

**Minutes of the Town of Johnsbury Regular Board Meeting February 2, 2010
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 2, 2010 at 7:00pm at the Wevertown Community Center, Wevertown, NY Supervisor Goodspeed called the meeting to order at 7:00pm and the pledge to the flag was led by Councilman Frank Morehouse, Jr.

Roll call showed the following persons present: Supv. Sterling Goodspeed; Town Councilmen/ Eugene Arsenault, Frank Morehouse, Jr., Arnold Stevens, and Ronald Vanselow; Town Clerk/ William Rawson.

Guests: On attached list

Supv. Goodspeed explained that the minutes of the January 19, 2010 meeting were not yet available due to the Town Clerk being extremely busy with the tax collection.

CORRESPONDENCE:

1. A letter from Delaware Operations, Inc., operator of the North Creek Water District, informing the Town Board that the company will be informing the developers of the Tall Timbers and Front Street projects that it will no longer represent them as it creates a conflict of interest situation in representing both those companies and the water district.
2. A letter from Delaware Operations, Inc. regarding the proposal of establishing a wastewater treatment system in the hamlet of North Creek; the letter includes a request that the Town Board appoint a wastewater committee as soon as possible to determine if the Town wishes to proceed with this project.
3. A letter from the Gore Mt. Region Chamber of Commerce requesting that the Town Board grant extensions on two projects granted Occupancy Tax funding in 2009 through February 28, 2010; the two projects are the website update (\$1651.23) and the annual directory (\$3,632.45).
4. A letter from the Gore Mt. Region Chamber of Commerce requesting that the Town Board grant an extension on the branding project granted Occupancy Tax funding in 2008 through February 28, 2010 (\$7406.25).
5. A letter from Mr. Dexter Baker informing the Town Board of his interest in the Animal Control Officer position.
6. A letter from Mr. Shawn Warrington informing the Town Board of his interest in the Animal Control Officer position.
7. A letter from Mr. Bruce Ashline informing the Town Board of his interest in the Animal Control Officer position.
8. A letter from Mr. Jeff Smith informing the Town Board of his interest in the Animal Control Officer position.
9. A letter from Ms. Rachel DeGroat, President of the Board of the Cheerful Crickets Preschool requesting that the Town Board waive the fees for the use of the Tannery Pond Community Center on February 16, 2010, for a fundraising event for the Cheerful Crickets Preschool.
10. A letter from Ms. Janet Ramos informing the Town Board of her interest in serving the Town by filling a vacancy on either the Zoning Board of Appeals or the Planning Board.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed reminded the Town Board members that they had received the Workplace Violence Program from the Town Attorney for review at the previous meeting; he added that the program seemed to be workable. Supv. Goodspeed asked for Town Board comment and hearing none asked if the Town Board wished to accept the program.

RESOLUTION NO. 40

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to adopt the Workplace Violence Program:

Whereas, New York State Labor Law Section 27(b), as amended by the 2006 New York State Legislature, now requires that public employers are to evaluate the safety of their workplace and implement workplace safety training for all employees, now, therefore, be it

Resolved, that the Town Board of the Town of Johnsbury (hereinafter "Town") hereby approves and authorizes the implementation of the Workplace Violence Prevention Program for the Town, annexed to this resolution (pages 2a through 2g following) and presented at this meeting, with a review of said program to be made on an annual basis by the Town Board, and be it further

Resolved, that said Program shall take effect immediately and will be available for review by any Town employee at each Department and the Town Hall.

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

Supv. Goodspeed reminded the Town Board members of the request at the previous meeting from the Thurman Connection Snowmobile Club to authorize his signing of a notification to National Grid that the Town Board has no objection to the use of the National Grid power line property by the snowmobile club which led to some questions over the specifics of the request; he added that Mr. Cork Nestor was present to answer questions regarding the notification to National Grid. Mr. Nestor explained that the power line is the only connection for snowmobilers to North Creek and fuel from the rail tracks; he added that National Grid following the filing of a lawsuit has begun re-evaluating the use of its right of way for snowmobiles and has stopped allowing the Thurman Connection to use its right of way. Mr. David Bulmer asked if easements could be arranged with the property owners; Mr. Nestor replied that it could be possible. Supv. Goodspeed explained that the National Grid easement is not the same as a normal easement and that National Grid controls its use and therefore, any other easement would have to be created around it. Mr. Paul Heid pointed out that the power line use would allow emergency access which if the easement is closed would not be available. Mr. Nestor asked that the Town Board authorize Supv. Goodspeed to sign the National Grid notification.

RESOLUTION NO. 41

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Town Supervisor to sign the notification to National Grid that the Town Board has no objection to the use of the National Grid power line property by the Thurman Connection Snowmobile Club and further, to authorize the Supervisor to write a letter in support of the snowmobile club use of the power line. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed informed the Town Board that the Town Attorney has not yet finished writing the housing agreement between the Town of Johnsbury and the Johnsbury Emergency Squad which is necessary for a grant application for the Emergency Squad. Supv. Goodspeed asked permission from the Town Board to write a letter explaining the nature of the relationship between the Town of Johnsbury and the Johnsbury Emergency Squad.

RESOLUTION NO. 42

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to authorize the Town Supervisor to write a letter to the granting agency explaining the nature of the relationship between the Town of Johnsbury and the Johnsbury Emergency Squad. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that Mr. Matthew Klippel had accepted the full member seat on the Planning Board as authorized by the Town Board in Resolution Number 243 of 2009; Supv. Goodspeed asked if the Town Board wished to act upon the letter from Janet Ramos read earlier in the meeting and appoint her to the Zoning Board of Appeals.

RESOLUTION NO. 43

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens to appoint Ms. Janet M. Ramos to the Zoning Board of Appeals for a term to expire on through December 31, 2014. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that earlier in the meeting there were read letters from the Gore Mt. Region Chamber of Commerce asking that the Town Board grant extensions on three of their Occupancy Tax projects. The projects being the website update (\$1651.23), the annual directory (\$3,632.45) and the branding project granted Occupancy Tax funding in 2008 through February 28, 2010 (\$7406.25). Mr. Vanselow noted that there seemed to be differences between the Chamber of Commerce amounts and the amounts awarded according to Sect. Cherie Ferguson for the website (\$1377.28) and the directory (\$3029.80); Mr. David Bulmer, Chamber of Commerce President, replied that he had referenced the requested amounts and only wanted the Town Board to extend the award, not amend the amounts. Mr. Vanselow said that in his opinion the Chamber of Commerce was to demonstrate contributions from neighboring communities; he added that he was still interested in that information. Mr. Bulmer replied that most donations were from businesses in North Creek and some from Indian Lake, Olmstedville, Warrensburg and also, the Adirondack Museum. Mr. Vanselow asked if there was any support from municipalities; Mr. Bulmer replied that there were none. Mr. Bulmer said that he understood that Chamber of Commerce should have filed on the branding project in 2009; Accounts Clerk Candace Lomax pointed out that the May 2009 date was an extension from 2008. Mr. Vanselow added that the reason for requiring the contracts to be filled within thirty days was the reporting requirement to the county; he asked Mr. Bulmer if it was usual for the Chamber of Commerce to be funding 2008 projects in 2010. Mr. Bulmer replied that the project phase was actually begun in 2009 not 2008. Supv. Goodspeed said that he believed that there were two issues involved here the website update and the annual directory extensions seem to have no disagreements attached, while the branding project extension seems to have some disagreement attached; he said that the funds were available if the extensions were allowed. Mr. Bulmer said that the Chamber of Commerce has incurred expenses with the expectation of receiving reimbursement

from the Town; Supv. Goodspeed said that he would like discuss the Occupancy Tax filings with him as the Chamber of Commerce has presented the most difficulty of any group. Mr. Bulmer agreed to meet with Supv. Goodspeed. Mr. Vanselow said that eh would like to see a list of all contributors to the branding project; Supv. Goodspeed agreed that he remembered Mr. Milner suggesting co-operation from the Town of Chester. Mr. Arsenault said that the branding project was spoken of as having a regional aspect, although it was not a condition of the funding.

RESOLUTION NO. 44

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury agrees to extend the branding project, the website update and the annual directory projects for filing through February 28, 2010. With 3 members voting in favor the resolution is declared carried. Ayes-3 (Arsenault, Morehouse, Goodspeed) Nays – 2 (Stevens, Vanselow)

Supv. Goodspeed explained that Zoning Enforcement Officer Chris May wants to discuss the possibility of the Town of Johnsbury handling the building inspection process in Town in place of Warren County; he added that ZEO May could not be present tonight. Supv. Goodspeed said that the request could be financially expensive to the Town; Mr. Vanselow asked if ZEO May had any solid numbers for the Town Board. Supv. Goodspeed replied that he did not believe that ZEO May did; he added that ZEO May was looking to receive funding from Warren County, which Supv. Goodspeed said the Town would not receive. Supv. Goodspeed expected that this topic would be on the agenda for the next meeting.

NEW BUSINESS

Supv. Goodspeed informed the Town Board that the Town had suffered an act of vandalism at the Transfer Station; the break-in took place on the night of January 24 – 25 and the police have been notified and are investigating. Mr. David Bulmer said that a group of individuals is using the parking area south of the Town Hall as a race and slid zone for snowmobiles and four wheelers at about 11:00pm following snow storms; Supv. Goodspeed replied that he was aware of this. Supv. Goodspeed added that the vandalism from Halloween was still being investigated. Mr. Paul Heid suggested using motion sensor cameras; Mr. Bulmer suggested closing off the parking area. It was noted that some events at the Tannery Pond Community Center are running to later hours at night. Mr. Robert Nettle said that the offenders need to be publicized; Supv. Goodspeed replied that in the earlier acts of vandalism there were arrests , however, youthful offender status reduces the ability to publicize those found guilty under that status.

Supv. Goodspeed noted that the Town Board had received copies of proposed 2010 Budget amendments in their packets; these are mainly transfers between funds. Also included are deposits in escrow as engineering or legal fees from Front Street Mountain Development and Mr. Gregg Taylor. Supv. Goodspeed asked that the Town Board approve these amendments to the 2010 Town Budget.

RESOLUTION NO. 45

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Morehouse

Budget Amendments February 2, 2010

Transfer between accounts:

FROM:

Contingent A1990.4 49

TO:

Muni A1920.4 49
Dues

Increase Appropriated Fund Balance (A599)

32041.06

Increase Appropriations (A960)

32041.06

Engineering
Deposits

Frontstreet Mt. Develop.

993.13

A8020.41

Tall Timbers

1943.31

A8020.43

To reappropriate engineering fees held in escrow for FSMD and TT

Occupancy Tax

A6410.4

29104.62

29104.62

To reappropriate unexpended occupancy tax.

Increase estimated Revenues

A510

Increase Appropriations A960

The Ledges

A2115.5

1500

A8020.44

To establish a Planning & Development escrow account for
Greg Taylor project-The Ledges

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

Supv. Goodspeed informed the Town Board that the Ski Bowl Park Committee and the Friends of the Parks wanted to operate a raffle to support the cost of the pipeline to supply water to the swimming area at the Ski Bowl Park. Mr. Robert Nettle said that the Friends of the Parks would pay any additional costs from the proceeds of the raffle in order to remove the costs from the Town budget and the Parks grant funding. Supv. Goodspeed said that the Town Board needs to be aware that a movement in the direction of the raffle funding for the project would be a movement from stamped and engineered plans for the project and no grant funding for the project. Mr. Vanselow asked the target amount for the raffle; Mr. Nettle replied that the target was \$4000.00, with \$1750.00 paid out in prizes, for a net of \$2250.00 to pay the cost of renting the larger equipment necessary to complete the project. Mr. Vanselow said that an approval of the raffle is an approval of the project; Supv. Goodspeed said that the Town Board had previously approved the project and the major change would be the removal of the project from the grant funding. Mr. Vanselow added that there are safety issues attached to the project which require future discussion.

RESOLUTION NO. 46

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board acknowledges and supports the raffle to be conducted by the Friends of the Town of Johnsbury Parks with a target of \$4000.00 in ticket sales, with \$1750.00 paid out in prizes, for a net of \$2250.00, for the purpose of paying the cost of renting

the larger equipment necessary to complete the pipeline to supply water to the swimming area at the Ski Bowl Park, and further, subject to the agreement of the Town Attorney. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed updated the Town Board on the wastewater/septic project discussed at the previous meeting and the subject of a letter from Delaware Operations, Inc., operator of the North Creek Water District. Supv. Goodspeed said that from discussion with Mr. James Suozzo of Delaware Operations, Inc. that the possibility of grant funding seems higher than previously anticipated and informed the Town Board that there will be a meeting tomorrow, February 3, at 3:00pm including ORDA manager Mike Pratt, Mr. James Suozzo, Mr. Vanselow and himself to discuss the project. Supv. Goodspeed urged the Town Board to develop a list of committee members to form a Wastewater Committee for approval by the Town Board at the next regular Town Board meeting. Mr. Vanselow said that there was the possibility of funds from a state agency and possibly some member item funding to support the project.

Supv. Goodspeed informed the Town Board that during the revision of the trash ticket funding that the cost of the fifty five gallon drums which are delivered to the Transfer Station by the Johnsborg Central School had not been addressed; the cost of the fifty five gallon drums currently is \$3.00 each, the same cost to which a thirty three gallon trash bag has been raised from the previous two dollars. Supv. Goodspeed suggested raising the cost to the school for the fifty five gallon drums to be raised to \$5.00 each to remain in line with the new cost of the thirty three gallon trash bags. Mr. Morehouse did not want this to impact the Johnsborg Central School in mid-cycle of the budget year.

RESOLUTION NO. 47

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to raise the cost of fifty five gallon drums, delivered to the Transfer Station by the Johnsborg Central School, to \$5.00 each from \$3.00 each to put the cost of the fifty five gallon drums in line with the new cost of the thirty three gallon trash bags, and further, this change is subject to the Town working out budget cycle issues with the Johnsborg Central School. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed distributed the monthly report of the Zoning Enforcement Officer, Mr. Chris May, for the month of January 2010, to the members of the Town of Johnsborg Town Board.

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of January 2010, to the members of the Town of Johnsborg Town Board.

Supv. Goodspeed noted that the Cheerful Crickets Preschool had requested that the Town Board waive the building use fees for the Tannery Pond Community Center on February 16, 2010, for a fundraising event for the preschool and asked if the Town Board wished to act upon the request. Mr. Stevens said that the Town Board has made few exceptions to the building use fees for the Tannery Pond Community Center; adding that to allow this would probably result in many more such requests. Mr. David Bulmer said that it would be sad for the Town to be the straw that broke the camel's back. Supv. Goodspeed suggested requiring the building use fee and waiving the ten percent of the gate fee for the event.

RESOLUTION NO. 48

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to require the building use fee and waiving the ten percent of the gate fee for the use of the Tannery Pond Community Center for a Cheerful Crickets Preschool fundraiser on February 16, 2010. With 3 members voting in favor the resolution is declared carried. Ayes-3 (Arsenault, Morehouse, Goodspeed) Nays - 2 (Stevens, Vanselow)

The 2009 inventory record of equipment from the Town Highway Department was made available to the Town Board for examination by the Town Superintendent of Highways and the Town Board signed the record as proof of their availability for review and examination.

PRIVILEGE OF THE FLOOR

Secretary Cherie Ferguson said that included in the Town Board member packets was a copy of a notice that the NYS Legislature in 2009 passed a law requiring a carbon monoxide detector in almost all residential buildings in the state.

Town Clerk William Rawson reminded the Town Board that Supt. of Highways Daniel Hitchcock has requested that the Town Board authorize him to post the town roads to protect them from damage.

RESOLUTION NO. 49

Mr. Stevens presented the following resolution and moved its adoption with a second from Mr. Vanselow to direct and authorize the Highway Superintendent to post Town Highways according to Subdivision II of Section 1660 of Vehicle and Traffic Law that all Town Roads will be temporarily closed upon posting to all vehicles having a gross weight of over four (4) tons. Further notice is hereby given that any person or persons violating this order shall be subject to punishment as provided in Section 1800 of the Vehicle and Traffic Law; and further that the Town Clerk is authorized to notice said posting in the North Creek News-Enterprise for two (2) weeks. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Robert Nettle informed the Town Board that he had seen a notice that Mr. Paul Fracchia was renegotiating building use fees with the City of Glens Falls regarding his karate classes and the fees were in the area of hundreds of dollars per night; Mr. Nettle wondered if the Town was missing a revenue source. Secretary Cherie Ferguson replied that Mr. Fracchia paid the Town ten percent of his gate as a use fee for the building.

Mr. Robert Nettle asked if, as a way to increase funding for park improvements, recreation fees could be charged to all new structures and not attached to subdivision approvals; Supv. Goodspeed replied that traditionally recreation fees have been tied to the filing of maps and subdivisions; Mr. Vanselow agreed. Supv. Goodspeed suggested that the Planning Board members could be asked for their recommendation on the change and said that he would raise the issue with the Planning Board Chairman and ask that a recommendation be made to the Town Board.

Mr. David Bulmer said that he would like to see the Town Board seek Planning Board recommendations on changes to the Local Land Use Plan; he particularly believes that the lot line adjustment process has become very expensive. Mr. Vanselow replied that this may be an issue which the Adirondack Park Agency (APA) will not give on; he added he believed that the process was being made very difficult by the APA. Supv. Goodspeed added that in the Local Land Use Plan lots were created by roads creating a natural division in properties and this is a problem with the APA.

Mr. David Bulmer informed the Town Board that the Adirondack Adventure Festival would take place April 31 through May 2; he asked that the Town Board consider allowing a return of camping to the Ski Bowl Park. Mr. Vanselow said that any such request should include a plan to address underage drinking and other similar conditions. Mrs. Kelly Nettle suggested private property. Mr. Robert Nettle said that Boy Scout camping was different from White Water camping; he said that there appeared to be a high ratio of adults to the scouts. Secretary Cherie Ferguson replied that this was not so. Mr. Bulmer added

that a group of scouts was looking for a camping spot when they come up on a rafting trip. Mr. Paul Heid said that he had some property on Garnet Lake Road that could be used by the scouts.

Mr. Robert Nettle said that he hoped that the Town Board would form a Wastewater Committee as soon as possible.

RESOLUTION NO. 50

Mr. Arsenault 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- Warrant #3G/Claims #46-70; Highway Fund- Warrant #3H/Claims #24-29; North Creek Water Dist.- Warrant #3W/Claims#8-11. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

(Mr. Vanselow left the meeting at 8:43pm)

Mr. Morehouse presented the following motion with a second from Mr. Arsenault that the Town Board enters into an executive session for the purpose of discussing a personnel issue regarding the Animal Control Officer at 8:45pm. With 4 members voting in favor the motion is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays - 0 (Mr. Vanselow absent)

(Mr. Vanselow returned to the meeting at 8:45pm)

Mr. Stevens presented the following motion with a second from Mr. Vanselow that the Town Board close the executive session and return to regular meeting at 10:28pm. With 5 members voting in favor the motion is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked if there was a resolution to be presented regarding the appointment of an Animal Control Officer for 2010.

RESOLUTION NO. 51

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Morehouse to reappoint Mr. William Mosher as Animal Control Officer for 2010 with the following contingencies: a sixty day review; written monthly reports to the Town Board including specific calls received and the responses including actions taken; and that all written, verbal, and telephone requests will be answered within twenty four hours; and that these contingencies are in addition to all required procedures currently required by New York State law and by contract. With 3 members voting in favor the resolution is declared carried. Ayes-3 (Arsenault, Morehouse, Stevens) Nays - 2 (Goodspeed, Vanselow)

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Morehouse at 10:30pm. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on February 16, 2010 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk