated that what we are getting in fees isn't that much money.

#### **RESOLUTION #42-14**

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow to waive the fee for Tannery Pond for the fundraiser for Decadence on March 8th, who was recently chosen to go to Log Angeles, CA for a production offer from Shooter Jennings (Waylon Albright Jennings) son of the late Waylon Jennings.

With 2 members voting in favor, the resolution is not declared. Ayes-2 (Arsenault, Vanselow) Mr. Peter Olesheski was opposed.

Supervisor Vanselow asked the boards thoughts on the smoke detector that Mr. Daniel Hitchcock, Johnsburg Highway Supervisor had requested. Mr. Olesheski state that is sounds like we need a new boiler system. Mr. Hitchcock stated that is was about 20 years old. Mr. Arsenault asked if detectors where need any place else. Mr. Hitchcock stated that the others were ok, just the one is needed, but maybe a sprinkler system. Mr. Hitchcock went on to stated that Chester was going with a Pellet Boiler system and maybe they could even just put in a wood stove to help supplement.

#### **RESOLUTION #43-14**

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault to allow the purchase of a smoke alarm sensor from Foresight Electronic Monitoring System, purchased and installed in the boiler room at the Town Highway Garage for \$303.45, and to get quotes on a replacement or upgraded Boiler.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Olesheski, Vanselow) Nays - 0

Supervisor Vanselow stated regarding the tree removal he would speak with the business owner and then go from there. Mr. Arsenault suggested that if the business owner can't commit then advertise for bidding. Supervisor Vanselow suggested doing an opening on the April 1st meeting. Supervisor Vanselow asked if we hold the bid process if he talks with him tomorrow. Mr. Arsenault state yes if he will do it then hold the bid.

#### **RESOLUTION #44-14**

Supervisor Vanselow presented the following resolution, and moved its passage with a second from Mr. Olesheski to advertise for bid opening on April 1st for the removal of trees, stumps which would need to be dug out, and the top soil stripped, if they can't get a commitment from the business owner the next day.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Olesheski, Vanselow) Nays - 0

### **COMMITTEE REPORTS:**

Mr. Peter Olesheski who is on the Youth Baseball / Softball committee stated that they have been working on getting organized for this summer and they have a couple of requests. The first is for the Town to purchase landscaping rakes, which are about \$40.00 a piece, to have at each field so the field can be raked before and after the game. Mr. Olesheski went on to say that the town needs to have a more scheduled mowings, drag the fields and trash emptied. The dug outs in North Creek are in poor condition and need to be fixed or replaced. Supervisor Vanselow stated that he was putting on more people in the parks department for this summer. Mr. Rob Wing suggested doing the mowing at the fields every 10 days. Mr. Olesheski stated that they would have enough in field mix left from the Sodom Field to do the Ski Bowl field and if a set maintenance schedule was done it would keep the fields in better condition. Mr. Wing said that once the maintenance schedule was done he could sit down and explain what the proper care would be for the fields. Mr. Olesheski explained that the dug outs at the Ski Bowl are very bad and he priced out to replace them would be about \$7 - 8 thousand a piece. Mr. Olesheski went on to state that he would like a maintenance schedule set up and have all the fields in shape for the first game which is April 28th. They would also like to get the extra back stop at the Ski Bowl moved.

Mr. Peter Olesheski then went on to state that he and Ms. Nightingale met with Mr. Mike Pratt from ORDA and Mr. Pratt would like to move their summer stuff down to the Ski Bowl and use the Minder Lodge all summer. Supervisor Vanselow stated that he has spoken with a lot of people in the community and they wouldn't mind having ORDA down there but they do mind them using the Minder Lodge all summer. Supervisor Vanselow went on to say they we already have reservations for the lodge for the summer and maybe ORDA could be over by the Ski Lift area. Mr. Olesheski said that Mr. Pratt stated if they couldn't have the lodge then they wouldn't do it. Mr. Arsenault stated that he doesn't want to give up the Lodge for the Summer, the town people have been promised that they could use it in the summer. Supervisor Vanselow stated that we need to do a compromise. Mr. Bob Nettle stated that it sounds like it is outside of the contract that we have with ORDA. Mr. Olesheski said yes and Mr. Pratt didn't want a new contract.

### **OLD BUSINESS:**

Supervisor Vanselow explained they need to revisit the main street parking issue, that it worked in 1999 when it was passed but it doesn't work now. DPW doesn't have snow removal people during those hours they are only removing snow during the days and need to come up with a different plain. Supervisor Vanselow went on to state that the FCC License was up for renewal, but we don't use it and need it anymore.

**RESOLUTION #45-14**

**A Resolution for the creation of ONE (1) Fire Protection District and extension of TWO (2) Existing Fire Districts within the former Wevertown Fire district set for dissolution.**

WHEREAS, the Town Board of the Town of Johnsburg has the duty and desire to provide the most efficient, effective and timely fire protection to all of its residents and their property, and

WHEREAS, all parties are aware of other discrepancies regarding response areas within the Town of Johnsburg and it is agreed that the matter presented in this resolution take precedence over all, but that all other issues will be diligently pursued for amendment in future resolutions, and

WHEREAS, the area previously known as the Wevertown Fire District is no longer serviced by the Wevertown Volunteer Fire Company, Inc. due to their termination of service, and

WHEREAS, the Town Board realizes it is neither prudent, nor in the best interest of safety for the three neighboring agencies to simultaneously respond for coverage of calls for service within the boundaries of the Wevertown Fire District, and

WHEREAS, representatives of the Town Board and the current Chiefs of the North Creek Volunteer Fire Department, Inc. and their Commissioners, as well as the Chiefs of the Johnsburg Volunteer Fire Company, Inc., and the Riverside Volunteer Fire Company Inc. have met and reviewed at great lengths proposals for redistricting of the Wevertown Fire District amongst their entities, and

WHEREAS, an agreement has been reached regarding the specific boundaries that each entity will cover within said District which was also reviewed and approved by County officials, and

WHEREAS, the proposed modifications will result in the dissolution of the Wevertown Fire District and create an extension of the current coverage areas of the Johnsburg Fire District and the Riverside Fire District and create a new Fire Protection District for the North Creek Volunteer Department as described herein,(EXHIBIT A) and

WHEREAS, it is agreed between all parties that there shall be annual negotiations for compensation associated with the additional coverage area for all agencies involved in this proposed modification, and

WHEREAS, the Town Board of the Town of Johnsburg wishes to adopt a Final Order for the modifications as proposed herein by the descriptions provided herein as “Boundary Lines” and as it relates to the affected areas labeled “Amended Fire District Map” as attached (EXHIBIT B),

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board of the Town of Johnsburg does hereby dissolve the area formerly known as the Wevertown Fire District, and

BE IT FURTHER RESOLVED, the Town Board does hereby create an extension of the current

coverage area of the Johnsbury Fire District to be covered by the Johnsbury Volunteer Fire Company, Inc., and of the Riverside Fire District to be covered by the Riverside Volunteer Fire Company, Inc., and to create a new Fire Protection District to be covered by the North Creek Volunteer Department as described herein, and

BE IT FURTHER RESOLVED, that the Town Board does still intend for these and all districts to be covered under the mutual aid agreements already established in the current and future contracts for fire protection, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution, boundary lines and amended map shall be filed with Warren County for the creation of a new and final Town of Johnsbury Fire District Map, and a copy of said map will be furnished to each Fire and EMS agency within the Town of Johnsbury, and

BE IT FURTHER RESOLVED, that the Town Board wishes to extend their sincerest gratitude to all of the volunteers of all departments for their selfless dedication to the protection to life and property for our community, and their persistence, patience and efforts put forth through this difficult transition, for the benefit of the residents and responders alike.

**Presented by Mr. Arsenault, seconded by Mr. Olesheski. With 3 members voting in favor, the resolution is declared carried. Ayes – 3 (Arsenault, Olesheski, Vanselow) Nays -0**

### **EXHIBIT A**

*[All Boundary line descriptions below are based on existing Fire District boundaries as provided to the Town of Johnsbury by the Warren County Planning Department, February 2014.]*

#### **(1) FIRE PROTECTION DISTRICT – NORTH CREEK**

**Starting Point:** At the northern connecting points of the existing boundary lines for North Creek Fire District and Riverside Fire District and the former Wevertown Fire District near the easterly corner of parcel 101.-1-29 and continuing southeast along the existing fire boundary line to the westerly corner of parcel 101.2-1-29, continuing southeast along the easterly boarder of parcel 100.-1-36, bearing southwest to the boarder of parcel 101.-1-52, turning southeast to the intersection of parcel 101.-1-55, continuing southwest along its boundary with parcel 101.-1-52 turning southeast along parcel 118.-1-27 to its southeast corner, then southwest along it's boarder to State Rt 28, crossing to meet the southeast point of 118.1-20.5 and continuing southwest along the borders of it and parcels 118.-1-19, 118.-1-22 to the southern point of that property, then continuing northwest along 118.-1-22, veering southwest on its border with 118.-1-6 and continuing northwest to the intersection with the boundary of 117.-1-54, continuing southwest along 117.-1-53 then veering northeast at its intersection with 117.-1-57 to the existing boarder with Bakers Mills Fire District continuing north along existing boundary to the existing boundary with the North Creek Fire District then northeast to the starting point, thus establishing the North Creek Fire PROTECTION District.

#### **(2) FIRE DISTRICT EXTENSION – JOHNSBURG**

*[The majority of the existing Johnsbury Fire District will remain the same with exception to*

*the northerly portion now consumed by the new North Creek Fire Protection District and the extension.]*

**Starting Point:** The new northern portion will start at the southerly intersection of the existing Johnsbury Fire District boundary, the existing Bakers Mills Fire District boundary, and the new North Creek Fire Protection District boundary on parcel 117.-1-57 and travel southeast to the northwest corner of parcel 117.-1-59 and continue northeast to its boundary with parcel 118.-1-22 and southeast along both to the intersection of parcel 118.-1-6. Continue northeast along the NCFPD boundary to the northeast corner of parcel 118.-1-37.1 then southeast along it's boarder to State Route 8. Continue across the road to the northerly corner of parcel 118.-1-57 along the borders of it and 118.-1-64 to the intersection of parcel 118.-1-65, continue northeast on its boarder to where it intersects with parcel 118.-1-46. Continue southeast along 118.1-65 to the intersection of parcel 118.-1-66.1 then northeast along its border to the intersection of 119.-1-12. Traveling southeast of the boarders of 118.-1-66.1, 118.-1-67, 118.-1-68 to the intersection point of 119.-1-9 then proceed northeast along it's boarder to the intersection of 119.-1-23.3. Continue southeast along the border to the intersection of parcel 119.-1-7 then southwest along the border to the intersection of 119.-1-5 continuing southeast to its corner, then southwest to the border of 119.-1-6, traveling southeast again along the border to a point intersecting about 715 feet ± northeast on the northern border of parcel of 135.-1-25. Continue southeast across parcel 135.-1-24 and 135.-1-23.1 to where it intersects with parcel 135.-1-22.12 (about 315 feet ± northeast on the southern border of 135.-1-23.1) Continue southeast along 135.-1-22.11 to where it intersects with parcel 135.-7-17 and making a northeast to southeast arc along that parcel to Harrington Road. Continue directly across the road to parcel 138.-1-6 and head northeast and north along its boundary dictated by the roadway and northeast again to the railroad tracks at parcel 135.-1-22.11. Continue southerly along the RR tracks from parcel 135.-4-6 to Thurman Fire District line at 151.-1-30, then southwest along the existing district line to include the preexisting portions of parcels 151.-1-5, 151.-1-6, 166.-2-7 and 162.-2-1 AND CONTINUING INTO THE EXISTING DISTRICT.

### (3) FIRE DISTRICT EXTENSION – RIVERSIDE

*[The entirety of the existing Riverside Fire District will remain the same except for the extension.]*

**Starting point:** At the northern connecting points of the existing boundary lines for North Creek Fire District and Riverside Fire District and the newly established North Creek Fire Protection District near the easterly corner of parcel 101.-1-29 continuing southeast along the new fire boundary line to the westerly corner of parcel 102.2-1-29, continuing southeast along its border and of parcels 101.2-1.28, 101.2-1-27, and 101.2-1-2 then heading southwest along parcel 101.-1-36 to the intersection of 101.-1-52, continuing southeast along it and then 101.-1-58 and 101.-1-56 turning southwest along 101.-1-55 to the new Johnsbury Fire District line at 118.-1-37.1. Continue in a southeast direction along parcels 101.-1-55, 101.-1-54, 101.-1-53, 118.-1-95 and 118.-1-38 to State RT 8. Cross the road along the new Johnsbury Fire District Line to include parcels not previously assigned, south to Harrington Road at the intersection of 135.-1-17 and 135.-1.22.11. Proceed northeast along 35.-1-18, 135.-1-19, 135.-1-20, and 135.-1-22.11 and

continue on both sides of and including the rail line heading north along the Hudson River, AND CONTINUING INTO THE EXISTING DISTRICT. Riverside will also cover calls ON the rail line from 135.-1-22.11 south, through the new Johnsburg Fire District to the Thurman Fire District line.

**EXHIBIT B**

**Amended Fire District Map**

**“Wevertown Fire District – Proposed Redistricting” (attached)**

**RESOLUTION #46-14**

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to go with Emerick Associates, Inc. in the amount of \$5,470.00 for the Booster Station Pump.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Olesheski, Vanselow) Nays - 0

Supervisor Vanselow stated that the Cross Connection Control and Backflow Prevention Program will need to go to a public hearing. Mr. Olesheski asked if we have received the list of customers that it will effect. Supervisor Vanselow stated he had not.

**NEW BUSINESS**

Supervisor Vanselow noted that the Supervisor's monthly report for February was in there packets.

Supervisor Vanselow noted that the Animal Control Officer monthly report for February was in there packets.

Supervisor Vanselow noted that the ZEO's monthly report for February was in there packets.

Supervisor Vanselow stated that we have receive the 2014 Contract for Glens Falls Animal Hospital and even though the letter states there had been a change in the pricing compared to last year's, it is the same pricing.

**RESOLUTION #47-14**

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski, to accept and approve the 2014 Contract from the Glens Falls Animal Hospital.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Olesheski, Vanselow) Nays - 0

**RESOLUTION #48-14**

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

**General Fund** - (Total \$ 25,863.49) Claims #14-147 & 14-148, 14-152 to 14-161, 14-175, 14-181 to 14-183, 14-185 to 14-187

**Highway Fund** - (Total \$ 18,589.51) Claims #14-162 to 14-170, 14-182 and 14-183

**Fire Protection District** - (Total \$ 239,000.00) Claims #14-176 to 14-180

**Library Fund** - (Total \$ 760.63) Claims #14-182

**Trust & Agency** - (Total \$ 3,350.01) Claims #14-150 & 14-151, 14-182 to 14-184

**Total all warrants \$ 294,197.14.**

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Olesheski, Vanselow) Nays - 0

### **PRIVILEGE OF THE FLOOR**

Mr. Robert Nettle asked about putting in Meters for the customers on the water district, especially for new construction. Supervisor Vanselow said maybe , that was a good idea for new construction and others on main street maybe when we do the street scape. One issue would be those customers in which the lines go through a culvert and have to run their water all night on the really cold nights so it doesn't freeze. Supervisor Vanselow went on to say that in fairness we would have to see if we could bill differently. Mr. Jim Jones stated that Front Street all have meters in place already.

Ms. Jo A Smith, Town Clerk stated she was attending the Town Clerks conference on April 27, 28 and 29 in Saratoga and asked the Board if they could per authorize payment for the voucher submitted for the New York State Town Clerks Assn.

### **RESOLUTION #49-14**

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to authorize payment for the voucher submitted for the New York State Town Clerks Assn.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Olesheski, Vanselow)

A motion to adjourn the meeting was presented by Mr. Olesheski, with a second from Mr. Arsenault at 8:49 p.m.

The Town Board regular meeting will be held at 7:00 p.m. on March 18, 2014, at the Scout Community Center, Sodom, New York.

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Prepared by Jo A Smith, Town Clerk