

**Minutes of the Town of Johnsbury Regular Board Meeting August 4, 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, August 4, 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. 140**

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the July 21, 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

**CORRESPONDENCE:**

1. Copy of the liquor license renewal application of Black Mountain Resort, Inc. to serve as notification to the Town Board and a request from Black Mountain Resort, Inc. for a waiver of the thirty day notification period.
2. Copy of the liquor license renewal of Rene and Shirley Michon for the Dillon Hill Trading Post to serve as notification to the Town Board.
3. A letter from Animal Control Officer William Mosher in response to the letter from Supv. Goodspeed authorized by the Town Board at the July 21, 2009 meeting.
4. A letter from Mr. Paul Fracchia, requesting that the Town Board allow him the use of the Wevertown Community Building for the purpose of conducting a karate class on Monday and Wednesday afternoons between 3:00pm and 5:00pm through March 24, 2010.
5. Two Agreements to Spend Highway Funds (284) submitted by Highway Superintendent Daniel Hitchcock for the purpose of amending the previous 284 filed January 20, 2009.

Supervisor Goodspeed asked if the Town Board wished to waive the time period for a liquor license for Black Mountain Resort, Inc. and authorize the issuance of a letter to waive the time period for a liquor license application.

**RESOLUTION NO. 141**

Mr. Arsenault presented the following resolution, with a second from Mr. Vanselow, to authorize the issuance of a letter to waive the thirty day time period for a license application for Black Mountain Resort, Inc. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked if the Town Board wished to accept and approve the amending Agreements to Expend Town Highway Funds received from Highway Supt. Daniel Hitchcock involving Hudson Street signage and culvert replacements on Garnet Lake Road and Antler Lake

Road; and the amendment of naming the Peter Parker property as being on Garnet Lake Road and intersecting at the Cross Road.

#### RESOLUTION NO. 142

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to approve of the Agreements to Expend Town Highway Funds: the first agreement involving Hudson Street signage and culvert replacements on Garnet Lake Road and Antler Lake Road; and the second agreement involving the amendment of naming the Peter Parker property as being on Garnet Lake Road and intersecting at the Cross Road. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

#### COMMITTEE REPORTS:

#### OLD BUSINESS:

Supv. Goodspeed reminded the Town Board that at the meeting of July 21 a town resident had asked that the Town Board assist her in having Animal Control Officer (ACO) William Mosher return her telephone calls regarding feral cats. Supv. Goodspeed, at the behest of the Town Board, sent a letter to ACO Mosher ordering him to contact the resident and to report to the Town Board. Both Mr. Vanselow and Supv. Goodspeed have discussed the cat issue with Town Attorney Jordan. Town Attorney Jordan has said that the Town Board can appoint the Animal Control Officer and set his duties; the Town can also create laws and ordinances as long as they are more restrictive than state laws. Attorney Jordan said that the wording of the job description needed to be tightened up and that he would provide a rough draft for a job description and a law regarding cats to authorize the ACO to deal with cats. ACO Mosher said that there are no state or local laws to authorize him to become involved with cats; he added that the Town could be held liable for any pet which was caught and destroyed. ACO Mosher also said that any cat caught would need to be held for a minimum of five days and that the term could go up to ten if anyone is bitten or scratched. Mr. Vanselow agreed that the Town Board has not authorized ACO Mosher to deal with cats and the Town could assume a liability if the ACO was authorized to deal with cats. Supv. Goodspeed explained to Madelyn Donohue that under the current law that the Town could not assist her at this time; however, he expected the Town Board to act upon this issue as soon as possible. ACO Mosher said that Warren County has in the past trapped cats in North Creek; he added that the Town of Chester has a policy regarding cats. Mr. Arsenault asked if the problem with cats was bigger or smaller than dogs. ACO Mosher replied that the state requires dogs to be licensed; there is no such requirement with cats and the problem is larger. Mr. Arsenault asked about Warren County for possible assistance; ACO Mosher replied that Warren County has offered to lend traps, but does not want to go further. Mr. Arsenault asked that Supv. Goodspeed try to push for a county response; Supv. Goodspeed replied that he would and that he would also pursue a local policy or law as well. Mr. Stevens suggested that the Town supply traps to residents with cat issues and then the ACO collects the cats. ACO Mosher said that the Town would still have the liability for the cats. Mr. Vanselow asked if the SPCA would respond to Madelyn Donohue; she replied that they have no space. Mrs. Kelly Nessle suggested that the state representatives be contacted to work on the issue at that level.

Supv. Goodspeed informed the Town Board that the Interconnect ski Trail had been about 80% cut and should be finished in the next few days; cutting will the start on the Ridge Trail and then move to the Oak Ridge Trail. Supv. Goodspeed added that the cutting is moving quickly at present.

Supv. Goodspeed informed the Town Board that Front Street Mountain Development has broken ground; he added that there are three issues involved with the ground breaking. The first issue involves a parcel line which goes through a building; this results from several parcels not yet being joined and has been made to consolidate the parcels which will rectify the problem. The second issue is that the gatehouse is too close to the adjoining property line; Front Street Mountain Development is seeking a variance from the Zoning Board of Appeals, if granted the variance will solve this issue. The third issue is that a portion of the access road which is being built is on Town property. Supv. Goodspeed noted that the road is in an area which the Town would prefer it too be constructed; Front Street Mountain Development has a deeded right of way through Town property in a different spot which is much nearer to the area used by the Summer Youth Program and is less favored by the Town. Supv. Goodspeed has requested that the Town Attorney work up an agreement between the Town and Front Street Mountain Development to move the right of way to the site of the existing road and in return that Front Street Mountain Development will give up all claims to the other right of way. Supv. Goodspeed noted that these were inadvertent oversights and were noticed by the new Zoning Enforcement Officer, Christopher May. Mr. Stevens asked how many more inadvertent oversights that the Town will have to suffer before getting upset and that at some point it could be a major issue; Supv. Goodspeed replied that it was missed on both sides and that the Town should be encouraged that the ZEO caught it so quickly. Supv. Goodspeed noted that upon a reading of the North Creek Water District regulations and fee schedule that it appeared that while there is no fee for the first hook-up that there is a fee of \$2000.00 for each take off from the district water main and that Front Street Mountain Development is responsible for the installation under North Creek Water District supervision at a cost of a \$200.00 inspection fee. Supv. Goodspeed added that the \$2000.00 take off fee may be a per unit fee, not a per building fee.

Supv. Goodspeed informed the Town Board the Delaware Operations had delivered a pump to the Town for the purpose of experimenting to raise the water level in the swimming area. Parks Supt. Matt Olden has used the pump about one or one and a half days and is keeping a log of the height of the swimming area. Due to the large amounts of rain, it has been hard to determine if the water level rise is a result of pumping or rainfall; Parks Supt. Olden checks the stake each day morning and evening to determine the water level and check for a drop.

Supv. Goodspeed reminded the Town Board that at the previous meeting that the North Country Outreach Center had requested a delegate from the Town for their Board as their by-laws call for a representative from the Town. Supv. Goodspeed explained that he has had no response from Town Board members and the Town Board would be willing to appoint a representative if there were any interested parties.

Supv. Goodspeed asked Accounts Clerk Candace Lomax to remind the Town Board of the letter from the New York State Retirement System that followed the risk assessment audit in February 2009. The New York State Retirement System required that a calendar record of work hours be kept for three months by the following appointed and elected officers: supervisor,

councilmen, superintendent of highways, town justice, town clerk, animal control officer and North Creek Water District clerk and that at the June 16, Town Board meeting that the Town Board had reviewed and approved the calendars of hours; set the standard work day for those officials listed above, with the exception of the animal control officer, as Mr. William Mosher had not turned in his calendar of hours. Supv. Goodspeed and set the number of days per month to be reported for each official. Accounts Clerk Lomax explained that the calendars of work showed the ACO Mosher has worked 3.16 hours per month and that this would be reported as .39 days per month to the New York State Retirement System. Accounts Clerk Lomax added that as Mr. Mosher also works full time for the Town in the Highway Department that this would only affect Mr. Mosher for the period of time last fall during which he did not work for the Town in the Highway Capacity. Mr. Arsenault asked why this was not being discussed in executive session; Supv. Goodspeed replied that all the other town officers were discussed in open session at the meeting of June 16. Mr. Arsenault asked if this had been discussed with Mr. Mosher; Accounts Clerk Lomax replied that she had not discussed it with Mr. Mosher and Supv. Goodspeed added that it was not discussed with any of the other officers. Mr. Arsenault said that Mr. Mosher should have been informed of the ramifications of these actions. Supv. Goodspeed explained that the Comptroller's Officer wants to have a set number of hours per day of work and days per month. Mr. William Mosher asked if he could do calendars for different months as these are typically his slowest months; Accounts Clerk Lomax replied that the New York State Retirement System had wanted it not to be an especially busy time of the year. Supv. Goodspeed asked if the Town Board wished to act upon the calendars of work of Mr. William Mosher as Animal Control Officer.

#### RESOLUTION NO. 143

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the calendar of hours from the animal control officer. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

#### RESOLUTION NO. 144

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Vanselow, that the standard work day be six (6) hours per day for the animal control officer. 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 Workplace Violence Program remains with the Town Attorney for his review.

Supv. Goodspeed noted that the Emergency Leave Policy, concerning the paid leave of absence for employees responding to emergency calls, was in the Town Board packets; he noted that the policy creates twenty hours of applicable leave per employee. Supv. Goodspeed noted that employees currently use personal time to respond to emergency calls. Mr. Stevens noted that the policy is very similar to the Warren County policy; Mr. Arsenault noted that the policy requires approval from the department head prior to leaving. Mr. Vanselow said that he would like to see a cleaner version of the policy and that he was worried about a designated deputy for a department head; Mr. Morehouse said that he did not believe that twenty hours was enough time. Mr. Stevens asked if the hours could be extended; Supv. Goodspeed said that he believed that

this could be possible. Mr. Morehouse asked about not setting a limit, but letting the department head approve hours. Mr. Arsenault asked if this was a contract issue; Supv. Goodspeed said that as it was an added benefit that he did not believe it was. Supv. Goodspeed said that he would clarify with the Town Attorney if this should be an amendment to the contract or an addition to the employees' handbook. Mr. Arsenault asked if the policy had been discussed with department heads; Supv. Goodspeed replied that all department heads would be contacted before the next Town Board meeting.

Supv. Goodspeed asked Secretary Cherie Ferguson to report to the Town Board on Adirondack Save-a-Stray as a no kill option for animal control. Sect. Ferguson explained that the Animal Control Officer would keep the dog for five to ten days and assess the adoptability of the dog. Animal Control Officer William Mosher said that this could be a large liability issue; some breeds are very hard to adopt out, for example, pit bulls. Supv. Goodspeed said that he would pass on the question of liability to the Town Attorney.

Supv. Goodspeed reminded the Town Board that as a result of the annual inspection of the elevator at the Tannery Pond Community Center that the inspector told the town that there needed be an emergency telephone in the elevator. Barrier Free Elevator offers a call out service at no fee; the Town would need to run a telephone line and repair the emergency alarm. It appears that the line can be a branch from an existing line. The anticipated cost is estimated to be: \$70.00 for the telephone line to be run and \$768.00 for the telephone installation and repair of the emergency alarm.

#### RESOLUTION NO. 145

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to authorize the installation of an emergency telephone in the elevator in the Tannery Pond Community Center and to repair the damaged emergency alarm in the elevator, so that the elevator will be brought up to code; the anticipated cost is estimated to be: \$70.00 for the telephone line to be run and \$768.00 for the telephone installation and repair of the emergency alarm. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed informed the Town Board that the North Country Community Network, a group of organizations and volunteers who's mission is the encouragement of Arts & Services organizations to combine in the interest of public service had requested that the Town Board recognize volunteers from the Town of Johnsbury and also declare August 29, 2009 as Volunteer Appreciation Day in the Town of Johnsbury; he asked that the Town Board approve the following proclamation.

#### RESOLUTION NO. 146

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

**WHEREAS**, the North Country Community Network is a group of organizations and volunteers who's mission is the encouragement of Arts & Services organizations to combine in the interest of promotion, awareness and communication regarding public services that they and their volunteers provide, and

**WHEREAS**, this network currently consists of nineteen volunteer organizations and representatives as follows:

- ◇ Churches of the Johnsbury Ministerial Association (Sr. Francesca Husselbeck)
- ◇ Gore Mountain Ski Area (Emily Stanton)
- ◇ Johnsbury Historical Society (Lyle Dye)
- ◇ Johnsbury Youth Athletics (Peter Olesheski)
- ◇ North Country Ministry (Br. James Poslluszny)
- ◇ North Country Outreach Center (Andrea McKee)
- ◇ North Creek American Legion Post 629 (Terry Waterston)
- ◇ North Creek Business Alliance (Joel Beaudin)
- ◇ North Creek Depot Education Center (Helen Miner)
- ◇ North Creek Rotary (Ted VonCzoernig)
- ◇ Our Towne Theatre Group (Greg Gross)
- ◇ Ski Bowl Park Committee (Bob Nettle)
- ◇ Tannery Pond Community Center Association (Ken Murray)
- ◇ Teenagers Only! (Sherry Wolfe)
- ◇ Town of Johnsbury Youth Committee (Kelly Nettle)
- ◇ Town of Johnsbury Library (Susan Schmidt)
- ◇ Upper Hudson Arts & Services Consortium (Brenda Foley)
- ◇ Upper Hudson Festivals (Joel Beaudin)
- ◇ White Water Derby (Kate Nightingale), and

**WHEREAS**, on August 29, 2009 the local 1997 production of “Love Letters” featuring Will and Nan Clarkson will be revived by the Johnsbury Historical Society at Tannery Pond Community Center supported by the afore mentioned volunteer organizations, and

**WHEREAS**, the Town Board wishes to honor all volunteers in the Town of Johnsbury who through their public service contribute an incalculable amount of time, hard work, spirit and good will to make our community the remarkable place it is to live

**NOW, THEREFORE, BE IT RESOLVED** the Town Board of the Town of Johnsbury hereby declares August 29, 2009 as Volunteer Appreciation Day.

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

Supv. Goodspeed recognized Mrs. Judith Brown with three issues for discussion by the Town Board. The first is regarding the placement of a geo-cache in the Ski Bowl Park; the geo-cache will be registered on the internet and it is intended to attract people to points of interest.

**RESOLUTION NO. 147** Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault, to allow Mrs. Judith Brown to place a geo-cache in the Ski Bowl Park. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

The second issue is that the Youthworks group which has come to the town for the past two years and done considerable work for the town and its residents may not return next year due to the lack of acceptable accommodations. Mrs. Brown has discussed the problem with ORDA manager Mike Pratt and he suggested the ski hut pavilion which should be renovated at that time; he also believed that he would be able to install temporary showers for the group to use during their stay. Mrs. Brown understood that the use of the refurbished ski hut pavilion would require the approval of the Town Board. Supv. Goodspeed was in favor of trying to supply acceptable accommodations, but was worried about the use of the building by the Summer Youth Program. Mrs. Brown said that she had spoken with the director of the Summer Youth Program, Ann Dingman and that it was probable that the uses could be worked out. Mr. Stevens was in favor of moving forward with this request. Mr. Arsenault asked about using the school; Mrs. Brown replied that during the summer recess that the school shuts down the boiler for cleaning. Supv. Goodspeed said that he will pursue this issue.

The Third issue is that of a drainage culvert which needs to have the stone put into it as a lining; Supv. Goodspeed replied that he was aware of the problem, but was unable to move forward quickly. Secretary Cherie Ferguson suggested the possibility of contacting the Boy Scouts as a community service project.

Supv. Goodspeed explained that there had been discussions between the Highway Committee (Arsenault, Stevens) and Highway Supt. Hitchcock and also between Supv. Goodspeed and Accounts Clerk Candace Lomax with Highway Supt. Hitchcock. These discussions involved the uses of CHIP's funding. As a result of these discussions a decision was made to purchase a new highway plow vehicle. As the vehicle needed to be ordered to assure delivery by November 1, in order to file for reimbursement from CHIP's; Supv. Goodspeed had the Town Board polled by telephone. Mr. Vanselow noted that at the June 16, 2009 discussion of highway issues several ways to save money on highway equipment had been brought up; these included leasing and purchasing second hand equipment. Mr. Arsenault said that Highway Supt. Hitchcock had attended a convention of Superintendents of Highways and had discussed leasing with those present and was told that leasing was not a good option; Accounts Clerk Candace Lomax added that Highway Supt. Hitchcock had carefully researched the state contracts for the least costs. Mr. Arsenault said that other equipment had been discussed as well. Mr. Vanselow said that he hoped that the time constraint had not limited the search for all possible options; Mr. Arsenault said that he believed that Highway Supt. Hitchcock had spent wisely and has achieved cost savings in other areas. Supv. Goodspeed said that Highway Supt. Hitchcock was frustrated by the slowness in getting solid numbers on his budget usage; a portion of this problem is the slowness of Warren County in billing for fuel use. Supv. Goodspeed noted that four vehicles have been recently purchased using CHIP's funds; he added that in the future the state may either reduce or eliminate the CHIP's payment. Mr. Roger Mosher said that spending \$10,000.00 to repair an engine is better than the cost of a new vehicle; Mr. Stevens replied that he believed that the repairs would have cost approximately \$30,000.00 and that the vehicle was 15 years old. Mr. James Jones said that he works daily with a truck built in 1986 and that the cost to rebuild the engine in it was \$12,000.00. Supv. Goodspeed and Mr. Arsenault both said that more discussion of highway issues was needed. Mr. William Mosher said that a major cause of the failure of the trucks was working in the salt; Mr. Roger Mosher said that parking trucks in a heated garage leads to more salt action on the vehicles than if they were parked outdoors in the cold.

#### RESOLUTION NO. 148

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens, to retroactively authorize the purchase of a 2010 International Model number 7600 SFA 6x4 highway plow vehicle including plow and sander on the state contract at a cost of \$183,000.00. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed explained that Mr. Mark Bergman asked about the status of map amendments to the Town of Johnsbury zoning map noted that the Town Board had approved moving forward with the map amendments in September 2007 (Resolution 265). Mr. Vanselow noted that the amendments impact property which he owns and he would recuse himself from the discussion. Supv. Goodspeed informed the Town Board that he had met with Mr. Bergman and two representatives of the Adirondack Park Agency (APA) to discuss the process. To go forward the public hearings would cost the APA approximately three to four thousand dollars and the agency is not interested in spending that money without assurance that the proposed changes will be well received. Supv. Goodspeed noted that at the August 2007 public hearing on the Local Land Use Plan that much of the negative comment was related to suggested map amendments. The APA asked if the Town Board wanted to move forward with the map amendments or to go through an informational meeting first. Mr. Arsenault said that he was not worried about the APA spending money; he added that a special meeting on the amendments in the future may be a good idea. Mr. Morehouse asked if the proposed map amendments were available; Mr. Stevens agreed with holding a special meeting for the discussion of the map amendments. Mr. Arsenault asked if a special meeting was to be held if Dr. Richard Lamb, the advisor during the creation of the Local Land Use Plan could be present. No resolution to set a date for, or to advertise a special meeting was made.

Supv. Goodspeed asked Mrs. Kelly Nettle, as grant coordinator, for an update on the Ski Bowl Park grant. Mrs. Nettle said while the bid packages for Skate park Equipment and Playground Equipment (climbing wall) were ready and approved by Catherine Jepson of the Office of Parks, Recreation and Historic Preservation. Mrs. Nettle noted that while she had received quotes on each of the projects and some are below the \$10,000.00 threshold for bidding, while others are well above that limit. The quotes do not offer the same amount of product in each case. Mrs. Nettle asked if the Town needed to bid or could it simply go with the lowest quote. Mr. Morehouse noted that recently at the county two quotes were received under \$10,000.00 and one above that amount and the county was required to put the project out to bid.

#### RESOLUTION NO. 149

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault, to authorize the Town Clerk to advertise bids the following bids for the Ski Bowl Park grant: first, Skate park Equipment Bid and secondly, Playground Equipment Bid (climbing wall) for two days each in the Glens Falls Post Star and for one week each in the North Creek News-Enterprise, if the Town Attorney finds that bids are needed for the aforesaid projects; and also that the Town Clerk mail out bid packages to probable bidders as identified by Mrs. Kelly Nettle, grant coordinator; and further, that if such bids are deemed necessary that the bids will be opened at 7:00pm at the Regular Town Board meeting of August 18, 2009. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse,

Stevens, Vanselow, Goodspeed) Nays – 0

Mrs. Kelly Nettle noted that she had spoken with Catherine Jepson of the Office of Parks, Recreation and Historic Preservation and that the Ski Bowl Park grant can be amended to include a culvert to mitigate drainage damage; she is also reviewing possible signs for the trail at the park and hopes to have samples available for review by the Town Board soon. Mr. Vanselow said that he hoped that the signs could be clustered in order to minimize the visual impact.

Supv. Goodspeed informed the Town Board that he had discussed with the Town Attorney the recent damage to Rogers Road, in North River, which was caused by the actions of a private landowner and has resulted in the temporary closure of Rogers Road.

#### NEW BUSINESS

Supv. Goodspeed asked if the Town Board wished to reschedule the September 15, 2009 regular Town Board Meeting to September 22, 2009 due the primary election being held on that date; he added that he would like to have the place and time remain the same.

#### RESOLUTION NO. 150

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow that due to the primary election of September 15, 2009, the Town Board of the Town of Johnsbury reschedules the September 15, 2009 regular Town Board meeting at the Town Hall (Library) at 7:00pm to September 22, 2009 at the same time and place, and further the Town Board instructs the Town Clerk to publish notice of the rescheduled meeting date in the North Creek News-Enterprise and about the Town. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked the Town Board if they wished to act upon the request from Mr. Paul Fracchia, read earlier in the meeting, requesting that the Town Board allow him the use of the Wevertown Community Building for the purpose of conducting a karate class on Monday and Wednesday afternoons between 3:00pm and 5:00pm through March 24, 2010. Ms. Cherie Ferguson, Secretary to the Supervisor, noted that the dates were available.

#### RESOLUTION NO. 151

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault to allow Mr. Paul Fracchia the use of the Wevertown Community Building for the purpose of conducting a karate class on Monday and Wednesday afternoons between 3:00pm and 5:00pm through March 24, 2010. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed explained that he had received a request from Upper Hudson Festivals, Inc. for \$500.00 to support their “Music by the River” concert series which is free to the public and is attended by tourists as well as residents of the Town and suggested that the Town Board grant the request. Mr. Arsenault asked why this was not from the Occupancy Tax funds; Mrs. Kelly Nettle said that Upper Hudson Festivals, Inc. had applied for Occupancy Tax funding for the Bluegrass Festival, but not for the “Music by the River” concert series. Supv. Goodspeed said that Upper Hudson Festivals, Inc. had received a partial award from the Town Occupancy Tax funds and little or no award from the Warren County Occupancy Tax funds.

## RESOLUTION NO. 152

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault, to provide \$500.00 to Upper Hudson Festivals, Inc. for the purpose of supporting the "Music by the River" free concert series which attracts tourists and residents to the hamlet of North Creek; the funding to come from the Economic Development budget line. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed informed the Town Board that he and Mr. Arsenault had met with members of the Garnet Lake Homeowners Association about the dam on Garnet Lake. The Town owns the road which travels over the dam and the Garnet Lake Homeowners Association owns the dam. N.Y.S. Department of Environmental Conservation is implementing new regulations for dams which will require various engineering and maintenance upgrades. The Garnet Lake Homeowners Association is seeking grant funding; it has been suggested that Senator Schumer may be able to assist with funding. Supv. Goodspeed wanted to make the Town Board aware of the situation and let the Board members know that he wants to be as helpful as possible with these upgrades to the dam.

Supv. Goodspeed informed the Town Board that he has met with numerous homeowners near Austin Pond, and representatives of the NYS Highway Department in an attempt to build a consensus about how to handle the water impounded by beaver dams and the resultant threat to town roads and private property in that area. NYS Department of Environmental Conservation refused to send a representative. The liabilities are large if the beaver dams are breached and cause damage downstream. Mr. Vanselow noted that about one half of Austin Pond Road was under water; it was reported that the Town Attorney believes that the best solution is to raise the road due to the liability issue. Mr. Roger Mosher handed Supv. Goodspeed a portion of NYS law that he says supports the Town breaching of the beaver dam; Supv. Goodspeed replied that Town Attorney Jordan said that this law will not support actions in this case. Supv. Goodspeed said that he and the Town Attorney are looking for a solution; one property owner with a beaver dam on his property did not show up for the meeting. Mr. Stevens asked if the beaver dam fails is it covered by Town insurance; especially if it causes a bridge failure. Supv. Goodspeed reported that Town Attorney Jordan said that if the Town starts to breach the dam and something goes wrong that it will be the Town's liability.

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

Supv. Goodspeed informed the Town Board that the Zoning Enforcement Officer's Monthly Report is not yet available; he added that the ZEO is working hard, taking the job very seriously and that he is making himself very available to the public.

Supv. Goodspeed introduced Ms. Michelle SanAntonio for a report on the North Creek Railway Depot Preservation Association's pilot program to work with the Johnsburg Central School on local history. The program included field trips to the depot and the Owens House; students were able to see and touch historical documents. Both the teacher, Ms. Rebecca Morris and the students felt that the program was successful. Ms. SanAntonio said that there were plans to continue and expand the program for the next school year. Mrs. Kelly Nettle said that she had

appreciated the Depot Platform talks and asked Ms. SanAntonio if she was responsible for the talks; Ms. SanAntonio replied that she had given the talks, but that she had used a pre-written script.

#### PRIVILEGE OF THE FLOOR

Secretary Cherie Ferguson informed the town Board that the time clock which was authorized at the previous Town Board meeting had arrived and was installed; time cards for the Parks Department had also been received. The Red Cross blood drive held on Monday, August 3, was one of their best drives ever in the area with fifty-one donors. A meeting has been arranged with representatives from the Merriam Agency about the possibility of using that company as a health care provider with the possibility of lower costs. Supv. Goodspeed added that there have been contacts from additional companies to discuss bidding on the health insurance. The Mill Creek Recreation Area has been damaged as a result of vandalism and unlawful use. The Warren County Sheriff was called to remove some campers from the area. Mr. Arsenault said that it was not local people creating the problem; Mr. Vanselow agreed.

Mrs. Kelly Nettle informed that stone has been placed around the new pavilion in Ski Bowl Park to help with the drainage. Mrs. Nettle has spoken with NYS Forest Ranger Steve Ovitt who is cutting a trail to connect the Town trail with the Rabbit Pond Trail and from there possibly to Indian Lake which will provide a good hiking area.

Mr. Roger Mosher said that he had checked with several local Towns and found out that none of the adjacent towns provided insurance for councilmen. Mr. Mosher had not been able to get a response from Warrensburg. Mr. Mosher said that the town taxpayers should not provide insurance for councilmen. Mrs. Kelly Nettle said that there is a committee reviewing the insurance policy and the committee would like to speak to Mr. Mosher.

#### RESOLUTION NO. 153

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #15G/Claims #293-310; Highway Fund- Warrant #15H/Claims #153-157; North Creek Water Dist. - Warrant #15W/Claims#58-60; Capital Project Funds-Warrant #6CPF/Claim #9. 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. Stevens with a second from Mr. Morehouse at 9:20pm. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on August 18, 2009 at the Town Hall (Library), North Creek, NY.

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Prepared by William Rawson, Town Clerk