

**Minutes of the Town of Johnsbury Regular Board Meeting July 17, 2012
Held at the Ski Bowl Lodge, North Creek, NY.**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, July 17, 2012 at 7:00pm at the Ski Bowl Lodge, North Creek, NY. Supervisor Vanselow called the meeting to order at 6:58pm 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. 163

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept the minutes of the July 3, 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

RESOLUTION NO. 164

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski, to accept the minutes of the July 10, 2012, special Town Board meeting and Public Hearing 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 Mr. William and Mrs. Kathleen Heffernan, Antler Lake Road, informing the Town Board of their gratitude for the attention paid to the Town portion of Antler Lake Road by the Highway Department Superintendent and the employees of that department.
2. A notification of a liquor license renewal application from Mr. Michael Bowers for bar Vino LLC (bar Vino) at 272 Main Street, North Creek, NY.
3. A notification of a liquor license renewal application from Mr. Michael Bowers for bar Vino LLC (bar Vino cellar) at 272 Main Street, North Creek, NY.
4. A letter from the Adirondack Council urging extreme caution in considering the
5. An email from Emily Hammond expressing opposition to the proposed ATV local law.
6. An email from Mr. Arthur Lozier, Jr. expressing opposition to the proposed ATV local law.
7. A letter from Anne and Rick Morse expressing opposition to the proposed ATV local
8. A letter from Town of Johnsbury Historian Jo Ann Smith thanking Supervisor Vanselow for finding space in the Town Hall for an office for the Town Historian, but she also was requesting additional funding for a computer for her office as she had been using her own at her home office.
9. A filing against the Assessor, Board of Assessment Review of the Town of Johnsbury and the Town of Johnsbury by the Grand Union Markets. The Town Clerk noted that this has been delivered to the Town Attorney, the Town Assessor's Office and the Town Supervisor.

Supervisor Vanselow explained that while the Town used to have some spare computers that those have mostly been used for the heating/cooling system in Tannery Pond Community Center. Supervisor Vanselow said that he will try to find a spare computer in Town Hall, failing that he may ask for permission to purchase a computer. Mr. Olesheski said that there are less expensive computers available.

COMMITTEE REPORTS:

Ms. Nightingale explained that the Highway Committee (Nightingale, Olesheski) had met with Highway Superintendent Daniel Hitchcock regarding the proposed ATV local law and also discussed other issues relating to the Highway Department budget. Ms. Nightingale categorized it as a good meeting.

OLD BUSINESS:

Supervisor Vanselow opened the discussion of the proposed local law to allow ATV use on Town roads under certain conditions. Supervisor Vanselow noted that this is not a public hearing, although the public will be allowed to comment at times during the discussion; he added that a public hearing if authorized will probably be about a month away. Mr. Olesheski presented an updated version of the proposed local law to allow ATV use on Town roads. Mr. Olesheski asked to be able to read a written statement to summarize the proposed local law which he presented; Supervisor Vanselow said that this would be a good way to start. Mr. Olesheski read the following written statement:

I would like to take a minute to give a brief synopsis of my proposal and some back-story on why this is important to me. (There are copies of the whole proposal here on the table, if anyone wants to thumb through it.)

As some of you already know, this proposed law would NOT open all Town roads in Johnsbury to ATV travel, nor would it be a giving ATV riders license to operate in a manner inconsistent with State law or in a reckless, dangerous or unsafe manner. The intent of the proposed law is to grant lawful ATV operators use of portions of designated Town roads in order to make a connection between two ATV trails adjacent to that particular road, when, in the opinion of the Board, it is otherwise impossible to make said connection without using the road.

State law is clear, it is within our right as a local government agency to designate and open sections of any roads under our jurisdiction for ATV travel and I feel strongly that we must do this for our residents. Since 2007 the Town Board has had several requests to pass such a local law, but nobody has followed through. I am committed to answering the call and working to ensure that this law is passed, so that the Johnsbury Town Board does not stand in the way of landowners who wish to lawfully use their properties for recreational purposes.

I know that there are concerns about safety and potential damage to public and/or private property, which may cause some people to take up opposition to my proposal. However, we must remind ourselves that ATVs are currently travelling on many Town roads across the State. After talking with Town officials and members of ATV enthusiast groups from across New York, it is pretty apparent that the majority of riders understand that riding on a public highway is a privilege and NOT a right. This is proven by the very limited reports of increased accidents or road destruction in areas where ATVs are allowed on Town roads. In this case, I would argue that any risks that the Town assumes will be outweighed by the benefit to our residents who want to see this law passed.

Finally, I want to mention the potential that ATVs possess in terms of bringing both visitors and revenue to our small community. At the moment there are groups working hard in southern Warren

County, as well as Saratoga County to create a network of trails, which would allow ATV riders to travel long distances in a similar fashion to snowmobilers. Some may say it is farfetched, but I strongly believe that passing this proposed law could be the first step to bringing a system of ATV trails through Johnsbury and in turn boost our local economy. Perhaps there is someone in Johnsbury who wants to start an ATV or enthusiasts club or even a business to cater to visitors seeking an alternative recreational experience to hiking, bicycling, etc. I really believe that the sky is the limit here.

I also believe that the Johnsbury Town Board has a responsibility to promote any and all forms of legal recreational land use, especially when our residents request that of us. So, I conclude by asking my fellow Board members to keep an open mind and allow me to move this proposal to a public hearing, so that we can hopefully get this law on the books once and for all. Thank you!

Supervisor Vanselow said that he wished to make a statement regarding the proposed local law. Supervisor Vanselow noted that the proposed local law does not open any Town roads to ATV use; opening any roads would require a separate action by the Town Board; he added that while there is not a lot of case law on this issue that it is the opinion of the Town Attorney that an applicant must be able to prove that it is impossible to access private trails open to the public for an application to be considered. Supervisor Vanselow asked if Mr. Olesheski agreed with that; he said that he did agree. Supervisor Vanselow said that at this time no specific roads are under consideration. Supervisor Vanselow added that any designation of Town roads for ATV use would probably require a public hearing prior to Town Board action. Mr. Olesheski said that the proposed law is very specific in both registration of roads and safety issues involving ATV use; he added that the proposed local law would create a template for authorizing ATV use on Town roads. Supervisor Vanselow asked if there was any further Town Board comment at this time; hearing none he opened the discussion to the public.

Mrs. Helen Miner asked who would be responsible for enforcement; Supervisor Vanselow replied that this is an issue and added that there appears to be little enforcement of the current laws prohibiting ATV use on Town roads. Mr. Olesheski said that there has been some enforcement by the local Forest Ranger, Art Perryman, Jr.; Mr. Olesheski said that it should be relatively easy to determine whether ATV is allowed on any Town road.

Mrs. Kelly Nettle asked if there was any specific road under consideration and any place for use beyond a private property trail system. Mr. Olesheski said that the portion of Town road originally discussed was River Road, the seasonal use portion between the North Creek end and Vacar Road to the south and he agreed that public lands do not allow ATV use and that the private property would have to allow use of the trail system to the public. Mrs. Nettle asked if it was anticipated that riders will be coming from outside the Town will be allowed to use the private property trails. Mr. Olesheski said that if the approval to ride was not given to the entire general public that the authorization of a portion of road for ATV use could not be granted. Mrs. Nettle asked if there was an estimate on the cost of signage to designate a portion of Town road as open to ATV use. Mr. Olesheski said that he did not believe that the cost would be too great and that he hoped that the ATV riders would donate the cost of the signage to the Town. Mr. Stevens said that the cost of signage would be in the range of \$400.00 per section of Town road designated; he added that he had discussed this with Highway Superintendent Daniel Hitchcock.

Mrs. Anne Morse asked if there was any limit to the length of a section of road to be designated for ATV use and wondered if several miles of road could be designated for ATV use. Mr. Olesheski said that there was no limit on the road portion, but he did not believe that five or ten miles of road would be so designated. Supervisor Vanselow said that he and the Town Attorney believed that any portion of Town road to be approved may be open to a SEQR (State

Environmental Quality Review Act) for impacts; he said that a five or ten mile stretch of road might add to the negative impact of a SEQR review.

Mrs. Susan Forrest asked the speed limit on Town roads and if automobiles would be going much faster than the ATV's and if this would be a problem. An un-posted road would have a speed limit of fifty-five miles per hour while the ATV speed limit would be twenty miles per hour and this could be a problem. Mrs. Helen Miner asked if the Town Board was aware of ATV use on River Road. Mr. Olesheski agreed that illegal ATV use is rampant in the Town of Johnsburg; he added that he did not believe that this law would curtail illegal ATV use, but that it would not increase it either. Mr. Olesheski said that this law would authorize those people who want to be able to follow the rules to be able to use portions of Town roads legally.

Mr. Steve Ovitt said that he believes that the cart is before the horse; he does not believe that there are any trail systems ready for use which would qualify for the opening of a portion of Town Road to ATV use and questions the passage of a law with no application. Mr. Ovitt also said that there is the question of opening a large liability issue for the Town and also for the owners of the trails open to the public. Mr. Ovitt said that this is a great deal of time to be invested in a law which may have no application currently and for a long time. Mr. Olesheski said that the Town would not be obligated to open any portions of Town roads for ATV use if the proposed local law was passed and that if the law is passed, then the trails will be created. Mr. Arsenault asked Mr. Ovitt, a retired NYS forest ranger, his experience with ATV use. Mr. Ovitt said that he has been involved in drafting ATV regulations including that of the Town of Thurman; in those regulations the purpose has been to allow property owners to access their property when a seasonally maintained road is not open for use. The proposed law here is different as it is designed to allow recreational use. Mr. Ovitt added that enforcement is difficult due to other calls and illegal activity can't be contained. The level activity is not seen except at an ATV park. Mr. Arsenault said that he was he was not sure that the Town of Johnsburg wants to become the "Mecca of ATV use" in New York State. Mr. Arsenault said that there may be benefits, but he doesn't support that and he would be more likely to support the law if it was locally useful. The illegal use is a problem to him and he sees this as the opening of "Pandora's Box" of liability and use concerns. Mr. Arsenault added that all of his discussions with residents had been on the side of not supporting the proposed law.

Mr. Stevens asked Mr. Steve Ovitt what would be his liability if he opened his private ATV trails to public use; do you have a feel for that. Mr. Ovitt said that controlling where the ATV's go is not possible or who is operating and the accident rate is high. There is the problem of maintaining trails and the standard of bridges and their strength. Mr. Ovitt said that if there was any classified stream or any water going into a classified stream that would be an issue as to the possible spill into such streams. Mr. Olesheski said that the NYS recreation statute says that a property owner cannot be held to keep the property safe for recreational or by opening the property it is not the owners' responsibility. Mr. Ovitt said that this is for criminal policies and not civil liability; there is very little limit on civil liability in NYS. Mrs. Evelyn Greene said that defending yourself against a lawsuit is costly. Mr. Olesheski said that it was not the place of the Town Board to tell property owners that they should not allow their property to be opened to ATV's because they may be sued.

Mr. Steve Ovitt asked the definition of a "public trail" or is there a document which lists the trail as a public trail. Supervisor Vanselow said that he believed that this would be a part of the request for opening a Town road portion to ATV use; also, he said that the term "permitted trails" exists and he is wondering what this would be. Mr. Olesheski said that no locality may

require its own licensing or registration. Supervisor Vanselow said he was questioning if there was a NYS agency which issued a permit that the trail was an actual trail and not just a path to a person's barn or shed.

Mr. Thomas Forrest said that he was here representing the Garnet Hill Property Owners' Association in North River and that organization believes the proposed law is a bad idea. Mr. Forrest said that the "Mecca" for ATV's should not be in the Adirondacks. Mr. Forrest added that the safety issues of the ATV's, potential damage to Town roads and potential Town liability issues for injuries are concerns of the Garnet Hill Property Owners' Association. Mr. Forrest said that he is sure that the Town will be sued for allowing use of the Town roads if there was an accident. Mr. Forrest said that he will reserve his right to come to any public hearing on the proposed law.

Mr. Arsenault asked for feedback from Highway Superintendent Daniel Hitchcock. Highway Supt. Hitchcock said that the shoulders of Town roads are already a problem and if the shoulder of a paved road is damaged then the paved road could quickly be destroyed and it would be very costly to repair. Highway Supt. Hitchcock added that the steep areas on Town roads are also easily damaged by ATV use. Mr. Bert Miner said that just as soon as the roads are raked that ATV riders spin the surface up. Mr. Olesheski said that ATV use will occur no matter what and that the road of least concern should be the River Road as it is practically un-drivable as it is. Mr. Arsenault asked if it was wise to invite additional ATV use and risk incurring additional damage. Mr. Olesheski said if a road is not fit for ATV use then their use should not be allowed on that road. Mr. Olesheski said that it not fair that the Town Board is trying to regulate property owners' ability to use their land and added that property owners in North River should not have a say over ATV use in Garnet Lake. Supervisor Vanselow said that if the Town gets sued or Town roads are torn up and need to be repaired, then all taxpayers will be paying the cost.

Mr. Arsenault said that there needs to be a community discussion of whether ATV use should be encouraged. Mr. Olesheski asked for a public hearing on the proposed law as that discussion. Mrs. Kelly Nessel said that if the process is set up that the criteria for creating ATV use on Town roads needs to be carefully done. Supervisor Vanselow said that this discussion has been going on for nearly one hour; he asked if the Town Board wants to move to a public hearing. Supervisor Vanselow has reservations about passing a local law which has no real application.

Mr. Stevens said that he thinks that a public hearing is premature and a total waste of time; he will support having a public hearing. Ms. Nightingale said that she was in favor of more public input. Mr. Arsenault agreed that the public should have a chance to put forward its input.

RESOLUTION NO. 165

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale, to authorize the Town Clerk to advertise for one week and publish notice in the North Creek News-Enterprise for a Public Hearing on the proposed local law #1 of 2012, an All Terrain Vehicle Road Usage Law, and further, said Public Hearing is to be held at the Tannery Pond Community Center, 228 Main Street, North Creek, New York on Tuesday, August 21, 2012 at 7:00pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow explained that the Town Board had authorized by Resolution 122 of 2012, May 1, 2012, that authorized changes to the playground equipment of the Ski Bowl grant. Supervisor Vanselow said that he had polled the Town Board for authorization to execute the contract changes to allow the playground changes to take place and he asked that the Town

Board retroactively authorize the execution of the contract change.

RESOLUTION NO. 166

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens to authorize the Town Supervisor to execute contract modification form for grant number **EPF-407083-D5** and contract number **C407083** to make the following changes:

Town of Johnsburg
Rehabilitate Tennis-Basketball Courts, Build Adventure Playground
EPF-407083-D5

APPENDIX B – BUDGET

The detailed estimated budget for the project as outlined in this AGREEMENT is as follows:

EXPENSES:

Pre-Development

To include: trail design and pond engineering survey \$ 10,900.00

Development

To include: construction of adventure playground, 3 km multi-use trail and bike park, swimming pond rehabilitation, resurfacing courts, trail signs \$100,640.00

Administration

To include: grant administration, advertisement for bids, audit report, project sign \$ 4,280.00

TOTAL COST

\$115,820.00

FUNDING BREAKDOWN:

STATE Share \$57,910.00

CONTRACTOR Share \$57,910.00

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

Supervisor Vanselow recognized Mrs. Kelly Nettle, Ski Bowl Park Grant coordinator, for an update on that grant. Mrs. Nettle provided the Town Board with conceptual drawings for landscaping and barriers to replace the chain link fence between the park and the parking area. The barrier would be a mixture of rocks or boulders, a split rail fence and plantings which will require little maintenance. The fencing around the playground area would remain. The removal of the chain link fence has been requested by ORDA. Included in the landscaping plan are concrete handicapped accessible sidewalks and the removal of one tree which has outgrown the spot in which it was planted. Mrs. Nettle informed the Town Board that the work has nothing to do with the alienation of Park property and that there is no hold on the grant due to the alienation

question. Also, Mrs. Nessel thanked Highway Superintendent Daniel Hitchcock for being willing to help with the grant project.

Supervisor Vanselow explained that the list of pay rates for the Summer Youth Program employees had been put together with most returning employees receiving a \$.25 per hour raise from 2011; Supervisor Vanselow said that the payroll had been made at the 2011 pay rate and if the current Youth Committee recommendations are approved then the difference will be made up in a future payroll.

RESOLUTION NO. 167

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens to accept the recommendations of the Youth Committee that the following returning employees be paid at the listed pay rates for the entire 2012 Summer Youth Program term; that is the pay rates are effective to the first day of hire for the 2012 Summer Youth Program:

Nichole Calvert	-\$7.50 per hour
Samantha Cleveland	-\$8.00 per hour
Cheryl Hayes	-\$8.50 per hour
Anna Goodman	
As a counselor	-\$9.50 per hour
As a bus driver	-\$17.50 per hour
Route rate	-\$66.20

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

Supervisor Vanselow noted that in executive session that the Town Board had spoken of a selling price of \$1000.00 for the property between Neil Shaw and the Town Hall in North Creek which was declared as surplus by the Town Board through Resolution Number 163 of 2011 and described as follows: an approximate .05 acre parcel of land located on a Town Road known as Maiden Lane and identified on the tax roles as tax map number 66.10-2-34. Supervisor Vanselow explained that the \$1000.00 price is within \$70.00 of the closing costs associated with the sale of the property. Supervisor Vanselow asked that the Town Board authorize the sale of parcel number 66.10-2-34 to Mr. Neil Shaw for \$1000.00.

RESOLUTION NO. 168

Mr. Arsenault presented the following resolution, and moved its passage with a second from Ms. Nightingale to authorize the sale of property (parcel number 66.10-2-34) and described as an approximate .05 acre parcel of land located on a Town Road known as Maiden Lane and identified on the tax roles as tax map number 66.10-2-34 which lies between the property of Mr. Neil Shaw and the Town of Johnsburg Town Hall in North Creek and which was declared as surplus in Resolution Number 163 of 2011 to Mr. Neil Shaw at a cost of \$1000.00. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

NEW BUSINESS:

Supervisor Vanselow informed the Town Board that he had received the 2012 annual

engineering services contract from Clough-Harbour and Associates to act as engineer for the Town on larger projects before the Planning Board and he said that due to its size that he had not made copies for the Town Board members, but that the contract would be available for review at Town Hall and that he would look for authorization to execute the contract at the next Town Board meeting.

Supervisor Vanselow recognized Attorney Daniel Smith to make a request of the Town Board. Attorney Smith explained that in 1986 Robert Sweet Inc., his client bought the woodworking plant on Main Street in North Creek and following the survey it was discovered that a portion of their building sits on railroad property owned by Warren County. Warren County wants a resolution from the Town of Johnsburg stating that the Town Board encourages Warren County to make the boundary line adjustment as requested by Robert Sweet Inc. Mr. Arsenault asked why does Warren County want this resolution; Attorney Smith said that he had no idea why it was requested. Supervisor Vanselow said that he doesn't believe that the Town of Johnsburg has any adjacent property to that being looked at. Mrs. Helen Miner asked if this would affect the North Creek Railroad Depot; Attorney Smith said that he doesn't believe that it will. Supervisor Vanselow asked what the objection from the North Creek Railway Depot Association was to this action by Warren County. Mr. Raymond Flanigan representing the North Creek Railway Depot Association said that this issue involves land which is owned by the museum and that the Town of Johnsburg as well as New York State have both invested sums of money to preserve the depot building. Supervisor Vanselow said that in looking at the map of the proposed change he does not see that this involves the depot building. Attorney Smith said that his client is trying to correct the property issue under their building. Mr. Flaniagan said that this was an end run around the North Creek Railway Depot Association with whom he has never met although he has represented that he has. Attorney Smith said that he has discussed this matter with Sterling Goodspeed, the attorney for the North Creek Railway Depot Association and added that he cannot discuss this with the association as they have an attorney. Mr. Flanigan disputed that this was the case. Mr. Olesheski asked if the area asked about is separate from the North Creek Railway Depot Association property; Attorney Smith said that it was. Mr. Olesheski said that the question of that property would have to be worked out at a later date. Mrs. Kelly Nettle asked why this was coming up at this time; Attorney Smith said that his client has a lease to purchase agreement with Iowa Pacific and that even if the sale does not come about that the problem would need to be corrected. Mr. Arsenault asked if Warren County was being compensated for this transaction. Attorney Smith said that it has been discussed and that his client had offered to give Warren County the portion of the building with a possible asbestos issue and the discussion had been dropped. The Town Clerk asked that either the supervisor or other board member write the resolution; Supervisor Vanselow agreed to write it if necessary. Ms. Nightingale said that Iowa Pacific was currently leasing the building. Supervisor Vanselow said that this does not involve any property of the Town of Johnsburg. Mr. Olesheski believes that this is an acknowledgement to inform the Town of the probable action by Warren County.

RESOLUTION NO. 169

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens that the Town Board of the Town of Johnsburg having no property interest in the property of North Creek Woodworking (66.6-2-1) at 320 Main Street, or indeed any adjoining property to said property and would therefore, encourage Warren County to make the boundary line adjustment as requested by Robert Sweet Inc to resolve any issues regarding the ownership

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

Supervisor Vanselow said that the time records kept by elected Town officers were in the Town Board packets for review and if accepted will be the basis for a standard workday reporting resolution and both will hopefully be accepted at the next Town Board meeting.

Supervisor Vanselow recognized Town Clerk William Rawson to give an informational report on the recently issued burn ban. The Town Clerk explained that he had been contacted by local Forest Ranger Arthur Perryman Jr. who had told him that a burn ban had been issued through the NYS Department of Environmental Conservation and the Governor's office. As a result of the ban no new burn permits were to be issued for residential burning and that those already written were suspended until the burn ban either expires on October 1, 2012 or is revoked due to substantial rain; therefore, no brush burns are allowed during the ban. All open fires are discouraged at this time. The Town Clerk added that in newspaper articles the expiration date is October 10 and a call is in to Forest Ranger Perryman to clarify the date. The Town Clerk added that Secretary Cherie Ferguson had put the item on both the Town website and the Town Facebook site to help spread the word.

Supervisor Vanselow recognized Town Clerk William Rawson to explain the request that the Town Board authorize a correction in the General Fund Warrant of March 21, 2012, regarding the payment of claim #2012-260 in which \$12.25 was mistakenly billed by Clough Harbour Associates to Tall Timbers escrow instead of to the Ward Hill subdivision escrow and therefore to correct the error by charging the \$12.25 to the Ward Hill subdivision escrow (A8020.45) and return that amount to the Tall Timbers escrow (A8020.4.7).

RESOLUTION NO. 170

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale to authorize the correction in the General Fund Warrant of March 21, 2012, regarding the payment of claim #2012-260 in which \$12.25 was mistakenly billed by Clough Harbour Associates to Tall Timbers escrow instead of to the Ward Hill subdivision escrow and therefore to correct the error by charging the \$12.25 to the Ward Hill subdivision escrow (A8020.45) and return that amount to the Tall Timbers escrow (A8020.4.7). With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

RESOLUTION NO. 171

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 (Total \$24,586.98) - Claims #2012-557 through #2012-564, and #2012-581 through #2012-589 and #2012-603 and #2012-604; Highway Fund (Total \$131,756.78) - Claims #2012-558 and #2012-565 through #2012-577 and #2012-590 and #2012-591; North Creek Water Dist. (Total \$7036.91) - Claims #2012-578 through #2012-580 and #2012-585 and #2012-597 through #2012-602; Library Fund (Total \$1226.17) - Claims #2012-592 through #2012-596; and Capital Projects Funds (Total \$17.98) Claim #2012-559; Johnsbury Fire Protection District (Total \$290.00) Claim #2012-589; Total all warrants \$164,914.82. 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. Evelyn Greene informed the Town Board that she has contacted Paul Butler of the Warren County Parks Department and shown him the growth of Japanese knotweed (aka Mexican Bamboo) that blocks the view of the Hudson River from the concert site beside Riverfront Park in North Creek. Mr. Butler has agreed to allow an invasive species expert, probably Mr. Brendan Quirion, to attack the knotweed with injections of an herbicide (Glyphosate) to destroy the plants. Mr. Butler said that he would like to see a letter from the Town of Johnsbury requesting that the knotweed be destroyed. Mrs. Greene asked that the Town Board authorize the Town Supervisor to write such a letter. Mr. Olesheski asked if there was a cost associated with this action; Mrs. Greene said that the invasive species expert will volunteer his time and the herbicide is available from a program in another municipality. Mr. Olesheski recused himself as he works for Warren County with Mr. Paul Butler as his supervisor. Supervisor Vanselow said that he has reservations about using the herbicide near water.

RESOLUTION NO. 172

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize the Town Supervisor to write a letter stating that the Town of Johnsbury would support having the Japanese knotweed (aka Mexican Bamboo) that blocks the view of the Hudson River from the concert site beside Riverfront Park in North Creek treated with injections of a herbicide (Glyphosate) to destroy the plants. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Stevens, Vanselow) Nays - 0 Abstained - 1 (Olesheski)

Mrs. Kelly Nettle has said that the recent heavy downpours are damaging the drain, the garden near the Ski Bowl Park and possibly the road alongside the area; the cost of a culvert to help the situation has been researched as about \$9,000.00 plus installation. Mrs. Nettle said that she understood that this was probably not in the budget. Supervisor Vanselow asked if this was the same erosion problem which has nothing to do with the tubing park. Supervisor Vanselow said that there would not be an answer tonight and that it would have to be looked at in the future.

Mr. Robert Nettle reported to the Town Board that the pond/swimming area at the Ski bowl Park was holding its own during this period of drought. Mr. Nettle said that although the pond has gone down it is still meeting swimmable levels as defined by the NYS Department of Health. In addition Mr. Nettle reported that the acquisition of the NYS right of way property next to the Town of Johnsbury Highway Department is making its way through the NYS Department of Transportation (DOT) and one of the DOT officials had been up and looked at the property and thought that the transfer and removal of the sand hill would improve the area. The DOT Region Five representative said that it was expected that it would take a month to six weeks to complete the process and be ready to proceed with transfer of the property.

Mr. Olesheski brought up the question of the Occupancy Tax Committee. Supervisor Vanselow explained that Mr. Olesheski had offered to the Town Board liaison to that committee; he added that Mr. Olesheski had some ideas on community involvement. Supervisor Vanselow said he didn't believe that a Town Board resolution was needed at this time; he said that when the Occupancy Tax Committee was ready to be established that a resolution would be needed. Mr. Olesheski said that he just wanted to be assured that it was alright with the Town Board that he takes on this responsibility. Supervisor Vanselow said that he was supportive and Mr. Stevens

thanked Mr. Olesheski for his effort in this area.

A motion to adjourn the meeting was presented by Mr. Arsenault with a second from Mr. Olesheski at 8:50pm. 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 August 7, 2012 at the Wevertown Community Center, Wevertown, New York.

Prepared by William Rawson, Town Clerk