

**Minutes of the Town of Johnsburg Regular Board Meeting September 4, 2007
Held at 7:00pm at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, September 4, 2007 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Thomas called the meeting to order at 7:00pm and the pledge to the flag was led by Councilwoman Alyce VanKeuren.

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

Guests: On attached list

RESOLUTION NO. 243

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the August 21, 2007, Regular Town Board Meeting as written. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

CORRESPONDENCE:

1. A letter from Mr. Phil Santasiero, Fund Manager for the North Creek Rotary Club, requesting that the Town Board donate discretionary funds to the North Creek Rotary Club project to install a generator at the North Country Ministry and Outreach Center.
2. A letter from Mrs. Patricia Ordway, Acting President of the Cheerful Cricket Nursery School, requesting that the Town Board authorize the installation of a donated storage unit in their classroom at the Tannery Pond Community Center.
3. A letter from Mrs. Lois Montfort, Executrix of the Clardy Estate, regarding a nearby property and Public Health Nuisance complaints over the past 17 years and requesting that the Town Board take action regarding said property.
4. A letter from Mr. Joel Beaudin, Co-Chairman of the Upper Hudson Festivals Inc., requesting that the Town Board allow the Upper Hudson Bluegrass Festival the use of the Ski Bowl Park August 20th through 25th for the 2008 festival; as well as a blanket vending permit and to be able to display their event banner.
5. A letter from Highway Supt. Curtis Richards requesting that the Town Board authorize the hiring of Mr. Jim Galusha to conduct an auction of surplus Highway equipment. Mr. Galusha will notify potential bidders and conduct the auction for a fee of \$500.00.
6. A letter from Highway Supt. Curtis Richards notifying the Town Board that it is his intention to hire the nephew of one of his employees to re-key the locks at the Highway Garage.

COMMITTEE REPORTS

Supv. Thomas distributed copies of the Town of Johnsburg Library Board of Trustees meeting of September 12, 2007 to the Town Board members.

OLD BUSINESS:

Supv. Thomas noted that the North Creek Fire District and Front Street Mountain Development have come to an agreement regarding necessary fire equipment to adequately protect proposed new buildings at the planned Front Street Mountain Development project. Front Street Mountain Development will provide funding for the purchase of a ladder truck and the required garage for housing the ladder truck as well as the associated equipment and training to use the truck and equipment. Supv. Thomas distributed copies of a Letter of Agreement between North Creek Fire District and Front Street Mountain Development. Front Street Mountain Development will immediately assist the North Creek Fire District in applying for grants to purchase said truck and garage. Front Street Mountain Development will pay the difference between any grants received and the total cost of the truck, equipment, training and garage. In the event of any developer proposing a project within the North Creek Fire District requiring a ladder truck the North Creek Fire District Commissioners will attempt to require that party to share in the funding. The North Creek Fire District Commissioners have approved this Letter of Agreement. Supv. Thomas asked if the Town Board would allow him to sign the Letter of Agreement between the North Creek Fire District and Front Street Mountain Development on this issue.

RESOLUTION NO. 244

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town of Johnsbury Town Board authorizes the Supervisor of the Town of Johnsbury to sign the Letter of Agreement between the North Creek Fire District and Front Street Mountain Development on Front Street Mountain Development provide funding for the purchase of a ladder truck and the required garage for housing the ladder truck as well as the associated equipment and training to use the truck and equipment (Letter is attached on pages 2a & 2b). With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that Front Street Mountain Development had presented the Town of Johnsbury with a Waiver Agreement to the Master Agreement between the Town of Johnsbury and Front Street Mountain Development. If the Waiver Agreement were enacted Front Street Mountain Development would convey the Ski Lift Parcel to the Town of Johnsbury as soon as legally possible to allow the construction of a detachable quad chairlift; if construction of the lift is not begun by October 1, 2008, then the property would revert to Front Street Mountain Development. Additionally, by agreeing to the Waiver Agreement (Paragraph #4) the Town of Johnsbury would immediately declare that Parcel C of the Master Agreement (Town of Johnsbury Highway Garage) is surplus and offer it to Front Street Mountain Development pursuant to the terms of the Master Agreement. Mr. Arsenault asked if the sand supply has been used at the Highway Garage site and if not what the incentive for the Town to speed up the decision process on Parcel C would be. Supv. Thomas answered that the sand was not used up. Mr. Goodspeed agreed that it was premature to make this decision at the current time. Supv. Thomas asked if the Town could do a portion of the Waiver Agreement; Town Attorney said the Town Board could authorize the approval of a portion of the Waiver Agreement; this would not obligate Front Street Mountain Development to accept only a portion of the agreement. Ms. Andrea McKee asked if this Waiver Agreement involves building rights; Town Attorney Jordan answered that it does not.

RESOLUTION NO. 245

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board approves the acceptance of the Waiver Agreement (page 3a-d) less Paragraph #4, subject to approval by the Town Attorney. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that the agreement between the Hudson Headwaters Health Network and the Town of Johnsbury expires on December 31, 2007 and will automatically renew unless either party notifies the other not less than ninety (90) days prior to the expiration of the agreement. As one of the nearby Towns has indicated a willingness to make a larger contribution to the Hudson Headwaters Health Network for medical services; Supv. Thomas asked if the Town Board would allow him to draft and sign a letter to Hudson Headwaters Health Network notifying that organization that it is the intent of the Town of Johnsbury to renegotiate the agreement between the Hudson Headwaters Health Network and the Town of Johnsbury in view of the previous information.

RESOLUTION NO. 246

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town of Johnsbury Town Board authorizes the Supervisor of the Town of Johnsbury to draft and sign a letter to Hudson Headwaters Health Network notifying that organization that it is the intent of the Town of Johnsbury to renegotiate the agreement between the Hudson Headwaters Health Network and the Town of Johnsbury. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked if the Town Board wished to act upon the letter read earlier in the meeting from the Cheerful Cricket Nursery School, requesting that the nursery school be allowed to install a donated storage section in their classroom at the Tannery Pond Community Center for their 2007-2008 school year. The storage section would be removed at the end of the school year. Supv. Thomas further asked if the installation of the donated storage section should be referred to the Tannery Pond Community Center Association.

RESOLUTION NO. 247

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board allows the Cheerful Cricket Nursery School to install a donated storage section in their classroom at the Tannery Pond Community Center for their school year from September 2007 through June 2008, to be removed at the end of the school year; the Town Board conditionally approves this use subject to the approval of the Tannery Pond Community Center Association. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas recognized Secretary Cherie Ferguson to report to the Town Board on carpet cleaning and damage due to a lightning strike at the Tannery Pond Community Center. Ms. Ferguson explained that Best Carpet & Upholstery Cleaning has cleaned the carpets at the

Tannery Pond Community Center; the upstairs carpets turned out very well and the downstairs carpets were improved but not totally restored. Ms. Ferguson updated the Town Board that the combined cost to repair the damage to the heating system (H.V.A.C.) and the elevator motor at the Tannery Pond Community Center which the technician said was linked to a lightning strike is \$9250.00. A claim has been filed with the insurance carrier; there is a \$1000.00 deductible on this policy. Mr. Goodspeed asked about annual inspections and quotes for lightning arrestors and surge protection. Supv. Thomas answered that partial quotes have come in for lightning arrestors and surge protection; to set up inspections requires only a telephone call.

NEW BUSINESS

Supv. Thomas informed the Town Board that he believed that the request from the North Creek Rotary Club, asking that the Town Board donate discretionary funds to the North Creek Rotary Club project to install a generator at the North Country Ministry and Outreach Center should be discussed during the budget process; he further noted that the Town normally does not make donations and that the Town currently pays the North Country Outreach \$10,000.00 annually for community support services.

Supv. Thomas asked if the Town Board wished to act upon the request read earlier in the meeting from Mr. Joel Beaudin, Co-Chairman of the Upper Hudson Festivals Inc., requesting that the Town Board allow the Upper Hudson Bluegrass Festival the use of the Ski Bowl Park August 20th through 25th for the 2008 festival; as well as a blanket vending permit and to be able to display their event banner. Mr. Joel Beaudin noted that there were 160 motor campers at this years' Bluegrass Festival.

RESOLUTION NO. 248

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board of the Town of Johnsbury will allow further that the Town Board of the Town of Johnsbury will allow the Upper Hudson River Bluegrass Festival Committee to use the Ski Bowl Park for the period from August 20th through 25th of 2008 for the purpose of conducting the Upper Hudson River Bluegrass Festival and including setup and cleanup operations and, further that the Town Board of the Town of Johnsbury will allow the Town Clerk to issue a blanket vendor's permit to the Upper Hudson River Bluegrass Festival Committee for August 20th through 25th of 2008 and to exempt them from the annual fee and, further that the Town Board of the Town of Johnsbury will allow the Upper Hudson River Bluegrass Festival Committee to display its banner at the Ski Bowl Park during the Upper Hudson River Bluegrass Festival and operations. 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 Ms. Cherie Ferguson, Secretary, to explain a request received from Ms. Andrea Hogan to use a Town Building to conduct a science project with the students of her home-school group on September 20th, Oct. 4th & 18th, November 8th, and December 13th, of 2007 between the hours of 1pm to 3pm.

RESOLUTION NO. 249

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board will allow Ms. Andrea Hogan the use of the Wevertown Community Center, to conduct a science project with the students of her home-school group on September 20th, Oct. 4th & 18th, November 8th, and December 13th, of 2007 between the hours of 1pm to 3pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that he had received a request from Mrs. Ann Arsenault to close Main Street and Circle Ave. in North Creek during the "Fun Run" portion of the "Race the Train" event in the interest of safety for those participating in this portion of the event as many are children. Mr. Goodspeed asked about closing all of the roads in the entire "Race the Train" event as participants can and do become fatigued during the longer event as well. This suggestion will be relayed to the "Race the Train" committee for their input.

Supv. Thomas distributed to members of the Town Board copies of the Town of Johnsbury Library proposed budget for 2008. Supv. Thomas noted that the overall increase seemed to be approximately \$500.00 to \$600.00.

Supv. Thomas asked the Fire Committee (Mr. Arsenault and Mrs. VanKeuren) for a report on their meeting with the Fire Chiefs of the Johnsbury Fire Protection District. Mr. Arsenault explained that the Fire Committee met with the Fire Chiefs on August 31st and had a good discussion about the budget request from the Fire Chiefs and planned to meet again after discussing the requests with Supv. Thomas. Supv. Thomas asked if the issue raised earlier in the year questioning the \$10,000.00 annual contract payment to the North Creek Fire District had come up; Mr. Arsenault reported that this was an issue with only one company according to the Fire Chiefs present. Supv. Thomas noted that North Creek was on automatic Mutual Aid with North River and Wevertown Fire Companies. There was also a discussion of the request by the Johnsbury Emergency Squad for an increase in their budget. Supv. Thomas noted that he planned to increase the Emergency Squad payment by \$5,000.00. Mr. Arsenault said that the Emergency Squad was applying for grants and would like the Town to pay for the application fees which can be quite heavy and need to be paid regardless of whether the grant is awarded or not. It was noted that with increased development that there will be increased need for emergency services. The Fire Committee requested that Supv. Thomas meets with the Emergency Squad to discuss a payment increase. The Fire Committee requested that Supv. Thomas meets with the Emergency Squad to discuss a payment increase.

The Town Board discussed the probable increase in health insurance costs. If the current plan is continued with no changes there will be approximately a 14% increase in premiums; with co-pay changes the increase could be 6.6%; by adding \$575.00 in annual Inpatient and out patient charges the increase could be lessened. This will be further looked into during the budget process.

Supv. Thomas asked Ms. Cherie Ferguson, Secretary, to explain the benefits of changing from the current long distance telephone calling plan to a flat rate calling plan. Ms. Ferguson explained that a savings to the Town would be achieved by switching from the current 71/2 cents

per minute long distance calling plan to a flat rate calling plan of 600 minutes per month for \$24.92 per month. The 600 minute threshold had only been met once in the last 12 months and the overage charge for being above the 600 minutes would have been less than the current per minute rate charges. Mr. Arsenault asked if Ms. Ferguson was confident in the change; Ms. Ferguson said that the carrier would remain the same in Frontier, only the rate plan would change.

RESOLUTION NO. 250

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes a change from the current 7.5 cents per minute long distance calling plan through carrier Frontier to a flat rate plan of \$24.95 for 600 minutes per month with charges for usage above the 600 minute per month threshold. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that the Town Board had received in their packets an Occupancy Tax funding request from the Gore Mt. Region-Town of Johnsburg Chamber of Commerce, in the amount of \$310.00 for advertising the Gore Mt. Region-Town in the Warren County events calendar. Supv. Thomas asked if, having received the Occupancy Tax request, the Town Board wished to act upon this request.

RESOLUTION NO. 251

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board approves the following Occupancy Tax funding request from the Gore Mt. Region-Town of Johnsburg Chamber of Commerce, in the amount of \$310.00 for advertising the Gore Mt. Region-Town in the Warren County events calendar. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas distributed a letter from the Warren County G.I.S. (Geographic Information System) Coordinator, Sheri Norton, explaining that an upgrade to the current G.I.S. program is available at a cost of \$2487.00. The major difference is an improved resolution in the view. Supv. Thomas said that Town Assessor, Ann Deppe, had told him that the difference in resolution would be of little benefit to the Town at the present time.

Supv. Thomas distributed the Supervisor's Monthly Report, for the month of August 2007, to the members of the Town of Johnsburg Town Board.

Supv. Thomas distributed the Monthly Report of the Zoning Enforcement Officer, Mr. Edward Tuttle, for the month of August 2007, to the members of the Town of Johnsburg Town Board. Town Attorney Jordan explained that the next step regarding the property involved in the letter from Mrs. Lois Montfort read earlier in the meeting would best be accomplished under the recently approved Local Land Use Plan. The Junk Ordinance deals more comprehensively with this issue than the current ordinance; there will be a need for the property owner to obtain a junk yard approval. Mrs. Montfort asked the time frame for the new Land Use Plan to become effective; Attorney Jordan explained that the Town Board had held a Public Hearing on and

approved the Local Land Use Plan. The Adirondack Park Agency is reviewing the final copy and following that review the Local Laws which are the Local Land Use Plan will be filed with the N.Y.S. Secretary of State which will result in them being enacted.

Supv. Thomas asked if the Town Board wished to act upon the letter read earlier in the meeting from Highway Supt. Curtis Richards requesting that the Town Board authorize the hiring of Mr. Jim Galusha to conduct an auction of surplus Highway equipment. Mr. Galusha will notify potential bidders and conduct the auction for a fee of \$500.00. The Town Board also acknowledged the need to have the Highway Garage door locks reset as the doors have recently been found unlocked upon arrival at the building after the doors having been previously locked upon leaving the facility. The Town Board acknowledged that the lock work will be done by a relative of a Highway Department employee.

RESOLUTION NO. 252

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board authorizes the hiring of Mr. Jim Galusha to conduct an auction of Highway Department Equipment previously declared surplus (Resolution Number 169-2007) as well as notifying potential bidders for a flat fee of \$500.00. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

PRIVILEGE OF THE FLOOR

Mr. Richard Armstrong asked where the ladder truck discussed earlier in the meeting would be housed; Supv. Thomas answered that it would be housed in an addition to the North Creek Fire House.

Mr. Frank Boos asked when the new Land Use Plan will be available to the Public; it is expected that the plan will become available at the end of September; it is currently available on the internet in substantially the form which was passed except for the technical amendments at johnsburgny.com.

Mrs. Kelda Nettle noted that the Ski Bowl Park Committee is hoping that more funding will be added to the Parks expense line for improvements and maintenance in the 2008 budget. Mrs. Nettle asked if there was some reticence about the movement of the Town Highway Garage; Supv. Thomas explained that the Town can move at its own discretion according to the terms of the Master Agreement and the movement is tied to a later portion of the Front Street project and paragraph #4 of the waiver agreement would leave the timing up to Front Street. Mrs. Nettle suggested that in other towns that part-time employees are not covered by health insurance and asked why it is done here; Supv. Thomas noted that this could be talked about during budget discussions.

Mr. Richard Armstrong asked if it would be necessary to move the Warren County Highway Garage as well; Supv. Thomas answered that probably would be necessary to move that garage as well. Mr. Robert Nettle suggested that there might be a downside to not moving forward with waiver agreement paragraph #4 at the present time; the property which is the first choice for the siting of the Highway Garage may not be available in the future but it could be purchased by Front Street at present. Town Attorney Jordan answered that there was nothing in paragraph #4 which binds Front Street to purchase property at the present time; it only obligates the Town to a future course of action. Mr. Joseph LaRocque asked if any of the nearby Towns

purchased sand from the Town of Johnsbury or if it was offered to them; Mr. Arsenault explained that it is costly to purchase sand and difficult to find another source and as a resource which is finite and saves the Town a great deal of expense it has not been offered to other Towns.

Ms. Andrea McKee, Chairman of the Ski Bowl Park Committee, informed the Town Board that the Ski Bowl Park Committee would like to apply for a grant from the Lower Adirondack Regional Arts Council (L.A.R.A.C.) to create a mosaic mural on the walls of the underpass beneath State Route 28 in an attempt to discourage vandalism. Ms. McKee stated that there is no local match, however, the application will require a letter of approval and support from the Town Board.

RESOLUTION NO. 253

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 sign a letter of approval and support for the application by the Friends of the Town Parks, Inc. for a Lower Adirondack Regional Arts Council (L.A.R.A.C.) grant to create a mosaic mural on the walls of the underpass beneath State Route 28 in an attempt to discourage vandalism. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Ms. Andrea McKee, Chairman of the Ski Bowl Park Committee, asked that the boulders which had been placed in the parking area near the Little League Field at the request of the Ski Bowl Park Committee be removed to facilitate plowing for O.R.D.A. this winter. The Ski Bowl Park Committee has established five picnic sites near the beach area and would like to move the barbeque grills from the Mill Creek Recreation Area to these picnic sites. Mr. Stevens agreed that this was a good idea. Supv. Thomas agreed to work on accomplishing these requests.

Ms. McKee asked that the Town Board give permission to remove the chain link fence in the Ski Bowl Park near the pavilions and the tot lot. The committee would like to replace the chain link fence with a split rail type fence. Security issues were raised such as the need to keep vehicles out of the park area and the electrical supply panels for the park are in that area. Mr. Goodspeed said that the issue needs further discussion; the Youth Commission may like the security of the fence for the Youth Program. Mr. Goodspeed added that as a parent he appreciates the security of knowing that his children were in a restricted area. Mr. Joel Beaudin agreed that as the fence provides security and defines the area it should not be removed without deliberation. Supv. Thomas asked that the Ski Bowl Park Committee look into the feasibility of establishing one-entry traffic into and out of the park with an aim toward removing the chain link fence and checking into whether this would impact other park users.

Mr. Robert Nettle noted that there has been only a small loss of water in the swimming area so far and that when the extra boards are removed in the near future more information will become available. Supv. Thomas noted that early next week Matt Olden, Parks Supt., planned to take out the boards as part of closing down the beach area for the season.

RESOLUTION NO. 254

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that the following certified bills which have been reviewed by the Board members be paid: General Fund- Warrant #17G/Claims #367-384; Highway Fund- Warrant

#17H/Claims #185-189; North Creek Water Dist.- Warrant #16W/Claims#73-74. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mrs. VanKeuren made a motion, with a second from Mr. Goodspeed to enter into executive session for the purpose of discussing a personnel issue regarding an employee at 8:55pm. 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. Arsenault to adjourn the executive session at 9:20pm. 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. Stevens with a second from Mr. Arsenault at 9:20pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0. Meeting Closed.

The next Regular Town Board meeting will be held at 7:00pm on September 20, 2007 at the Tannery Pond Community Center, North Creek, NY. There will be a Public Hearing on the sale of the following excess property: one (1) 181.53 acre parcel, Tax Map Number 133.-1-34, on Andrews Road which is on the easterly side of Goodman Road (known as the Schlie Property) beginning at 6:00pm at the Tannery Pond Community Center, North Creek, NY.

Prepared by William Rawson, Town Clerk