

**Minutes of the Town of Johnsbury Regular Board Meeting  
March 18, 2014  
Held at the Scout Hall, Sodom, New York**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, March 18, 2014 at 7:00 p.m. at the Scout Hall, Sodom, NY.

Supervisor Vanselow called the meeting to order at 7:00 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 Members Eugene Arsenault, Peter Olesheski, Jr, Arnold Stevens; Katharine Nightingale; Town Clerk Jo A Smith.

Guests: On attached list

**RESOLUTION # 50-14**

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to accept the minutes of the March 4, 2014 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) Two letters from the State of New York Department of Agriculture and Markets stating that the Municipal Shelter and the Dog Control Officer Inspection report completed on 3/10/2014 and were “Satisfactory”.
- 2) A letter from Harris and Virginia Dunlap regarding the pipe line that has been supplying their home with water from Eleventh Mountain for over a hundred years. It presently is in need of replacement under Edwards Hill Road to access the customary gravity fed flow necessary. It’s their understanding there is a culvert that may go in to stop existing ditch and driveway erosion and at such time they would like to lay their replacement water pipe line a long side of this potential culvert. They have discussed this solution with Highway Superintendent Hitchcock as a practical and viable route.
- 3) Johnsbury Youth Committee Minutes from March 6, 2014 are on file in the Town Clerk’s Office.
- 4) A letter from Barton Mines addressed to all Board Members and Highway Superintendent Daniel Hitchcock – Thank you for the rapid response to the safety concern of “Lost Tractor Trailers” on Barton Mines Road with a new “No Tractor Trailer” sign posted at the bottom of the road.

- 5) Annual drinking water quality report for 2013 for the North Creek Water District is on file at the Town Clerk's Office.

Supervisor Vanselow stated regarding the letter from Mr. and Mrs. Dunlap was a highway issue and the Highway Supervisor is fine with it.

Supervisor Vanselow went on to state that the Town Clerk Ms. Smith mentioned the Annual drinking water quality report for 2013 for the North Creek Water District, it's on the web site and available to anyone for inspection.

**COMMITTEE REPORTS:**

No committee reports

**OLD BUSINESS:**

Johnsburg Fire Company's Chief Mr. Chip Aldrich approached Supervisor Vanselow last week regarding an interesting proposal; creating a Johnsburg Fire District.

Mr. Aldrich stated that it has been talked about for a long time. Johnsburg's Fire Department has still been looking into it and have talked with Attorney Brad Pinsky. Due to the size of their fire protection district now, it might be time for them to become a fire district themselves. Mr. Aldrich feels it's not a solution to the whole problem but would be a good start. Mr. Aldrich has spoken with a lawyer and gave him an estimate of 2 to 3 thousand dollars to do it, but that he needs to start with the Town Board. His members are interested in becoming a district because as things change it gets tougher to run a department that isn't a district. When speaking with the lawyer, the lawyer was pushing for all the 5 departments to be a district. Mr. Aldrich explained that last time they were discussing it there was a huge argument. They would have 5 commissioners for the Johnsburg Fire District which would make all the decisions for that department.

If you put all five departments together and form a district then you would have one chief for all of them - you still would have your Deputy Fire Chief in each department. If you go and look at each department, each one is operated differently. Mr. Aldrich stated that if they could look into the possibility then they would be responsible for it themselves.

Mr. Aldrich went on to state he didn't know if the Board would like to pursue this or not or If they wanted to contact Attorney Brad Pinsky to discuss this with him or set up a meeting with him?

Mr. Olesheski asked then if you would be becoming a taxing district like North Creek. Mr. Aldrich replied Yes. Mr. Olesheski went on to state (in Johnsburg so the people in that response area). He would like to consider the pro's and con's and also cost wise how much does it cost right now for someone living in that district for fire protection versus what kind of tax is going to be applied. Supervisor Vanselow responded that the dollar value per response area is going to

vary greatly. Mr. John Donohue has talked about how North River is a very rich area, and then you get to this side of town and it's less. Supervisor Vanselow went on to say that he thinks Johnsbury's value would be pretty neutral. He believes it could be a problem for Bakers Mills because they might not be able to ever get enough revenue to run the department. That is why Supervisor Vanselow wants to learn what the procedure would be, such as public hearing required and if the legislature needs to get involved. Also, how you are going to go from parcel to parcel to identify them as being in the different districts.

Mr. Aldrich replied when you did the new map, you did the new boundaries. Supervisor Vanselow what about inside the boundary lines and the 911 addresses.

Mr. Olesheski what is the advantage for you guys as a fire company if you haven't been able to go from parcel to parcel and try to come up with a ball park figure – How do you know it is going to be enough money and more than what the Town is paying you a year.

Mr. Aldrich: it isn't so much right now, it's the future. Like bonding a new truck, you would have a public hearing, you would vote on it like North Creek did and then it goes onto the tax payers.

Mr. Aldrich stated that there would be 5 commissioners, but he could not be a commissioner, line officers can't be a commissioner – outside opinions sitting on their board would help.

Supervisor Vanselow stated that he need to learn what is involved.

Mr. Olesheski stated that he does understand but need's to do some crunching of the numbers.

Supervisor Vanselow stated that they would be starting from scratch for their budget.

Mr. Aldrich; it might not be a solution at the moment but down the line it might be a good one. Most departments in New York state have done this because it makes more sense.

Mr. Arsenault asked if fire departments are subject to the 2% cap and is North Creek? Supervisor Vanselow stated yes North Creek is but this is new so not sure about the 2% cap – would not be town funded anymore.

Mr. Stevens stated that he has heard the name Brad Pinsky and was wondering who this person was. Mr. Aldrich stated that Brad Pinsky is an Attorney from Syracuse he does nothing but Fire and EMS and he wrote the book on Fire and EMS law for New York State. He is the one that they retained when they were negotiating the fire contracts. Mr. Stevens asked where does the discussion go from here?

Supervisor Vanselow: if the Board wants to pursue this then we need to find out the procedure and if it needs to go through the legislature.

Mr. Aldrich stated that he believes this is going to be a long process, and that Attorney Pinsky would do it all for about, 3 thousand dollars.

Supervisor Vanselow said that since it's information that the Board needs anyway then we should be covering some of the cost. Received a letter last year from Attorney Jordan about turning the Fire Protection District into a Fire District and we are still looking at that prospect and we need a more detailed procedure way to go about that if we even make the decision to go forward with that. Supervisor Vanselow went on to state that Governor Cuomo has made it a big point not to have anymore government districts formed. Supervisor Vanselow isn't sure if we can even get it through the legislature, if it has to go there.

Mr. Arsenault thinks gaining an understanding of the process is the way to go at the moment. Mr. Arsenault believes having a meeting where everyone comes together with good information, and let's see where the interest lies and go from there.

Mr. Aldrich stated that Attorney Pinsky came to their department and met with all the Fire Departments with an exception of Wevertown regarding make them Districts. Mr. Aldrich went on to stated that the meeting was going good up to the point when Attorney Pinsky stated that it would be one Chief for the District with a commissioner from each department. That is when other departments started not liking the idea.

Mr. Arsenault – not going to push the companies, but was trying to keep the companies in control of their own Departments.

Mr. Olesheski stated when he thought about it, wouldn't it be better if the fire companies were in control of their money and decided what the need is town wide, instead of each getting a chunk and doing their own thing with it. Mr. Olesheski is agreeable to getting as much information as possible and trying to have a meeting is a good idea, if they would come. Mr. Arsenault believes they would come, just wants to make sure they have good accurate information to address the questions.

Mr. Aldrich stated that he could talk with Attorney Pinsky and see if he would come and meet with the board, but doesn't know what the cost would be. Supervisor Vanselow said regarding the cost, there is money left in that budget line and could do a cost sharing. Mr. Olesheski stated: well since we don't have a town attorney at the moment anyway. Supervisor Vanselow stated he has reached out to one of the firms and is working on it. Mr. Arsenault asked if the cost was the responsibility of the Fire Department or the Town? Supervisor Vanselow stated that it was the Towns responsibility to provide Fire Protection for the whole town in whatever way works for us. Ms. Nightingale stated she really wants to learn more and if it's reaching out to Mr. Pinsky and having him talk to us as a group or a couple of us, anything that we can learn would be great.

Mr. Stevens asked Supervisor Vanselow to reach out to Attorney Pinsky and see when he would be available, the cost, etc.

Supervisor Vanselow asked Mr. Aldrich if he has been in contact with any of the other companies regarding this? Mr. Aldrich said at this time he had not, but he is sure he will be hearing from some of them after this meeting.

Mr. Arsenault stated that this is information gathering. Mr. Aldrich said that everyone has been told something different. Mr. Arsenault replied yes that is why we need good correct information. Mr. Aldrich went on to state that it is not a consolidation, that every department would be the same, just change the way they are operating.

Supervisor Vanselow said it should not come as a surprise because it came up at the public hearing last fall and they should all be aware that we are discussing this. Mr. Arsenault stated that they talked about it about 3 years ago at one of the Chief's meetings. Supervisor Vanselow stated the one of the selling points is that the Commissioners you would be running it and not the Board. Mr. Aldrich stated that there is a commissioners course. Per New York State Law they have to take it within the first year. Supervisor Vanselow said he would be in touch with Mr. Aldrich to get Mr. Pinksy's information and the report back as to his findings.

Supervisor Vanselow stated second under old business is cemeteries. We received no responses from our ad regarding the cemetery mowing, couldn't even get in touch with the company that did it for the last two years. Looks like we are going to have to hire some more help for the Parks Department to do the mowing and other projects. Supervisor Vanselow was thinking that having a mowing crew, would free up Mr. Matt Olden and Mr. Ernie Dunkley so they could finish some of the work on the buildings. Supervisor Vanselow would like a motion to advertise for 3 summer workers, 40 hours a week for about 12 weeks.

Mr. Olesheski stated the we had already set aside money for hiring additional help for the Parks Department and also we have the money in the cemetery account to help cover for the additional man power.

#### **RESOLUTION # 51-14**

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski to advertise for 3 positions for the Parks Department for 40 hours a week for approximately 12 weeks.

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

Supervisor Vanselow stated that he some preliminary work with Bernadette at Tannery Pond and found out that the fees that have been collected for individual programs from local residence was only about \$1,700 a year. Not sure what that all includes, very little wedding activity, more like fund raisers and things like that we normally waive the fee for. Proposed a moratorium on collecting fees at Tannery Pond from local folks for a one time use. Mr. Olesheski asked, what if someone has two children and they want to do both kids Birthday's there at different times, does that mean they would have to pay for one of them? Mr. Stevens stated that at least they have it for one time. Ms. Nightingale could we do it like the clean up cards? Mr. Olesheski replied, wave fees for the town resident, except long term use or making money. Ms. Nightingale said that building is going to show the most wear and tear because of the carpet and we have already spent a lot of money on buying the equipment to clean the carpet . Supervisor Vanselow said that maybe we could require a deposit like we do on the rest of the buildings. Mr. Olesheski is in

favor of that route. Supervisor Vanselow wants people to use that building and not feel, that they are priced out of the building. Supervisor Vanselow went on to say let's make a resolution to put a moratorium on collecting fees for Tannery Pond for local residence for occasions use and subject them to the same deposit of \$25.00 as our other buildings. Ms. Nightingale suggested having the deposit higher. Mr. Olesheski agreed with her, make it \$50.00. Supervisor Vanselow said ok.

**RESOLUTION # 52-14**

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to put a moratorium on collecting fees for Tannery Pond for local residence for occasional use and subject them to a deposit of \$50.00.

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

**NEW BUSINESS**

Supervisor Vanselow stated this was more informational, in the past they have approved materials for the Highway Superintendant, sometimes requires a budget transfer. At this point and time he has the money to purchase item 4 for stock piling, which was used up at the end of last June with all of the flooding.

Supervisor Vanselow stated the second item under New Business. As you are aware there are two pavilions down by the Kellogg Property, the northern one where the Farmers Market was held is the towns, the southern one the county owns. Warren County wants to give us that building, which would require "a lot line" adjustment. Mr. Stevens believes the town already has enough property and doesn't need any more.

**RESOLUTION # 53-14**

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the Southern Pavilion from Warren County.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) 1- Opposed Mr. Stevens

Supervisor Vanselow stated that Mr. Holt the Assessor has a request in which he has passed onto the board. Mr. Holt stated that a request has been made to the county by a new property owner to assign a 911 address to a previously land-locked parcel. This parcel 116.-1-69.2 (Crandall) is located off of top portion of Edwards Hill Road and is accessed by a private road which runs from Edwards Hill Road through parcel 116.-1-13 (Pentecostal Holiness Association) and parcel 116.-1-69.1 (Hall).

Mr. Holt is requesting that the town board passes a resolution to recognize the existence of this road and so, name it Dalaba Lane which will be a private road. This is not to be regarded as a

step toward acceptance of the road by the town for maintenance.

**RESOLUTION # 54-14**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski recognizing the existence of a private road, which runs from Edwards Hill Road through parcel 116.-1-13 (Pentecostal Holiness Association) and parcel 116.-1-69.1 (Hall) and to name this private road Dalaba Lane.

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 are two budget amendments one is to move money into an account to pay for the sewer feasibility study and that money will be refunded to us with Street Scape Money. The second is an insertion omission for the Community Services Outreach.

**RESOLUTION # 55-14**

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 March 2014

1	Sanitary Sewers CE	SW81204	\$7,515.00	
	Fund Balance/Water Dept	SW910		\$7,515.00
	Fund Waste Water Feasibility Study			
2	Community Services Outreach	A89894	\$10,000.00	
	Contingency	A19904		\$10,000.00
	Cover Item missed in Budgeting			

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

**RESOLUTION # 56-14**

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

**General Fund** - (Total \$ 21,268.18) Claims #14-188 (New York State Town Clerk's Association paid), 14-190 to 14-199, 14-225, 14-226

**Highway Fund** - (Total \$ 19,608.94) Claims #14-199 to 14-211, 14-227, 14-229

**North Creek Water District** - (Total \$ 25,368.91) Claim #14-208, 14-219 to 14-224, 14-226, 14-228

**Library Fund** - (Total \$ 1,025.45) Claim #14-212 to 14-217

**Total all warrants \$67,271.48.**

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

**PRIVILEGE OF THE FLOOR**

None

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Olesheski at 7:52 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 April 1, 2014, at the Wevertown Community Center, Wevertown, New York.

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Prepared by Jo A Smith, Town Clerk