

**Minutes of the Town of Johnsborg Regular Board Meeting May 5, 2009  
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsborg held on Tuesday, May 5, 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 Eugene Arsenault

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

Guests: On attached list

**RESOLUTION NO. 94**

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept the minutes of the April 21, 2009 regular Town Board meeting as written. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Morehouse, Goodspeed) Nays – 0

**CORRESPONDENCE:**

1. A letter from Mrs. Judith Brown, asking the Town Board to authorize the purchase of 5 sections of split rail fence for the Ski Bowl Park garden at a cost of \$300.00 and further, to authorize the assistance from the Highway Department in the moving of some trees into that area, as well.
2. A letter from the North Warren Chamber of Commerce requesting that the Town Board spend \$3000.00 in Occupancy Tax funds to support a Community Map project.
3. A letter from Ms. Kit LaBombard, president of the White Water Manor Tenant Association asking the Town Board that a truckload of topsoil be donated to the association to beautify the area in front of the White Water Manor.

**COMMITTEE REPORTS:**

Mr. Arsenault (Fire Committee) explained that he had attended a Chiefs and Officers meeting last week. The group wanted to ask about the 2010 Town Budget for Fire Protection; he replied that any such discussion would be premature. Supv. Goodspeed explained that had met with the North Creek Fire District to discuss budget responsibilities and business issues.

**OLD BUSINESS:**

Supv. Goodspeed noted that Mr. James Suozzo, President of Delaware Operations, was present to discuss issues related to the North Creek Water District. Supv. Goodspeed reminded the Town Board members that the New York State Department of Transportation (DOT) had written a letter requesting that the Town Board waive the application and hook up fees to connect to the North Creek Water District at the DOT salt storage site off Peaceful Valley Road with a flushing hydrant as the hydrant would benefit the water district. Mr. Suozzo suggested that the Town Board waive the fees; in support of this suggestion he noted that the North Creek Water District frequently works in the DOT right of way and that the DOT has allowed all requested and even allowed the water district to borrow signage and lights. The DOT has agreed to install, at their cost, a larger flushing hydrant than they need to allow the water district to flush water and increase the effectiveness of the chlorine in that portion of the system. Mr. Suozzo noted

that water usage was down and that all Department of Health water flow quotas were being met; this was due in part to the work of technician Charles Rawson who has repaired several leaking services and an overflow on a storage tank. Mr. Suozzo praised Mr. Rawson's work on the system. Mr. Stevens said that he believed that there was sufficient justification for the waiving of the fees to the DOT.

#### RESOLUTION NO. 95

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to agree to the request from the New York State Department of Transportation (DOT) to waive the application and hook up fees to connect to the North Creek Water District at the DOT salt storage site off Peaceful Valley Road with a flushing hydrant as the hydrant would benefit the North Creek Water District. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Morehouse, Goodspeed) Nays – 0

In a related North Creek Water District issue Supv. Goodspeed asked Mr. Suozzo to discuss applying for a grant to place solar panels on the Highway Department garage to power water district Well Number 4. Mr. Suozzo explained that the federal government has earmarked approximately 35 million dollars for funding smaller communities in the addition of alternative (solar) power to their energy solutions. Delaware Operations has previously handled such a solar powered system and would submit the grant application; the grant would fund approximately 90% of the project. Mr. Suozzo said that Delaware Operations would bill and remit administrative fees which together with the Town of Johnsbury office oversight would make up the grant match at no additional cash outlay to the Town. Mr. Suozzo explained that the system would power Well #4 and produce approximately 6 to 8 hours per week of additional electricity to help power the Highway garage. There is reason for acting quickly as the application and supporting documentation need to be filed by May 29. Mr. Suozzo will return at the May 19 Town Board meeting and it is expected that the Town Board will perform the necessary actions to file the application.

Supv. Goodspeed informed the Town Board that Parks and Buildings Supt. Matt Olden had been injured at work last week; he will return to supervisory and light duty work later this week. Supv. Goodspeed explained to the Town Board that, normally, at this time of year there would be two additional hires for the Parks Department for mowing; however, Highway Supt. Daniel Hitchcock is willing to move two employees to the Parks Department, if they would be available to him in the case of an emergency. Highway Supt. Hitchcock is considering leaving the laborer position of Mr. Eugene Dunkley open and bringing in one of the Parks summer hires on a call-in basis for the winter. Overall these personnel changes would save approximately 3% of the Town Budget. Mr. Arsenault asked if the call-in employee would receive benefits; Accounts Clerk Candace Lomax replied that the employee would receive only wages and this would be no different from his summer work for the Parks had been. Secretary Cherie Ferguson asked if this would save money in the General Fund as the Highway employees are paid at a higher rate than the Parks employees; Supv. Goodspeed replied that the employees would be paid from the Highway fund. Mr. Paul Heid asked if the employee will lose anything; Supv. Goodspeed replied that there were no losses for the employee.

#### RESOLUTION NO. 96

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the restructure plan to replace two (2) summer hire Parks Department

employees with two (2) Highway Department employees, which can be available to the Highway Department under emergency conditions, and with the employees being paid from the Highway Fund; and further, not fill the vacant laborer position in the Highway Department and hire one of the summer hire Parks Department employees on an on-call basis at Highway Department rates during winter months in order to effect a cost savings to the taxpayers. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Morehouse, Goodspeed) Nays – 0

Supv. Goodspeed asked Secretary Cherie Ferguson to give the Town Board an update on the Boy Scouts Camporee of the Wakpominee District, taking place at the Ski Bowl Park on May 8 through May 10. Secretary Ferguson noted that 250 to 300 people are expected and that there will be several programs in which the scouts can earn merit badges. Also, there will be a ceremony conducted with the American Legion to retire old and damaged flags by burning them.

Supv. Goodspeed informed the Town Board that progress is being made regarding the Cell Tower site location and construction. Independent Tower, LLC, the company now working on the project does not believe that the site near the transfer station should be the preferred site and no preferred site is municipally owned. Three privately owned sites are preferable; there would be no need to de-map as with the transfer station site. Mr. Morehouse asked if the school site had been looked at; Supv. Goodspeed replied that it had been looked and had blocking terrain. Mr. Paul Heid asked if sites in adjacent municipalities had been looked at; Supv. Goodspeed replied that they had and also other hamlets in the Town of Johnsburg. Supv. Goodspeed said that the fastest time for a cell tower in the Adirondack Park to progress from planning to building was about six months.

Supv. Goodspeed informed the Town Board that the ORDA Board is now scheduled to hold a meeting on May 8, and the Interconnect is on the agenda. Supv. Goodspeed added that a large group of attendees from the area is expected; the attendees will not be allowed to speak at the meeting. Supv. Goodspeed believes that there is a very good chance that the Interconnect project will be approved at this meeting. Mr. Paul Heid asked what will become of the hardware (lift) already purchased if the Interconnect is not approved; will the lift be installed elsewhere at the Gore Mt. Site. Supv. Goodspeed said that the grantor, Sen. Little has said that it will not be used elsewhere by ORDA. Mrs. Kelly Nettle said that she hoped that the presentation would be better done at this meeting with a better display of numbers; Supv. Goodspeed replied that he expected a good presentation by the Gore Mt. personnel. Mr. Joseph LaRocque asked if there had been any further discussions with Front Street; Supv. Goodspeed replied that he believed that the funding/donation request would be done away with. Supv. Goodspeed added that he expects the Front Street project to break ground soon; possibly this month.

Supv. Goodspeed informed the Town Board that Front Street Mountain Development wants to move forward with Waiver Agreement #2 to the Master Agreement which involves the ski trail parcels for the Interconnect. It appears that this agreement would trigger the land swap involving the Parcel A property and the Ski Bowl Park building rights in exchange for ski trail property from Front Street Mt. Development; Supv. Goodspeed added that in a recent conversation with Mr. Mac Crikelair of Front Street Mt. Development, he was informed that Front Street does not believe that Parcel A was or is parkland. Supv. Goodspeed said that both he and Town Attorney Jordan believe that Parcel A is parkland and thus needs to be de-mapped; Supv. Goodspeed asked Town Attorney Jordan to research this matter further.

Supv. Goodspeed informed the Town Board that Highway Supt. Daniel Hitchcock had received confirmation that the CHIPS funding would be \$181, 400.00 and the amount is \$5.00 lower than the 2008 amount.

Supv. Goodspeed announced that the Adirondack Park Agency has provided process flow charts for the Local Land Use Plan in regard to the subdivision process. The charts are for discussion and review purposes only as they have not been fully approved by the APA.

Supv. Goodspeed informed the Town Board that there are significant problems with the Warren County Budget for 2010. As it stands, the Warren County budget would increase tax levies by 16.9% and many of the items which were cut in 2009 cannot be cut again. Also, New York State has been very slow in remitting payments due to Warren County and has threatened to lower some payments in 2010. Supv. Goodspeed expected serious discussions at a Finance Committee meeting tomorrow; layoffs, possibly as many as 150, may be discussed. Mr. Peter Heid asked if there will be an audit of the funds spent on the train stations in Thurman and Stony Creek; Supv. Goodspeed replied that many expenses were related to environmental impact assessments due to the closeness to the Hudson River and added that if the project had been stopped it would have become necessary that \$2 million dollars be repaid to the federal government. Mr. Peter Heid said that the \$1.37 million dollars spent was very near the \$2 million dollars; Supv. Goodspeed replied that the total Warren County outlay over 15 years is actually just over \$600 thousand dollars and that Gov. Spitzer remanded the matching funds which were committed by Gov. Pataki. Mr. Paul Heid and Mr. Peter Heid both noted that this was all ultimately taxpayer money and that the taxpayers did not get their money's worth; Supv. Goodspeed agreed, but added, that spread throughout the state that the per taxpayer portion is less than when limited to Warren County taxpayers. Supv. Goodspeed added that this was not a great project and the county would not begin at the present time. Mr. Peter Heid said that passenger railways historically have not been self funding; Supv. Goodspeed replied that there was a RFP (Request for Proposal) out to determine additional revenue sources.

#### NEW BUSINESS

Supv. Goodspeed informed the Town Board that he had discussed the letter from Mrs. Judith Brown requesting assistance from Highway department with Highway Supt. Hitchcock. Supt. Hitchcock was willing to provide the assistance requested for the project and expected to be able to move the trees on next Wednesday morning. Supv. Goodspeed said that he believed that the Town could purchase the split rail fencing requested for the beautification of the Ski Bowl Park area near the fountain, at the entrance to the park.

#### RESOLUTION NO. 97

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board of the Town of Johnsbury authorizes Highway Supt. Hitchcock to assist Mrs. Judith Brown in the movement of trees in the Ski Bowl Park; and further, that the Town Board authorizes the purchase of 5 sections of split rail fence at a cost of approximately \$50.00 per section with funds from the beautification line of the 2009 Town budget with reimbursement from Occupancy Tax funds. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Morehouse, Goodspeed) Nays – 0

In a related issue Supv. Goodspeed informed the Town Board and the audience that ORDA has begun the upgrades to the enclosed (red) pavilion at the Ski Bowl Park

Supv. Goodspeed asked that the Town Board retroactively approve payment of the Gore Mt. Region-Town of Johnsbury Chamber of Commerce 2<sup>nd</sup> installment of 2008 funding which the Chamber had inadvertently failed to request payment for in 2008. The Chamber had performed the promotional work for the Town and was entitled to the payment.

#### RESOLUTION NO. 98

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 retroactive payment of the 2<sup>nd</sup> installment of 2008 funding to the Gore Mt. Region-Town of Johnsbury Chamber of Commerce which the Chamber had inadvertently failed to request payment for during 2008. Gore Mt. Region-Town of Johnsbury Chamber of Commerce; the payment is for promotional activities on behalf of the Town in 2008 and reimbursement from Occupancy Tax funds will be sought for this item. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Morehouse, Goodspeed) Nays – 0

Supv. Goodspeed informed the Town Board that a question had arisen regarding Town personnel responding to fire calls during work hours; some employees with accumulated benefit time have been using their hours to cover time spent on emergency calls, while other newer hires without such accumulated time have lost pay in order to respond to emergency calls. Supv. Goodspeed explained that Warren County allows emergency responders some hours each year to lessen the personal impact on those volunteering their time to the benefit of those in need. Supv. Goodspeed proposed modeling a policy on that of Warren County; he suggested allowing 20 hours per year of time to employees responding to emergency calls prior to having to use accrued benefit time. Mr. Arsenault asked if this was a contract issue; Supv. Goodspeed replied that it could be addressed in the new contract as well. Mrs. Kelly Nettle asked if this would apply to all Town employees; Supv. Goodspeed replied that it would. Secretary Cherie Ferguson suggested an amendment to the Employee Handbook. Town Attorney Jordan said that the employee's supervisor needs to have the ability to veto any request to leave the job in the interest of Town needs. Supv. Goodspeed asked Town Attorney Jordan to review the Warren County policy and have a policy drawn up for Town Board review.

Supv. Goodspeed explained that the Town had received an offer from Mrs. Amy Cleveland volunteering to paint the white walls and floors at the Sodom (Scout Hall) Community Building in thanks for the Town Board continuing to allow its use by the public for family gatherings. The Town Board was pleased with and accepted the offer.

Supv. Goodspeed asked the Town Board for comment or action on the North Warren Chamber of Commerce request for Occupancy Tax funds in the amount of \$3000.00 in support a mapping project involving communities along the Hudson River celebrating the 400<sup>th</sup> anniversary of the river; he added that this sounded like a great project and noted that the North Warren Chamber Of Commerce had indicated that the project would be carried through with or without the requested funding. Mr. Arsenault asked if this wasn't more of a county project considering the scope of the project; he added that it was also out of the cycle for Occupancy Tax fund requests. Mr. Morehouse agreed that it was out of cycle and by-passing the Occupancy Tax Committee which reviews such requests. Supv. Goodspeed suggested exploring the Riverfront Corridor grant for funding. Mr. Stevens noting the lack of support of the Gore Mt. Region-Town of Johnsbury Chamber Of Commerce branding project suggested partial funding. Supv.

Goodspeed said that he was not hearing overwhelming support from the Town Board and suggested some additional review.

Supv. Goodspeed asked the Town Board if they wished to consider the request, read earlier, from the White Water Manor Tenant Association asking the Town Board that a truckload of topsoil be donated to the association to beautify the area in front of the White Water Manor. It was determined that there was some topsoil available from the Comlinks project which had been stockpiled on the Sweet property (Great Eastern Lumber Co.) on Peaceful Valley Road. The topsoil would need to be sifted and delivered. The Town Board suggested the use of this supply.

Supv. Goodspeed noted that the Town Board had received copies of proposed 2009 Budget amendments in their packets; the amendments involve transfers between accounts, an increase in appropriations regarding Occupancy Tax funds and a small increase to the capital project fund for the Butterfly/Memorial Garden. Supv. Goodspeed asked that the Town Board approve these amendments to the 2009 Town Budget.

**RESOLUTION NO. 99**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsburg authorizes the following amendments to the 2009 Town Budget:

**GENERAL FUND**

Transfer between accounts:

From:			To:	
A1910.4	Insurance	5,863.00	Pers Services	A1430.1

To balance accounts.

Change account number A7978.41 Ski, Skate & Tube to A7989.41

Increase appropriated fund balance	A599	Increase appropriations	A960
A6410.42	Occupancy Tax	10,000.00	

**CAP. PROJ. FUND**

Increase appropriated fund balance	H599	Increase appropriation	H960
H71110.21	Butterfly/Memorial Garden	25.00	

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Morehouse, Goodspeed) Nays – 0

Supv. Goodspeed explained that due to an error the monthly report of the Zoning Enforcement Officer, Mr. Edward Tuttle, for the month of April 2009, was not in the members' packets, but was available at Town Hall.

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of April 2009, to the members of the Town of Johnsbury Town Board.

#### PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle, Ski Bowl Park Project Grant Coordinator, asked that the Town Board reaffirm the acceptance of the quote from Vt. Tennis Court Surfacing in the amount of \$11, 500.00 for the resurfacing of the Town basketball and tennis courts at the Ski Bowl Park. The quote was the lowest of three quotes obtained by Mr. Joel Beaudin, the Project Grant Coordinator at that time. The acceptance of this quote was authorized by the Town Board in Resolution 118 of 2008 during the July 1 regular Town Board meeting. Town Attorney Jordan said that the 2008 resolution was sufficient; he added that a resolution authorizing the Town Supervisor to execute any necessary paperwork now that the grant contract has been signed would be appropriate.

#### RESOLUTION NO. 100

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 Town Supervisor to sign any necessary paperwork associated with the execution of a contract with Vt. Tennis Court Surfacing in the amount of \$11, 500.00 for the resurfacing of the Town basketball and tennis courts at the Ski Bowl Park, now that the appropriate contract has been received from the granting agency. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Morehouse, Goodspeed) Nays – 0

Mr. Mark Bergman said that in the event that solar panels were installed to power Well #4, he believed that it would be more appropriate to resale any overage to National Grid with the proceeds going to the North Creek Water District. Accounts Clerk Candace Lomax replied that the use of electricity to power the Highway Garage would be compensation for locating the panels on that building. Supv. Goodspeed asked for a general overview on the water district budget; Accounts Clerk Lomax replied that it was in good shape; however, the age of the system is a liability. Mr. Robert Nettle noted that he was concerned about the separation of the water district budget from the general funds; he asked who will own and maintain the solar panels. Supv. Goodspeed explained that they would be owned and maintained by the North Creek Water District. Mr. Paul Heid agreed that it makes sense to keep the money in the water district; he suggested possibly adding solar panels to other town buildings.

Mrs. Barbara Thomas said that the cell tower would be an important addition to the farmer's market as it will allow the vendors to accept food stamps; Supv. Goodspeed replied that he wants the cell tower project to move as soon as possible. Supv. Goodspeed asked Mrs. Thomas when the farmer market is expected to begin operations; she replied that a June 11 opening is planned.

Mrs. Kelly Nettle informed the Town Board that she will be meeting in town, next week with Catherine Jepson from the New York State Office of Parks, Recreation and Historic Preservation, the administrator for the Ski Bowl Park grant. Supv. Goodspeed noted that earlier in the week he had met with Jamie White and Jessica Henderson administrators of the grant for the small lift installed at the Ski Bowl Park.

Mr. Paul Heid said that the Warren County fiscal position is short-sighted, spending too much on projects and buildings seemingly with a great deal of waste. Supv. Goodspeed said that the Warren County Board had looked at the Basketville property as a site for the tourism department at a cost of two million dollars; he added that he does not expect this purchase to occur. Supv. Goodspeed said that the reforms to the Rockefeller Drug laws will allow a convict to be housed

for two years in county jail instead of only up to one year. This will increase the number of inmates in the county jail, which is already near capacity, and lower the number in state custody; another case of the state passing costs down to the counties.

Mr. Paul Heid said that the fire companies need to have an annual contract in place with the Town in order to receive funds, but he understands that the emergency squad does not have a current contract and asked why this is so. Supv. Goodspeed replied that this is mostly his fault; as a result of some small items he has not finalized the wording of the contract.

Mr. Peter Heid informed the Town Board of a possible liability issue regarding the Highway Department. Mr. Peter Heid presented the Town Board with photographs depicting a vehicle working on Coulter Road without any visible signage; he added that when he contacted Highway Supt. Hitchcock that he was accused of putting the rocks into the road; Mr. Heid denied this accusation and suggested that the Highway Supt. had lied to protect the driver, William Mosher. Mr. Paul Heid said that the law requires that signage be set up prior to working on roads; he added that this is an ongoing issue and suggested that the lack of signage might negate insurance coverage. Supv. Goodspeed said that he had spoken with Highway Supt. Hitchcock and the officer who had investigated the complaint. The officer said that it was a judgment call as William Mosher was one or two miles in on the road; he did issue a reprimand and a request to sign. Highway Supt. Hitchcock said that the truck did not have signs and it did not seem reasonable to have Mr. Mosher return to North Creek to pick up signs; he added that the Town has a very limited supply of signs. Supv. Goodspeed suggested that it would be a good plan to purchase more signs to allow for covering more maintenance projects.

Mr. Joseph LaRocque asked where Warren County was performing bridge work on Peaceful Valley Road; Supv. Goodspeed replied that it was approximately 4 miles out from North Creek on the bridge over Baker Brook near the home of Frank (Dick) Galusha. Supv. Goodspeed added that the work is expected to last between 6 to 8 weeks and that the fire departments and the emergency squad are worried about response times created by detouring.

#### RESOLUTION NO. 101

Mr. Stevens 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 #9G/Claims #174-191; Highway Fund- Warrant #9H/Claims #83-89; North Creek Water Dist. - Warrant #9W/Claims#35-37. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Morehouse, Goodspeed) Nays – 0

A motion to adjourn the meeting was presented by Mr. Arsenault with a second from Mr. Stevens at 8:55pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Morehouse, Goodspeed) Nays – 0

The next regular Town Board meeting will be held at 7:00pm on May 19, 2009 at the Town Hall (Library), North Creek, NY. There will be an executive session for the purpose of interviewing candidates for the position of Zoning Enforcement Officer beginning at 6:00pm.

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Prepared by William Rawson, Town Clerk