

**Minutes of the Town of Johnsburg Regular Board Meeting October 1, 2013
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, October 1, 2013 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: Supervisor Ronald Vanselow; Town Councilmen/ Katharine Nightingale, Peter Olesheski, Jr, Arnold Stevens; Town Clerk/ William Rawson. Town Councilman Eugene Arsenault was absent.

Supervisor Vanselow explained that Councilman Eugene Arsenault had left prior to the meeting being called to order due to illness of a family member. Supervisor Vanselow added that he was not feeling well either.

Guests: On attached list

RESOLUTION NO. 148

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the minutes of the September 17, 2013 regular Town Board Meeting as written. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

CORRESPONDENCE:

None

COMMITTEE REPORTS:

None

OLD BUSINESS:

Supervisor Vanselow reminded the Town Board that at the previous meeting the Town Board had received a letter from Mrs. Gretchen Millington indicating her interest in being made a member of the Planning Board and in response the Town Board had asked Supervisor Vanselow to schedule an interview with Mrs. Millington at this meeting. Supervisor Vanselow noted that Mrs. Millington was present. Supervisor Vanselow asked if the Town Board wished to hold an executive session interview or simply appoint without an interview. Supervisor Vanselow explained that the alternate position on the Planning Board was the only one open at this time. Supervisor Vanselow explained that the term of the position would be approximately two years and that generally, if a vacancy occurs on the Planning Board the alternate member is moved into the vacancy. Mr. Olesheski added that if a member was absent at a meeting that the alternate member would then be voting at that meeting so it is important for the alternate member to attend meetings to be informed even if a quorum is anticipated to be present. Mr. Olesheski asked Mrs. Gretchen Millington for a brief explanation of why she was interested in being appointed to the Planning Board.

Mrs. Gretchen Millington said that she believed that if one was a member of a board then the individual should be present at meetings and if she was notified of the meeting

date and location that she would attend. Mrs. Millington said that she was born, brought up, and raised a family here. Mrs. Millington said that she had wanted to be a part of the Town structure, but didn't know how to do that, but upon hearing of the Planning Board vacancy and speaking to the Planning Board chairman, she decided to send in her letter of interest. Mr. Olesheski thanked Mrs. Millington for her interest.

RESOLUTION NO. 149

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to appoint Mrs. Gretchen Millington as the Alternate Member of the Town of Johnsbury Planning Board for a term to expire on December 31, 2015. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow said that if Mrs. Millington would stop in to Town Hall that he or Secretary Cherie Ferguson would set her up with the planning and zoning laws, schedule of meetings and any additional information.

Supervisor Vanselow asked Mr. Olesheski to report on his recommendations of members for the Occupancy Tax Committee and his plans for that committee. Mr. Olesheski said that he held a workshop on September 24 at the library and there were no other attendees. Mr. Olesheski said that he then spoke with Mr. Michael Bowers, a former Occupancy Tax Committee member and representative of the North Creek Business Alliance which has applied for funding, about the committee.

Mr. Olesheski said that the following individuals have expressed interest in joining the Occupancy Tax Committee: Helen Miner, Lisa Salamon, Emily Stanton, Bernadette Speech, and Jo Ann Smith. Mr. Olesheski said that this would not be the odd number of members to prevent ties, but he doubted that there would be too large of a problem of tied votes and he asked that the Town Board appoint these individuals as the 2013 Occupancy Tax Committee.

Mr. Olesheski said that he plans to have a meeting of the Occupancy Tax Committee before the next Town Board meeting and at that time he plans to have recommendations for changes to the Occupancy Tax application and the scoring process and look for Town Board action at that time.

RESOLUTION NO. 150

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale, that the Town Board approves of the following members comprising the Occupancy Tax Committee, an advisory board to make recommendations to the Town Board regarding Occupancy Tax funding requests: Helen Miner, Lisa Salamon, Emily Stanton, Bernadette Speech, Jo Ann Smith and Councilman Peter Olesheski; and further, to name Councilman Olesheski as chairman of said committee. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow informed the Town Board that Highway Superintendent Daniel Hitchcock had delivered a new "284 Agreement to Spend Highway Funds" for the asphalt work on River Road. Supervisor Vanselow explained that the new agreement proposes to pave approximately two miles of River Road between State Route 8 and Vacar Road with the estimated cost being \$173,000.00. Highway Supt. Hitchcock noted on the envelope containing the agreement that the current balance in the "Chips" funds is \$265,000.00 and after this expenditure there will be a balance of between \$91,000.00 and \$92,000.00. Mr. Stevens asked if this was the request which the Town Board had been notified of at the previous meeting. Supervisor Vanselow replied that was correct. Mr. Olesheski said that the only difference now is moving from "double chip seal" to asphalt. Supervisor Vanselow said that was correct. Supervisor Vanselow added that Highway Supt. Hitchcock has already done \$63,000.00 worth of culvert work on River Road.

Mr. Olesheski asked why there is suddenly extra money for this work. Supervisor Vanselow said that the Town Board had authorized a budget amendment a few months ago which would support this activity by increasing one of the Highway Department budget lines from unappropriated funds which included rollover "Chips" funding from last year. Supervisor Vanselow added that Highway Supt. Hitchcock was worried that if the rolled over "Chips" funds weren't used NYS may wonder why the Town wasn't using the funding. Mr. Olesheski asked what about the other items which Highway Supt. Hitchcock had worried about having the funds to pay for. Supervisor Vanselow said that Highway Supt. Hitchcock is moving forward on the storm damage and there is a project which he believes is being put off until next year due to a lack of time, the bridge work on Waddell Road. Supervisor Vanselow added that there are several other bridges which will need to be replaced due to the flooding.

Mr. Olesheski said that he was not opposed to approving this agreement for the work on River Road, but he is not happy to be getting a clear picture of the Highway funds and Highway Supt. Hitchcock's plans for those funds. Supervisor Vanselow said that while he was not going to speak for Highway Supt. Hitchcock; it is his understanding that Highway Supt. Hitchcock has changed his priorities. Mr. Olesheski said that he would like Highway Supt. Hitchcock to come to the Town Board meeting when he is presenting a budgeting change so that it can be explained in more detail and be more accountable to the Town Board. Mr. Olesheski said that Highway Supt. Hitchcock is not that approachable, even when trying to set up Highway Committee meetings. Supervisor Vanselow asked if Mr. Olesheski had any suggestions; Mr. Olesheski replied that he did not. Supervisor Vanselow asked exactly what Mr. Olesheski was looking for; a long term plan, more accessibility from Highway Supt. Hitchcock, or a better understanding of his budget. Mr. Olesheski said that he did not want to micro-manage the Highway budget, but he would like to improve communications between the Town Board and the Highway Superintendent. Supervisor Vanselow said that frequently Highway Supt. Hitchcock is in bed by this hour and gets up between 2:00 and 3:00 in the morning. Mr. Olesheski said that he appreciates that Highway Supt. Hitchcock donates five hundred or more hours to the Town annually in the performance of his office.

Supervisor Vanselow said that this document is pretty straight forward and the money

is available. Supervisor Vanselow added that the Town Board has financial oversight on his larger purchases. Supervisor Vanselow said that the project on State Route 28N has used up the majority of the "double chip seal" and he has not been able to obtain the product which he had originally planned to use. Supervisor Vanselow said that this product can be put on with the probable colder weather and he does not believe that Highway Supt. Hitchcock wants to plow for the winter season on the base which he has prepared. Supervisor Vanselow asked if there was any further discussion on the "284 Agreement to Spend Highway Funds" and hearing none he called the question.

RESOLUTION NO. 151

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to approve of the Agreement to Spend Highway Funds (284) submitted by Highway Superintendent Daniel Hitchcock on October 1, for the purpose of resurfacing with asphalt of River Road between State Route 8 and Vacar Road for an approximate distance of two miles (estimated total cost \$173,000.00). With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

NEW BUSINESS:

Supervisor Vanselow noted that the monthly report of the Animal Control Officer William Mosher for the month of September 2013 was in the Town Board members' packets.

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

Supervisor Vanselow said that ZEO Tucker wanted to have an issue brought to the attention of the Town Board. The Town of Johnsburg Rescue Squad wants to build a station at the site of the pallet mill on Peaceful Valley Road which is in the greenway as far as the Zoning regulations and also the property is not zoned for public buildings. The Rescue Squad is going to the Zoning Board of Appeals to request a use variance; a use variance is supposed to be very difficult to obtain. If the Rescue Squad does not get the use variance there is a process called "Immunity from Zoning" which the Town Board can grant. Supervisor Vanselow said that he needs to speak to attorney Anthony Jordan regarding this procedure; he added that Mr. Brian Grisi of the Adirondack Park Agency believes that the Planning Board can grant this immunity as well. Supervisor Vanselow said that there is some ambiguity about this power and that he will have more information to clarify the issue before asking for any Town Board action.

Mr. Robert Nettle said that he was involved with the greenway overlay decision when he was on the Planning Board and he said that the Town Board had slipped Peaceful Valley Road in a surprise move; he added that if he had known of the move he would have exempted that location due to its use as an industrial site. Mr. Nettle said that the Town Board should amend the greenway wording. Supervisor Vanselow said that an amendment would be another possibility.

Mr. Curtis Richards said that he believed that the Sweet family has sold the property in Warrensburg and were selling these lots as well. Supervisor Vanselow said that the

location had been discussed as a site for the Highway Garage if it was to be moved, but that had not worked.

Mr. Olesheski suggested that the Town is exempt from its own zoning laws. Supervisor Vanselow said that he believed that to be correct, but the Rescue Squad is not the Town. Mr. Olesheski said that the Rescue Squad could be considered an agent for the Town. Supervisor Vanselow said that he believes that the "Immunity from Zoning" will be the quickest method of correction. Supervisor Vanselow said that more information will follow.

The Supervisor's Monthly Report, for the month of September 2013 was not available at this time due to the September monthly closing being only yesterday.

Supervisor Vanselow explained that the 2014 Tentative Town of Johnsburg Budget has been delivered to the Town Clerk and asked the Town Clerk to distribute copies of the 2014 Tentative Budget including the list of exemptions received from the Town Assessor to the Town Board members which was then done by the Town Clerk.

Supervisor Vanselow said that he expects that the Town Board will move the 2014 Tentative Town of Johnsburg Budget to Preliminary and set the date, time and place for the Public Hearing on the budget at the next Town Board meeting. Mr. Stevens asked if the Tentative Budget was for the Town Board members only; Supervisor Vanselow replied that it was at this time and it would be made available to the public following its being moved to Preliminary in two weeks. Supervisor Vanselow said that he prefers to have the budget approved prior to the general election, but state law precludes that.

RESOLUTION NO. 152

Ms. Nightingale 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- Claims #2013-832 through #2013-842 and #2013-856 and #2013-857 and #2013-859 through #2013-863 and #2013-870 (\$14,158.04); Highway Fund- Claims #2013- 843 through #2013-849 and #2013-856 and #2013-857 and #2013-864 through #2013-869 (\$13,854.11); North Creek Water Dist.- Claims #2013-850 and #2013-851 and #2013-857 (\$4,029.00); Capital Projects Funds Claim #2013-852 through #2013854 and #2013-871 (\$5,122.87); Library Fund- Claim #2013-856 (\$812.85); Trust and Agency Claims #2013-830 and #2013-831 and #2013-856 through #2013-858 (\$2,997.49); Johnsburg Fire Protection District Claim #2013-855 (\$7,500.00). Total all warrants \$48,474.36. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

PRIVILEGE OF THE FLOOR

Supervisor Vanselow asked Mrs. Kelly Nettle for a report on the Ski Bowl Park pond aeration project as the project has been discussed as having either an electrical power line or a compressed air line being run from the Transfer Station to the area of the pond. Mrs. Nettle said that as the compressor for the aeration project needs electricity and depending on the location of the compressor that a power line to the pond would be necessary if the compressor was to be located near the pond; or if located at the power source in the transfer station area then an air line would need to be run to the aerator in the pond. Mrs. Nettle said that it had appeared that the Town Board was interested in running a power

line from the Transfer Station to the pavilion next to the pond and placing the compressor by the pond.

Supervisor Vanselow asked the distance from the Transfer Station to the pond; Mrs. Nessel said that it was about 1200'. Supervisor Vanselow asked if the compressor would require its own building; Mrs. Nessel said that it would require its own little shed. Supervisor Vanselow asked if Mrs. Nessel had prices for each method. Mrs. Nessel said that the compressor will cost about \$3000.00, to run a 1200" air line will cost about \$700.00 and to run a 1200' buried electrical power line will cost about \$1700.00 and there will be additional costs for electrical connectors and panel boxes and small additional parts as well. Supervisor Vanselow asked if there was a \$10,000.00 grant for the project. Mrs. Nessel replied that there was. Supervisor Vanselow said that he expected that electrical outlets in the pavilion would be separate from the grant funding. Mrs. Nessel said that the Ski Bowl Park grant would pay some of the costs as well with the Charles Wood Foundation paying for the compressor and its connections.

Mr. Stevens asked if there was a cost estimate for operating the compressor, either monthly or annually. Mrs. Nessel said that she does have an estimate, but she did not have the number with her.

Mr. Olesheski asked if the compressor would need to be moved and stored for the winter and also asked the size of the building needed. Mrs. Nessel said that it was not very large. Mr. Olesheski said that there was probably some annual maintenance as well as the electrical cost. Mr. Olesheski asked Mrs. Nessel if the compressor installation was planned for this fall. Mrs. Nessel said that it was.

Supervisor Vanselow asked Mrs. Nessel when she would need the Town Board authorization. Mrs. Nessel replied as soon as possible; she said that she would have numbers for Supervisor Vanselow to give to the Town Board for the next Town Board meeting.

Supervisor Vanselow asked if the power line would cross under Dump Road. Mrs. Nessel said not under Dump road, but under Beach Road.

Supervisor Vanselow asked Mrs. Kelly Nessel about her attempt to find an engineer to stamp a document on water flow into the pond and whether she had found one. Mrs. Nessel said that she has contacted about five different engineers and one had suggested a cost of \$2000.00. Mr. Olesheski asked why Mrs. Nessel was looking for an engineer to stamp the plans. Supervisor Vanselow explained that the Town Board had agreed to do a sanitary survey several months ago; he added that Mrs. Nessel has since found regulations that say if there is incoming fresh water in the amount of 100 gallons per day per swimmer that a sanitary survey is not necessary. Mrs. Nessel said that she had no intention of paying \$2000.00 for an engineer to stand with a bucket and a stopwatch to measure the incoming water. Mrs. Nessel said that she has spoken with Mr. Thomas Hutchins and he was willing to do this soon. Mrs. Nessel said that she has spoken with Cedarwood Engineering and has not received any calls back from them. Supervisor Vanselow said that he would speak to Thomas Suozzo about the project.

Mr. Olesheski asked what the Town pays them for and he assumed that when the Town appointed them as engineers they would respond to Town requests. Supervisor Vanselow said that the Town contracts with the company to oversee the North Creek Water District and that on a per case basis the Town has used the firm as engineers, but they are not

appointed or contracted as Town Engineers.

Ms. Nightingale asked if it was a verbal or written statement that an engineer needed to stamp the document. Mrs. Nettle said that it was written in the regulations. Ms. Nightingale said that she would speak to the engineering firm which she works for about the issue.

Mr. Robert Nettle said that to enlighten the Town Board he would explain that he has noticed that currently, the pond is down a little bit and a basket can be placed under the inflow pipe to perform the measurement. Mr. Nettle said that for most of the spring and summer that one can't do that. Mr. Nettle said that there is plenty of water still coming into the pond area. Supervisor Vanselow asked Mr. Nettle if he has seen the head lower than it currently is. Ms. Nightingale said that the Hudson River has been lower.

Mrs. Kelly Nettle said that the broken irrigation line in the Ski Bowl Park has been repaired. Supervisor Vanselow said that there was no way of knowing when it was damaged.

Mr. Robert Nettle asked when the Town Board was going to begin serious long-term planning as to where money is to be spent. Mr. Nettle said that the window issue in this building (Wevertown Community Center) seemed to have appeared suddenly. Mr. Nettle chastised the Town Board for not providing long term planning and being reactive not proactive. Supervisor Vanselow said that a couple of years ago a local resident put together a list of repairs which were needed in the Town buildings and that the Town Board has been working on that list and other problems which have been discovered. Supervisor Vanselow said that there is some degree of long term building maintenance.

Mr. Nettle asked if there was anything in the 2014 budget to perform an abatement of the deterioration of the siding around the base of the pavilion in the Ski Bowl Park and the roof on the Town Hall. Supervisor Vanselow said that the Library Director has submitted a grant application through SALS (Southern Adirondack Library System) and they have recommended a 75% match for the roof; additionally, the Library Director has collected several thousand dollars in donations toward the roof repair. Supervisor Vanselow said that there is a budget line for general building repairs and that any larger repairs would come from Capital Projects Funds. Supervisor Vanselow said that he planned to have a meeting with the Town Bookkeeper and Mr. Arsenault to get a handle on the Capital Projects Funds accounts; he said that the funds have been entangled and he wants determine what is encumbered for what purpose.

Mr. Nettle said that Parks and Buildings Superintendent Matt Olden seems to be getting some projects accomplished. Supervisor Vanselow said that Parks and Buildings Supt. Matt Olden has recently replaced the tires around the well with posts and has made and installed window well covers on this building to help control water seepage from snow melt in the spring. Supervisor Vanselow said that several small projects in both this building and the Sodom Scout Hall have been accomplished this year.

Mr. Nettle asked if there was a narrative budget for the Highway Department budget. Supervisor Vanselow said that Highway Superintendent Daniel Hitchcock plans out his budget and the proposals arrive in the form of the 284 Agreement to Expend Highway Funds. Supervisor Vanselow said that he has upped the Highway Equipment line and a couple of other Highway budget lines following discussions with Highway Supt.

Hitchcock. Mr. Nettle said that he wants more specifics on the purchases to be made from each budget line.

Mrs. Kelly Nettle asked if Supervisor Vanselow would be amenable to receiving a list of small cost maintenance items for the Ski Bowl Park. Supervisor Vanselow said that as she is in the park frequently her suggestions would be useful.

Mr. Daniel Freebern, property owner in the Town of Johnsbury, asked if the Town Board minutes could be put out at the Town Board meeting. Town Clerk William Rawson and Supervisor Vanselow said that the minutes are available online and Town Clerk Rawson added that the minutes frequently run to ten or twelve pages which would be a lot of paper for copies. Supervisor Vanselow added that until the minutes are approved they are technically draft minutes.

Mrs. Kelly Nettle asked to update the Town Board on the pond at the Ski Bowl Park as regards the Adirondack Park Agency (APA). Mrs. Nettle said that last fall a representative from the APA has issued the Town a permit for hand harvesting weeds and this year she asked Warren County Soil and Water about draining and cleaning the pond as it has been thirteen years since that has been done. Mrs. Nettle said that in prior years that the APA has listed the pond as non-jurisdictional and now due to the growth of the weeds in the pond it has been listed as a wetlands and additional permitting will be required before being able to drain and clean the pond. Mrs. Nettle said that the Town is still permitted to hand harvest the weeds and put down mats to kill the weeds. Supervisor Vanselow said that if the Town performs those actions at what point will the pond not have a wetlands designation. Mrs. Nettle said that she did not know. Mrs. Nettle said that she is trying to schedule a meeting of representatives from the APA, Army Corps of Engineers, Department of Environmental Conservation and the Town to discuss the required permits and the condition of the pond this fall with Warren County Soil and Water to prepare a formal dredging plan and with a view to performing the work next fall. Mrs. Nettle said that the APA representative said to try to obtain an amendable permit which would negate the need to reapply each time the Town wants to clean the pond. Mrs. Nettle said that the plan is to allow the winter cold to kill some of the plants and perform some hand and place some mats to stop additional growth.

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Ms. Nightingale at 8:03pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on October 15, 2013 at the Sodom Scout Hall, North Creek, NY.

Prepared by William Rawson, Town Clerk