

**Minutes of the Town of Johnsbury Regular Board Meeting and
October 21, 2014
Held at the Scout Hall, Sodom, New York**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, October 21, 2014 at 7:00 p.m. at the Scout Hall, Sodom, New York.

Supervisor Vanselow called the meeting to order at 7:00 p.m. and the pledge of allegiance was led by Supervisor Vanselow.

PRESENT: Ronald Vanselow -- Supervisor
Eugene Arsenault -- Councilman arrival late 7:04 PM
Arnold Stevens -- Councilman
Peter Olesheski, Jr -- Councilman
Katharine Nightingale -- Councilwoman
Jo A Smith -- Town Clerk

Guests: On attached list

APPROVAL OF MINUTES FOR October 7, 2014

RESOLUTION # 151-14

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the minutes of the October 7, 2014 regular Town Board Meeting as written.

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

CORRESPONDENCE:

1. ***James J Morris, III*** - thank you for the good work on the Waddell road stream crossing - repair job. Now emergency vehicles will be able to reach us for sometime in the future. Can we talk about minimal speed limit signs, "Children at Play" signs and a "Dead End" sign at the beginning of the road? And can we someday budget for a proper "T" intersection between Waddell Road and route 8? Can you advise what is the correct procedure is to have Morris Road be officially recognized on road maps and the Sheriffs and EMS records?
2. ***Sandra Engle-Pratt*** - Water bill for 295 Main Street - purchased 295 Main Street from Elliot Monter in June 2014. Received first water bill this week and found the amount extremely high for the usage that the building can consume.
3. ***Kelly Nessle*** - LARAC Grant Request

Supervisor Vanselow stated the Mr. Holt has been in touch with Mr. Morris. Waddell Road

stops before Mr. Morris house and a few others. Then it becomes a private road, when they assigned 911 address they just continued down from Waddell Road onto the private road. Mr. Holt stated he was waiting for Mr. Morris to speak with others on the private drive to see if they want to renumber their homes or not. Supervisor Vanselow stated that he just doesn't want the future board to forget about this discussion and assume that Waddell Road continues on past and the town ends up plowing and maintaining it all. Supervisor Vanselow went on to state that Route 8 intersection would have to be in conjunction with NY State. Mr. Olesheski stated that there should be a dead end sign on the road. Supervisor Vanselow stated that we probably could do that.

Supervisor Vanselow stated about the Water Bill for Sandy Pratt, Mr. Lomax was billing her according to the formula that he had, per Ms. Pratt's request Mr. Lomax went and visited the property and after doing so he has reduced her water rent.

Supervisor Vanselow stated that every year the Johnsbury Youth Committee asks for approve for the LARAC grant. This year it is in the amount of \$1550 for the 2015 after school arts program which is instructed by Kate Hartley.

RESOLUTION # 152-14

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the submission of a grant application to LARAC by the Johnsbury Youth Committee, on behalf of the Town, for the 2015 after school art program in the amount of \$1550.00, and the Youth Committee will budget the 25% required match of \$387.50.

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

COMMITTEE REPORTS:

Supervisor Vanselow asked if there were any committee reports - Mr. Olesheski stated that the date for submission of applications for the Occupancy Tax is still Nov. 15th like it was last year. Mr. Olesheski went on to state that he has contacted everyone that was on the Committee last year and 3 out of the 4 are still will to do it. Mr. Olesheski also stated that the Occupancy Tax Committee will be meeting next week. Mr. Olesheski went on to state that if anyone else would like to be on the committee please get in touch with him.

NEW BUSINESS:

QUOTE FOR WATERFRONT ENHANCEMENT / WADDELL BUILDING

Supervisor Vanselow stated that there were three (3) quotes submitted by 11:00am on October 17, 2014 WATERFRONT ENHANCEMENT / WADDELL BUILDING. The information is as follows: Pratt Trucking & Excavating / Directional boring-- No Submission, Water Line -- \$7,600.00; Jim Jones Excavating / Directional boring-- \$5,236.00, Water Line -- \$5,200.00; Belemy Construction / Directional boring-- \$14,450.00, Water Line -- \$6,460.00. Ms.

Nightingale asked Mr. Jones what he was going to be using to go under the train tracks? Mr. Jones stated he was going to be using a mole.

RESOLUTION #153-14

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the WATERFRONT ENHANCEMENT / WADDELL BUILDING quote from Jim Jones Excavating for the Directional boring in the amount of \$5,236.00 and the Water Line in the amount of \$5,200.00.

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

OLD BUSINESS

TENNIS COURT REPAIR UPDATE

Supervisor Vanselow stated that he was over at the tennis courts this afternoon and it appears that the fencing crew have completed all repairs. Supervisor Vanselow went on to state that all that is left is the concession stand which the insurance company wants done before closing the claim, and Mr. Olden is going to be doing that pretty soon. Mr. Nettle asked about the back board. Supervisor Vanselow stated that the Parks and Highway crew will reinstall it.

Supervisor Vanselow stated that at the last meeting there was a public hearing on passing a local law on exceeding the Tax Cap. If the EMS vote is in the affirmative then we will need this in place. Supervisor Vanselow stated that even after passing this law we do not have to exceed the Cap, but if EMS passes will need to. Mr. Olesheski doesn't see any harm in passing this because if it isn't need we don't have to use it, and that it is only good for one year.

TAX CAP VOTE

RESOLUTION #154-14

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to pass the following Local Law:

Local Law No 1 of the year 2014

Town of Johnsbury, County of Warren

A local law to override the tax levy limit established in General Municipal Law 3-c

Be it enacted by the town board of the town of Johnsbury as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Johnsbury pursuant to General Municipal Law § 3-c, and to allow the Town of Johnsbury to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Johnsbury, County of Warren is hereby authorized to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

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

RATIFY ADVERTISING FOR BUDGET HEARING

Supervisor Vanselow requested that the Town Board ratify the action he took in placing the advertisement in the manner of a legal ad to be advertised for two weeks in the North Creek News-Enterprise for the Preliminary Budget Hearing on November 6, 2015.

RESOLUTION # 155-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to ratify the action of the Town Supervisor in advertising for two weeks in the North Creek News-Enterprise for the following Legal Ad:

Notice For Public Hearing on Preliminary Budget for the Town of Johnsburg, Warren County, New York for the Year of 2015.

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Johnsburg, Warren County, NY for the fiscal year beginning January 1, 2015, has been completed and filed in the Town Clerk’s Office in the hamlet of North Creek in said Town, where it is available for inspection by any interested person during office hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board will meet and review said preliminary budget and hold a public hearing thereon at 7:00 pm on Thursday November 6, 2014 at the Wevertown Community Center, Wevertown, NY and that at such time and place any person may be heard in favor or against the preliminary budget as compiled, for or against any item or items therein contained.

AND FURTHER NOTICE IS HEREBY GIVEN, pursuant to Section 108 of the Town Law, that the following are the proposed yearly salaries of the Town Officers:

Supervisor	\$23,289.00
Justice of the Peace	\$12,720.00
Councilpersons (4)	\$ 4,147.00
Town Clerk/Tax Collector	\$27,604.00
Highway Superintendent	\$51,000.00

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

NEW BUSINESS

MOVE BUDGET FROM TENTATIVE TO PRELIMINARY

Supervisor Vanselow stated that we need to moved the tentative budget to a preliminary budget for 2015. Mr. Olesheski stated that once we move it to preliminary then we can start questioning. Supervisor Vanselow stated yes and after the public hearing next month then they will craft one resolution updating and changing any items in the budget. Supervisor Vanselow stated to keep in mind the source of the budget - when you look at the highway budget the primary source of revenue is property tax and a small portion is from sale tax. The general fund is primary from sales tax and a small portion from property tax.

RESOLUTION # 156-14

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale as follows:

WHEREAS, the Budget Officer's Tentative Budgets (Version 1 without EMS District & Version 2 with EMS District) for the fiscal year of 2015 was filed with the Town Clerk on September 30, 2014 as mandated by law, and

WHEREAS, at a meeting conducted on October 3, 2014, the Tentative Budgets (Version 1 without EMS District & Version 2 with EMS District) was presented,

and

NOW THEREFORE, BE IT RESOLVED, that the Budget Officer's Tentative Budgets (Version 1 without EMS District & Version 2 with EMS District) for 2015 be adopted as a Preliminary Budget for 2015,

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

Supervisor Vanselow stated the roof is done, however everyone recognize the need for Snow Guards on the shiny new roof so the snow doesn't come crashing down on something or someone. To put snow guards on the north and south side of the building will be \$7,000 which \$4,000 is material.

RESOLUTION # 157-14

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize Supervisor Vanselow to sign the following contract with Bill Ippoliti Construction for the change work order for the Snow Guards on the new roof.

Date: October 21, 2014

This Agreement made this ___ day of ___, _____. Between (hereinafter called "Owner") Town of Johnsbury Whose address is 219 Main St. North Creek, NY 12853 and William Ippoliti/dba Bill Ippoliti Construction (hereinafter called "Contractor/ Builder") whose address is 133 I Schuyler St. PO Box 208 Victory Mills, NY 12884.

General - **Alterations / Change Orders** - Change orders will be produced by Contractor / Builder to describe change to plans and or specifications. Alterations / Change orders will include Dollar value of change (credit or charge) and be considered an addendum to the Contract. Alterations / Change orders will supersede the plans and specifications. Alterations / Change orders for the same item with the latest date will take precedence and void any prior Alterations / change orders.

Clean- Job Site - The Contractor/Builder will keep the job site clean of all debris at the end of each work day.

Insurance - Contractor/Builder will carry General Liability, New York State Disability ins. and Workers Compensation.

Scope and Description of work - Snow Guards - Install snow guards on North side of building / Two rows as recommended by manufacturer & Install snow guards on South side of building / Two rows as recommended by manufacturer & Work will be completed within 30 days

Contract Price - Owner will pay Contractor/Builder for the performance of work described in Contract for the amount of SEVEN THOUSAND and 00/100 dollars (\$7,000.00).

Payment Schedule is as follows: BALANCE IS DUE UPON COMPLETION OF JOB/ THIS INCLUDES ANY/ ALL CHANGE ORDERS

Alterations - Any Alterations/Change Orders/ modification initiated by the Owner or the Contractor/Builder -Must be agreed upon between the parties and the price fixed by them before work on such an alteration/change order/ modification shall commence. Payment for such an alteration/change order/modification shall be made at the time of the final completion of the work.

Warranty - Contractor/Builder guarantees that the work will be constructed in accordance with accepted home improvement practices, and will guarantee against defects in workmanship for a period of one year from the date of its completion. This warranty does not cover damage or defects which are the result of characteristics common to the materials used, or condensation, expansion, or contradiction of such materials. Warranty work must be completed within 45 days from that date of receipt of written request from the Owner. All work to be done is a good workman ship manner.

Insurance - The contractor/Builder agrees to carry General Liability Insurance and workers Compensation and pay all sales taxes, upon the materials and labor furnished, as required by the United States Government and the State of New York in which this work is performed.

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

WARRANTS

Supervisor Vanselow asked about paying the warrants

RESOLUTION # 158-14

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Olesheski that that the following certified bills which have been reviewed by the board members be paid:

General Fund - \$36,918.92 - Claim #14-869 to 14-895; 14-916 to 14-918; 14-932 to 14-938

Highway Fund - \$34,655.65 - Claim #14-896 to 14-916; 14-919 to 14-923; 14-933; 14-939 to 14-942

Capital Projects Fund - \$76,454.74 - Claim #14-879; 14-931; 14-944; 14-947

North Creek Water District - \$6,410.38 Claim #14-877; 14-928 to 14-931; 14-933; 14-943

Library Fund - \$1,184.72 Claim #14-924 to 14-927

Total all warrants - \$155,624.41

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

Mr. Olesheski asked if they needed to make a motion on the insurance for the retirees like they did for the employees. Supervisor Vanselow stated that would be a good idea. Mr. Olesheski stated that just like the employee insurance Ms. Ferguson has come up with a base plan and then other options through CDPHP.

RESOLUTION # 159-14

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale to accept the CDPHP Basic Plan that Ms. Ferguson has suggested for the retirees.

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

PRIVILEGE OF THE FLOOR

Supervisor Vanselow opened privilege of the floor

Mr. Nettle stated that he checked the in and out flow of the creek. The inflow was plugged with leaves etc and he cleaned them out. A couple of days later he check the water level and it had gone up 3". Mr. Nettle stated that he plugged it off two days ago to check and see what it does for levels. Mr. Nettle went on to state the power line is all in its ditch with a main breaker up at the transfer station (50 AMP / 220 Breaker) and at the Beach another Main Breaker (20 AMP to Beach and 20 AMP to pavilion with 2 more places in the panel box. Mr. Nettle would like to install 4 lights in the pavilion, like a smart light or motion light. Supervisor Vanselow stated he

would like to see LED lights in their for cost purposes.

A motion to adjourn the meeting was presented by Mr. Arsenault with a second from Ms. Nightingale at 7:41 p.m.

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

The Town Board Public Hearings on Town Budget and Fire Protection and regular meeting will be held at 7:00 p.m. on Thursday November 6, 2014, at Wevertown Community Center, Wevertown, NY.

Prepared by Jo A Smith, Town Clerk

