

**Minutes of the Town of Johnsbury Regular Board Meeting October 6, 2009
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, October 6, 2009 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 Arnold Stevens.

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

RESOLUTION NO. 183

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept the minutes of the September 22, 2009 regular Town Board meeting as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

RESOLUTION NO. 184

Mr. Arsenault presented the following resolution, and moved its passage with a second from Supv. Goodspeed, to accept the minutes of the October 5, 2009 special meeting to distribute the 2010 tentative budget to the Town Board as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

CORRESPONDENCE:

1. A letter from the Ski Bowl Park Advisory Committee suggesting the establishment of boundary lines for dumping of snow from Main Street near the swimming area in the park and urging caution in plowing in the park.
2. A letter from Mr. William Mosher requesting that the Town Board provide continued health insurance and extended medical leave during the recovery period following an operation.
3. A letter from Mr. Lewis John Monroe notifying the Town Board of the liquor license renewal application for the J. & J. Fox Lair Restaurant and Bar.
4. A letter from the Environmental Facilities Corporation informing the Town Board that the application for grant funding to install solar powered water distribution for the North Creek Water District was not selected for funding.
5. A note of thanks from the family of Hannah Jay to the Town Board for allowing the project to go forward which achieved her gold badge in Girl Scouting and an invitation to her award ceremony.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed informed the town Board that the Zoning Enforcement Officer (ZEO), Chris May was experiencing frustration that some excavators are not following the new code regarding septic systems. The ZEO will be sending a letter to all local excavators explaining the

code. Mr. Vanselow noted that this had been done when the septic ordinance was passed and that it was probably time for a refresher letter.

Supv. Goodspeed reminded the Town Board that there exists an opportunity for significant budgetary savings through the adoption of a high deductible health insurance. The funds can be managed either by the Town or by the insurance agent. Secretary Cherie Ferguson explained that agent representative Debbie Bell had calculated approximately fifty-four thousand dollars of savings compared to the current present health insurance plan. Mr. Arsenault asked if the funds carry forward; Sect. Ferguson replied that the funds can be handled that way if the Town Board wishes. Mr. Vanselow noted that the funds would then belong to the employee and be non-taxable if spent on medical bills; Sect. Ferguson agreed that this was correct. Mr. Vanselow asked if raising the employee contributions would increase the savings; the savings from this would be minor, about three thousand dollars. Mr. Vanselow asked if the Town or the agent handling the funds would affect the timing of the payment and impact the employees; Accounts Clerk Candace Lomax replied that the only difference would be a pre-tax savings to the employee. Supv. Goodspeed noted that the coverage seems to be similar to the current policy. Mr. Arsenault said that the change in the policy needs to be fully explained to the employees; Supv. Goodspeed asked Sect. Ferguson to arrange an educational meeting on the high deductible health insurance prior to the next Town Board meeting. Sect. Ferguson explained that by New York State law effective in 2010 that dependents of employees must be offered health insurance through the age of 29 if the dependent is not offered health insurance through their employment; the town has the option of allowing the dependent to obtain a policy as a dependent, at a cost to the Town, or on an individual policy at no cost to the Town. Supv. Goodspeed said that he planned that the Town Board would make a health insurance policy choice at the next meeting.

Supv. Goodspeed informed the Town Board that he had discussed sidewalk snow removal in North Creek with Mr. Mike Bowers; he tried to explain to Mr. Bowers that the situation is complicated by other hamlet sidewalks and the Warren County budget issues. Mr. Joel Beaudin was present for a portion of the discussion. Mr. Beaudin & Mr. Bowers explained that the North Creek Business Alliance has worked out a tour bus stop at the North Creek Railway Depot parking lot and therefore clear sidewalks are a necessity. Mr. Robert Nettle asked if Supv. Goodspeed was planning to talk to the taxpayers; Supv. Goodspeed replied that he was planning to discuss the issue with the North Creek Business Alliance and hoping to find a solution at the local level. Mr. Nettle suggested that he consider setting up a sidewalk taxing district as the sidewalk clearing should be paid for by those who benefit. Mrs. Madeleine Donohue said that there was also the problem of children walking to school. Mrs. Kelly Nettle asked how other Towns handle this problem; Mr. Stevens replied that there are few other local Towns with the number of hamlets as are in the Town of Johnsbury. Mrs. Nettle asked if property owners were responsible for clearing sidewalks in front of their property; Supv. Goodspeed said that they were, but added, that some owners were not residents. Mrs. Nettle suggested enforcing the rules and fining those who don't clear their sidewalks. Mr. Arsenault and Mr. Morehouse said that it is also a problem of where to put the snow from sidewalks. Accounts Clerk Candace Lomax asked if there were any other hamlets with county roads as a main street; Supv. Goodspeed said that there was a small number. Supv. Goodspeed said that he was going to suggest to the North Creek Business Alliance that they create a funding entity for sidewalk clearance. Mrs. Nettle said that there would be a few who did or paid for the work that needed to be done. Supv.

Goodspeed said that some members of the North Creek Business Alliance have said that this is a good use of Occupancy Tax funds. Mr. Peter Heid suggested that if the North Creek Business Alliance was made responsible that some property owners won't clear their sidewalks; Mr. Vanselow said that property owners need to be made aware of their responsibilities. Mr. Joseph LaRocque asked if a vote would take place to create a sidewalk taxing district; Supv. Goodspeed replied that a vote to create the district would be necessary. Mr. Peter Heid asked if the North Creek Business Alliance plan would include residential property; Supv. Goodspeed replied that it would not. Mr. Peter Heid said that this would not solve the problem; Supv. Goodspeed said not entirely.

Supv. Goodspeed explained that a letter was read at the previous meeting from Mrs. Ann Schiavone informing the Town Board that she was interested in continuing on that board when her term expired on September 30, 2009. Supv. Goodspeed noted that in an oversight that he had not asked if the Town Board wished to act upon her letter; he added that it has historically, been difficult to find members for that board. Supv. Goodspeed asked if they wished to act upon Mrs. Schiavone's letter.

RESOLUTION NO. 185

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow, to re-appoint Mrs. Ann F. Schiavone as a member of the Board of Assessment Review with a term to expire on September 30, 2014. 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 that at the previous meeting that Mr. Robert Nettle had presented a revised plan for a pipeline to supply water to the swimming area at the Ski Bowl Park. Supv. Goodspeed said that he had asked engineer Jim Hutchins for comment and his research was not completed yet and he had a question that needed an answer from the Dept. of Health. Mr. Arsenault asked if Engineer Hutchins understood that a decision was planned for this meeting; Supv. Goodspeed replied that he understood. Mr. Vanselow asked Mr. Nettle if he believed that his water line will be below the water level in order to add to the swimming area; Mr. Nettle replied that he was sure it would be. Mr. Peter Heid questioned that the estimated fill rate would replace the water loss; he noted that following the heavy rains of late summer the water level fell within three days. Mr. Nettle explained that he has been checking the water level in the swimming area for three years and that the level has never been as low as the level which was reported by Parks Supt. Matt Olden and he expects that the water line will supply sufficient water to keep the water level up. Mr. Vanselow voiced qualified support, saying that at the very least that the pipeline would add fresh water to the swimming area even if it did not supply enough water to keep the water level up. Supv. Goodspeed also offered qualified support noting the question of risk and liability and a question of how to insure the project; Supv. Goodspeed added that if this doesn't work, then maybe it is time to let the swimming area be a pond. Supv. Goodspeed added that according to the Beach Usage Report from the Parks Department that there were approximately 799 beach use visits between June 29 and September 6, 2009. Mr. Peter Heid asked if this was the attendance or the swimmers; Supv. Goodspeed said that this was the attendance. Supv. Goodspeed said that he appreciated the efforts of the Ski Bowl Park Committee and Mr. Nettle. Mr. Peter Heid asked about the equipment for the

pipeline; Supv. Goodspeed said that this needs to be worked out. Accounts Clerk Candace Lomax explained that according to New York State that the work needs to be covered by workers comprehensive insurance and the agent will not cover this project. Mr. Nettle complained that he had been volunteering his time and tools for years and that workers comprehensive insurance has never been discussed; he added that such issues as this will cause volunteerism to disappear. Mr. Peter Olesheski said that while there seem to be some details to be worked out that the project should move forward.

RESOLUTION NO. 186

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to allow the waterline project to supply water to move forward as explained in the plan presented to the Town Board at the September 22, 2009 meeting and with the insurance issues resolved. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

NEW BUSINESS

Supv. Goodspeed explained that as the Town board had only received the 2010 Tentative Budget yesterday that he expects that the budget will be discussed and moved to preliminary at the October 20, 2009 Town Board meeting; he added that this was a difficult budget year.

Supv. Goodspeed explained that the New York State Department of Environmental Conservation (DEC) has amended the open burning regulations resulting in the Town not being able to renew its municipal burning permit. The new regulations do not allow the transport of material only on-site burning would be allowed. It appears that residential brush burning will be allowed except from March 15 to May 15. Supv. Goodspeed explained that in light of the DEC regulations changes that the Town will no longer be able to accept brush and will only accept lumber as construction debris at that price rate. Mr. Vanselow said that this was a prime opportunity for a biomass plant to target a new source for raw materials.

Supv. Goodspeed asked if the Town Board wished to act upon the request from Mr. William Mosher for a leave of absence due to his upcoming hip operation; he added that historically, the Town Board has allowed such a leave for ninety days and have revisited the leave each ninety days. Supv. Goodspeed noted that as Mr. William Mosher is also the Town Animal Control Officer that this may impact that position as well and that Mr. William Mosher will be asked about that issue as well.

RESOLUTION NO. 187

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board will grant an extension of the leave of absence to Mr. William Mosher for ninety days through January 4, 2010 as requested, per the Highway contract. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Goodspeed, Vanselow) Nays – 0

Supv. Goodspeed informed the Town Board that Library Director Susan Schmidt wants permission to replace the exterior door next to her office with a metal door as the existing wooden door is rotten. Mr. Robert Nettle asked why the door is necessary; Mr. Vanselow said that the door provides egress in the case of a fire as the boiler room is between the office and the

other library exit doors. Mr. Peter Heid agreed that one should not have to go by a furnace room to exit during an emergency.

RESOLUTION NO. 188

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to allow the Library Board of Trustees to purchase a metal door with a window to replace the exterior door next to the office of the Library Director. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that the Town Board had received copies of proposed 2009 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. Supv. Goodspeed asked that the Town Board approve these amendments to the 2009 Town Budget.

RESOLUTION NO. 189

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

GENERAL FUND

Transfer between accounts

FROM:		TO:	
A 1990.4 Contingent	23277.00	A1420.4 Attorney	3000.00
		A1440.4 Engineer	5000.00
		A5010.4 Highway Superintendent	622.00
		A7110.4 Parks	8655.00
		A8090.1 Recycs	6000.00
TOTAL	23277.00		23277.00

Transfer within accounts

FROM:		TO:	
A7310.4 Youth	1041.00	A7310.1 Youth	
A8510.4 Cemeteries	155.00	A8510.1 Cemeteries	
A9055.8 Disability	50.00	A9061.8 Eye & Dent Reimbrs.	

Increase estimated Revenues	A510	Increase Appropriations	A960
Front Street Mt Devl. A2115.2	1000.00	FSMD Planning	A8020.41
State Aid A3889	13000.00	NCOC Generator	A8989.4

TOTAL 14000.00

HIGHWAY FUND

FROM:		TO:	
Snow Removal DA5142.1	59,000.00	Pers. Service DA5110.1	2,200.00
		Machinery DA5130.4	34,800.00

		Snow Removal DA5142.4	22,000.00
TOTAL	59,000.00		59,000.00
Increase estimated Revenues	DA510	Increase Appropriations	DA960
Consolidated State Aid DA3501	31,483.46	Cap Outlays DA5112.2	
FIRE			
Increase Appropriated Fund Balance	SF599	Increase Appropriations	SF960
SF3410.4	1712.00		
CAP PROJ.			
Increase estimated revenues	H510	Increase appropriations	H960
Butterfly/Memorial Garden H2705	491.00	H7110.21	

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 he had received a memo from the NYS Comptroller's Office that there will be a substantial increase in the payment to the Retirement System in 2011. The amount due from the Town of Johnsbury in 2010 is expected to be \$45,000.00 and in 2011 the Comptroller's Office is projecting that the Town will be charged \$92,000.00. Mr. Arsenault asked if there is a probability that the projection will stay at that level; Supv. Goodspeed replied that he hopes that it will prove to be a high estimate. Accounts Clerk Candace Lomax said that she would expect a reduction to approximately \$80,000.00 by 2011. Mr. Vanselow asked if increases in the stock market would lower the projection; Accounts Clerk Lomax replied that it could, but the Comptroller's Office moves slowly. Mr. Arsenault asked if there was any way to amortize this over more years as it is hard to plan a budget with this increase amounting to 5% of the total budget. Mr. Vanselow asked if these are worst case numbers; Supv. Goodspeed replied that he believed so. Supv. Goodspeed noted that NYS is passing on many of its costs; Warren County was recently notified that NYS will not reimburse for the Food Stamp Program as it has in the past. Supv. Goodspeed said that the Town Board needs to be careful with requests for funding and added that there is no certainty in long range planning. Mr. Arsenault asked if the money would be refunded if the fund becomes fully funded; Supv. Goodspeed replied that he did not believe so and added that there seemed to be little which can be done to override the Comptroller's Office decision on the amount necessary to fund the Retirement Fund; he added that the projected payment for Warren County is very large. Supv. Goodspeed said that the memo also noted that the recent audit by the Comptroller's Office was closed and included a thank you for assistance by the town personnel.

Supv. Goodspeed reported that he had received a request from the North Creek Business Alliance for a closure of Main Street during the Oktoberfest Celebration on Saturday, October 10, from 4:00pm through 8:00pm. Following discussions with the Warren County Sheriff it was determined that the Town Board could pass a resolution to allow a portion of Main Street to be closed during the celebration. Supv. Goodspeed explained that traffic would be routed through

the Grand Union parking area for the closure period. Supv. Goodspeed asked if the Town Board wished to allow this closure to take place.

RESOLUTION NO. 190

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Arsenault, to allow a portion of Main Street in North Creek, to be closed during the Oktoberfest Celebration on Saturday, October 10, from 4:00pm through 8:00pm with traffic being routed through the Grand Union parking area for the closure period. 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 he has received a notice of a fine for not having all required safety equipment out for use at the Ski Bowl Park Beach; according to the notice at the time of inspection the lifeguard had not brought all required safety equipment out of the overnight storage. The lifeguard had signed that he had done as the inspector had witnessed. Supv. Goodspeed noted that the fine if uncontested would be \$200.00 and if contested and lost would be \$2000.00. As the lifeguard had admitted to the oversight a defense would probably not be successful; Supv. Goodspeed suggested that the Town Board agree to pay the \$200.00 fine.

RESOLUTION NO. 191

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow that the Town Board agrees to not contest the fine and authorizes payment of the fine in the amount of \$200.00 With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Morehouse, Stevens, Vanselow, Goodspeed) Nays – 1 (Arsenault)

Supv. Goodspeed reminded the Town Board that the 2009 annual Beach Report from Parks Supt. Matt Olden was in their packets and that he had referred to it earlier during the discussion of the pipeline trenching project.

Supv. Goodspeed explained that the Supervisor's Monthly Report, for the month of September 2009, is in the Town Board members' packets.

Supv. Goodspeed informed the Town Board that the Zoning Enforcement Officer's Monthly Report for the month of September 2009, is in their packets; he added that ZEO Chris May is working on county issues and ways to strengthen county enforcement.

Supv. Goodspeed informed the Town Board that some legally ask able questions could be added to the Town employment application; initially the question to be added is to ask if the applicant has any convictions either felony or misdemeanor. Mr. Vanselow asked why the Town would want to ask these questions in the application and if a misdemeanor drug conviction would preclude employment.

RESOLUTION NO. 192

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Morehouse that the Town Board authorizes the modification of the Town of Johnsburg employment application to include a question asking if the applicant has any convictions either felony or misdemeanor. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays – 1 (Vanselow)

PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle informed the Town Board that she had spoken with the insurance provider and was informed that NYMIR would the activity dock at no additional charge if the trampoline was removed or if the Town would file an exclusionary policy on the trampoline and an annual addition of \$1000.00 if the trampoline was included. Mrs. Nettle added that she was seeking, as Ski Bowl Park grant liaison, direction on the bids accepted by the Town Board on August 18, 2009 relating to the Ski Bowl Park grant. Supv. Goodspeed said that as a result of purchases that cash will necessitate moving forward slowly and will involve the 2010 budget. Mrs. Nettle asked if there were any fees due from developers. Supv. Goodspeed replied that it appears that the fees are paid on a per unit basis and only two units are involved in the current phase; it appears that any fees will be paid about a year down the road. Mr. Vanselow noted that in a discussion with Front Street Mountain Development attorney, Dan Smith, that the developer is holding back the trail parcels swap until the Town releases Parcel C. Supv. Goodspeed said that he was not sure of Dan Smith's argument; according to Town Attorney Jordan, Front Street Mountain Development needs to begin de-mapping in order to move forward. Supv. Goodspeed added that Mr. David Crikelair said that he had a downstate attorney for contact and then stated he has no attorney and will act in that capacity himself; it appears that Front Street Mountain Development currently has no legal or engineering representation. Supv. Goodspeed said that he was uncomfortable with the loss of control that the Town will have following a change in the Master Agreement to move the Highway garage and suggests that Front Street Mountain Development make a cash offer on the property. Mrs. Nettle asked about the \$200,000.00 payment to the Town; Supv. Goodspeed replied that this was due at build out and that at present the project seems to be stalled.

Mrs. Madeline Donohue asked if there has been any progress on an animal ordinance regarding cat control; Supv. Goodspeed replied that the Town attorney has not yet put together an ordinance. Mrs. Donohue said that her patience is ending and that she is angry at the inaction; she contends that this is a health issue, that the issue is very clear and that the Town needs to put a law in place quickly. Supv. Goodspeed said that he still is not sure of a having a clear picture of whose responsibility for enforcement on this issue, but in an emergency that the Sheriff should be contacted. Supv. Goodspeed said that the Animal Control Officer does not have the authority to deal with cats; Mr. Vanselow added that NYS Agriculture and Markets law does not allow cat control. Mr. Peter Heid said that it appears to be a dog control officer and that to be able to handle cats that he would need to be a member of the SPCA or a peace officer. Mrs. Donohue said that this should not be the job of a peace officer; Mr. Vanselow said that under the law that it was the only option. Supv. Goodspeed explained a Sheriff Deputy could look at the photos and speak to the neighbor about the cats; if the neighbor denied ownership the cats could be removed. Mr. Robert Nettle asked about the Town Board acting as a Board of Health regarding this issue; Supv. Goodspeed replied that the possibility exists, but conditions need to be extreme. Accounts Clerk Candace Lomax suggested that the Town Board can't just change a job title such as Animal Control Officer; Supv. Goodspeed agreed and added that a new position should be created if possible. Mr. Stevens wondered when the title was changed to Animal Control Officer. Mrs. Kelly Nettle asked how hard it would be to become a member of the SPCA; Supv. Goodspeed said the he believed that it would be a trained member. Mr. Peter Heid said that Supv. Goodspeed was correct; Mr. Vanselow added that there are many regulations.

RESOLUTION NO. 193

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #19G/Claims #369-384; Highway Fund- Warrant #19H/Claims #196-202; North Creek Water Dist. - Warrant #19W/Claims#74-76; Capital Project Funds- Warrant #9CPF/Claims #14-17. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

A motion to adjourn the meeting was presented by Mr. Arsenault with a second from Mr. Stevens at 8:50pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on October 20, 2009 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk