

**Minutes of the Town of Johnsbury Regular Board Meeting May 21, 2013  
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, May 21, 2013 at 7:00pm at the Tannery Pond Community Center, North Creek, 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: Supervisor Ronald Vanselow; Town Councilmen/ Eugene Arsenault, Katharine Nightingale, Peter Olesheski, Jr, Town Clerk/ William Rawson. Town Councilman Arnold Stevens was absent.

Guests: On attached list

**RESOLUTION NO. 79**

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the May 7, 2013 regular Town Board Meeting as written. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays - 0

**CORRESPONDENCE:**

1. A letter from Mr. Raymond "Rick" Sprague informing the Town Board as a result of his health issues that he will not be able to return to his employment at the Highway Department.
2. A notification of a liquor license renewal application from Richard Minucci for The Inn on Gore Mountain at 711 Peaceful Valley Road, North Creek, NY.
3. A letter from Ms. Janet Konis informing the Town Board that she was resigning from her position as a member of the Town of Johnsbury Planning Board.
4. A notification of an Accounting Principles class offered by the Office of the State Comptroller to be held June 4 through 6, 2013.
5. A letter from Mrs. Ann Schiavone requesting that the Town Board fund the purchase of drapes, rods and blinds for the main room of the Wevertown Community Center and she estimates the cost to be approximately \$250.00.

Supervisor Vanselow said that he believes that \$250.00 from the Buildings budget line to improve the window treatment situation at the Wevertown Community Center. Mr. Olesheski asked if the bathrooms could be painted as well as is requested in the letter from Mrs. Ann Schiavone; Supervisor Vanselow said that he believed that at some time during the year that the bathrooms would be painted. Supervisor Vanselow said that he did not believe that this request would require a resolution.

**COMMITTEE REPORTS:**

Mr. Olesheski reported that Ms. Karin Badey who had requested the use of the Ski Bowl Park for conducting classes in outdoor science and nature had been hired by Warren County to work at Up Yonda Farm and is currently working twenty four hours per week and that may increase so that may be affecting her interest in the project. Supervisor Vanselow said that apparently we will hear in the future.

**OLD BUSINESS:**

Supervisor Vanselow noted that the RFP for the North Creek Main Street Enhancement Plan (Streetscape) was advertised and four submissions were received and opened in April 2012. Supervisor Vanselow explained that the responses were rated by the Streetscape Committee and Wayne LaMothe of Warren County Planning and Development and the result was that the committee recommended the L. A. Group for the winning submission. Following that recommendation a lengthy contract negotiation between the L. A. Group and New York State and Warren County began. A contract has finally been agreed to by all parties. Supervisor Vanselow asked that the Town Board pass a resolution accepting the North Creek Main Street Enhancement Plan (Streetscape) RFP submission from the L. A. Group and also authorizing the Town Supervisor to execute the contract which has been agreed upon by the L. A. Group, Warren County and New York State. Mr. Arsenault asked what the next step would be. Supervisor Vanselow said that some general assessment will be done and some public input sessions which will be held in concert with Town Board informational and input sessions. Supervisor Vanselow said that the area that he is expecting to be improved is the area across from the Copperfield Inn to improve the experience of individuals waiting for the train to arrive or depart. Supervisor Vanselow added that there will be some connection to the Kellogg property as Wayne LaMothe of Warren County Planning and Development has indicated that one grant can be leveraged against the other one.

**RESOLUTION NO. 80**

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board of the Town of Johnsbury accepts the North Creek Main Street Enhancement Plan (Streetscape) RFP submission from the L. A. Group in the amount of \$29,683.00 as publicly opened on April 3, 2012; and further, that the Town Board authorizes the Town Supervisor to execute the contract for the project as agreed upon by the L. A. Group, Warren County and New York State. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays - 0

Supervisor Vanselow explained that he had expected to have a response from the Town Attorney on this item, but that he had not yet received a response and it is not for lack of trying. Supervisor Vanselow said that in 2008 the Town Board had been approached by a resident of the Town with a request to purchase from the Town an approximately one half acre lot in Bakers Mills. Supervisor Vanselow said that the lot was gifted to the Town by the Bakers Mills-Sodom Volunteer Fire Company for the use of the Boy Scouts or Town youth. Supervisor Vanselow said that the lot has been used as a trash dump by some individuals. At that time, 2008, the price suggested was \$10,000.00 and it was considered excessive by the individual. Supervisor Vanselow would like the Town Attorney to let him know if the declaration of surplus property made in 2008 was still in force or if the property would have to be declared surplus by public hearing again prior to being disposed of. Supervisor Vanselow said that he would like to see the property put back on the tax rolls and he added that any money realized from the sale should be used to improve facilities for the Town youth. Supervisor Vanselow said that he believed that the playground area around the Sodom Scout Hall could be improved with any funds received.

Supervisor Vanselow explained that he had expected to have a response from the Town

Attorney on this item, but that he had not yet received a copy of the map as promised by the Town Attorney; twice today the Town Attorney's office tried to fax a map to the Town Hall and it was not received. Supervisor Vanselow noted that there had been a problem with the Town Hall fax machine at one point during the day. Supervisor Vanselow explained that once the map, showing the road as built in the Mr. George R. Van Voorhis III development off Holland Road, was received that it could be accepted by the Town Board and this would be the simple solution to the problem of the road not being in the location shown on the original plans. Supervisor Vanselow added that in response to the question of cost from Mr. Stevens at the previous meeting that according to Town Attorney Jordan there would be no cost to the Town regarding this issue as the map was paid for by Mr. Van Voorhis.

Supervisor Vanselow reminded the Town Board that a few months ago the Town Board received a request from a property owner on Beach Road in North River for hidden driveway signs to be installed; he and Highway Superintendent Daniel Hitchcock have looked into hidden driveway signs and have found out that neither the county nor any towns install hidden driveway signs although the property owner can purchase and install such signs. Supervisor Vanselow said that the property owner has requested that the Town seek a speed limit on Beach Road as it appears that it does not have a posted speed limit which means that the speed limit is fifty-five miles per hour for a dead end road. Supervisor Vanselow said that Highway Supt. Hitchcock will look in his files for any speed limit information regarding Beach Road for as far back as his records go which is the date of the fire in 1995. Supervisor Vanselow said that if there is no information that the Town Board can request a speed limit of thirty or thirty-five miles per hour to make it safer.

Supervisor Vanselow noted that in researching this issue it was found that there are two outstanding requests for speed limit reductions which have not been acted on by the NYS Department of Transportation. One is a reduction on State Route 28 in North River and the other is on State Route 28 near the northern end of the hamlet of North Creek. Supervisor Vanselow said that he was waiting on a rejection of the North Creek request in order to apply once again for a reduction to forty-five miles per hour with the assistance of State Senator "Betty" Little due to the amount of activity along that portion of the road. Supervisor Vanselow said that the Town has not received a copy signed by the Warren County D.P.W. Superintendent and he has spoken with Warren County D.P.W. Superintendent Jeff Tennyson who said that he will look into that application. Supervisor Vanselow said that it appears that that application will need to be started once again.

#### NEW BUSINESS:

Supervisor Vanselow noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of April 2013 was in the Town Board members' packets.

Supervisor Vanselow informed the Town Board that Johnsburg Central School (J.C.S.) was using the old voting machines for their vote today and that he is planning to speak to J.C.S. Superintendent Mike Markwica about working out a long term, ten year lease to allow the school to house and use the machines; the schools have been getting two year waivers to allow them to use the machines. The only other entities to be able to use the machines are fire districts and there are none large enough in the Town to need to use the machines.

Supervisor Vanselow asked that the Town Board officially accept the resignation of Ms. Janet Konis from the position of member of the Town of Johnsbury Planning Board per her letter which was read in the Correspondence portion of the meeting.

#### RESOLUTION NO. 81

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board officially accepts the resignation of Ms. Janet Konis from the position of member of the Town of Johnsbury Planning Board due to health issues. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays -0

Supervisor Vanselow informed the Town Board that the Town is now down to five members on the Planning Board. Supervisor Vanselow said that the positions have been advertised and individuals personally asked to apply for open positions on the Planning Board.

Supervisor Vanselow asked if the Town Board wished to authorize the advertisement of the vacancies on the Planning Board. Supervisor Vanselow said that he Andy Flynn of the North Creek News-Enterprise has written an article regarding the problem of vacancies on Town boards. Secretary Cherie Ferguson asked if the number of members of Planning Board could be reduced from seven to five. Supervisor Vanselow said that this has been discussed and he said that he will ask the Town Attorney about the possibility of reducing the number of members on the Planning Board. Ms. Nightingale asked if the Town Board should look toward compensating the members of the Planning Board in some small way. Supervisor Vanselow said that that there are problems with that action. Supervisor Vanselow said that he has spoken with a Planning Board member from another town where the members are paid about that town's experiences. One issue is that the town's payroll is automatically increased by seven individuals or more depending on how many board members are added to the payroll; another issue is the amount of paperwork created by these individuals being added to the payroll. Mr. Dreu Briggs asked if individuals interested on being appointed to the Town boards were required to live in the Town of Johnsbury; Supervisor Vanselow replied that they did.

#### RESOLUTION NO. 82

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski, to authorize the Town Clerk to place an advertisement for one week in box advertising in the North Creek News-Enterprise for interested individuals to be interviewed for appointment to the two vacant Planning Board seats. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays -0

Supervisor Vanselow informed the Town Board that he had received a request for a temporary alcoholic beverage permit on Town property from the Adirondack Mountain Club in connection with the "ididaride!" bicycling event which they are sponsoring are requesting that the Town Board allow a special event alcohol permit for August 11, 2013 at the Ski Bowl Park. Supervisor Vanselow asked for authority to execute the permit. Mr. Robert Nettle asked what the parameters of the special liquor license were. Supervisor Vanselow replied that it was a one day license at a specified site. Mr. Nettle asked if the liquor could be charged for. Secretary Cherie Ferguson replied that it could not be charged for and dispensed only to those of twenty-one years of age or older.

**RESOLUTION NO. 83**

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the Town Supervisor to execute a special event alcohol permit permission for the Adirondack Mountain Club for August 11, 2013 in the Ski Bowl Park and further, the Town Board requires that the Town of Johnsburg be named as an additional insured and that proof of insurance for the event is delivered to the Town Supervisor. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays -0

Supervisor Vanselow said that there were five budget amendments to be acted upon. Supervisor Vanselow explained that one is to show a recovery of \$115.60 from insurance for a duplicated charge, the second is to transfer \$302.00 from contingency to the Insurance contractual line to cover additional costs and to transfer \$1000.00 from contingency to cover the cost of the Highway Superintendent school and to transfer \$722.00 from contingency to Parks to cover the cost of the snow blower purchased this year; the fourth is to appropriate \$4,795.00 from fund balance to pay for the additional workers compensation costs a transfer of \$1,500.00 from contingency funds to cover unplanned Zoning costs and a transfer of \$1600.00 from contingency to Capital Projects for additional survey costs related to the purchase of state right of way property for sand for the Highway Department; the fifth is to appropriate \$908.00 for a slightly higher than expected state retirement payment. Supervisor Vanselow asked that the Town Board accept the budget amendments. Secretary Cherie Ferguson asked why only one compensation claim raised the cost to that level and also asked if this included the workers' compensation for the fire companies and added that the Town receives little information about the fire company claims. Mr. James Jones said that the charges may relate to previous years' claims. Supervisor Vanselow said that the charges did not result from the Wevertown Volunteer Fire Company.

**RESOLUTION NO. 84**

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept and approve the following amendments to the 2013 Town Budget:

Budget Amendments May 2013

1	Unallocated Insurance	A19104	\$115.60	
	Insurance Recoveries	A2680		\$115.60
	Recognize Insurance Refund for Duplicated Charge			
2	Unallocated Insurance	A19104	\$302.00	
	Contingency	A19904		\$302.00
	Transfer Contingency Funds to cover Insurance Costs			
	Supt. Of Highway	A50104	\$1,000.00	
	Contingency	A19904		\$1,000.00
	Transfer Contingency Funds to cover Supt of Highway School			

Parks EQ	A71102	\$722.00	
Contingency	A19904		\$722.00
Transfer Contingency Funds to cover cost of Snow Blower			
Zoning	A80104	\$1,500.00	
Contingency	A19904		\$1,500.00
Transfer Contingency Funds for Zoning Costs			
Transfer to Capital Projects	A99509	\$1,600.00	
Contingency	A19904		\$1,600.00
Capital Projects/Land Acq/Sand	H19404.16.28	\$1,600.00	
Transfer from General	H5031		\$1,600.00
Transfer Contingency to cover addl costs of Sand Property			
4 Appropriated Fund Balance	DA599	\$4,795.00	
Appropriations	DA960		\$4,795.00
Workers Comp	DA90408	\$4,795.00	
Appropriate Fund Balance for Workers Comp Payment			
5 Appropriated Fund Balance	L599	\$908.00	
Appropriations	L960		\$908.00
State Retirement	L90108	\$908.00	
Appropriate Fund Balance for State Retirement Payment			

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

Mr. Olesheski asked if the Town Board should formally accept the notice of release of position from Mr. Raymond "Rick" Sprague regarding his position at the Highway Department due to health issues. Secretary Cherie Ferguson asked that the Town Board formally recognize Mr. Sprague's release of the position.

**RESOLUTION NO. 85**

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski that the Town Board formally acknowledges the release of the position being held for Mr. Raymond "Rick" Sprague in the Highway Department due to health issues. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays -0

Mr. Olesheski asked if there was any interest in sending someone from the Town to the Accounting Principles class offered by the Office of the State Comptroller. Supervisor Vanselow said that he had not received a response expressing interest in attending and added that he did not anticipate attending himself. Mr. Olesheski said that he could not attend himself. Mr. Olesheski asked if this would be useful after the recent audit. Supervisor Vanselow said that his take on the audit, having spoken to Examiner William Mapes from the Office of the State

Comptroller, is that there are some areas of oversight which the state believed were lacking and will require minor adjustments to the Town operations; Supervisor Vanselow said that he is looking over a few more financial documents weekly and the annual audit of the Town books is being done more thoroughly than in the past. Mr. Olesheski suggested that either Supervisor Vanselow or Mr. Arsenault go to the class. Mr. Olesheski added that there seem to be quite a few educational opportunities are available, but not taken advantage of by this Town Board. Mr. Olesheski noted that Highway Superintendent Hitchcock does go annually to the Superintendent of Highways Association conference and members of the Planning Board and Zoning Board of Appeals and the Board of Assessment Review as well. Ms. Nightingale asked if the bookkeeper would be interested in going. Supervisor Vanselow said that Bookkeeper Sherry Williams has gone to several training courses and that she had planned to attend another course, but could not go due to scheduling conflicts. Supervisor Vanselow said that he would discuss it with the bookkeeper. Supervisor Vanselow said that the Association of Towns has a very good training session in the early part of the year. Supervisor Vanselow said that he recently went to the Local Government Days in Lake Placid.

Mr. Olesheski reported on requests to the Town Board from the Gore Mountain Region Chamber of Commerce Executive Director Lisa Salamon. Mr. Olesheski explained that in the Town Board packets were nomination forms for the 2013 Henry Hudson Barton Citizen of the Year and the 2013 Business of the Year; the nominations are due by June 3, 2013. The forms are also available on the Gore Mountain Region Chamber of Commerce website.

Mr. Olesheski said that Executive Director Lisa Salamon also had a couple of additional requests. Mr. Olesheski informed the Town Board that Ms. Salamon asked if the awards can be handed out by a representative of the Town Board who would sit with the winners at the Chamber of Commerce annual dinner to be held on June 20, 2013 at the Garnet Hill Lodge. Mr. Olesheski has shared his personal opinion that the Town Board has not shown its appreciation of those people who volunteer in the Town.

The second request is that the Town Board pays for the dinners of the Citizen of the Year award winner and their spouse. The estimated cost is approximately \$80.00 to \$100.00. Mr. Olesheski said that he was first led to believe that the Citizen of the Year was a Town of Johnsbury Citizen, since then he has found out that both awards are open to the entire membership of the Chamber of Commerce. Mr. Olesheski said that because it's the Gore Mountain Region Chamber of Commerce and not the Town of Johnsbury that he does not believe that it is appropriate for the Town Board to purchase a dinner for that award winner. Supervisor Vanselow said that he did not believe that it was an appropriate expenditure in any case; Ms. Nightingale agreed. Mr. Olesheski said he will let the Gore Mountain Region Chamber of Commerce know that either he or Ms. Nightingale will represent the Town Board at the annual dinner and that the Town Board paying is not seen as appropriate. Mr. Olesheski said that there are a lot of people volunteering who save the Town a great deal of money. Supervisor Vanselow said that he would do certificates of appreciation for the award winners.

Mr. Robert Nettle asked if the Chamber of Commerce is a regional and larger than the Town of Johnsbury why does the Town pay support to the organization. Supervisor Vanselow explained that the Town is allowed to pay up to \$3000.00 annually to the Chamber of Commerce to promote the Town and that while there have been requests for larger amounts in the past that none have survived a referendum vote by the voting public of the Town. Mr. Nettle asked if the

promotion is diluted throughout the region or is it for the Town of Johnsbury. Supervisor Vanselow said that he doesn't believe that their advertising is specific to the Town of Johnsbury in some cases and the region in others.

#### RESOLUTION NO. 86

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale that that the following certified bills which have been reviewed by the board members be paid: General Fund- Claim #2013-433 through Claim #2013-440 and Claim #2013-447 and Claim#2013-449 through Claim#2013-456 (\$23,272.38); Highway Fund- Claim #2013-441 through Claim #2013-445 and Claim #2013-457 through Claim #2013-460 (\$3,487.72); North Creek Water Dist.- Claim #2013-440 and Claim #2013-456 (\$396.21); Capital Projects Funds Claim #2013-446 and Claim#2013-448 (\$3,073.15) Total all warrants \$30,229.46. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays - 0

#### PRIVILEGE OF THE FLOOR

Mr. Robert Nettle said that he had read the article on the Town of Johnsbury in the Warren County bicentennial magazine and could not believe that the article did not include a mention of skiing. Mr. Nettle said that without skiing the Town would not be economically viable. Supervisor Vanselow said that the perspective was more of a past history than recent history. Mr. Olesheski said that he thought that Mr. Nettle was reading too much into it if he thought that the lack of mentioning skiing was a snub; he added that other town's articles also seemed to be about the settlement of the towns and less about the current history. Mr. Olesheski said that the article is a celebration of the past and not an advertisement for the current businesses.

Supervisor Vanselow

said that he believed that the Town Historians had parameters which they were working under. Mr. Nettle said the advertisements were obviously designed to attract people to come to Warren County to spend their money. Supervisor Vanselow said that soliciting advertisements was how the magazine was paid for and that there would be little money from John Thurman. Secretary Cherie Ferguson said that there was a committee consisting of current Historian Jo Ann Smith, William Thomas, Susan Rawson and past Historian Doris Patton which produced a great deal of information to be given to Warren County for inclusion in the magazine and only about thirty percent of the information was included. Mr. Olesheski said that he believed that there was additional information on the Warren County website. Mr. Robert Nettle said that the economic engine of this Town is skiing and every business in Town is here because of skiing.

Secretary Cherie Ferguson informed the Town Board of problems in putting together the Bicentennial Parade scheduled for Saturday July 6, 2013. Sect. Ferguson explained that William Thomas is trying to line up local fire companies and she has contacted local businesses and she has been informed that the Johnsbury Central School marching band is not available as its director will be out of town at that time. Sect. Ferguson is trying to arrange an advertisement or article seeking a local marching band for the parade. Mr. Olesheski suggested asking former J.C.S. band director Frank Conti to lead the marching band in the parade. Sect. Ferguson said that she is not looking for a regional parade, but she would like to have a couple of floats and a marching band. Mr. Olesheski asked how the winter parade was put together and when she needed to have floats and organizations signed up. Sect. Ferguson said that the school said that

they would need to know in September and that she was hoping to know by mid-June what units would be available.

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Olesheski at 8:00pm. With 4 members voting in favor, the resolution is declared carried. Ayes- 4 (Arsenault, Nightingale, Olesheski, Vanselow) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on June 4, 2013 at the Wevertown Community Center, Wevertown, New York.

-----  
Prepared by William Rawson, Town Clerk