

**Minutes of the Town of Johnsbury Regular Board Meeting September 4, 2012
Held at the Wevertown Community Center, Wevertown, NY.**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, September 4, 2012 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Vanselow called the meeting to order at 7:00pm and the pledge to the flag was led by Supervisor Vanselow.

Roll call showed the following persons present: Supv. Ronald Vanselow; Town Councilmen/ Eugene Arsenaault, Peter Olesheski, Jr, Arnold Stevens; Town Clerk/ William Rawson. Town Councilperson Katharine Nightingale was absent.

Guests: On attached list

RESOLUTION NO. 195

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenaault, to accept the minutes of the August 21, 2012 regular Town Board meeting including the opening of the Playground Equipment Bid and the Public Hearing on the proposed All Terrain Vehicle Road Usage Law as written. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenaault, Olesheski, Stevens, Vanselow) Nays - 0

RESOLUTION NO. 196

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens, to correct the minutes of the August 7, 2012 Town Board meeting; Resolution Number 184 lists the members of the Occupancy Tax Committee as follows: Mark Schmale, Michael Bowers, Trina Riedinger, Bernadette Speach, and Councilman Peter Olesheski and the name of Michael Bowers was listed incorrectly and should be replaced with that of Richard Carlson. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenaault, Olesheski, Stevens, Vanselow) Nays - 0

CORRESPONDENCE:

(Councilperson Katharine Nightingale entered the meeting at 7:05pm)

1. A request from the Gore Mountain Region Chamber of Commerce to extend the period for submitting vouchers for reimbursement under Occupancy Tax funding contracts due to circumstances beyond the control of the Chamber of Commerce.
2. A letter from Mr. Geoff Merrett requesting that the Town Board request a speed limit
3. A letter from Town employee Victor Dunkley announcing his retirement as of September
4. A report from Mrs. Ann Dingman, Johnsbury Youth Program Director on the 2012 Summer Youth Program attendance .
5. A request from Highway Superintendent Daniel Hitchcock asking for permission from the
6. A letter from Mr. Scott Cleveland requesting that the Town Board extend his leave of absence for a further ninety day period through December 5, 2012.

Supervisor Vanselow noted that several of these items will be addressed later in the agenda and a couple of them he would like to address at this time.

Supervisor Vanselow asked that the Town Board authorize the advertising of the following four Highway Department positions as requested by Highway Superintendent Daniel Hitchcock: a wing person for part-time during the winter months; a laborer, CDL required to fill a vacancy created by retirement this summer; a laborer, CDL required to fill a vacancy created due to an employee having a serious injury last fall if the employee is unable to return to work; a laborer who has been out of work much of the summer and may be unable to return to work for the winter. Mr. Olesheski said that he has spoken with Highway Superintendent Daniel Hitchcock and that Highway Supt. Hitchcock is looking for authorization to place the advertisements although some may not be placed for a little while longer.

RESOLUTION NO. 197

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenaault, that the Town Board will authorize the placement of sufficient advertisements to fill the following four Highway Department positions as requested by Highway Superintendent Daniel Hitchcock: a wing person for part-time during the winter months; a laborer, CDL required to fill a vacancy created by retirement this summer; a laborer, CDL required to fill a vacancy created due to an employee having a serious injury last fall if the employee is unable to return to work; a laborer who has been out of work much of the summer and may be unable to return to work for the winter. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenaault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow explained that it seems that each year a request is received from the Gore Mountain Region Chamber of Commerce for an extension of an Occupancy Tax reimbursement; he added that this points to an issue with either the way the Chamber of Commerce is doing business or the Town's reimbursement rules or both.

Supervisor Vanselow suggested that possibly the Occupancy Tax Committee could look into this issue. Mr. Olesheski said that the Occupancy Tax Committee has discussed this issue and that he had been planning to report under the Committee Reports portion of the agenda, but would do so now. Mr. Olesheski said that the current language in the Occupancy Tax contract requires reimbursement requests be submitted within thirty days following the end of the contract which is thirty days following the event, a total of sixty days. Mr. Olesheski said that it is obvious that many of the organizations requesting Occupancy Tax funding do not have a lot of cash on hand and it can be difficult to stay within the contract period. Mr. Olesheski said that he has spoken with Warren County officials and that Warren County doesn't have a time period for filing for reimbursement; Mr. Olesheski said that the second issue is the payment of Occupancy Tax funds. For short time events Warren County only requires an invoice for reimbursement and does not look for cancelled checks or "paid" invoices. For longer term events (a month to a full season) Warren County will advance up to seventy-five percent of the total award if requested. Supervisor Vanselow asked Secretary Cherie Ferguson if there were differences between Warren County and the Town as regards the law authorizing Occupancy Tax funding and reimbursement; Secretary Ferguson replied that she was not sure, but that there must be some oversight to assure the full payment prior to closing out the municipal books for the year; she added that the deadline was started due to some organizations, particularly the Chamber of Commerce wanting to wait for an extended period to request reimbursement as the Town books needed to be closed for the year. Mr. Olesheski said that in general the Chamber of Commerce is

one of the organizations which suffer from periodic cash flow problems which can slow the payment process. Secretary Ferguson said that reimbursement can be requested every thirty days and used to pay further invoices and make further requests in thirty days. Mr. Olesheski said that the issue is having the money to make the first payment to start the process.

Supervisor Vanselow said that he would like to discuss this particular request and if the Occupancy Tax Committee wants to work on a broader solution that would be okay for the future. Mr. Olesheski said that he expects the Occupancy Tax Committee to have recommendations for the Town Board at the September 18, 2012 meeting; added that some of the Occupancy Tax Committee members are also members of the Chamber of Commerce. Supervisor Vanselow asked if the Town board would like to table the request until that meeting. Mr. Arsenault said that he would like to create a reasonable flow of funds; he added that he did not want to create a bookkeeping nightmare either. Mr. Arsenault asked if the procedures are softened and the Town reimburses an organization and the vendor comes back and says that they weren't paid do any liabilities attach to the Town. Ms. Nightingale said that she volunteers for an organization receiving Occupancy Tax funds and less paperwork would be better for the organization as it is difficult to get cancelled checks in some instances. Mr. Olesheski and Ms. Nightingale both said that according to the Chamber of Commerce letter they had been informed that a cancelled check was required. Mr. Olesheski said that possibly the Town needs to review its policies and the wording of the contract to clarify the issue. Mr. Arsenault suggested that the Town Board wait until the September 18, meeting. Supervisor Vanselow asked what the Town Board would like to do regarding this issue.

RESOLUTION NO. 198

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board will table the discussion of the Gore Mt. Region Chamber of Commerce request for extensions regarding Occupancy Tax funding reimbursement for two weeks until the next Town Board meeting on September 18, 2012. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Stevens, Vanselow) Nays – 0 Abstained – 1 (Olesheski)

COMMITTEE REPORTS:

Mr. Olesheski reported that he has spoken with Highway Superintendent Daniel Hitchcock and reports that Highway Supt. Hitchcock said that things seem to be going well generally and that the tractor purchase approved earlier in the year by the Town Board is nearing completion. He added that the wing wall portion of the bridge project on Harrington Road had to be postponed until next week (Monday). Mr. Olesheski said that Highway Supt. Hitchcock is looking toward budget time and getting ready for the winter season. Supervisor Vanselow said that he also spoke to Highway Supt. Hitchcock this morning about the budget and also the Denton property cleanup which will be discussed later in the agenda.

OLD BUSINESS:

Supervisor Vanselow asked if the Town Board wished to act upon the request from Mr. Geoff Merrett for a speed limit reduction on State Route 28 between the Warren/Hamilton Counties line and 4479 State Route 28. Supervisor Vanselow said that this was a slightly more complicated request than normal and he felt that it deserved an agenda place for more extended

discussion. Supervisor Vanselow said that the Town of Johnsbury currently has a request for a speed limit reduction on State Route 28 from the current forty-five mile per hour zone to the northern end of the hamlet of North Creek or the Ski Bowl Road entrance into the hamlet and he added that it is about time for the NYS Department of Transportation (DOT) to send a rejection letter. Supervisor Vanselow said that he has spoken to Senator Betty Little and Gore Mountain Manager Mike Pratt for a more comprehensive request after the current one is rejected. Supervisor Vanselow said that now we have another speed limit request and that while he won't argue against the request he said that he wondered if the number of requests hurts the chances of having the speed limits reduced. Supervisor Vanselow said that North River is not a hamlet according to the Adirondack Park Agency or New York State. Supervisor Vanselow said that he would be willing to file the request if the Town Board wishes; he added that the NYS DOT specifically does not want petitions or additional information. Supervisor Vanselow said that support from a state senator and a state agency may help, but not anything else.

Ms. Nightingale and Mr. Arsenault both stated that they believed that the request is justifiable; Mr. Arsenault added that he wants a DOT representative to come to a Town Board meeting to explain the criteria and for the Town Board to explain the Town's reasoning. Supervisor Vanselow said that he expects that the DOT has a set of engineering criteria for the decision. Mr. Arsenault said that he would like to know if it is based on the number of accidents or deaths. Supervisor Vanselow said that he would ask for a DOT representative to come to a Town Board meeting. Mr. Arsenault said that as the people living here and we understand the frequency of accidents so we should have more input. Mr. Olesheski asked if there have been other people living in the area have been asking for this; he was also wondering what the effect would be on traffic flow. Mr. Olesheski added that he was not sure of sending in a new request without more information. Supervisor Vanselow said that there had definitely been accidents in the area. Ms. Nightingale said that there are several businesses, heavily populated area and people walking along the road during the summer. Mr. Olesheski said that this should be in the request; Secretary Cherie Ferguson said that there is a form letter asking only for the basic information such as location and speed requested. Mr. Arsenault said that this was counter intuitive. Supervisor Vanselow said that a face to face might help; it would be good to give supporting data. Mr. Olesheski asked if the Town Board has submitted all of the requests; Supervisor Vanselow said most of them were. Mr. Olesheski asked if the number of requests may be a part of the problem; Supervisor Vanselow said that it may be part of the problem. Mr. Stevens said that he believes it to be a reasonable and justifiable request and would move it. Supervisor Vanselow said that he would execute the form, but would not pursue it with vigor.

RESOLUTION NO. 199

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 authorizes the Town Supervisor and/or Town Clerk to sign all necessary documents to initiate a request for a reduction of the speed limit on State Route 28 between the Warren/Hamilton Counties line and 4479 State Route 28 to forty-five miles per hour due to the accidents and the danger to people visiting businesses near the portion of road presented by vehicles traveling at the current speed limit. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Stevens, Vanselow) Nays - 1 (Olesheski)

Supervisor Vanselow asked if the Town Board wished to grant Mr. Scott Cleveland a further ninety day medical leave from his position with the Town of Johnsburg Highway Department. Supervisor Vanselow added that Mr. Cleveland is due this extension and possibly another up to one year to hold a position open for medical leave. Mr. Olesheski said that Highway Superintendent Daniel Hitchcock was in favor of granting the extension of the medical leave, although he may have to post the position for a limited time to allow for work to be done.

RESOLUTION NO. 200

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens that the Town Board of Johnsburg grants an additional ninety day medical leave without pay to Town Highway Department employee Mr. Scott Cleveland and further, the leave extension will expire on December 5, 2012. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow explained that Mr. Olesheski, Ms. Nightingale, and he have discussed the replacement of Mrs. Ann Deppe as Town Assessor with Mrs. Deppe. Supervisor Vanselow said that the idea is to get the Personnel Committee (Olesheski, Nightingale) together with Mrs. Deppe to draw up a description for an advertisement for a replacement for Mrs. Deppe. Mr. Olesheski said that the plan seems to be to find an Assessor Clerk to learn the role of Assessor under the guidance of Mrs. Deppe so that when the contract with Mrs. Deppe expires in September 2013 there will be a trained replacement. Mr. Olesheski said that the requirements would be a four year college degree or comparable work experience in the clerical, legal or assessment fields and also a patient, friendly personality type would be important; he added that Mrs. Deppe would like to see the advertisement run for two weeks and she would like to be involved in the hiring selection process. Secretary Cherie Ferguson asked about creating the position with Warren County; Supervisor Vanselow said that Warren County is well aware of the issue and he has been talking with Lexie Delurey, Real Property Tax Services Director and will work with Kathy Barrie in Civil Service to have it done right.

RESOLUTION NO. 201

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale, that the Town Board authorizes the placement of an advertisement for two weeks in the North Creek News-Enterprise for an Assessor Trainee/Clerk based upon the qualifications to be set by Mrs. Ann Deppe, acting Town Assessor. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked that the Town Board formally accept the retirement of Town of Johnsburg employee Mr. Victor Dunkley as noted in his letter read earlier in the meeting.

RESOLUTION NO. 202

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski, that the Town Board accepts the retirement of Town Employee Victor Dunkley effective September 29, 2012. 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 Town will now need to advertise to fill this position; he added that he has spoken to both Mr. Victor Dunkley and Parks and Buildings Superintendent Matt Olden about the necessary qualifications and requirements of the position. Supervisor Vanselow added that the Personnel Committee (Olesheski, Nightingale) may want to speak with either or both of Mr. Victor Dunkley and Parks and Buildings Superintendent Matt Olden about the position. Supervisor Vanselow said that Mr. Dunkley will be leaving on September 22, in order to use up some vacation time and Mr. Ernest Dunkley would be filling in until a replacement is found and trained; he added that all personnel working at that site will need to be trained on the operation of the new compactor. Supervisor Vanselow asked that the Town Board authorize advertising of the position of transfer station attendant. Mr. Peter Heid said that Mr. Victor Dunkley lists may varied days as his last one on the job.

RESOLUTION NO. 203

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Olesheski, that the Town Board authorizes the placement of an advertisement for two weeks in the North Creek News-Enterprise for a transfer station attendant. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow updated the Town Board on the use of rented storage units for Town equipment. He explained that one unit has been emptied and a second is well on its way to being emptied; the costs of two units will have to be paid through the end of September, but should be finished at that point. The third unit has lawnmowers and other power equipment which needs a more secure location than some of the other equipment already moved. Supervisor Vanselow said that the Town is gradually getting out of that situation.

Supervisor Vanselow updated the Town Board on the Transfer Station rebuild project; the roof is on the building and the siding is mostly in place and the compactor is ready to be shipped and the contractor will work the payment for it out with the supplier.

Supervisor Vanselow explained that at the previous meeting that the Town Board approved the water line repair and the procurement policy required at least two quotes; one estimate had been received Jim Jones Excavating and it had been out in public prior to the receipt of the second quote from Leon Morin which proved to be lower. Supervisor Vanselow said that this did not appear to be a fair practice and he has spoken to Engineer Kathleen Suozzo of Cedarwood Engineering and she will prepare a description of the project and it will be given to both companies and request a last best bid. This is a procedure which has been approved by the general accounting office and then go with the lower quote. Mr. Olesheski asked if the Town was required to go with the lowest bid. Supervisor Vanselow said that he had spoken with Town Clerk William Rawson earlier and that barring extenuating circumstances the lowest bid is to be taken. Mr. Olesheski said that the Town procurement policy should be reviewed annually. Mr. Arsenault said that it would probably a good idea to review policies every so often to keep them up to date and he offered to help in the review process.

Supervisor Vanselow updated the Town Board on the Denton property cleanup. Supervisor Vanselow said that while the cleanup was moving slowly it was moving. Supervisor Vanselow has spoken with Warren County Department of Public Works Superintendent Jeff Tennyson and

the Town will be able to use the Warren County excavator as well as Warren County containers for the cleanup. Supervisor Vanselow explained that this will mean paying Warren County for the excavator and tipping and hauling fees, but no rental on the containers. Supervisor Vanselow said that he had visited the site today and it seems to increase in size each time he looks at it.

Mr. Arsenault asked if Warren County personnel would operate the machinery. Supervisor Vanselow said that it was probable, but the Town would have to pay Warren County for the work and then attach the cost to the tax bill as an omitted tax and then Warren County would make the Town collection whole which seemed to be a lot of paperwork. Supervisor Vanselow said that he has spoken with Warren County Treasurer Mike Swan who said that it had to be done this way as the county had no legal recourse to bill the work in that fashion. Mr. Arsenault asked if he planned to do the cleanup this year; Supervisor Vanselow said that he expected to be able to do it this year. Secretary Cherie Ferguson asked if the date to add omitted taxes was known. Supervisor Vanselow said that neither Treasurer Mike Swan nor DPW Superintendent Jeff Tennyson had mentioned that; he would look into the timing.

Supervisor Vanselow explained that Bookkeeper Sherry Williams had started working for the Town near the end of Supervisor Sterling Goodspeed's tenure and was hired at \$11.00 per hour. Supervisor Vanselow said that she has learned the new system and was becoming a real asset to the Town and announced that he would like to have the Town Board authorize an increase in her pay to \$13.00 per hour. Supervisor Vanselow said that she had not asked for the raise, but that he did not want to give her an excuse to look for a better job. Mr. Stevens said that this could be a possibility now that she was trained. Supervisor Vanselow said that frequently there were introductory or probationary periods for pay rates. Mr. Arsenault asked if there was an understanding when she was hired; Supervisor Vanselow said that he didn't know that there was one. Mr. Olesheski asked how many hours per week; Supervisor Vanselow replied that it was two days per week. Secretary Cherie Ferguson said that they were probably two ten hour days. Mr. Stevens said that he would accept Supervisor Vanselow's recommendation. Supervisor Vanselow said that the budget could handle this increase. Mr. Olesheski asked when this increase was to begin; Supervisor Vanselow said at the next pay period. Mr. Peter Heid said that it seemed to be a cheap improvement. Mrs. Kelly Nettle said that it seemed that a good bookkeeper would be worth more. Mr. Arsenault asked if two days per week was sufficient; Supervisor Vanselow said that it seems to be, although he has told Mrs. Williams that if she needs more time it would be okay. Mr. Arsenault asked if she was doing the payroll; Supervisor Vanselow said that she was but the new bookkeeping program and the bi-weekly payroll help.

RESOLUTION NO. 204

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, that the Town Board authorizes the increase in the hourly pay rate for Bookkeeper Sherry Williams from \$11.00 to \$13.00 beginning at the start of the next pay period. 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 the Board of Assessment Review position of board chairman Victor Sasse will expire on September 30, 2012 and he will speak to

Mr. Sasse to see if he wishes to continue in the position. Mr. Arsenault asked the length of their terms; Supervisor Vanselow replied that the term was five years.

Supervisor Vanselow noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of August, 2012, was in the Town Board members' packets.

Supervisor Vanselow noted that the monthly report of the Animal Control Officer, William Mosher, for the month of August, 2012, was in the Town Board members' packets.

Supervisor Vanselow distributed the Supervisor's Monthly Report, for the month of August, 2012, to the members of the Town of Johnsburg Town Board. Supervisor Vanselow said that in addition to the regular report that there was also a copy of the budget lines and their expenditures as of August 31, 2012 from bookkeeper Sherry Williams. Mr. Arsenault asked if there will discussions of realism and variance regarding the Town budget in the near future; Supervisor Vanselow said that there would be discussions of that nature. Mr. Arsenault said that there were some numbers which were not realistic; Supervisor Vanselow replied that this has been discussed and that he has spoken to Highway Superintendent Daniel Hitchcock about his part of the budget and the realities of the funding.

Supervisor Vanselow informed the Town Board that he has received a couple of requests about peddler or vending permits and the Peddling, Vending and Soliciting Ordinance of 1991 which allows such vendors to set up on public property. Supervisor Vanselow said that it appeared that it was created in relation to the White Water Derby and its vendors. Mr. Stevens said that at one point in time there was a travelling person who sold tee shirts from a caravan type wagon set up at various parts of the Town and the ordinance was in response to his operations. Supervisor Vanselow said that the phrasing of the ordinance was somewhat strange and refers to rights of way and now there are requests from local business looking to take advantage of the public space near the train station. Supervisor Vanselow said that he was not sure that the ordinance was not designed to allow a vendor to set up at a site such as the train station for an extended period of time on a daily basis. Mr. Stevens said that he had no problem reviewing the ordinance as times and situations change. Ms. Nightingale reviewing policy is good. Supervisor Vanselow asked if the review should go to a committee or to the full Town Board; Mr. Stevens and Mr. Olesheski both thought that the full Town Board should review the ordinance.

RESOLUTION NO. 205

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski that the following certified bills which have been reviewed by the board members be paid: General Fund (Total \$17,909.92) - Claims #2012-722 through #2012-725 and #2012-729 and #2012-731 and #2012-733 through #2012-736 and #2012-741 and #2012-742 and #2012-747; Highway Fund (Total \$14,595.80)- Claims #2012-724 and #2012-725 and #2012-737 through #2012-740 and #2012-743 through #2012-745; Capital Projects Funds (Total \$8,392.05) Claims #2012-732 and #2012-746; North Creek Water Dist.(Total \$459.00)- Claim #2012-724; Library Fund (Total \$725.29) Claim #2012-725; Trust and Agency (Total \$2,085.77) Claims #2012-724 through #2012-728; Johnsburg Fire Protection District (Total \$.86) Claim #2012-730; Total all warrants \$44,168.69. 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. Kelly Nessel asked who is the Town Board liaison to the Youth Committee; Supervisor Vanselow said that he was not sure, but it would make sense for it to be the Parks person. Supervisor Vanselow said that he was not sure that there was one. Mrs. Nessel said that it might be nice to have one.

Mrs. Kelly Nessel asked if the Town Board was aware that there are USDA grants for the refurbishment of buildings; she noted that she was speaking in reference to the "red barn" which is in questionable condition so that it may be repaired for storage use. Ms. Nightingale said that those grants are usually fifty-fifty matches.

Mrs. Kelly Nessel asked what is happening with the firehouse in Wevertown. Supervisor Vanselow said that the Town has made requests of the NYS Attorney General and FOIL requests from the Wevertown Fire Company and no information has been made available. Mrs. Nessel asked who owns the firehouse in Town; is it the Fire Protection District? Supervisor Vanselow said that he believes that it is the fire company and the Town doesn't have the documents to answer questions regarding the fire company's status.

Mrs. Kelly Nessel said that in regards to the discussion about the relocation of the sign for the business area at the south entrance of the hamlet of North Creek down to the right of the banners at the Ski Bowl Park in order to better direct visitors to the downtown business from August 7, 2012 is that project moving at this time? Supervisor Vanselow said that he has been speaking to members of the Business Alliance about this issue and there is at least one business owner who believes that he is helped by having traffic drive through the residential section of the hamlet. Mrs. Nessel said that it appears that the sign could be fit onto the right side of the road across from the Ski Bowl Park and she added that signs on the right hand side of the road are easier to see.

Mr. Peter Heid read the following prepared statement to the Town Board:

I am formally asking the town board to investigate the activities, and possible breach of contract by the Bakers Mills fire company on Saturday September 1st 2012. They responded to a structure fire at 96 Thissell Road, and through a series of operational errors and safety violations they allowed greater property loss than needed, and risked the safety of everyone fighting the fire.

After responding to the call for a structure fire they failed to call for mutual aid. The Bakers Mills fire company doesn't maintain or use SCBA air packs, and had there been someone in the building, they would have had to call for mutual aid for a company with SCBA gear. After finding out someone was in danger. The time for safe rescue is very limited, no chances should be taken. The North Creek and Johnsburg fire companies were ready and waiting to be dispatched for a mutual aid call but none came.

When they arrived only 2 responding fire fighters were wearing any personal protection equipment, the other 6 or so were in shorts and tee shirts.

The fire fighters ran a single water line to the fire, when running 2 lines is the best operating practice. In case one line fails, the fire fighters have a backup for their safety.

For several minutes the line could not be charged with adequate pressure to fight the fire. Again no mutual aid was called in case the pump could not be made to provide the pressure

needed. With so little water pressure the fire fighters had little if any protection from the blaze.

Because the pressure was low, more hose length was needed to reach the full area of the fire. A second line was not run, the pressure was turned off, while the fire burned, and another length of hose was added. When the water flow was resumed, the pressure was still too low to fight the fire, or insure the safety of those fighting it.

The fire fighters had no line of communication between themselves and those working the pump. The fire fighters were shouting back to those operating the pump with little chance of anyone hearing over the noise of the fire and equipment. No radios were seen in use for communication during the fire call.

There was little or no scene planning, the road and driveway were blocked with many vehicles. If mutual aid was needed it would be difficult or impossible to reach the scene. Had the fire spread to the other building or the woods next to the fire, the carelessly placed vehicles, would have been quickly in danger and possibly burnt, completely blocking the road.

Had the other structure or woods caught on fire, with a single hose, questionable pressure, and no backup, the results would have been catastrophic.

The person first on the scene called 911 and started taking pictures for possible investigation of the cause, and he was told it was illegal to do so by the fire fighters. He complied and erased the photos he had taken, destroying possible evidence to the cause, and potential help to the investigators. Both people taking pictures at the owners request were told it was illegal and the police would be called if they continued.

It was found later that the fire was most likely intentionally set, and the sheriff's office needed to respond to the scene to investigate. Had a mutual aid call gone out, the sheriff's response would be automatic, but instead the fire investigators had to call the sheriff's office later which delayed the investigation. This made investigators and police have to stay on the scene longer than needed and have to work in less than ideal conditions as the sunlight was almost gone.

I believe this is not the first time the Bakers Mills fire company could not provide adequate fire fighting capabilities, but I sincerely hope it will be the last.

OSHA sees the Town of Johnsbury as an employer and the town is liable for violations that cause injury, especially since the town has been made aware of the problems.

New York Not-for-profit Corporation Law - Article 14 - § 1402 Fire Corporations

(e) Powers.

(1) A fire corporation incorporated under any general law, or a fire corporation incorporated under this section shall be under the control of the city, village, fire district or town authorities having, by law, control over the prevention or extinguishment of fires therein. Such authorities may adopt rules and regulations for the government and control of such corporations

(Mr. Peter Heid left the meeting following his reading of his statement)

Supervisor Vanselow said that he believes that the Town Board has Mr. Peter Heid's version of what happened at the fire. Supervisor Vanselow said that he has also spoken to Brian LaFlure, Warren County Fire Coordinator, who verified that the investigators found no apparent, reasonable, or natural cause for the fire at this building and it has been turned over to the Sheriff for investigation; he added that he would follow up on the investigation.

Supervisor Vanselow said that the Bakers Mill-Sodom Fire Company has a contract with the Town which includes their mission statement which outlines what they are to do in filling that contract. Supervisor Vanselow said that Brian LaFlure said that as regards Town liability if the Town taxpayers are expecting X, Y and Z and they are only getting X that they are being underserved and that is not a good thing and he will look into that. Supervisor Vanselow said that Mr. Peter Heid has suggested that he may seek legal remedy; Supervisor Vanselow said that if he files legal papers that the discussion will end at that point and become a lawyer to lawyer discussion. Supervisor Vanselow said that he spoke briefly to the Town Attorney about this and added that he does not want to see another fire company in Town close its doors. Supervisor Vanselow said that if there is a need for serious remediation, then he could see looking at a plan to do that. Supervisor Vanselow said that he is not a fireman or an expert on these issues and he will be relying on outside expert advice. Supervisor Vanselow said that some of the same issues exist as did with the Wevertown Fire Company, but added that there were serious bookkeeping issues with Wevertown Fire Company that do not exist here.

Mr. Olesheski said that he would like to see the report from the Warren County Fire Coordinator and that of the incident commander who it appears was not either the fire chief or an assistant chief. Mr. Olesheski said that if the Town Board will have to act as a result of this incident that he would like to see it from both sides of the discussion. Supervisor Vanselow said that the written reports are FOIL-able if not made readily available to the Town and added that he believes that the Town Board will need to do a thorough investigation of this incident and also of other issues which were brought up during the fire contract discussions and he had mentioned that there were two companies with issues and he had hoped that when the Town Board acted strongly to solve problems with one company that the other would come into line. Supervisor Vanselow says that it does appear that there are some shortcomings to be addressed. Supervisor Vanselow said that he would continue to seek information and would relay it to the Town Board members and discuss the situation with them. Mr. Arsenault asked if the Bakers Mill-Sodom Fire Company was aware of Mr. Peter Heid's concerns; Supervisor Vanselow said that he hasn't spoken to the Bakers Mill-Sodom Fire Company Fire Chief yet. Mr. Olesheski said that it would be interesting to find out the fire company's view of the incident. Ms. Nightingale asked if it was common for a house fire to result in a mutual aid call. Secretary Cherie Ferguson said that it depended on the size of the fire; Supervisor Vanselow said that it was more of a shed than a house, that it was Peter's workshop. Mr. Olesheski said that it would be good to see the mutual aid plan for the Bakers Mill-Sodom Fire Company. Secretary Ferguson said that there is no structure in the Bakers Mills district which would require a preplan. Mr. Olesheski said that the idea of calling mutual aid for a structure fire may be the procedural issue and possibly additional training as it appears that neither the chief nor any of the assistant chiefs were present. Supervisor Vanselow said that based with discussions with fire chiefs that these are individual decisions made on site at each incident. Supervisor Vanselow said that the people on site may have believed that the fire was of such a nature that they could knock it down without bothering other companies. Supervisor Vanselow said that he doesn't like hearing complaints about not being able to get water off the fire truck and lack of being on scene in turnout gear. Mr. Olesheski said that it's good to be careful until all sides of the issue have been heard and the volunteers did respond even if not properly outfitted. Mr. Olesheski said that the question of ordering that pictures not be taken and those taken erased may be a problem if it is not legal to

stop the taking of photos. Supervisor Vanselow said that he has spoken to Brian LaFlure about that issue and it is wrong to prohibit picture taking as well as to ask for the photos to be destroyed. Mr. Stevens said that we are all talking about this from one side of the story; he added that this needs to be investigated. Mr. Stevens said that we need to hear both sides of the story prior to taking action and discussing further without more information is not a good idea. Ms. Nightingale and Supervisor Vanselow agreed.

A motion to adjourn the meeting was presented by Mr. Olesheski with a second from Ms. Nightingale at 8:30 pm. 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 Tuesday, September 18, 2012 at the Garnet Lake Firehouse, Johnsbury, New York.

Prepared by William Rawson, Town Clerk