

**Minutes of the Town of Johnsburg Regular Board Meeting September 3, 2013
Held at the Wevertown Community Center, Wevertown, NY and Public Hearing on
Proposed Local Law #1 of 2013 entitled "Local Law #1 of 2013 of the Town of
Johnsburg reducing the number of Planning Board Members from 7 to 5".**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, September 3, 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:

Public Hearing on Proposed Local Law #1 of 2013 entitled "Local Law #1 of 2013 of the Town of Johnsburg reducing the number of Planning Board Members from 7 to 5".

The Public Hearing was called to order at 7:02pm by Supervisor Vanselow. The Town Clerk read the legal notice as it appeared in the August 17, 2013 edition of the North Creek News – Enterprise.

Supervisor Vanselow explained that the Town Board has had problems getting full boards, especially the Planning Board and that recently the Planning Board has not been able to hold meetings due to not having a quorum.

Ms. Laurie Arnheiter said that it was wise.

Mr. Robert Nettle said that this law would concentrate power in fewer representatives and would not enhance democracy in the Town. Mr. Nettle said that he believed that a better way would be to pay a stipend per meeting to members and would help attract members to attend the meetings in order to get a quorum. Mr. Nettle suggested that the Town Board not pass this Local Law.

Ms. Laurie Arnheiter asked if there are paid members on appointed boards in comparable Towns and at what rate are they compensated. Supervisor Vanselow said that the compensation is on the order of \$20.00 per meeting in the Towns which have compensation.

Mr. Curtis Richards, a member of the Planning Board, said that only three or four members of the Planning Board have been at the best and two recent meetings have not had a quorum which is needed for the Planning Board to act. Mr. Richards added that the Planning Board needs to be able to act to allow applicants to proceed with their projects.

Ms. Jill Broderick said that she would prefer a larger Planning Board and a stipend would be nice. Ms. Broderick said that it would be better if the smaller Planning Board was only temporary.

Supervisor Vanselow asked for a motion to close the public hearing on Proposed Local Law #1 of 2013 entitled "Local Law #1 of 2013 of the Town of Johnsbury reducing the number of Planning Board Members from 7 to 5" and to return to the regular portion of the meeting.

Mr. Olesheski presented the following motion and moved it forward with a second from Ms. Nightingale to adjourn the public hearing on Proposed Local Law #1 of 2013 entitled "Local Law #1 of 2013 of the Town of Johnsbury reducing the number of Planning Board Members from 7 to 5" at 7:15pm 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 7:13pm.

RESOLUTION NO. 134

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the August 20, 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 of a new liquor license application from Mr. Duncan MacDonald for the Black Mountain Pub at 2999 State Route 8, North Creek, NY.
2. A letter from Lisa Salamon, Executive Director of the Gore Mountain Region Chamber of Commerce, requesting that the Town Board allow a blanket vending permit for a street fair to be held in conjunction with the Gore Mountain Harvest Fest to be held October 12 and 13, 2013.
3. A Municipal Shelter inspection report from the New York State Department of Agriculture and Markets rating the Glens Falls Animal Hospital shelter facility as satisfactory.
4. Minutes of the August 8, 2013 Youth Committee meeting were delivered to the Town Board.

Supervisor Vanselow asked if the Town Board wished to grant the request for a blanket vending permit to the Gore Mountain Region Chamber of Commerce for a street fair to be held in conjunction with the Gore Mountain Harvest Fest to be held October 12 and 13, 2013.

RESOLUTION NO. 135

Mr. Arsenault presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the Town Clerk to issue at no charge a blanket vending permit to the Gore Mountain Region Chamber of Commerce for a street fair to be held in conjunction with the Gore Mountain Harvest Fest to be held October 12 and 13, 2013. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Mr. Olesheski said that the minutes were from a Youth Committee meeting which was held prior to the request for a Town Board member to liaison with the committee and that he planned to attend the September Youth Committee meeting.

COMMITTEE REPORTS:

None

OLD BUSINESS:

Supervisor Vanselow informed the Town Board that Mr. James Martin and Mr. Mark Taber of The L.A. Group were present to make a presentation on the Streetscape project planning.

Mr. Martin, a senior planner with the L.A. Group, explained that a matching grant for waterfront revitalization was obtained through the NYS Department of State and the Streetscape project is a combined effort of the grant funds and labor from the Town of Johnsbury Highway Department and Warren County DPW. The L. A. Group has been working with a steering committee appointed by the Town Board and including members of the Business Alliance to put together a plan to improve the connection between the business area and the railroad depot area.

(Supervisor Vanselow left the meeting at 7:24pm and returned at 7:26pm)

Mr. Mark Taber, landscape architect for the L. A. Group, presented the proposed plan for the Streetscape project encompassing Main Street from Railroad Place south to the bridge across the North Creek and the Mundy and Kellogg/Waddell properties. The plan calls for improving the connection between the depot area and Main Street through the use of "way finding" signage, historical signage, views of the Hudson River, pedestrian friendly walkway connections from Main Street to the depot and sheltered pedestrian seating on Main Street. Following the presentation Supervisor Vanselow asked for comment on the proposed plans.

Secretary Cherie Ferguson asked about trying to improve the width of the driving area near the depot as it is very tight for fire trucks and emergency vehicles. Mr. Taber said that he had seen this problem and planned to coordinate with local fire companies and Warren County DPW to try to improve the access for emergency vehicles.

Mrs. Kelly Nessel asked the total cost of the proposed project and how much of the proposed project was currently funded. Warren County Planning and Development Deputy Director Wayne LaMothe explained that about one million dollars of funds and in kind services was currently available. Mr. Taber said that he does not have even rough numbers; when pressed he said possibly the total estimated cost was about three million dollars. Mr. LaMothe said that he believes that the first step is to surface the parking area on the Mundy Property. Mr. Taber said that an important early step will be to prioritize the next steps to be taken after that first step and to be sure that there is sufficient funding to complete the next steps to be undertaken. Mrs. Nessel asked about the property to the north of the depot. Mr. LaMothe said that it is still owned by the Sweet family. Supervisor Vanselow said that the Sweet family is talking with the railway over use and purchase.

Mr. Robert Nessel asked about running Brown's Brook into a culvert. Mr. Taber said that it had been discussed, but the NYS Department of Environmental Conservation is not in favor of having storm water runoff going into a culvert. Mr. Nessel said that there were no benefits to not running Brown Brook into a culvert. Mr. Nessel asked about public toilets along Main Street. Mr. Taber explained that the public facilities were to be located near the waterfront; Supervisor Vanselow said that some of the municipal buildings and businesses have toilets available to the public. Mr. Nessel asked why there were no alternative suggestions of removing the buildings from the Kellogg/Waddell property. Mr. Taber explained that several options had been discussed; the steering committee had no intention of removing any building besides the scales building which appears to be beyond repair. Mr. Nessel said that the buildings should all be removed and the riverfront should be turned into a park and the businesses on Main Street have an agenda to keep the buildings. Supervisor Vanselow said that the Town Board had appointed a committee to provide input for the Streetscape project and to evaluate possible options and to be honest the only person who has spoken to the Town Board about removing all of the buildings on the Kellogg/Waddell Property is you, Mr. Nessel. Supervisor Vanselow said that this is one of a series of venues for input on the project plans. Supervisor Vanselow said that the "T-building" is currently used for events. Mr. Nessel said that without alternatives many people won't think the removal of the buildings is possible. Mr. Nessel added that he is worried about the future costs of building maintenance.

Ms. Laurie Arnheiter asked if this was a shared expense between the Town and Warren County. Supervisor Vanselow said that the Town is donating in-kind services. Ms. Arnheiter asked if the buildings were an extreme expense to the Town at this time. Supervisor Vanselow said that at this time it is a minimal power bill.

Mr. Olesheski said that what he has seen seems to be really good. Mr. Olesheski said that he believes that the buildings are valuable. Mr. Olesheski added that he was worried about the maintenance costs of the kiosks, signage, lamp posts, benches and sidewalks and the long terms costs of maintaining the infrastructure being discussed. Supervisor Vanselow said that he was worried about the business area if nothing was done. Mr. Martin said that one advantage of the incremental approach is that it will allow time for the community to plan funding for maintenance and a part of the objective for the grant is to improve the economy of the Town. Ms. Nightingale said that the Business Alliance has said that its members will do what they can to help with the maintenance. Mr. Arsenault said that the community must accept responsibility for the maintenance of the improvements and working with the Business Alliance is important. Mr. Olesheski said that he hopes that there will be a long term plan and commitment.

Mrs. Kelly Nessel asked about the possibility of a trail to Sullivan's Island. Mr. LaMothe said that the idea still exists, but that there are issues with the railroad tracks and right of way as to developing an access. Mr. Arsenault asked who owns Sullivan's Island at this time; Mr. LaMothe replied that it is owned by Open Space Institute. Mrs. Nessel asked about the Rotary Trail. Supervisor Vanselow said that there are some access and safety issues as to making it work. Supervisor Vanselow said that the Rotary Trail is a valuable connection to downtown and to the Ski Bowl Park via the Carol Thomas Trail.

Mr. Arsenault asked if creating this Streetscape connection makes it easier to access additional grant funds in the future. Mr. LaMothe said that it will make it much easier. The Town Board thanked Mr. Martin, Mr. Taber and Mr. LaMothe for the presentation and answering the questions.

Supervisor Vanselow reminded the Town Board that at the previous Town Board meeting a project to create a loop by installing a water main between two dead ends along River Road in the North Creek Water District. Supervisor Vanselow said that an optional addition to that project was the installation of a hydrant along that water main at an additional cost of \$5,000.00. Supervisor Vanselow said that he spoke to Mr. Charles Rawson of Delaware Operations, the North Creek Water District operators, had explained that the hydrant would allow easier flushing of the line and also, an easier place to fill fire trucks and have better fire protection at a minimal cost. Supervisor Vanselow asked if the Town Board wished to add the optional dry hydrant installation to the River Road Water Main Extension project at an additional cost of \$5,000.00. Mr. Stevens said that having an additional flushing point has been an important item in the past and he believed that the Town board should authorize the addition of the hydrant.

RESOLUTION NO. 136

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale to authorize the addition of the optional hydrant installation portion of the River Road Water Main Extension project as described in the request for quotes and further, to authorize the Town Supervisor to execute any necessary documents associated with this project. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow reminded the Town Board that at the previous Town Board meeting improvements to the Carol Thomas Trail, in the form of hardening by the addition of shoulder stone, had been discussed. Supervisor Vanselow said that he has spoken with Mr. Steve Ovitt, owner of Wilderness Property Management, Inc., and also received a copy of the contract offered by Mr. Ovitt, in the amount of \$5,400.00 for his services, which he has given copies of to the Town Board. The portion of the Carol Thomas Trail to be hardened would be between the Town Hall and into the Ski Bowl Park. Supervisor Vanselow asked Mrs. Kelly Nettle if this procedure could be submitted under the Ski Bowl Park grant for reimbursement. Mrs. Nettle said that the trail funding portion of the grant was really tight at this point. Supervisor Vanselow said that the Town could submit the cost and see what would happen. Mr. Olesheski said that the trail hardening seems to be an integral part of the plan to get people from Main Street to the trails at the Ski Bowl Park and he believed that the money should be expended. Supervisor Vanselow said that Mr. Ovitt has a very small window in which to perform the work this fall and he needs to begin within a week to be able to do the project. Mr. Olesheski said that he favored authorizing the work and asking Supervisor Vanselow to find the funding and to try for reimbursement from the Ski Bowl Park grant. Mr. Arsenault asked that the Town Supervisor look into a better way to keep ATV's off the Town trails as some riders seem to keep removing the current barriers. Supervisor Vanselow replied that ATV riders keep tearing or cutting down all the barriers that have been put in place so far.

RESOLUTION NO. 137

Mr. Olesheski presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board of the Town of Johnsburg authorizes the Town Supervisor to execute a contract with Mr. Steven Ovitt (Wilderness Property Management, Inc.) in the amount of \$5,400.00 and all necessary equipment for the purpose of hardening the Carol Thomas Trail; and further, that the Town Supervisor is to determine a funding source for this project; and further, that the expense is to be submitted to the NYS Office of Parks, Recreation and Historic Preservation as a part of the reimbursement for the Ski Bowl Park grant if it is determined to be applicable to that grant. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

Supervisor Vanselow asked the Personnel Committee (Nightingale, Stevens) to discuss with Mr. Christian Holt, the interim Assessor for the Town of Johnsburg through September 30, 2013, and come back at the September 17, 2013 Town Board meeting with a recommendation as to his being appointed Town Assessor for a term of six years. Supervisor Vanselow added that the Town Board needs to have an Assessor appointed by October 1, 2013.

Supervisor Vanselow said that the Town Board having earlier in the meeting held a public hearing on Proposed Local Law #1 of 2013 entitled "Local Law #1 of 2013 of the Town of Johnsburg reducing the number of Planning Board Members from 7 to 5", can now act to approve the Local Law or can wait until the next meeting to conduct a vote. Supervisor Vanselow said that in reply to Mr. Robert Nettle's statements about the Town not being served by shrinking democracy through the shrinking of appointed Town boards, that the Town is not well served by Town boards not being able to act due to a lack of a quorum as has happened twice recently. Supervisor Vanselow added that the Town has advertised for members and members of the Town Board have personally asked individuals to volunteer for the appointed Town boards all with no success. Supervisor Vanselow said that once the Town begins paying members of appointed boards that they are no longer volunteers and also, with the addition of the number of individuals on appointed boards to the payroll that there may be insurance and time recordkeeping ramifications as well as budgetary ones.

Mr. Olesheski said that he believed that since this is a local law that if the Town Board decides that this local law is not working that it can be changed by the Town Board in much the same manner as we are doing now. Mr. Olesheski added that he generally favors the Planning Board being larger as it allows for more opinions; but he said that it is a struggle to get good members. Mr. Olesheski said that the stipend doesn't seem to be feasible. Mr. Olesheski said that this local law appears to be the best option at this time.

Mr. John Stafford said that he has been both a member and a chairman on the Planning Board and it is his belief that the Planning Board can function with five members; he added that it is important to be able to have a quorum and it is embarrassing that the Planning Board cannot manage to have a quorum at its meetings and not be able to act for the Town.

Mr. Stevens said that it was prioritizing to improve the situation; right now to switch to a five member Planning Board and also to keep an eye on how it works and maybe to make further changes down the road. Ms. Nightingale said that she fully agreed.

RESOLUTION NO. 138

Mr. Stevens presented the following resolution and moved its passage with a second from Ms. Nightingale that the Town Board of the Town of Johnsburg having held earlier today a Public Hearing on proposed Local Law #1 of 2013, moves to adopt as presented the proposed Local Law #1 of 2013 entitled "'Local Law #1 of 2013 of the Town of Johnsburg reducing the number of Planning Board Members from 7 to 5" (text as follows)

**A LOCAL LAW OF THE TOWN OF JOHNSBURG, WARREN COUNTY
NEW YORK, TO PROVIDE FOR A CHANGE IN THE NUMBER OF
PLANNING BOARD MEMBERS FROM 7 TO 5**

Be it enacted by the Town Board of the Town of Johnsburg as follows:

Section 1 – PREAMBLE AND ENACTING CLAUSE

For the purpose of providing for the orderly operation of the properties within the Town of Johnsburg and in order to protect and safeguard the Town of Johnsburg, its residents and their property with respect to certain land development within the Town, the Town Board of the Town of Johnsburg, Warren County, New York, duly convened in regular session and having duly held a public hearing thereon, does hereby enact this Local Law pursuant to the authority granted under Section 271(7) of the Town Law of the State of New York.

Section 2 – TITLE

This Local Law shall be known and cited as the "Local Law #1 of 2013 of the Town of Johnsburg reducing the number of Planning Board Members from 7 to 5."

Section 3 – TEXT OF LAW

Effective immediately the number of Planning Board Members shall be reduced from 7 to 5 Planning Board Members to take effect upon the expirations of the next two terms in accordance with Section 271(7) of the Town Law of the State of New York.

Section 4 – CONSTITUTIONALITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Johnsburg hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5 – **REPEALER**

All resolutions, ordinances, Local Laws and part thereof inconsistent with this Local Law are hereby repealed.

Section 6 – **EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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 he had received a request from the Adirondack Park Local Government Review Board, which is a state agency designed to serve as a counter to the Adirondack Park Agency, that the Town Boards authorize by resolution the payment of \$300.00 to the Adirondack Park Local Government Review Board to replace funding cut from the NYS budget. Supervisor Vanselow said that he does not believe that there are many local issues requiring action by the Adirondack Park Local Government Review Board on the Town's behalf. Supervisor Vanselow asked for Town board comment.

Mr. Olesheski suggested that Supervisor Vanselow ask other Town Supervisors what their Towns are doing regarding this issue.

Mrs. Kelly Nettle asked what expenses the Adirondack Park Local Government Review Board might have. Supervisor Vanselow said that he believed the board probably had legal and other experts that they would hire as well as operational expenses. Mr. Arsenault said that the letter says that the board's funding was cut by 53%. Mr. Olesheski said that if there was some benefit to the Town, he would support this if funding was available. Supervisor Vanselow said that he was skeptical about the funding cut as the Adirondack Park Local Government Review Board is not the type of agency to accept a budget cut of this magnitude without raising a great hue and cry. Supervisor Vanselow said that the issue bears further investigation and that he will scan and forward the letter to the Town Board members for further discussion at the next meeting.

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

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

Supervisor Vanselow explained that the Supervisor's Monthly Report, for the month of August 2013 was not available at this time.

Supervisor Vanselow explained that when Front Street Mountain Development started talking with the Town of Johnsburg there were three parcels, totaling approximately 16.75 acres, which the Town would trade to Front Street Mountain Development for approximately 60.85 acres of adjacent ski trail property. In going through the various

stages of this it has been found that there is an encumbrance from the National Park Service. Supervisor Vanselow said that the Town has to advertise in the local paper of record seeking public comment on the land transfer. Supervisor Vanselow is asking that the Town Board authorize the placement of such a legal notice and also, permission to pass on to the appropriate federal agency any comment received.

Mr. Robert Nettle asked which parcels were involved. Supervisor Vanselow said that the parcels are one across from the Adirondack Tri County Nursing Home, the second behind the area formerly occupied by the Ski Hut, and the third the Highway Garage parcel.

RESOLUTION NO. 139

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board authorizes that the Town Clerk publish the required notice for the park land property conversion in the Town's Official Newspaper, the North Creek News-Enterprise ; and further that any comment correspondence received will be forwarded to the appropriate federal agency. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Nightingale, Olesheski, Stevens, Vanselow) Nays – 0

RESOLUTION NO. 140

Mr. Arsenault 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- Claims #2013-744 through #2013-755 and #2013-763 and #2013-764 and #2013-767 through #2013-772 (\$17,459.80); Highway Fund- Claims #2013- 756 through #2013-761 and #2013-763 and #2013-764 and #2013-773 and #2013-774 (\$19,820.21); North Creek Water Dist.- Claims #2013-763 and #2013-775 and #2013-776 through #2013-779 (\$2,603.50); Capital Projects Funds Claim #2013-780 (\$26.96); Library Fund- Claim #2013-764 (\$812.85); and Trust and Agency Claims #2013-762 through #2013-766 and #2013-783 and #2013-784 (\$3,067.37); Johnsbury Fire Protection District Claims #2013-781 and #2013-782 (\$15,000.00). Total all warrants \$58,790.69. 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. Curtis Richards asked who owns the Denton property on Goodman Road. Supervisor Vanselow replied that the property is still owned by Thomas Denton. Mr. Richards questioned that having spent money to clean up the property that allowing the property to be used as a logging header seems wrong. Supervisor Vanselow said that he had received a request from an individual to use the property for a logging and had told the individual that neither the Town nor Warren County owned that property and had suggested contacting the property owner which he assumed had been done. Supervisor Vanselow said that Highway Superintendent Hitchcock will be getting an excavator to the property soon and at least one more pile of trash will be removed from the property. Supervisor Vanselow said that following this removal Warren County will have to deal with the remainder. Mr. Robert Nettle asked about the possibility of cleaning up the Johnsbury Garage property. Supervisor Vanselow said that he has spoken to Warren

County Treasurer Michael Swan, about the property and it appears that Warren County is in the testing stage to determine the level of cleanup needed. Supervisor Vanselow said that Warren County has approximately \$90,000.00 in tax liability on the Johnsbury Garage property and Warren County Treasurer Swan is hoping to get the property cleaned up and back on the tax rolls soon.

Mrs. Jill Broderick, Treasurer of the Friends of Johnsbury Parks, informed the Town Board that a grant had been in the amount of \$800.00 had been received from the Adirondack Community Trust for the purchase of twelve trash can boxes to cover trash cans in the park.

Mrs. Kelly Nettle said that work on the Ski Bowl Park has been slowed down due to Mr. Nettle's tractor needing to be in the shop for repairs. Mrs. Nettle said that three grant related items still remain to be done beyond the trails: historical signs, walkways with a possible gate and the sanitary survey. Mrs. Nettle said that she had discovered something in the law which may mean that a sanitary survey does not need to be done. Mrs. Nettle said that she has spoken with a representative from the NYS Department of Health who had informed her that an engineer measurement of the amount of incoming water from the pipeline may be an adequate response in place of a sanitary survey. Mrs. Nettle said that she has spoken with the L. A. Associates and an engineer may arrive soon to measure the incoming water. General park signs have been made and are being framed and will be set for installation this fall. Mrs. Nettle said that there is funding up to about \$800.00 for the signs in the Friends of Johnsbury Parks account.

Mrs. Nettle announced that \$10,000.00 had been donated from the Charles Wood Foundation for upgrades to the pond area; Mrs. Nettle said that she has been researching aeration systems for the pond. Mrs. Nettle explained that while there is no electric line to the pond area that the solar panel operated systems give more problems. Mrs. Nettle estimated that the cost of running an electrical supply to the pond area and also to the pavilion next to the pond at \$3500.00. Mrs. Nettle said that with an electrical aeration system costing \$4600.00 there would be approximately \$5400.00 remaining for pond rehabilitation. Supervisor Vanselow and Secretary Cherie Ferguson said that the estimate they remembered was approximately \$10,000.00 for the three phase power. Supervisor Vanselow said he would like to see a breakdown of the costs to install the electrical supply. Mr. Olesheski said that electrical power at the pond sounded like a good idea.

Supervisor Vanselow asked that the Town Board enter into executive session to discuss the following issue: Johnsbury Fire Protection District contract negotiations. Supervisor Vanselow said that no Town Board action was expected to result from the executive session. Mr. Robert Nettle said that he has spoken to Mr. Robert Freeman, Committee on Open Government, who says that this is not a correct issue for an executive session. Supervisor Vanselow said that he would wait to hear from the Town Attorney that this is not an allowed issue for executive session.

(Mr. Arsenault left the meeting at 8:58pm.)

Mr. Olesheski presented the following motion, with a second from Mr. Stevens that the Town Board enters into executive session at 9:00pm, for the purpose of discussing

Johnsburg Fire Protection District contract negotiations. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Nightingale, Olesheski, Stevens, Vanselow) Nays - 0

(Mr. Arsenault returned to the meeting at 9:02pm.)

Mr. Olesheski presented the following motion, with a second from Ms. Nightingale to adjourn the executive session for the purpose of discussing Johnsburg Fire Protection District contract negotiations and further, to reenter the regular session at 9:33pm. 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 Mr. Stevens at 9:33pm. 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 September 17, 2013 at the Sodom Scout Hall, North Creek, NY.

Prepared by William Rawson, Town Clerk