

**Minutes of the Town of Johnsbury Regular Meeting
July 21, 2015
Held at the
Tannery Pond Community Center,
North Creek, NY**

Minutes of the Regular Meeting of the Town Board of the Town of Johnsbury held on Tuesday July 21, 2015 at 7:00 PM at the Tannery Pond Community Center, North Creek, NY.

Supervisor Vanselow called the meeting to order at 7 p.m. and the pledge to the flag was led by Supervisor Vanselow.

PRESENT: Ronald Vanselow -- Supervisor
 Arnold Stevens -- Councilman
 Katharine Nightingale -- Councilwoman
 Peter Olesheski, Jr -- Councilman
 Jo A Smith -- Town Clerk

ABSENT: Eugene Arsenault -- Councilman

APPROVAL OF MINUTES FOR June 16, 2015

RESOLUTION #75-15

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to accept the minutes of the June 16, 2015 regular Town Board Meeting as written.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Stevens, Nightingale, Olesheski, Vanselow) Nays- 0

CORRESPONDENCE:

Tammy Bukovinsky - North Country Hardship Fund, Inc. - on the agenda under Old Business

Letter from Kelly Nessle JYC Chair - "The JYC is happy to report that the NYS Department of Health has issued a permit to open the Dr. Jacques Grunblatt Memorial Beach for swim instruction for the youth of our town. Instruction

began for about 30 children on Tuesday, July 14, under the direction of Susanne Hayden, the aquatics director .

The Committee thanks the Town Board for allowing us to make this opportunity available to the kids.

The beach preparation was due to the hard work of a few individual volunteers who should be recognized publicly and thanked for their efforts:

New Roof on Bath House: Rob, Patrick & Evan Riedinger, Mike Gereau

New 1000-gallon concrete septic tank: Bob Nessel

Bath House cleaning and power washing: Kelly Nessel

Exterior and Interior painting of bath house: Kevin Fusco

Plumbing repairs: Lou Falzerano

Hose bib for water supply: Bob Nessel

Beach Raking: Kevin Fusco

Lifeguard Chair restoration: Kelly Nessel

Hand harvesting weeds: Kevin Fusco, Kelly Nessel, Ed Welch

Volleyball/badminton and tether ball courts: Bob Nessel

Installation of aeration system: Bob Nessel

Installation of safety float lines: Kelly and Bob Nessel

Required Signage: Bob Nessel

NYS DOH beach safety plan: Kelly Nessel

Raft acquisition: Bob and Kelly Nessel

The volunteers were assisted by Matt Olden and crew (Johnsbury Parks and Buildings), Dan Hitchcock and Mike Dunkley (Johnsbury Highway Department), the White Water Derby Committee which loaned its boat for weed harvesting. In addition, Jenny Connelly of Cedarwood Engineering has acted as a liaison with the Department of Health. We thank them all for their support."

COMMITTEE REPORTS: None

OLD BUSINESS:

\$10,000 from Fund Balance and give to North Creek Business Alliance for Winter Shuttle and trails (\$5,000 each)

Supervisor Vanselow requested a resolution to move \$10,000 from the fund

balance to award \$5,000 to the North Creek Business Alliance for the Winter Shuttle and \$5,000 to the North Creek Business Alliance for the Trails program which was discussed and agreed upon early in the year with no resolution presented.

RESOLUTION # 76-15

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski to move \$10,000 from the Fund Balance and award to the North Creek Business Alliance, \$5,000 Winter Shuttle and \$5,000 Trails Program.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Stevens, Nightingale, Olesheski, Vanselow) Nays- 0

WAYNE STOCK CURFEW Tammy Bukovinsky - North Country Hardship Fund, Inc. "On August 1, 2015 the North Country Hardship Fund will be hosting our largest fundraiser of the year, "Wayne Stock VIII". Our theme this year is "HOPE". We will be setting up on Friday July 31st at 1:00pm. The event will be on Saturday and clean up on Sunday. The North Country Hardship Fund would like to ask the Town Board if they would extend the hours of the Ski Bowl Park until midnight on Saturday. This will give us a chance to get a head start on clean up after the fundraiser. Thank you for your time and consideration concerning this request."

Supervisor Vanselow requested that the board pass a resolution to waive the parks curfew like they do every year for the North Country Hardship Fund.

RESOLUTION # 77-15

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to waive the parks curfew for Saturday August 1, 2015 for the North Country Hardship's Fund raiser "Wayne Stock VIII".

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Stevens, Nightingale, Olesheski, Vanselow) Nays- 0

HIGHWAY CONTRACT

Supervisor Vanselow reminded the Highway Committee about the Highway Contract the is coming up shortly for renewal.

NEW BUSINESS:

SWIMMING

Supervisor Vanselow stated why the beach is not open for public swimming is the permit issued states for swim lesson's only and the permit expires on August 7, 2015. Supervisor Vanselow went on to state that he has been in contact with Ms. Wheeler of DOH pertaining to the beach and why it originally closed which was due to clarity issues. Supervisor Vanselow suggested that maybe the beach could be opened for the public on the weekends and the town could hire one of the 4 life guards.

Mr. Olesheski stated that both of his boys which are 5 and 7 years old are taking swimming lessons and he has questioned them about the beach, water, etc and they have no problem with it. Mr. Olesheski thinks it would be great to have the beach open on the weekends and Ms. Nightingale agrees with him.

Mr. Stevens asked how much it would cost to hire a lifeguard for the weekend. Mr. Olesheski stated that in the minutes from last month it states \$12.50 a hour. Mr. Stevens stated go ahead and check with DOH and see what can be worked out.

RESOLUTION # 78-15

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Olesheski instructing Supervisor Vanselow to contact DOH regarding the Beach for public use for up to 16 hours a week and if acceptable hiring a life guard.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Stevens, Nightingale, Olesheski, Vanselow) Nays- 0

Upper Hudson Trails Alliance Inc.- Richard Carlson, Edward Orr & Steve Tomb

Mr. Carlson stated he would like to introduce the board to the newly formed Upper Hudson Trails Alliance Inc. For some time a number of us have seen a clear need for a unified trail system for the Town of Johnsbury especially in

the hamlets of North River and North Creek. Trail based recreation is a distinct asset for any tourism based community. From our purpose statement in our Articles of Incorporation: *"The civic-purpose of planning, maintaining, and advocating for trails and trails infrastructure development for non-motorized, human powered recreation in and around the Town of Johnsbury, NY and the Upper Hudson Region of the Adirondacks. emphasis is also on the development of increased commerce from trails tourism and creating an atmosphere of health benefits from trails based recreation and sport."* We are registered and incorporated in New York State as a nonprofit corporation. Mr. Tomb went on to state that they are looking for a letter of support.

Ms. Nightingale stated this was great and she was all for it. Supervisor Vanselow stated that he could write a letter on their behalf.

SIDEWALKS / RIVERFRONT PARK BATHROOMS

Ms. Nightingale stated that Mr. LaMothe had contacted her regarding the sidewalk and if the Town could match \$25,000 then they could double the distance. Supervisor Vanselow stated that there was enough in the fund balance that they could do that without a problem. Mr. Olesheski thinks they should go farther. Ms. Nightingale stated she didn't know if there was more money but does know that \$25,000 is available.

RESOLUTION # 79-15

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to match the \$25,000 with the county, for additional sidewalk construction on Main Street.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Stevens, Nightingale, Olesheski, Vanselow) Nays- 0

Ms. Nightingale stated regarding the Waddell Building and the bathrooms. Ms. Nightingale spoke with the county and they have given permission to put the septic on their property. Ms. Nightingale stated in the report which she has it states if the occupancy is over 100 then they would need a sprinkler system, so she would like the board to do a resolution for the occupancy under that so they didn't have to install a sprinkler system. Mr. Stevens asked where the money was coming from for the septic and bathrooms. Ms. Nightingale stated they already had the money.

RESOLUTION # 80-15

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to have the occupancy at the Waddell Building set at 99 people max.

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

REVAL UP-DATE

Mr. Holt stated that he would like the reval done by 2017, but he needs permission to send out RFP's. Mr. Holt went on to stated that they are 3600 parcels in the Township and 1700 are residential. Mr. Holt's estimate is \$45 to \$85 per parcel and the state will do a kick back of \$5.00 per parcel. Mr. Holt would like to meet with the board members on an individual base to explain the process. Mr. Holt also requested a purchase for a projector for power point presentations which are about \$300 to \$500.

RESOLUTION # 81-15

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski giving Mr. Holt permission to do a RFP for the reval.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Stevens, Nightingale, Olesheski, Vanselow) Nays- 0

ANIMAL CONTROL OFFICER MONTHLY REPORT

Supervisor Vanselow noted that the Animal Control Officer's monthly report for June 2015 from Mr. William Mosher is in the Town Board packets.

ZONING ENFORCEMENT OFFICER MONTHLY REPORT

Supervisor Vanselow noted that the Zoning Enforcement Officer, Ms. Danae Tucker's monthly report is not completed for June 2015.

SUPERVISOR MONTHLY REPORT

Supervisor Vanselow noted that the Supervisors Monthly report for June 2015 is in the Town Board packets.

RESOLUTION #82-15

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept and approve the Supervisor's Monthly report for June 2015.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Stevens, Nightingale, Olesheski, Vanselow) Nays- 0

MOTION TO PAY WARRANTS

Supervisor Vanselow asked for a motion to pay the warrants.

RESOLUTION # 83-15

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the following certified bills (Per Resolution #63-15) and to pay the following certified bills, which have been reviewed by the board members:

July 13, 2015

General Fund (Total \$11,405.36) - Claims #15-517, 15-520, 15-525 to 15-529, 15-532

Highway Fund (Total \$11,210.50) - Claims #15-520, 15-530

Capital Projects Fund (Total \$197.82) - Claims #15-531

Water District Fund (Total \$2,469.90) Claims # 15-520, 15-533

Public Library Fund (Total \$719.97) Claims #15-520

Trust & Agency Fund (Total \$3,060.62) Claims #15-520

Total all warrants \$ 29,064.17 - Paid on July 13, 2015

July 21, 2015

General Fund (Total \$62,840.73) -Claims #15-538 to 15-567 & 15-621 to 16-634

Highway Fund (Total \$52,170.32) - Claims #15-567 to 15-595 & 15-622 to 15-624 & 15-635 to 15-637

Capital Projects Fund (Total \$126.24) – Claims #15-596

Water District Fund (Total \$7,728.68) Claims #15-541&15-608 to 15-615 & 15-622

Public Library Fund (Total \$3,432.68) Claims #15-597 to 15-607 & 15-622

Trust and Agency Fund (Total \$8,611.90) Claims # 15-616 to 15-620 & 15-622

Total all warrants \$ 134,910.55

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Stevens, Nightingale, Olesheski, Vanselow) Nays- 0

PRIVILEGE OF THE FLOOR

Ms. Susan Hitchcock, daughter Mellissa and daughter-in-law Jessica who all live on the Edwards Hill Road would like to have a noise ordinance established for the Town of Johnsburg. Supervisor Vanselow stated that he would contact the Town's Attorney regarding this.

Mr. Brian Donahue handed out information to the Board members in which the following is his letter Dated 6/25/2014 which was addressed to Danae Tucker, Thank you for your time spent on the issue of commercial activity occurring at 192 Edwards Hill road in a permitted "personal garage" built structure. Curious to learn if you have heard received any correspondence from the APA regarding their & your site visit to Chad Pierson's property.

Given the nature of Chad Pierson's tactics with regard to his personal garage construction/commercial use property development intentions, the following has been noted:

- Residential "Change of Use"
- For parking room, Mr. Pierson has filled road side ditches and natural drainage areas (with run of bank fill, tires & old structures)
- removed all natural vegetation
- constructed 5500 sq. ft. of new impermeable roof surface, resulting in intensified storm water effects onto inadequate erosion control measures.
- Considering Mr. Pierson's new garage roof combined with his house roof, paved drive way, shed roof(s), over 10% of this property acts as a Storm water funnel that channels water onto his neighbor's property .
- Mr. Pierson's removal of all the natural vegetation combined with the sandy areas used as parking lots channel water unimpeded further down the road to the low land beaver flow pond area to the east of Edwards Hill road.

We feel Mr. Pierson needs to come before the Planning Board for a "Site Plan Review", as you have stated, with an engineered storm water plan containing:

- storm water retention ponds sized to hold storm water for all structures on his 15 acre site, including the home's paved driveway.
- Spill plan/safety measures in place for all diesel fuel stored on the site, including storage in one designated area away from culverts directed at his neighbor's property .
- Replant/maintain water absorbing soil stabilizing ground cover.
- Remove unused septic tank from site, until an engineered septic plan is in place.
- Recognize sound and all other ordinances for MX 85 commercial property if use is allowed.
- provide designated areas for snow storage on the property.
- clean any petroleum based materials off from his equipment at a different site OR install ground water testing wells to provide biannual reports to the town & his neighbors if he is to continue intense commercial trucking activity on site. Sincerely, *Brian Donohue*

Supervisor Vanselow stated that he will have to check with Danae Tucker who is the ZEO to see where she is on this problem.

Mr. Robert Nettle expressed his concerns over residential Solar power.

On motion of Mr. Stevens and seconded by Ms. Nightingale, the meeting was adjourned at 8:20 p.m.

The next regular Town Board meeting will be held at 7:00 p.m. on August 18, 2015 at Tannery Pond Community Center, North Creek, New York.

Prepared by Jo A Smith, Town Clerk

MEETING ATTENDANCE SIGN-IN

MEETING DATE: July 21, 2015

LOCATION: Tannery Pond Community Center

Please PRINT name and address clearly to assure the correct spelling in the minutes of this meeting.

- 1 Doug Cole 105 Over Mt Rd, Johnsbury
- 2 Brian Denokere Bolton Landing NY
- 3 Susan Hitchcock Edwards Hill Bakers Mills
- 4 Jessica Hitchcock 179 Edwards Hill Rd. Bakers Mills
- 5 Melissa Huey 179 Edwards Hill Rd Bakers Mills NY
- 6 RICHARD CARLSON POB 73 N. RIVER NY 12856 ✓
- 7 ED ORR 8284 ST RTE 8 BRANT LAKE N.Y. 12815
- 8 ROBERT NESSLE - THE ORIGINAL JOHN SBURG.
- 9 CHRISTIAN HOLT J-Burg.
- 10 Steve Tomb 26 Main St. North Creek NY 12853
- 11 Carol Richards 99 Bird Pond N-Creek
- 12 George Heim Harvey Rd - N. River
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