

**Minutes of the Town of Johnsbury Regular Board Meeting February 5, 2013
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday February 5, 2013 at 7:00PM at the Wevertown Community Center, Wevertown, NY. Supervisor Vanselow called the meeting to order at 7:04pm 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

RESOLUTION NO. 26

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the January 15, 2013 regular Town Board Meeting as written. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Olesheski, Stevens, Vanselow) Nays - 0 Abstained - 1 (Nightingale)

CORRESPONDENCE:

1. A letter from the Hamilton County Cable TV, Inc and Gore Mountain Cable TV regarding the extension of the cable television franchise; enclosed is a draft copy of an extension for the Town Board to consider.
2. A letter from NYS Assemblyman Michael Kearns (142nd District) requesting that the Town Board pass a resolution in support of his foreclosure bills which, if passed would require banks to provide local governments contact information for those responsible for upkeep of foreclosed properties.
3. A letter from Ms. Karen Wright informing the Town Board that she was resigning from her position as buildings cleaner for the Town of Johnsbury effective February 10, 2013.
4. A letter from the Warren County Board of Elections asking that local governments consult with local school districts and fire companies and decide what to do with the lever voting machines and inform the Board of Elections of the decision by March 1, 2013 or the Board of Elections will make arrangements to sell the machines.
5. A letter from the Adirondack Community Outreach Center expressing appreciation for the assistance from the town in support of the mutual goals of assuring adequate and appropriate services to the residents of the Town of Johnsbury.
6. A letter from Mr. Raymond "Rick" Sprague requesting that the Town Board extend his medical leave of absence and hold his position with the Town of Johnsbury Highway Department for a further ninety day period through May 13, 2013.
7. A letter from the Town of Johnsbury Planning Board requesting that the Town Board appoint Mr. James "Cork" Nester as the new Chairman to replace retiring

Chairman Dorothy Osterhout.

Supervisor Vanselow said that the cable television franchise contract extension proposed by Hamilton County Cable TV, Inc and Gore Mountain Cable TV is for a period of five years. Supervisor Vanselow said that he has spoken to Brian Towers regarding the extension and that he had hoped to convince the cable company to add Roadrunner internet service to their package. Supervisor Vanselow asked that the Cable TV Committee (Arsenault, Stevens) review the proposed extension and report to the Town Board.

Supervisor Vanselow said that he did not believe that foreclosure notification as regards the resolution request from NYS Assemblyman Michael Kearns (142nd District) did not seem to be an issue in the Town of Johnsburg. Mr. Olesheski said that he would like to review the issue and asked that Supervisor Vanselow get a comment from Assessor Ann Deppe and her assistant Christian Holt. Supervisor Vanselow said that it appears to be an urban blight issue, but he would ask the Assessor's office for a comment on the bills.

Supervisor Vanselow asked that the Town Board officially accept the resignation of Ms. Karen Wright from the position of buildings cleaner for the Town of Johnsburg effective February 10, 2013. Supervisor Vanselow said that he was still deciding how to handle the cleaner position and that possibly a change in that position would be needed. Supervisor Vanselow said that he wanted the Personnel Committee (Nightingale, Stevens) to review the position and make a recommendation regarding hiring a replacement.

RESOLUTION NO. 27

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. Karen Wright from the position of buildings cleaner for the Town of Johnsburg effective February 10, 2013. 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 situation of the Town of Johnsburg was different from some other municipalities in Warren County regarding the lever style voting machines as the Town of Johnsburg machines are stored in a Town building as opposed to being stored in a Warren County facility. Supervisor Vanselow said that he would speak to Johnsburg Central School Superintendent Michael Markwica and the Town of Johnsburg Historical Society to determine possible uses for the machines.

Supervisor Vanselow asked if the Town Board would agree to the request of Mr. Raymond "Rick" Sprague to extend his medical leave of absence and hold his position with the Town of Johnsburg Highway Department for a further ninety day period through May 13, 2013.

RESOLUTION NO. 28

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board of Johnsburg grants an additional ninety day medical leave of absence and further, agrees to hold the position of Town Highway

Department employee Mr. Raymond "Rick" Sprague for a further ninety day period through May 13, 2013, without pay as requested by Mr. Sprague according to the employee handbook. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked if the Town Board wished to act upon the Planning Board request to appoint Mr. "Cork" Nester as the new Planning Board Chairman to replace retiring Chairman Dorothy Osterhout. Mr. Olesheski asked if there were any other interested parties. Supervisor Vanselow said not at this time. Mr. Olesheski asked if the relative newness to the Planning Board would be a problem for Mr. Nester. Mr. Nester replied that he feels that he can do the job and that he has the time to do the job.

Mr. Curtis Richards, a member of the Planning Board, said that he was supportive of the appointment of Mr. Nester. Mr. Richards questioned the Town Board support of his attending a Planning training session as he had not been notified of the Town Board approving his attendance. Planning Board Secretary Jo Ann Smith responded that she had told him that the attendance and voucher had been taken care of when he brought it in. Planning Board Sect. Smith said that she had explained that the reservation of his seat had been taken care of and that no further response would be needed. Supervisor Vanselow said that this seems to be a communication issue and that he will try to make things clearer in the future. Mr. Olesheski thanked both Planning Board members, Mr. Nester and Mr. Richards for their time in serving on that board.

RESOLUTION NO. 29

Mr. Arsenault presented the following resolution, and moved its passage with a second from Ms. Nightingale that the Town Board of Johnsbury, in accordance with the letter of recommendation from the Planning Board, appoints Mr. James "Cork" Nester as Chairman of the Planning Board. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

COMMITTEE REPORTS:

Supervisor Vanselow informed the Town Board that the ad hoc Town Board committee to review the books of the Town Clerk, Tax collection, Town Justice and bookkeeper (Arsenault, Vanselow) has not yet performed said review due to scheduling conflicts.

OLD BUSINESS:

Supervisor Vanselow informed the Town Board that advertisements had run in the North Creek News-Enterprise on January 26, 2013 and that also an article by Andy Flynn on the problem of finding members for the various Town Boards had appeared in the same issue of that newspaper. Supervisor Vanselow noted that as a result of these advertisements and article that two individuals have stopped in to Town Hall to discuss the positions, but no letters have yet been received.

Supervisor Vanselow updated the Town Board on the status of the Transfer Station Rebuild/Repair project. Supervisor Vanselow explained that the Certificate of Occupancy for the transfer station building is expected in a few days. Warren County code enforcement is requesting a set of as built plans from the Town including the change work orders which occurred during the project; these will be produced by the Town Engineers,

Cedarwood Engineering. Supervisor Vanselow added that the compactor chute should be installed and the compactor operational by the end of next week weather permitting.

Supervisor Vanselow reminded the Town Board that at the previous meeting they had requested an opinion from Highway Superintendent Daniel Hitchcock on the "hidden driveway" sign request from Mr. and Mrs. William Ayers on Beach Road in North River. Supervisor Vanselow said that he had spoken to Highway Supt. Hitchcock regarding this issue; Highway Supt. Hitchcock had informed him that Warren County DPW had explained that they do not do "hidden driveway" signs and so the Town will not be installing that sign either. Supervisor Vanselow said that he believed that the property owner could have the signs installed at his own expense.

Mr. Olesheski asked if the property owner would have to request permission to install the "hidden driveway" signs. Supervisor Vanselow said that he was not sure; he added that he has seen some of this type of sign put up wherever they can be attached whether legal or not, such as on electric poles or telephone poles or trees.

Supervisor Vanselow said that there were five budget amendments for the 2012 budget to be acted upon. Supervisor Vanselow explained that the first three amendments are to transfer funds from contingency to the Personnel, Planning Board and Zoning contractual lines; the fourth is to transfer \$18,600.00 between accounts in the Highway Fund; the fifth is to transfer funds into Capital Projects accounts for use in 2013.

Mr. Stevens asked about funds for the Town Hall roofing project. Supervisor Vanselow explained that the Library is applying for grant funds to repair the entire roof at the Town Hall building. Mr. Stevens asked if the bid for the project last year was about \$50,000.00; Supervisor Vanselow agreed that it was about that amount, but he has heard from other contractors that the cost should be less.

Supervisor Vanselow asked that the Town Board accept the budget amendments.

RESOLUTION NO. 30

Mr. Stevens presented the following resolution, and moved its passage with a second from Ms. Nightingale, to accept and approve the following amendments to the 2012 Town Budget:

Budget Amendments Post Close, 2012

1. Personnel PS	A1430.1	\$801.00	
Contingency	A1990.4		\$801.00
Transfer from Contingency to Personnel			
2. Planning Board CE	A8020.4	\$485.00	
Contingency	A1990.4		\$485.00
Transfer funds from Contingency to Planning Board Contractual			
3. Zoning CE	A8010.4	\$40.00	
Contingency	A1990.4		\$40.00

Transfer from Contingency to Zoning Contractual

4. Machinery CE	DA5130.4	\$6,700.00	
Snow Removal CE	DA5142.4	\$11,900.00	
General Repairs CE	DA5110.4		\$8,200.00
Bridges CE	DA5120.4		\$3,200.00
Unemployment	DA9050.8		\$7,200.00

Transfer between accounts as shown

5. Transfer to Cap Proj	A9950.9	\$24,500.00	
Buildings	A1620.4		\$24,500.00
Capital Proj Buildings	H1620.2.11	\$24,500.00	
Transfer from Gen	H5031		\$24,500.00

Transfer excess Bldg to Capital Projects

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

NEW BUSINESS:

Supervisor Vanselow informed the Town Board that Town Historian Jo Ann Smith was in attendance to make a presentation of the Warren County Bicentennial magazine and also pins to the Town Board members. Town Historian Smith presented the materials and Supervisor Vanselow noted that she had worked diligently in representing the Town of Johnsbury on this project.

Supervisor Vanselow informed the Town Board that Town Justice Vincent Schiavone has requested that the Town Board authorize and hire a court security officer for those monthly court sessions involving the Warren County District Attorney. Supervisor Vanselow explained that this would be about four hours per month and that Town Justice Schiavone has suggested Mr. David Cavanaugh who is a retired Sheriff Deputy who is employed part time as a Peace Officer in a nearby Town and is licensed to carry firearms. Supervisor Vanselow said that some neighboring municipalities have a court security officer. Supervisor Vanselow said that Mr. Cavanaugh would request \$15.00 per hour for an anticipated monthly amount of \$60.00.

Ms. Nightingale asked if the request was made by the District Attorney's office as well; Supervisor Vanselow replied that the request was from the Town Justice only. Mr. Olesheski asked if there had been an incident which had prompted the request and questioned the need as well as the unplanned cost. Ms. Nightingale asked if the Town really wanted to wait for an event which would require assistance to occur. Supervisor Vanselow said that the funds could be obtained from any of several budget lines although no one budget line for that specific purpose currently exists.

Mr. Curtis Richards asked if Warren County supplies a deputy for District Attorney court days. Mr. Olesheski said that he would not support the hire without a demonstrated need. Mr. Richards suggested offering the position to others as well. Supervisor Vanselow said that the position averages only one hour per week. Mr. Olesheski asked if the court security officer would be a Town employee or a subcontractor and asked that the

position be advertised. Mr. Richards asked what if someone is accidentally shot; is the Town liable. Mr. Olesheski said that possibly more research needs to be done.

RESOLUTION NO. 31

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to hire, at the request of Town Justice Vincent Schiavone, Mr. David Cavanaugh as court security officer for those court sessions involving the Warren County District Attorney or representatives; and further, that the pay will be \$15.00 per hour and it is estimated that the position will require four hours per month. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Nightingale, Stevens, Vanselow) Nays - 1 (Olesheski)

Supervisor Vanselow noted that the appointment of a chairman for the Planning Board had been handled earlier during the Correspondence portion of the meeting.

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

Supervisor Vanselow noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the months of December 2012 and January 2013 were in the Town Board members' packets.

Supervisor Vanselow explained that the Supervisor's Monthly Report, for the month of December 2012 was in the Town Board members' packets.

PRIVILEGE OF THE FLOOR

None

Supervisor Vanselow asked that the Town Board now move into executive session to discuss contract negotiation regarding the transfer station rebuild project. Supervisor Vanselow said that Town Board action regarding the voiding of an authorization to pay a claim was expected to result from the executive session.

Mr. Arsenault presented the following motion, with a second from Ms. Nightingale to enter into executive session for the purpose of discussing contract negotiation regarding the transfer station rebuild project at 7:35pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

Mr. Olesheski presented the following motion, with a second from Ms. Nightingale to adjourn the executive session for the purpose of discussing contract negotiation regarding the transfer station rebuild project; and further, to reenter the regular session at 7:45pm. 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 would entertain a motion regarding the voiding of the authorization of claim number 2013-84 which had been approved at the previous meeting and to replace this payment with claim number 2013-147 which has been authorized by Kathleen Suozzo representing Town Engineering firm, Cedarwood Engineering, LLC.

RESOLUTION NO. 32

Mr. Olesheski presented the following resolution and moved its passage with a second from Ms. Nightingale that the Town Board authorizes the voiding of the approval to pay of Claim Number 2013-84 in the amount of \$6232.24 to the order of A B Construction & Environmental, LLC. and further, that the Town Board authorizes the voiding of check number 0999 payable to A B Construction & Environmental, LLC. in the amount of \$6232.24 for payment of the aforesaid claim. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

RESOLUTION NO. 33

Ms. Nightingale presented the following resolution and moved its passage with a second from Mr. Stevens that the following certified bills which have been reviewed by the board members be paid: General Fund (Total \$102,419.54) - Claims #2013-93 through #2013-95 and #2013-97 through #2013-99 and #2013-101 and #2013-102 and #2013-105 through #2013-119 and #2013-129 through #2013-141; Highway Fund (Total \$32,990.86)- Claims #2013-95 and #2013-97 and #2013-101 and #2013-102 and #2013-120 through #2013-125 and #2013-142 through #2013-146; North Creek Water Dist.(Total \$4110.67)- Claims #2013-94 and #2013-102 and #2013-114 and #2013-127 and #2013-128; Library Fund (Total \$830.85) - Claims #2013-101 and #2013-126; Capital Projects Funds (Total \$7582.81) Claim #2013-147; Johnsburg Fire Protection District (Total \$70.00) Claim #2013-98; Trust and Agency (Total \$2503.28) Claims #2013-101 through #2013-104; Total all warrants \$150,508.01. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

A motion to adjourn the meeting was presented by Mr. Arsenault with a second from Ms. Nightingale at 7:49pm. 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 February 19, 2013 at the Sodom Scout Hall, North Creek, NY.

Prepared by William Rawson, Town Clerk