

**Minutes of the Town of Johnsburg Regular Board Meeting November 7, 2013
Held at the Wevertown Community Center, Wevertown, NY. Including the minutes of the
Public Hearing on the 2014 Town of Johnsburg Budget**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Thursday, November 7, 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/ Eugene Arsenault, Katharine Nightingale, Peter Olesheski, Jr, Arnold Stevens; Town Clerk/ William Rawson.

Guests: On attached list

Public Hearing on the 2014 Town of Johnsburg Preliminary Budget

The Public Hearing on the Town of Johnsburg Preliminary Budget for 2014 was called to order at 7:01pm by Supervisor Vanselow. The Town Clerk read the legal notice as it appeared in the North Creek News – Enterprise on October 26, 2013.

Supervisor Vanselow said that the purpose of the Public Hearing is for the Town Board to receive input from the public on the 2014 Preliminary Town Budget and that later in the regular portion of the meeting the Town Board will discuss the 2014 Preliminary Town Budget and possibly amend the Preliminary budget and move it to a final budget. Supervisor Vanselow explained the 2014 Preliminary Budget.

Supervisor Vanselow said that the purpose of the Public Hearing is for the Town Board to receive input from the public on the 2014 Preliminary Town Budget and that later in the regular portion of the meeting the Town Board will discuss the 2014 Preliminary Town Budget and possibly amend the Preliminary budget and move it to a Final budget.

Supervisor Vanselow explained that the anticipated revenue for the General Fund is listed on page one of the budget; \$247,000.00 is appropriated from real property tax revenue and \$640,000.00 is from sales tax. Supervisor Vanselow said that in the Highway fund that these revenue proportions are reversed and that this has been the way which the funding has been applied over the years in the Town of Johnsburg.

Supervisor Vanselow said that there are no big surprises in the revenues in this portion of the budget. Supervisor Vanselow explained that the 2014 budget is very similar with some changes in the lines for the payment of the Parks and Buildings personnel being joined together in the Parks personal budget line and deleted from the Buildings personal budget line. The only person listed in the Building personal service budget line is cleaner. Supervisor Vanselow said that there is no budget funding for the Halloween Patrol. Supervisor Vanselow said that he has lowered the Environmental Control budget line as the Town is working with engineers to attempt to lower the number of tests which are required for the landfill closure. Supervisor Vanselow said that he has increased the Cemetery contractual line by five thousand dollars in anticipation of bidding for three mowings and possibly a fourth mowing if it is a strong growing year for grass. Supervisor Vanselow said that some good news is that the NYS Retirement funding is lower this year and that in discussions with other town supervisors it is the belief that this is the

start of a period of lessening of these costs.

Supervisor Vanselow explained that there are no surprises in the Highway Department portion of the budget, either. Supervisor Vanselow said that he will request that the Town Board amend the budget to include the CHIP's funding in the amount of \$231,000.00 which had been inadvertently omitted in the Tentative budget. Supervisor Vanselow said that he may request that the Town Board increase the summer budget if expenses are lowered due to health insurance choices. Supervisor Vanselow said that he had doubled the Bridge Maintenance line from ten thousand to twenty thousand; he added that it was still laughably small. Supervisor Vanselow said that he had increased the Machinery contractual budget line by ten thousand dollars. Supervisor Vanselow said that he had increased the winter budget contractual line by a couple of thousand dollars.

Supervisor Vanselow said that the Library Fund was basically the same as the 2013; although, he noted that there may be a minor change to the Library contractual budget line, if expenses are lowered due to health insurance choices. Supervisor Vanselow said that he had increased the Library Director's pay since it had not been raised recently and he noted that the Library Director had been raising substantial funds toward the repair of the Town Hall roof. Supervisor Vanselow said that the North Creek Water District had not changed. Supervisor Vanselow said that he had raised the Johnsbury Fire Protection District by two percent. Supervisor Vanselow said that he has spoken with members of all of the fire companies represented by the Johnsbury Fire Protection District contract and discussed the two percent increase with them. Supervisor Vanselow said that the Workman's Compensation budget line has been increased from \$5,182.00 to \$16,582.00 due to Warren County has changed its billing procedure to assess each fire company a minimum of three thousand dollars regardless of whether they have had any claims. Supervisor Vanselow said that Warren County used to fund the Workman's Compensation and beginning last year they ceased to fund it at all.

Supervisor Vanselow asked for public comment on the 2014 Town of Johnsbury Preliminary Budget. Supervisor Vanselow said that the Town Board will be discussing the budget during the regular portion of the meeting. Supervisor Vanselow said that he was seeking public input and not a back and forth discussion between the Town Board and the public.

North River Fire Chief John Donohue said that the Public Hearing on the Johnsbury Fire Protection District contract has usually been on the same night as the Budget Hearing and that the Public Hearing on the Fire District contract was usually scheduled for 6:30pm and that he understood that a meeting was to have taken place in June 2013 to discuss the fire protection contract and that the meeting had never occurred. Fire Chief Donohue continued on stating that the volunteers had been totally left out of the process. Supervisor Vanselow said he had spoken with Fire Chief Donohue a couple of times earlier this year and that he, personally, had planned a two year contract extension, but the Town Board was as a whole was more interested in going with a one year contract extension with a 2% increase to the fire companies' payments. Supervisor Vanselow said that the Town Board will be scheduling a Public Hearing on the Johnsbury Fire Protection District contract for December 3, 2013, at 7:00pm in this building later in this meeting.

Mr. Robert Nettle stated that, as in past years, he was against the Hudson Headwaters Health Network funding in the budget and suggested lowering the funding level further. Supervisor Vanselow said that there had been a substantial discussion of this issue at last year's public hearing and that there had been no support for a further reduction from the current level of \$28,000. Mr. Nettle asked when the public would find out the Town Board views on the budget.

Supervisor Vanselow said that the Town Board would discuss the budget during the regular portion of the meeting as shown on the agenda.

Mr. Robert Nettle went on the say he didn't think it was a good idea reducing the level of funding for the North Creek Railway Depot Preservation Association's museum; he added that he thought that this would lead to the closing of the museum and that the Town Board would want that to happen.

Supervisor Vanselow asked for a motion to close the public hearing on the Town of Johnsborg Preliminary Budget for 2014 and to return to the regular portion of the meeting.

Mr. Stevens presented the following motion and moved it forward with a second from Mr. Arsenault to adjourn the Public Hearing on the Town of Johnsborg Preliminary Budget for 2014 at 7:20pm and to return to the regular portion of the meeting. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

The Public Hearing was closed and returned to the Regular portion of the meeting at 7:20pm.

RESOLUTION NO. 165

Ms. Nightingale presented the following resolution, and moved its passage with a second from Mr. Olesheski, to accept the minutes of the October 15, 2013 regular Town Board meeting as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

CORRESPONDENCE:

1. A letter from Mr. Dexter Baker from Athol, NY noting his interest in the position of Animal Control Officer for the Town of Johnsborg.
2. A letter from David Saffer, Executive Director for the Warren County Youth Court
3. A letter from Mr. John Sleckman regarding the usage of Occupancy Tax funds for Association, Inc. was received in response to Mr. Sleckman's letter
4. A letter from State of New York Department of Transportation regarding a speed
5. A letter from State of New York Department of Transportation regarding a speed limit
6. A letter from State of New York Department of Transportation regarding a speed limit
7. A letter from Highway Superintendent Mr. Daniel Hitchcock stating that Mr. Alvin

Supervisor Vanselow asked if the Town Board wished to approve an advertisement to hire an Automotive Mechanic for the Highway Department due to the upcoming retirement of a long term employee in that position.

RESOLUTION NO. 166

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault to advertise for an Automotive Mechanic for the Highway Department, for one week, in the North Creek News-Enterprise. With 5 members voting in favor, the resolution is declared carried. Ayes - 5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

Supervisor Vanselow said that he was not sure where to start in discussing the rejection by the NYS Department of Transportation of three speed limit requests for Town of Johnsborg highways and roads. Supervisor Vanselow said that the Town cannot set speed limits on roads that the Town Board deems should have them. Supervisor Vanselow said that the speed limit

requests for Rogers Road and Harrington Road came from residents of those roads.

Mr. Arsenault asked Supervisor Vanselow how he plans to proceed. Supervisor Vanselow said that he is going to call Rochelle Hosley, at the NYS DOT and also contact the Warren County Sheriff's Office to discuss the possibility of the Town posting speed limits without NYS DOT approval. Supervisor Vanselow said that he believes that if someone got a ticket under those conditions it would not be enforceable. In the summer season Harrington Road has a lot of drivers traveling that road in excessive speeds to the "Black Hole" swimming site and the response from Warren County has been that the residents limit the speed; he added that he believes this to be ridiculous. Supervisor Vanselow said that he wants to see what options the Town has in appealing these responses.

Mr. Olesheski asked that in the meantime if a copy of the NYS DOT response could be sent out to the gentleman on Rogers Road who had asked that the Town Board pursue the speed limit request. Mr. Olesheski said that he would like copies of the NYS DOT responses to be forwarded to the individuals who had made the request; he added that he was surprised at the speed of the response to this request.

Supervisor Vanselow stated he wasn't sure what to think about the letter regarding the Main Street request; he added that when working at the Town Hall you see people trying to cross Main Street all the time and there is a serious issue with the speeding. Mr. Arsenault said that he would be ashamed to even write that response letter; He added that he can't believe that someone would put that idea in print.

Supervisor Vanselow said that the reply regarding the State Route 28 bypass reduction request did not even result in a detailed study of that section of the highway being done. Supervisor Vanselow said that the limited study of that section of highway was done in the summer when the traffic would be at a lower level than during the ski season and not taking into account the potential development of Front Street Mountain Development. Supervisor Vanselow informed the Town Board that he contacted NYS Senator Elizabeth (Betty) Little's Office regarding the response and her staff are going to look into the issue on behalf of the Town.

Mr. Arsenault said that he was frustrated that the honest concerns of residents were being ignored by the NYS DOT and it seems that the Town Board only can go through the motions and that there is no recourse to appeal. Mr. Olesheski said that he understands that until the public can be made to follow the current speed limits that lowering the speed limit will not make drivers follow the limits and the Town Board should encourage more enforcement. Supervisor Vanselow said that the point of the request was to reduce the speed limit in that area, not to merely enforce the current limit. Supervisor Vanselow said that he would continue working on this issue and report results.

Supervisor Vanselow said regarding the letter from the Warren County Youth Court Council for Prevention from Executive Director. David Saffer requesting funding for that entity, that the Town of Johnsbury has used this program and it has worked out well for the Town. Mr. Olesheski asked if there was a specific dollar amount for which the organization was asking. Supervisor Vanselow replied that there was no requested amount. Mr. Olesheski said that he was familiar with the program and went on to ask if it was known what amount other towns were contributing. Supervisor Vanselow said he did not know about other towns contributions. Ms. Nightingale said that she was sure that the program had assisted with the Bluegrass Festival.

Mr. Olesheski said that he would be interested in knowing what other towns are doing as regards contributing and if so at what level; Mr. Olesheski added that while he is willing to

support the Youth Court in some way, he would like the contribution to be similar to that of other municipalities. Mr. Stevens said that he agrees with Mr. Olesheski and would like to see at what level other towns are contributing.

Mr. Olesheski said that he would like to make a comment regarding the Occupancy Tax Letter from Mr. John Sleckman. Mr. Olesheski said that having been on the Occupancy Tax Committee for a couple of years he took issue with the premise that Occupancy Tax funding should not be used to draw people into town and he said that he believed that using the Occupancy Tax to benefit visitors already in town was less important to him than attempting to bring in additional visitors.

Mr. Olesheski said that regarding the letter from Mr. Dexter Baker who is interested in the Animal Control Officer position. Mr. Olesheski believes it is important to let people know that the Town Board has received their communication and he requested that a letter be written to Mr. Baker thanking him for his interest and letting him know that if there is a vacancy in that position that the Town Board would consider him for the position.

COMMITTEE REPORTS:

None

OLD BUSINESS:

Supervisor Vanselow explained that the choice of a health care plan for 2014 will have definite budget implications and therefore, the discussion and choice of a health care plane will be done prior to the discussion of the 2014 Preliminary budget. Supervisor Vanselow explained that in the 2014 Tentative Budget he had included funding for the current MVP health insurance plan; two plans from CDPHP (Capital District Physicians' Health Plan) have been proposed by the insurance provider as a possible replacement for the MVP plan. The two CDPHP plans are similar to the MVP plan at less cost to the Town and with lower drug costs. Following discussions with the Town employees the Town Board had anticipated moving forward with one of the CDPHP options presented to the Town which were accepted by a consensus of the Town employees. Supervisor Vanselow said that following discussions with the Town employees the Town Board had offered to contribute one hundred percent of the deductible for the qualifying employee and seventy-five percent for the dependent insured.

(Supervisor Vanselow left the meeting at 7:45pm)

Secretary Cherie Ferguson explained the two health insurance options from CDPHP and the savings that the Town would reap versus the MVP health insurance plan. Option 1 would result in an estimated annual savings of \$23,955.00 and have a Prescription Drug cost of \$10 / \$40 / \$70.

(Supervisor Vanselow returned to the meeting at 7:47pm)

Options 2 would result in an annual savings to the Town of \$20,240.00 with Prescription Drug cost of \$4 / \$30 / \$60. The savings of both plans are including the proposed deductible contribution. Sect. Ferguson said that she believes that the Town Board should go with CDPHP Option 1.

Supervisor Vanselow explained that there is a two part decision to be made: should the Town

go with the MVP or the CDPHP plan and if the choice is CDPHP should the Town Board choose option 1 or Option 2.

Mr. Olesheski said that he has had a CDPHP and that he liked their plan. Mr. Olesheski said that he believes that the 100% / 75% contribution is a good compromise; also, he added that he believes that Option 1 would be the best choice with an annual savings to the Town of almost \$25,000.00.

RESOLUTION NO. 167

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board accepts the CDPHP health insurance plan Option 1 for the 2014 year with a Prescription Drug cost of \$10 / \$40 / \$70 for the participant and further, that the Town Contribution to the employee H. S. A. of one hundred percent of the deductible for the qualifying employee and seventy-five percent for the dependent insured with an estimated annual savings to the 2014 budgeted amount for health insurance of \$23,955.00. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow explained that having received public comment on the 2014 Preliminary Town Budget during the Public Hearing that he would now like to have Town Board discussion on the 2014 Preliminary Town Budget.

Mr. Olesheski responded that overall it looks good and at the last meeting there were some suggestions for amendments. Mr. Olesheski approved of increasing the Library and the Youth Committee an additional \$1,000 each from the monies that we are saving by changing Health Insurance Companies. Mr. Olesheski said that while his thoughts on the direct support of the North Creek Railway Depot Preservation Association (NCRDPA) museum have not changed, that he would be willing to accept the reduction this year and move to ending the support soon and try to help the NCRDPA to achieve more funding from different sources and also, Occupancy Tax funds for which the organization is the perfect applicant. Supervisor Vanselow said that the NCRDPA officers were pleased to obtain any support for the museum and they were not present to seek increased funding. Mr. Arsenault said that the NCRDPA needs to make a continuing effort to access other funding sources.

Mr. Stevens asked how many cemetery mowings were put out to bid this year (2013). Supervisor Vanselow responded two, but a third was requested and performed both this year and in 2012. Supervisor Vanselow said that he would like to bid out three mowings in 2014, with a possibility of doing four. Mr. Stevens agreed with this plan.

Mr. Arsenault asked about the Capital Projects Funds. Supervisor Vanselow said that the Capital Projects Funds were proving difficult to get a handle on and that it has been increased by the amount of the initial reimbursement from NYS for the Ski Bowl Park grant and some insurance recovery funding from the Transfer Station rebuilding project for a total of \$103,000.00. Mr. Arsenault asked if some of the Capital Projects Funds were in budget lines which were not totally accurate at this time. Supervisor Vanselow replied that the Capital Projects Funds were somewhat difficult to follow; he added that he has been working with Bookkeeper Sherry Williams to decide what is available to be reallocated. Mr. Arsenault asked if there were any funds set aside for the reclamation of the mining property and the assessment revaluation. Supervisor Vanselow said that he wanted to sit down with Mr. Arsenault and the Bookkeeper to work on these funds. Supervisor Vanselow said that he believes that at the end of

the year 2013 there will be some surplus funds that can be moved into support for the assessment revaluation. Mr. Arsenault asked if there was an idea of the amount. Supervisor Vanselow said that he was not sure, but a sales tax payment had been received from Warren County since the first of the month to be added to the Town balance, although there are some expenses to be balanced against this revenue. Mr. Stevens asked if there is an anticipated cost and a projected time frame for the assessment revaluation. Supervisor Vanselow replied he did not know what the cost would be. Town Assessor Christian Holt said he didn't know how much the reval would cost, but there are target dates that would need to be met for the start of the reval; the reval would not be done in 2014, but it would likely be in 2015. Mr. Arsenault asked if there was any state or county funding available. Assessor Holt replied that he does have a meeting set up to see what kind of funding is still available and he should have a good outline of the plan for a reval by the end of this year. Mr. Arsenault said that he would like to set up a schedule for the reval; Mr. Stevens agreed.

Mr. Arsenault asked if there was any anticipated Federal Emergency Management Agency (FEMA) funding. Supervisor Vanselow responded that there will be some funding, but the repair projects need to be completed before the Town will receive reimbursement through FEMA. Mr. Olesheski asked about the status of the repayment for the overpayment of FEMA funds which the Town received. Supervisor Vanselow said that an e-mail had been received earlier yesterday explaining that a letter will be sent to the Town to outline the Town options for repayment. Mr. Arsenault asked if there were any FEMA funds in the 2014 budget. Supervisor Vanselow said that there are no FEMA reimbursement funds in the 2014 budget.

Mr. Olesheski asked Supervisor Vanselow for his thoughts on the insurance cost savings. Supervisor Vanselow stated that the Town Justice would like an addition \$500 in the contractual budget line which would reflect the current costs incurred by the Justice. In addition, Supervisor Vanselow would like to raise the Highway summer budget line since some the savings comes from the Highway Department. Supervisor Vanselow said that he had increased the winter budget contractual line in the Tentative Budget which was moved to be the Preliminary budget and therefore, he believed that the increase should go to the summer budget. Supervisor Vanselow said that he would like to increase the Parks personal services budget line with the balance of the savings in order to be able to hire additional summer help for the Parks Department.

Supervisor Vanselow suggested to reduce the insurance contractual budget line to reflect the CDPHP cost and Option 1 and that the Town Board use those funds increase the Library Program contractual budget by \$1000, the Youth Committee by \$1,000, the Justice budget by \$500, the Summer Budget Line for the Highway by \$5,000 and the Parks personnel line by the remainder of the savings.

RESOLUTION NO. 168

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Olesheski that the Town Board of Johnsbury will amend the 2014 Preliminary Town Budget to reflect reduction of the Health Insurance contractual line (90608) by \$23,955.00 to reflect the CDPHP cost and Option 1, increase the Library contractual line (L74104) by \$1000, the Youth Committee contractual line (A73104) by \$1,000, the Justice contractual Line (A11104) by \$500, the Highway maintenance of Streets (Summer Budget) contractual line (DA51104) by \$5,000 and the Parks personnel services (A71101) by \$16,455 and the Chips Revenue (DA3501) in the amount of \$231,000 and Chips appropriations (DA51122) in the amount of \$231,000. 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 move the 2014 Preliminary Budget to become the 2014 Final Budget for the Town of Johnsbury with the changes which have been discussed by the Town Board.

RESOLUTION NO. 169

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Nightingale to accept the Tentative Budget for 2014 which was filed in the Town Clerk's office on September 27, 2013, and the Preliminary Budget for 2014 which was filed in the Town Clerk's office on October 15, 2013 on which a Public Hearing was held on November 7, 2013, at 7:00pm, at the Wevertown Community Center, Wevertown, NY:

THEREFORE, the Preliminary Budget is to be accepted as the Final Budget for the Town of Johnsbury for the year to begin January 1, 2014; and further with the following changes as set forth in Resolution Number 168:

1. To reduce the Health Insurance contractual line (90608) by \$23, 955
2. To increase the Library contractual line (L74104) by \$1000
3. To increase the Youth Committee contractual line (A73104) by \$1,000
4. To increase the Justice contractual Line (A11104) by \$500,
5. To increase the Highway maintenance of Streets (Summer Budget) contractual line (DA51104) by \$5,000
6. To increase the Parks personnel services (A71101) by \$16,455
7. To add the Chips Revenue (DA3501) in the amount of \$231,000
8. To add the Chips appropriations (DA51122) in the amount of \$231,000.

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

NEW BUSINESS:

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

Supervisor Vanselow distributed the Supervisor's Monthly Report, for the month of October, 2013, to the members of the Town of Johnsbury Town Board.

Supervisor Vanselow informed the Town Board that Ms. Cherie Ferguson was contacted by Mr. Lawrence A Bilker Assistant Scoutmaster and Recording Secretary for Troop Paoli 1, Inc requesting the use of the Scout Hall for a Boy Scout Camp-In so they can go Skiing for the Weekend of February 14 - 17 of 2014. Supervisor Vanselow asked if the Town Board wished to authorize this building use request.

RESOLUTION NO. 170

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board of Johnsbury will grant the request of Troop Paoli 1, Inc. to

use the Scout Hall for a Camp-In from February 14, to February 17, 2014 with a security deposit of \$25.00 that is refundable after they vacate the premises in good order and proof of liability insurance with the Town of Johnsburg as an additional insured. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow explained that a request was received from Noel Dingman to place a recycle collections container to collect returnable bottles and cans at the Ski Bowl Park for the Tri-County Nursing Home Auxiliary.

RESOLUTION NO. 171

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Olesheski that the Town Board of Johnsburg will grant the request of the Tri-County Nursing Home Auxiliary to place recycle collections containers to collect returnable bottles and cans at the Ski Bowl Park. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow said that a request has been received from the Town of Lake George to purchase a 13' dump body for the amount of \$1,200.00, as negotiated with Highway Superintendent Daniel Hitchcock. This is the dump body that came off of the 1995 that was wrecked last summer. Supervisor Vanselow said the Town Board would have to declare the dump body Surplus Property.

RESOLUTION NO. 172

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Olesheski that the Town Board of Johnsburg is declaring the 1995 13' dump body to be surplus property and authorizing the Town Supervisor to execute all necessary documents to sell the surplus dump box to the Town of Lake George at the price of \$1200.00 negotiated by Highway Superintendent Hitchcock. 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 Board would need to conduct a Public Hearing on the proposed Fire Protection Contract. Mr. Olesheski said that this would be a continuation of the current contract with a 2% payment increase. Mr. Olesheski asked North River Fire Chief John Donohue if he thought that was fair. Chief Donohue who is representing said he could only speak for his company, but that the proposal was fair.

RESOLUTION NO. 173

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Olesheski to authorize the Town Clerk to advertise the Public Hearing on Fire Protection Funding Contracts for Johnsburg Fire Protection District on December 3, 2013 at 7:00 pm at Wevertown Community Center in the North Creek News-Enterprise; the following fire companies are included in this contract: North River Vol. Fire Co., Garnet Lake Vol. Fire Co., Bakers Mills / Sodom Vol. Fire Co., Johnsburg Vol. Fire Co. and Riverside Vol. Fire Co.. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Town Assessor Christian Holt presented a proposed settlement for the Pine Meadows, LLC,

assessment challenge which has been in litigation for two years. They have six properties in North River including a ski center and lodge. They were looking for a 71% reduction in their assessment which would be from twenty-seven thousand to eight thousand. This proposed settlement is a 13% reduction focusing on two of the parcels, the ski center and the lodge. The total reduction in assessed value for all properties would be \$3,500.00. There would be no tax refunds for any previous years and this would be in place for 2014 and the two years following going forward. Without this settlement the next step in this litigation would be to have an appraisal done by an outside firm which would cost the town around four to six thousand dollars.

Mr. Arsenault asked if this is going to affect Johnsbury Central School. Mr. Holt replied that the agreement would be only going forward. Supervisor Vanselow said that Johnsbury Central School was in agreement with the proposal.

Mr. Olesheski asked if this was what was done in the past. Mr. Holt stated that in the past the Town has taken these challenges to court to and the result has typically been that the judge would decide on an adjustment at a point mid-way between the Town and the challenger's assertions and the Town would incur court fees and lawyer fees as well. This settlement will cost the Town less in legal fees with a similar result. One of the buildings was over assessed and the other doing through comparisons was determined to be as well. The current total calculated market value is \$1,365,000 and it is being reduced to \$1,190,000. There are 6 parcels total and he only reduced it on two parcels out of the six total. So the only two parcel assessments which are being lowered are the parcels containing the ski lodge and the ski center.

RESOLUTION NO. 174

Mr. Olesheski presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Town Supervisor to enter into an agreement under the advisement of the Town Attorney and the Town Assessor to end the ongoing real property litigation with the Pine Meadows, L.L.C; with the following terms: there will be no refunds of property or school taxes to Pine Meadows, the assessed value of parcel number 46.-2-30.3 will be reduced by \$2500.00 and the assessed value of parcel number 46.-2-31 will be reduced by \$1000.00 (total-\$3500.00) for the assessment roll years of 2014, 2015 and 2016 and there will be no costs allowed against any party. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow informed the Town Board that there is, in this warrant, a payment for J. R. Pratt Excavating (Claim #2013-965), in payment for the North Creek Water District River Road Water Line project which has been completed and for which payment is due, but Mr. Pratt has not submitted all of the payroll documentation that is required to complete the filing of the project and asked that the Town Board please include the receipt of the required certified payroll by the Town as a condition for the delivery of the payment to Mr. Pratt.

RESOLUTION NO. 175

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale that the following certified bills which have been reviewed by the board members be paid: General Fund (Total \$26,942.41) - *Claims #2013-919 already paid (National Grid \$2,806.94)* and #2013-922 through #2013- 929 and #2013-939 through #2013- 942 and #2013-948 and#2013- 949 and #2013-951 through #2013-961and #2013-970 and 2013-974; Highway

Fund (Total \$162,000.38) Claims #2013-930 through #2013-936 and #2013-939 and #2013-946 through #2013-949 and #2013-966 and #2013-972 through #2013-977; North Creek Water Dist. (Total \$22,072.30) *Claims #2013-919 already paid (National Grid \$1,214.31)* and #2013-937 and #2013-938 and #2013-949 and #2013-962 through #2013-965 ; Library Fund (Total \$812.85) Claim #2013-948; Johnsbury Fire Protection District (\$340.00) Claim #2013-951; Trust and Agency (Total \$2,918.77) Claim #2013-920 and #2013-921 and #2013-948 through #2013-950; Capital Projects (Total \$3,711.14) Claims #2013-941 through #2013-945 and #2013-953 and #2013-967 through #2013-969; Total all warrants \$218,797.85 and further that the payment of claim number #2013-965 to J. R. Pratt Excavating is conditional upon the receipt of the certified payroll for the project by the Town. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

PRIVILEGE OF THE FLOOR:

Mr. Olesheski said that the annual holiday "Lights On" event is scheduled to take place on December 7, with a parade and "Candy Cane" (short) Train rides. The Lights on Committee is requesting \$500 to help cover the cost of refreshments. Secretary Cherie Ferguson asked what time the Parade started; Ms. Nightingale responded at 11:00am.

RESOLUTION NO. 176

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale that the Town Board of Johnsbury will grant the "Lights On" Committee funds in the amount of \$500 from the Occupancy Tax funding. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Sect. Ferguson went to so say that members of the Town of Johnsbury fire companies and the Johnsbury Emergency Squad are eligible to buy into the Town of Johnsbury health insurance at the full rate and that she would be getting the information out to those organizations. Sect. Ferguson said that she would like to have replies by Nov 15, 2013.

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Stevens at 8:54 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, November 20, 2012 at the Tannery Pond Community Center, North Creek, New York.

Prepared by William Rawson, Town Clerk