

**Minutes of the Town of Johnsbury Regular Board Meeting October 16, 2007
Held at 7:00pm at the Town of Johnsbury Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday October 16, 2007 at 7:00pm at the Town Library, Town Hall North Creek, NY Supervisor Thomas called the meeting to order at 7:00pm and the pledge to the flag was led by Councilman Sterling Goodspeed

Roll call showed the following persons present: Supv. William H. Thomas; Town Councilpersons/ Eugene Arsenault, Sterling Goodspeed, Arnold Stevens and Alyce VanKeuren; Town Clerk/ William Rawson.

Guests: On attached list

RESOLUTION NO. 277

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to accept the minutes of the October 2, 2007, Regular Town Board as written. With all members voting in favor, the motion is carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

CORRESPONDENCE:

1. A letter of resignation from Honorable Carl E. vonCzoernig, Town of Johnsbury Justice, citing his continued poor health as the cause for his resignation.
2. A letter from Tara Sears, Committee Chair of Boy Scout Troop 36 (North Creek), requesting the use of the Ski Bowl Park area for the Spring Camporee of the Twin Rivers Council from May 16 through 18 of 2008.
3. Letters from Olga LaPell, Thomas and Thelma McConnell, Carol Richards, Noel and Wes Dingman, and Herbert and Debbie Loomis expressing support for the Johnsbury Emergency Squad being allowed to respond to calls in the area immediately across the Hudson River as the first squad called due to their close proximity to that area.
4. A letter from Ms. Andrea McKee, Acting Chair of the Ski Bowl Park Committee, requesting that the Town Board appoint two new members to the Ski Bowl Park Committee while informing the Town Board of the resignation of Mr. William Conner; additionally, the Ski Bowl Park Committee requests that the Town Board earmark all Recreation Fees collected for capital improvements in the Park and Recreations area.

COMMITTEE REPORTS:

SPECIAL PRESENTATION:

The Johnsbury Emergency Squad made a special presentation to the Town Board of their expenses and revenues. Mr. Joseph Connelly, President of the squad, and Mrs. Tara Sears, Captain of the squad, explained the costs and funding of the squad. In 2002 the Johnsbury Emergency Squad answered about 70% of their 260 calls; in 2006 the Johnsbury Emergency Squad answered 99% of their 584 calls. Business costs including Personnel, Office, Building, and training are covered by the billing income; this is expected to be about \$207, 589.00 with the revenue expected to be about \$214, 550.00. The Operational Readiness costs are covered by the Town of Johnsbury funding includes Medical Supplies, Ambulance Operation and Equipment; these costs are expected to be \$62,907.00 with the Town contribution to be \$51,000.00.

Additionally, in 2008 required equipment upgrades are projected to be more than \$171,000 of which is offset by donations, paid volunteer service and grants awarded in the amount of approximately \$50,400.00 and grants applied for in the amount of \$59,200.00, with about \$19,650.00 worth of grants yet to be written. Mr. Goodspeed suggested contacting Front Street Mountain Development regarding the raising of funds. Supv. Thomas noted that this presentation was very helpful in understanding the financial needs of the Johnsbury Emergency Squad.

OLD BUSINESS:

Supv. Thomas informed the Town Board that two quotes had been secured by his office for drilling a well for water at the Wevertown Community Center. The quotes were from J.D.'s Pump and Drilling Service with a base cost of \$2000.00 and Wolfe's Drilling Company with a base cost of \$3550.00 based on a 50-foot drilling depth. Supv. Thomas noted that either of the well drillers was ready to begin within days and it is expected that the drilling will take about two days.

RESOLUTION NO. 278

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the Town Supervisor to enter into an agreement with the lower bidder, J.D.'s Pump and Drilling Service with a base cost of \$2000.00, to drill a well for water at the Wevertown Community Center starting as soon as possible in anticipation of getting water by November 6, 2007; the funding for this project is to be from the \$25,000.00 set aside in Resolution Number 193 of 2007 for improvements at the Wevertown Community Center. With all members voting in favor, the motion is carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that the developers of the Top Ridge project have requested a highway easement from the purpose of storing ductile pipe in the Town of Johnsbury right of way on Durkin Road. The Town Board had allowed the Top Ridge developers to connect their project to the North Creek Water District with the developers building the connection line under the supervision of the Water Superintendent and turning the line over to the Town. Supv. Thomas asked the Town Board to grant the Top Ridge developers a temporary license to store equipment for the water line construction in the Town right of way.

RESOLUTION NO. 279

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board grants conceptual approval to the Top Ridge developers for a temporary license to store equipment for the water line to connect the Top Ridge project to the North Creek Water District line in the Town of Johnsbury right of way on Durkin Road with assurances as deemed necessary by the attorney for the Town. With all members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Following the approval of the Top Ridge developers request Town Attorney Jordan informed the Town Board that he had finally received the necessary information to complete the Easement Agreement between the Town and the Top Ridge developers to allow the Top Ridge developers

to commence work in the Town's right of way. Town Attorney Jordan suggested that the Town Board allow the Town Supervisor to sign the Easement Agreement when it is completed.

RESOLUTION NO. 280

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to allow the Town Supervisor to sign the Easement Agreement between the Town of Johnsbury and the Top Ridge developers to allow the Top Ridge developers to begin working in the Town of Johnsbury right of ways to connect the water line from the North Creek Water District to the Top Ridge development subject to the approval of the Town Attorney. With all members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Supv. Thomas explained to the Town Board that O.R.D.A. manager, Mike Pratt, plans to place a yurt (temporary structure) for a ski replacement on a temporary basis. This would be placed in the Ski Bowl Road and would necessitate the closure of Ski Bowl Road to through traffic. Supv. Thomas asked for a resolution from the Town Board allowing the closure of Ski Bowl Road to through traffic.

RESOLUTION NO. 281

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury authorizes the closure of the town road Ski Bowl Road to through traffic by the closing of the northern gate after the arrival and placement of the yurt. With all members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Supv. Thomas asked Town Attorney Jordan to update the Town Board on the Notice of Incomplete Application (N.I.P.A.) from the Adirondack Park Agency (A.P.A.). Attorney Jordan informed the Town Board that the A.P.A. has deemed the lighting application complete and the comment period will be opened on November 1, 2007; Attorney Jordan said that this should allow for lighting to be available for this winter ski season.

Supv. Thomas requested that the Town Board move the 2008 Budget from Tentative to Preliminary and that the Town Board set a date for the Public Hearing on the Budget.

RESOLUTION NO. 282

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed as follows:

WHEREAS, the Budget Officer's Tentative Budget for the fiscal year of 2008 was filed with the Town Clerk on September 27, 2007 as mandated by law, and

WHEREAS, at a meeting conducted on October 16, 2007, the Tentative Budget was presented, and

NOW THEREFORE, BE IT RESOLVED, that the Budget Officer's Tentative Budget for 2008 be adopted as a Preliminary Budget for 2008,

BE IT FURTHER RESOLVED, that the Town Board will hold a Public Hearing on the Preliminary Budget, Thursday, November 8, 2007 at the Wevertown Community Center, Wevertown, New York at 6:30pm and that the Town Clerk shall publish notice in the North Creek News-Enterprise on October 27, 2007 of said hearing.

With all members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

RESOLUTION NO. 283

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed as follows:

NOTICE of a Public Hearing on the Preliminary Budget for the Town of Johnsbury, Warren County, New York for the year of 2008,

NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Johnsbury, Warren County, New York for the fiscal year beginning January 1, 2008 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 at all reasonable hours;

FURTHER NOTICE IS HEREBY GIVEN that the Town Board will meet and review said Preliminary Budget and hold a Public Hearing thereon at 6:30pm on November 8, 2007 at the Wevertown Community Center, Wevertown, New York and that at such time and place any person may be heard in favor of or against any item or items therein contained. After closing the Public Hearing, the regular Town Board meeting will continue,

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 -----	\$24,207.00
Justice of the Peace (2) -----	\$ 5,810.00
Councilpersons (4) -----	\$ 4,365.00
Town Clerk/Tax Collector -----	\$19,552.00
Appointed Assessor -----	\$22,653.00
Highway Superintendent -----	\$41,746.00

With all members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Supv. Thomas requested that the Town Board set a date for the Public Hearing on the Fire Protection Contracts for 2008.

RESOLUTION NO. 284

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren to authorize the Town Clerk to advertise for one week and publish notice in the North Creek News-Enterprise on October 28 and, 2007 for a Public Hearing to be held at the Wevertown Community Center, Wevertown, New York on Thursday, November 8, 2007 at 6:00pm to hear the pros and cons on the Fire Contracts for the Johnsbury Fire Protection District with the North Creek Fire District receiving \$10,000.00 per year and the other six companies of North River Vol. Fire Co., Garnet Lake Vol. Fire Co., Bakers Mills/Sodom Vol. Fire Co., Johnsbury Vol. Fire Co., Wevertown Vol. Fire Co., and the Riverside Vol. Fire Co. each presently scheduled to receive 3% over the amount of the 2007 yearly contract in the 2008 Preliminary Budget. With all members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that he had received the annual Employee’s Physical contract from the Hudson Headwaters Health Network. The current cost to the Town for an

employee physical is \$65.00; the cost for an employee physical under the proposed contract will be \$95.00. Mr. Stevens asked if this service is heavily used; he was answered that this is basically for newly hired employees; however, this could be used if there was a serious question of an employee's physical ability to perform his or her job.

RESOLUTION NO. 285

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Town Supervisor to sign the annual Employee's Physical contract with the Hudson Headwaters Health Network at a cost to the Town of \$95.00 per physical. With all members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas explained to the Town Board that he had been informed that Mrs. Karen Dunkley was not interested in being an alternate member of the Board of Assessment Review; he asked if the Town Board wished to pursue the plan for an alternate member for that board further. Mr. Arsenault noted that the Town Board had been hoping to keep an interested candidate for the Board of Assessment Review and suggested making no changes to that board at this time.

RESOLUTION NO. 286

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to rescind the portion of Resolution Number 275 passed on October 2, 2007 at the Wevertown Community Center, Wevertown, New York relating to the appointment of Mrs. Karen Dunkley as an alternate member of the Board of Assessment Review and the possible addition of an alternate member to the aforesaid board. With all members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

NEW BUSINESS

There will be a meeting on October 17, 2007 including the supervisors of both towns, members of both town's emergency squads and representatives of the sheriff's dispatch personnel. Mr. Arsenault asked for the issues to be explained. Supv. Thomas recognized Mr. Joseph Connelly, President, and Mrs. Tara Sears, Captain, of the Johnsbury Emergency Squad to explain the position of the squad on obtaining a certificate of need for the area in the Town of Chester, which is just across the Hudson River from North Creek. The Johnsbury Emergency Squad historically has covered the same area as had been covered when it was a part of the North Creek Fire Co. which has the responsibility for covering the area in question. While the Johnsbury Emergency Squad can respond quicker to that area of the Town of Chester than the North Warren Emergency Squad, which has assumed responsibility for the area. There had been a plan to put a mutual aid agreement in place which had fallen through and in the near future the Johnsbury Emergency Squad will not be called out for the area in question. The Johnsbury Emergency Squad is interested in providing the quicker service to the Town of Chester residents and in the interest of this will pursue a certificate of need to cover the area in the Town of Chester. It is expected that the cost of obtaining a Certificate of Need will be approximately \$10,000.00. Supv. Thomas noted that he expected to move this issue forward at tomorrow night's meeting.

Supv. Thomas asked if the Town Board wished to act upon the letter of resignation from the Honorable Carl E. (Ted) VonCzoernig as Justice of the Town of Johnsbury, which was read earlier in this meeting, with the effective date of October 17, 2007.

RESOLUTION NO. 287

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to accept, with regret, the letter of resignation from the Honorable Carl E. (Ted) VonCzoernig as Justice of the Town of Johnsbury, which was read earlier in this meeting, with the effective date of October 17, 2007. With all members voting in favor the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas noted that due to the heavy work load of the Justice Court, as evidenced earlier in the year when Justice VonCzoernig was unavailable due to his health condition, he believed that it was necessary to appoint someone to fill the vacancy. Supv. Thomas noted that as a result of research by himself and others he has ascertained that Mr. Ralph Dubay, previously a Town Justice in Johnsbury can be appointed and following a 6 hour schooling session he can assume the duties of town justice. Mr. Goodspeed agreed, noting Justice French's heavy calendar.

RESOLUTION NO. 288

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that as the Johnsbury Justice Court is extremely busy that the Town Board resolves to appoint Mr. Ralph E. Dubay to the position of Town Justice of the Town of Johnsbury effective as of October 18, 2007 through December 31, 2008. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked if the Town Board wished to act upon the letter, read earlier, from Ms. Tara Sears, Committee Chair of Boy Scout Troop 36 (North Creek), requesting the use of the Ski Bowl Park for the Spring Camporee of the Twin Rivers Council from May 16th through May 18th of 2008.

RESOLUTION NO. 289

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury will allow Boy Scout Troop 36 to host the Spring Camporee of the Twin Rivers Council at the Ski Bowl Park from May 16th through May 18th of 2008, with the assurance of the Boy Scout Troop 36 leadership to "leave no trace" at the site. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas recognized Mr. Robert Nettle to inform the Town Board of his plan for developing sites for picnicking in the Ski Bowl Park along the North Creek near the beach pavilion; Mr. Nettle added that the plan as shown on a diagram that was given to the Town Board members was still being debated among members of the Ski Bowl Park Committee. Supv. Thomas said that he approved the plan in concept; Mr. Goodspeed noted that there was not a full consensus among the members of the Ski Bowl Park Committee on the position of the sites. Mr. Kelda Nettle asked that the Town Board approve the plan in concept and that the Ski

Bowl Park Committee would return for final approval from the Town Board when a consensus was reached.

RESOLUTION NO. 290

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board agrees in concept with the Ski Bowl Park Committee plan to establish picnic sites in the Ski Bowl Park along the North Creek near the beach pavilion; prior to the finalization of plans and the beginning of construction the Ski Bowl Park Committee will return for final approval from the Town Board. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas distributed amendments to the 2007 Town of Johnsbury Budget and requested that the Town Board approve the appropriations and expenses involving Planning and Development costs and transfers within and between accounts to keep the accounts within balance.

RESOLUTION NO. 291

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault:

Budget Amendments October 16, 2007

General Fund

Transfers within accounts:

From			To		
Town Clerk	A1410.4	1019.00	A1410.1	1019.00	
Youth Program	A7310.4	929.00	A7310.1	929.00	
Cemeteries	A8810.2	190.00	A8810.1	190.00	
Disability	A9055.8	22.00	Med Reimb.	A9062.8	22.00

Transfers between accounts

From			To		
Insurance	A1910.4	4000.00	Munic. Dues	A1920.4	250.00
Contingent	A1990.4	10000.00	Highway	A5010.4	129.00
		0			
Adult Recreation	A7620.4	250.00	Prog. For Aging	A6772.4	650.00
			Eco. Dev	A6989.4	250.00
			Justice	A1110.1	1411.00
			Justice	A1110.4	1700.00
			Medical	A9060.8	1333.00
			Personnel	A1430.1	456.00
			Assessor	A1355.1	9.00
			Zoning	A8010.4	1000.00
			Street lighting	A5182.4	2500.00
			Parks	A7110.4	4562.00

TOTALS	14250.0			14250.00
		0		

Planning					
Estimated Rev	(A510)		Appropriations	(A960)	
A2115.2 FSMD		5000.00	A8020.41		5000.00

HIGHWAY

Transfer within accounts

From:			To:		
Unemployment	DA9050.8	1375.00	Med Ins.	DA9060.8	1375.00

Transfer between accounts

From:			To:		
Bridges	DA5120.4	14000.0	General Repairs	DA5110.4	19000.00
		0			
Unemployment	DA9050.8	5000.00			

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

Supv. Thomas distributed the Monthly Report of the Zoning Enforcement Officer, Mr. Edward Tuttle, for the month of September 2007, to the members of the Town of Johnsbury Town Board. Mr. Tuttle noted that he has issued nine zoning certificates, inspected three septic systems and issued three permits for the systems as well as discussing applications with several individuals. Mr. Tuttle also noted that he had attended two training classes on the newly adopted Local Land Use Plan.

PRIVILEGE OF THE FLOOR

Mr. Mark Bergman wanted to announce that the Adirondack Park Agency would be conducting a training session on the recently enacted Local Land Use Plan on Thursday, October 18th at 6:00pm at the Wevertown Community Center, Wevertown, NY.

Ms. Andrea McKee notified the Town Board that the Ski Bowl Park Committee was planning on building a compost bin costing approximately \$350.00 at the transfer station for the purpose of creating compost for use in the park. Supv. Thomas agreed that this sounded like a good idea. Mrs. Kelda Nettle said that the idea has been discussed with Parks Supt. Matt Olden and that he has suggested a site for the bin.

Ms. Andrea McKee asked that the Town Board allow the Ski Bowl Park Committee to place a computer system in the storage room for the purpose of playing music for the skating rink and also for the addition of surveillance cameras to improve security in the area; the anticipated cost of the entire project to be approximately \$1000.00. Town Attorney Jordan noted that music companies (A.S.C.A.P.) have become very aggressive in pursuing fees for pre-recorded music and suggested that if the Town Board allowed the music to be played that it seek a contractual agreement with A.S.C.A.P.

RESOLUTION NO. 292

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed to move ahead conceptually with the music and surveillance, computer project at a

cost of no more than \$1000.00 and without moving forward without the Approval of the Town Attorney as to the resolution of questions of copyright infringement regarding the music to be played. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mr. Robert Nettle asked if there had been a resolution regarding his suggestion from the previous board meeting regarding the addition of lighting with automatic (motion detector) switches for the Wevertown Community Center parking area and limiting the amount of black top work. Supv. Thomas responded that he had not received an answer from Warren County Board of Elections Commissioner, Mr. William Montfort, on the ability for the funding to be used for lighting. Supv. Thomas suggested that Mr. Nettle contact Mr. Montfort.

RESOLUTION NO. 293

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the following certified bills which have been reviewed by the Town Board members be paid: General Fund- Warrant #20G/Claims #420-435; Highway Fund- Warrant #20H/Claims #219-222; North Creek Water Dist.- Warrant #19W/Claims#83-87; Capital Projects Fund-Warrant #8CPF/Claims#9-10; Library Fund-Warrant #10L/claims #67-71. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mr. Stevens made a motion, with a second from Mr. Goodspeed to enter into executive session for the purpose of discussing contract negotiations regarding "Parcel C" and Front Street with the Town Attorney at 8:50pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mr. Arsenault made a motion, with a second from Mrs. VanKeuren to adjourn the executive session at 9:25pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

A motion to adjourn the meeting was presented by Mr. Goodspeed with a second from Mr. Stevens at 9:26pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on November 8, 2007 at the Wevertown Community Center, Wevertown, NY. There will be a Public Hearing on the Fire Contracts for the Johnsburg Fire Protection District for the year of 2008 at 6:00pm on Thursday, November 8, 2007 at the Wevertown Community Center, Wevertown, New York and a Public Hearing on the Preliminary Budget for the Town of Johnsburg, Warren County, New York for the year of 2008 at 6:30pm on Thursday, November 8, 2007 at the Wevertown Community Center, Wevertown, New York.