

**Minutes of the Town of Johnsbury Regular Board Meeting December 17, 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, December 17, 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, Arnold Stevens; Town Clerk/ William Rawson.

Guests: On attached list

BID OPENING:

The Town Clerk read the Legal Notice for the Senior Citizen Transportation Bid as it appeared in the North Creek News-Enterprise edition of November 30, 2013. The Clerk noted that two copies of the bid packet had been sent out: Warren Hamilton Counties ACEO, Inc. and Mr. Sean Broderick. One bid was received on December 16, 2013 from Warren Hamilton Counties ACEO, Inc.; the bid was opened and contained all appropriate forms. Warren Hamilton Counties ACEO, Inc. bid a total of \$10,500.00 for trips during the calendar year of 2014. The Town Clerk noted that this was the same amount as that of the previous year.

Supervisor Vanselow asked if the Town Board wished to award the Senior Citizens Transportation bid.

RESOLUTION NO. 193

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to award the bid for Senior Citizens Transportation to Glens Falls and return one day per week for the year of 2014, to Warren Hamilton ACEO, Inc. 190 Maple Street, Glens Falls, NY 12801, in the amount of \$10,500.00 for trips during the calendar year of 2014. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

RESOLUTION NO. 194

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the minutes of the December 3, 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 notification from the U. S. Army Corps of Engineers informing the Town Board

that the NYS Department of Transportation has been granted a permit to perform rehabilitation work on the State Route 28N bridge over the Hudson River.

2. A letter from Ms. Jo Ann Smith informing the Town Board that she was resigning her position as secretary to the Town of Johnsbury Planning Board and the Zoning Board of Appeals.
3. A letter from Mr. William Mosher informing the Town Board that he was interested in being appointed as the Animal Control Officer for 2014.
4. The minutes of the Town of Johnsbury Youth Committee meeting of December 5, 2013.

Supervisor Vanselow informed the Town Board that he has received a communication from the Warren County Youth Board that the term of Philip Goodman, Jr. is expiring; he said that he will contact both the Town of Johnsbury Youth Committee and Mr. Goodman to determine if Mr. Goodman is the choice of the Youth Committee and if Mr. Goodman is willing to be reappointed to the Warren County Youth Board.

Supervisor Vanselow explained that he had given the Town Board members a draft letter from Cedarwood Engineering regarding the possible acceptance of the water lines in the Top Ridge development. Supervisor Vanselow explained that there has been ongoing research to determine what if any past action the Town Board had taken regarding the waterlines in the Top Ridge development during the years of 2007 through 2009. It appears that in the year 2007 the Town Board and Town Supervisor had agreed to accept the internal water lines at the Top Ridge development. Supervisor Vanselow said that no documentation has been found to say that the acceptance was completed. Supervisor Vanselow said that it would be the Town Board's decision to accept the internal water lines or not and the letter is the recommendation from Cedarwood Engineering. Supervisor Vanselow said that he would like the Town Board members to read the information for discussion at a future meeting.

Mr. Stevens asked what type of action would be taken by the Town Board. Supervisor Vanselow said that there was no resolution which specifically accepted the internal water lines the possibility of the North Creek Water District accepting the internal water lines. Mr. Arsenault said that the Town Board has declined to accept internal water lines in the past. Supervisor Vanselow said that he does not want to set a precedent for accepting internal water lines in a development. Mr. Stevens said that it appeared to him that this would be setting a precedent. Supervisor Vanselow said that the agreement was in place prior to the adoption of the current North Creek Water District regulations and there is a mixed record as to the Town Board accepting internal water lines in a development.

Ms. Nightingale asked for clarification if the Top Ridge development was receiving water from the North Creek Water District and the water district has not accepted the water lines and the Summit development is the same. Supervisor Vanselow said that the Summit has a transportation corporation controlling their internal water lines.

Mr. Olesheski said that it doesn't sit well with him; it appears to him that a previous supervisor was trying to steer the decision in a direction that the Town Board did not wish to move in. Supervisor Vanselow said that this agreement took place during the tenures of two previous Town Supervisors. Supervisor Vanselow said that he did not have enough information for a deeper response tonight.

Mr. Olesheski asked if the Town Board needed to officially accept the resignation of Ms. Jo Ann Smith as secretary to the Town of Johnsburg Planning Board and the Zoning Board of Appeals per her letter which was read in the Correspondence portion of the meeting.

RESOLUTION NO. 195

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Stevens that the Town Board officially accepts the resignation of Ms. Jo Ann Smith as secretary to the Town of Johnsburg Planning Board and the Zoning Board of Appeals. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow noted that he was actively looking for a replacement. Mr. Olesheski said that possibly the incoming deputy Town Clerk might want the position. Mr. Olesheski asked if Ms. Smith was retaining the position of Town Historian. Supervisor Vanselow said that she was and the Town Attorney had found two opinions from the NYS Comptroller which would allow that to occur.

COMMITTEE REPORTS:

Supervisor Vanselow asked Mr. Olesheski to report on the recommendations of members of the Occupancy Tax Committee for funding of the application requests received for Occupancy Tax funding.

Mr. Olesheski explained that eighteen applications had been received for funding and all had scored above the fifty point limit which would allow full funding. Mr. Olesheski added that the Occupancy Tax Committee believed that all of the applications were for good projects. Mr. Olesheski said that there was \$41,759.00 in Occupancy Tax funding available and following discussions with Supervisor Vanselow it was determined that \$10,000.00 would support the projects for which the Town reserves fund leaving a balance of \$31,759.00 for the Occupancy Tax Committee to distribute.

Mr. Olesheski said that the Occupancy Tax Committee met and discussed the ranking of the applications and the funding level for the applications in as fair a process as possible. Mr. Olesheski said that the Occupancy Tax Committee was recommending funding of sixteen of the eighteen applications. Mr. Olesheski asked if the Town board had any questions regarding the recommendations from the Occupancy Tax Committee.

Ms. Nightingale asked why the North Creek Railway Depot Preservation Association "Railfare" request did not qualify for funding as she thought that it had been a good project in the past. Mr.

Olesheski explained that the committee believed that the other projects were better this year and that application received the lowest score from the members of the committee. Mr. Olesheski said that by the time the committee got to the lowest scoring applications, and the two lowest scored applications tied in the scoring, the committee did not believe that the very limited funding available would be of use to the North Creek Railway Depot Preservation Association. Mr. Olesheski said that the committee recommended full funding for only four of applications. Mr. Olesheski suggested that the Town Board reserve the right to revisit the two unfunded requests when the Town receives the second payment of Occupancy Tax funding from Warren County in the Spring of 2014. Supervisor Vanselow said that there may be some Occupancy Tax funds from this year which were awarded and the reimbursement will not be requested and would supplement the Spring 2014 payment. Supervisor Vanselow noted that both of the events which were not funded were scheduled to occur later in the year, either the summer or the fall of 2014.

RESOLUTION NO. 196

Supervisor Vanselow presented the following resolution, and moved its passage with a second from Mr. Stevens that the Town Board accepts the following recommendations of the Occupancy Tax Committee regarding the funding of the first sixteen requests for Occupancy tax funding; and further, that the Town Board reserves the right to revisit the two applications for which funding was not recommended by the Occupancy Tax Committee, following the receipt of the second payment of Occupancy Tax funding from Warren County in the Spring of 2014:

Town of Johnsborg - Occupancy Tax Recommendations for 2014

Rank	Score	Applying Organization	Project	Contact	Request	Sug. Award	Notes
1	85	Gore Mtn Reg Chamber	Adk Video Showings	Lisa Salomon	\$482	\$152.00	Request was for tv/dvd player & dvds, Town will buy tv/dvd player - award is for dvd purchase
1	85	Gore Mtn Reg Chamber	Attractions Brochure	Lisa Salomon	\$1,150	\$1,150.00	Highly rated project, good use of funding
3	83	NC Business Alliance	Hike/Bike Trail Project	Joel Beaudin	\$5,000	\$5,000.00	Project has unlimited potential, great use of funding
4	80	NC Business Alliance	Shuttle Bus Expansion	Joel Beaudin	\$5,000	\$5,000.00	Necessary to supply train riders to Town businesses, helps leverage other funds
5	79	TPCCA	2014 Event Series	Bernadette Speech	\$3,000	\$3,000.00	Diverse set of events, Town receives large benefit from small contribution
6	78	NC Business Alliance	Town Video	Laurie Arnheiter	\$3,000	\$2,500.00	Would have liked to see several quote for video production, but great idea with potential
7	76	Hudson River WW Derby	2014 Derby Event	Katie Nighingale	\$2,000	\$1,000.00	Application requested \$2,000, but budget showed a need for \$1,000
8	75	Johnsborg Fine Arts	NC Mosaic Project	Kate Hartley	\$11,033	\$3,020.00	Can't use Occ. Tax money for salaries, website/tshirts unnecessary, we want to purchase materials ONLY
9	73	Gore Mtn Reg Chamber	Adk Adventure Fest	Lisa Salomon	\$3,000	\$1,500.00	Good event, but would like to see collaboration with WWDerby folks,

advertising budget seems high

9	73	Gore Mtn Reg Chamber	Fishing Tournament	Lisa Salomon	\$230	\$115.00	Good event for kids, want to support but not in full - should be able to solicit donations of prizes, etc.
11	66	Our Town Theater Group	Oedipus Rex Production	Mary Ellen Dowling	\$370	\$200.00	We don't like the idea of funding someone's deficit, but we would cover cost of posters, mailings, etc.
11	66	Hardship Fund	Wayne Stock VII	Tamara Bukovinsky	\$2,750	\$1,375.00	Great community event, great cause, leverages funds, bottom half of rankings, fund same as 2013
13	65	UH Musical Arts	Concert Series	Carolyn Bischoff	\$5,000	\$2,000.00	Asking for money for 2014 and half of 2015, so reduced funding amount, less potential than TPCCA event series
14	64	UH Bluegrass Festival	Bluegrass Festival	Lloyd Burch	\$5,000	\$2,312.00	Good event, but people stay in Ski Bowl Park for most of weekend and visit Town accommodations sparingly
14	64	NC Business Alliance	NC Cruise Nights	Jon S. Willoughby	\$11,595	\$2,622.00	Music not necessary to successful event, media consultant unnecessary, halve advertising budget, no trophies
14	64	NC Business Alliance	Music by River Series	Katie Nighingale	\$2,000	\$812.00	Goal is for Business Alliance to one day fund this series without Occ. Tax, we want to ween them off our support
17	56	Depot Association	D&H Railfare	NC Depot Museum	\$2,000	\$0.00	Worthy organization, but low score and not enough money to go around to all applicants
17	56	Hitchcock Memorial Fund	Hitchcock Annual Run	Gretchen Kirby	\$2,923.87	\$0.00	Worthy cause, good charity, but tied for lowest score and not enough money to go around

\$65,534	\$31,758.00
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With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

OLD BUSINESS:

Supervisor Vanselow updated the Town Board that he has spoken with some of the North Creek Fire District commissioners regarding the redistricting of the territory of the Wevertown Fire Company and that the commissioners to whom he has spoken there has been support of the plan for the North Creek Fire Company to cover State Route 28 south to the intersection with State Route 8 in Wevertown. Supervisor Vanselow explained that the North Creek Fire District commissioners are meeting tonight and all indications are that they will formally agree to cover that territory. Supervisor Vanselow said that if the North Creek Fire District commissioners agree to cover the territory that he will submit the redistricting as approves in Resolution Number 186 passed by the Town Board at the meeting of December 3, 2013. Supervisor Vanselow said that several of the Johnsbury Fire Protection District companies have been apprised of this probability and there are no fire company representatives present.

Supervisor Vanselow said that he spoke to the Town Board members regarding the Federal Emergency Management Agency (FEMA) de-obligation funding to refund the overpayment and the conclusion reached was that the overpaid money did not belong to the Town of Johnsbury and should be returned. Supervisor Vanselow said that while none of the Town Board members were happy about repaying the money it needed to be done and he asked that the Town Board retroactively ratify the payment to the NYS Office of Emergency Management in the amount of \$57,795.61 to return the mistakenly overpaid FEMA money.

RESOLUTION NO. 197

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale that the Town Board retroactively ratifies an authorization of the Town Supervisor to make a refund payment to the NYS Office of Emergency Management of Federal Emergency Management Agency (FEMA) monies which were paid in error to the Town of Johnsbury, in the total amount of \$57,795.61. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Ms. Nightingale asked if there was any procedure that can be put in place to try to keep this from happening again. Supervisor Vanselow said that he did not know of anything to be done to keep this from happening. Mr. Olesheski asked that Mr. Peter Heid be notified that the overpayment had been repaid. Supervisor Vanselow said that he would inform Mr. Heid.

NEW BUSINESS:

Supervisor Vanselow informed the Town Board that he had received the Town Casualty/Liability insurance policy binder from the Merriam Agency for the fiscal year of 2014 and added that the amount is a slight increase for 2014 to \$40,847.40 from the 2013 cost of \$40,345.45 and with the fees and premium a total of \$41,114.29. Mr. Arsenault asked if the budget would cover this amount. Supervisor Vanselow answered that the budget would have sufficient funding for the policy. Supervisor Vanselow recommended that the Town Board accept the binder and authorize him to sign it.

RESOLUTION NO. 198

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the liability and property insurance quote from NYMIR, through the Merriam Agency for the fiscal year of 2014 and to authorize the Town Supervisor to sign the 2014 insurance binder in the approximate amount of \$40,847.40; total with premium and fees of \$41,114.29. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Discussion and awarding of Occupancy Tax funding is under the Committee Reports portion of the meeting.

Supervisor Vanselow explained that the Supervisor's Monthly Report, for the month of November 2013 was in the Town Board members' packets.

Supervisor Vanselow asked that the Town Board set a date for the 2014 Organizational Meeting; he suggested January 7, 2014, the first Tuesday in January at the Wevertown Community Center, at 7:00pm.

RESOLUTION NO. 199

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale that the Town Board sets the date of the 2014 Organizational Meeting of the Town Board of the Town of Johnsbury as follows: Tuesday, January 7, 2014 at the Wevertown Community Center, Wevertown, NY at 7:00pm With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

RESOLUTION NO. 200

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- Claims #2013-1009* and #2013-1010* and #2013-1037* and #2013-1047 and #2013-1059 through #2013-1062 and #2013-1064 through # 2013-1084 (*already paid #2013-1009 - Glens Falls National Bank - \$12,000.00 - HSA payment for Health insurance; #2013-1010 - Town of Johnsbury Trust & Agency - \$3000.00 - HSA payment for Health insurance; #2013-1037 - National Grid - \$2604.74 -Street lighting) (\$44,257.02); Highway Fund- #2013-1009* and #2013-1010* and #2013-1036* and #2013-1048 through #2013-1053 and #2013-1063 through #2013-1084 and #2013-1085 through #2013-1095 (*already paid #2013-1009 - Glens Falls National Bank - \$12,750.00 - HSA payment for Health insurance; #2013-1010 - Town of Johnsbury Trust & Agency - \$1500.00 - HSA payment for Health insurance; #2013-1036 - NYS Office of Emergency Management - \$57,795.61 - Return of FEMA overpayment) (#2013-1094 voided due to being a duplicate of #2013-1092) (\$76,758.04); North Creek Water Dist.- Claim #2013-1045 and #2013-1058 and #2013-1059 (\$1,738.07); Capital Projects Funds Claim #2013-1044 and #2013-1070 and #2013-1097 (\$4,168.35); Library Fund- Claim #2013-1009* and #2013-1054 through #2013-1057 and #2013-1096 (*already paid #2013-1009 - Glens Falls National Bank - \$1,500.00 - HSA payment for Health insurance) (\$2,630.12); Total all warrants \$129,551.60. 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. James Jones said that there should be enforcement of the ordinance authorizing only alternate side of the street parking on Main Street during snowstorms. Mr. Jones said that enforcement of the ordinance would make plowing Main Street much easier for the Warren County DPW crews. Supervisor Vanselow said that the local law dates to 1999 and originally there were signs up along Main Street. Mr. Olesheski said that he did not know of the local law.

Supervisor Vanselow said that some signs were taken down as there were complaints about the law; there is a sign at the corner of State Route 28N and Main Street and another in front of Hudson River Trading Company and also, one in front of the Copperfield Inn. Supervisor Vanselow added that a couple of years ago, he attached printed paper signs to the telephone poles along Main Street. Supervisor Vanselow said that with the "Streetscape" project moving forward he was unsure of the plans for parking in the future. Supervisor Vanselow said that the local law said alternate side of the street parking from about 2:00am to 6:00am. Supervisor Vanselow said that the intent was no overnight parking. Mr. Jones added that this should be especially observed during snow storms as it would speed the snow removal process.

Supervisor Vanselow said that the town of Johnsburg does not have a media outlet to use in declaring a snow emergency. Assessor Christian Holt said that there was Facebook and other social media. Supervisor Vanselow said that the problem with social media is that there is only a limited connection.

Ms. Nightingale asked if the time frame works with the plowing schedule for Warren County DPW. Supervisor Vanselow said that it works to some degree; he added that some cars move in a reasonable period, but some sit in one place for days at a time. Mr. Jones said that the long term parking is the problem in cleaning the streets and added that the apartments all have off street parking. Mr. Jones added that some residents don't want use the off street parking.

Supervisor Vanselow said that the Warren County Sheriff said that the signage needs to be placed every fifty feet to be legal. Supervisor Vanselow said that he would try to do what he could.

Mr. Olesheski and Ms. Nightingale suggested an advertisement in the North Creek News-Enterprise. Ms. Nightingale asked if this would assist in clearing the snow from the sidewalks and the piles of snow which the Warren County DPW does with a bucket loader.

Mr. Arsenault asked if the Town Board needed to revisit the local law to refresh the times and possibly other portions. Supervisor Vanselow said that most ordinances on winter parking are similar.

RESOLUTION NO. 201

Mr. Olesheski presented the following resolution, and moved its passage with a second from Ms. Nightingale that the Town Board authorizes that the Town Clerk to advertise for one week in the Town's Official Newspaper, the North Creek News-Enterprise to remind the public that Local Law Number 1 of 1999 designating alternate side parking on Main Street between the dates of November 1, and April 15. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

Mr. Stevens asked if the affected property owners will be notified as to which fire company will be their local fire company once the redistricting is accomplished. Supervisor Vanselow said that he supposed that the property owners could be notified in some way. Mr. Stevens said that the map is not very clear as to specific properties. Supervisor Vanselow asked Assessor Christian Holt

if the fire company shows up in the tax roll. Assessor Holt said that the North Creek Fire District or the Johnsbury Fire Protection District is the only identifications; specific fire companies are not identified. Supervisor Vanselow said that the Warren County G. I. S. mapping said that the next stop would be Warren County Real Property Tax Services and then to Emergency Services. Assessor Holt said that he would check to see if his data base has a place for the information.

Ms. Nightingale informed the Town Board that as a result of research for the "Streetscape" project that Wayne LaMothe, Warren County Planner, cannot find any document turning the sidewalk over to Warren County from New York State. Supervisor Vanselow said that the office can't find a record of the document having been filed, but they believe it to be there.

Supervisor Vanselow asked if they were looking in the 1940's time frame. Ms. Nightingale said that they had been looking in the 1960's when the bypass was constructed. Supervisor Vanselow said that he believed that the 1940's would be the period to research. Supervisor Vanselow said that the important part is that the Town of Johnsbury does not own the sidewalks. Ms. Nightingale said that the sidewalk lines are a question.

Supervisor Vanselow presented retiring Town Clerk William Rawson with a "Certificate of Appreciation" for his years of dedicated service to the Town of Johnsbury as a Deputy Town Clerk, member of the Zoning Board of Appeals and Town Clerk. The Town Board applauded and added their thanks as well.

A motion to adjourn the meeting was presented by Ms. Nightingale with a second from Mr. Olesheski at 7:45pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

The 2014 Town Board Organizational meeting will be held at 7:00pm on January 7, 2014, at the Wevertown Community Center, Wevertown, New York.

Prepared by William Rawson, Town Clerk