

**TOWN OF JOHNSBURG**  
**TOWN BOARD MEETING – WEVERTOWN – September 7, 2010**

- I. Call regular meeting to order. Pledge of Allegiance
- II. Approval of Minutes:           Regular Meeting of August 17, 2010
- III. Correspondence
- IV. Committee Reports
- V. Old Business
  - 1. Shaw Property
  - 2. Harrington Road Bridge
  - 3. FrontStreet
  - 4. Big Dig
- VI. New Business
  - 1. Town Clerk –Licensing System Software
  - 2. Dog Licensing – Local Law
  - 3. ZEO Update
  - 4. Re-Val/Ann Deppe
  - 5. Paving Proposal
  - 6. Animal Control Monthly Report
  - 7. Supervisors Monthly Statement
- VII. Privilege of Floor
- VIII. Motion to Pay Warrants
- IX. Executive Session – Litigation
- X. Motion to Adjourn

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Next Town Board Meeting –Tuesday, September 21, 2010  
At the Library – 7 p.m.

**PRIMARY ELECTIONS – SEPTEMBER 14, 2010**  
**DON'T FORGET TO VOTE!!**

**Minutes of the Town of Johnsburg Regular Board Meeting September 7, 2010  
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 7, 2010 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Goodspeed called the meeting to order at 7:05pm. 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, Arnold Stevens, and Ronald Vanselow; Town Clerk/ William Rawson. Also present were Thomas Suozzo and Charles Rawson, Delaware Operations and Town Attorney Tony Jordan.

Guests: On attached list

**RESOLUTION NO. 166**

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept the minutes of the August 17, 2010 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. A letter from Ms. Eva Mongeon informing the Town Board of her request that the Zoning Board of Appeals that action be taken to have the lights on the T.C.Murphy Lumber Co. sign on State Route 28 in Wevertown be evaluated and brought into compliance with the Town of Johnsburg zoning laws.
2. A letter from Mr. Neil Shaw regarding his property to the north of the Town Hall and his proposition that the Town Board sell or swap some property from the Town Hall parcel to allow him to beautify his property.
3. A letter from the Town Board of the Town of Barker requesting that the Town Board of the Town of Johnsburg pass a resolution supporting the approval of horizontal gas drilling in the Marcellus Shale Formation.
4. A letter from National Grid explaining the safety of natural gas pipelines and their policies regarding pipeline emergencies.
5. A notice of the liquor license renewal for North Creek Restaurant Management, LLC for Andie's Restaurant at Smiths.
6. A letter from Johnsburg Summer Youth Program Director Ann Dingman reporting the attendance and field trips of the Summer Youth Program for 2010.
7. A letter from the Garnet Hill Property Owners Association noting that the safety benefits of signage for pedestrian crossings on Thirteenth Lake Road would accrue to the public at large and therefore, the association members declined to contribute funds towards the purchase of the signage.
8. A letter from Mr. John McAlonen, owner of the Hudson River Trailer Park, seeking assistance with a health-safety issue at the trailer park.
9. An Agreement To Spend Highway Funds from Highway Superintendent Daniel Hitchcock regarding the reclamation of old pavement on the Durkin Road through the double chip seal process at a cost of \$59,784.22.
10. A letter from Mr. Gregory Taylor explaining to the Town Board a possible solution to problems regarding water connection to the North Creek Water District at his project site on

State Route 28 between Gore Mountain Electric and Bergman Real Estate; the proposed solution involves using high density poly ethylene (HDPE) pipe and a short piece of Type K copper pipe and a corporation stop and water meter for each connection.

11. A letter from the Town of Johnsbury Planning Board in support of Ms. Eva Mongeon's letter regarding the lights on the T.C.Murphy Lumber Co. sign and noting that the previous Zoning Enforcement Officer had made several unsuccessful attempts to rectify the lighting problem.

#### COMMITTEE REPORTS:

#### OLD BUSINESS:

Supv. Goodspeed asked Secretary Cherie Ferguson to update the Town Board on the Neil Shaw property issue. Secretary Ferguson explained that there seemed to be a miscommunication over the actual dimensions of the parcels involved. It appeared that the Shaws believed that they owned a larger amount of property on the southern side of their parcel which actually belongs to the Town. Mr. Neil Shaw informed the Town Board that he would review his deed and the property survey before attempting to move forward with his proposal. Mr. Charles Rawson, an employee of the engineer for the North Creek Water District, mentioned that a water Main runs up the driveway leading to Maiden Lane which would limit the use of the property. Mr. Shaw replied that he was planning to install a flower bed and would not be digging too deeply in that area. Mr. Charles Rawson said that he would mark the water line for the information of both parties.

Supv. Goodspeed informed the Town Board that he, Engineer Tom Suozzo (Delaware Operations), Accounts Clerk Lomax, and Highway Superintendent Daniel Hitchcock had met with two Federal Emergency Management Agency (FEMA) representatives; he explained that it was a good meeting and that he had executed eight sets of documents for the receipt of FEMA awards for the various sites damaged in the March 2010 storm event, including the replacing of the bridge over Johnson Brook which was washed out during that event. The entire award for all sites is about one hundred and twenty three thousand dollars.

It is expected that work on the temporary replacement bridge over Johnson Brook will begin in November of this year. Engineer Tom Suozzo explained that the plans for the replacement bridge will include trying to stay out of Johnson Brook in order to avoid a stream disturbance permit. Engineer Tom Suozzo explained that the old bridge was about fifteen to seventeen feet in length and that the temporary bridge will be about nineteen to twenty feet; he explained that this would allow the removal of the dogleg caused by the shorter previous bridge and also would keep the project away from the stream. Engineer Tom Suozzo said that the replacement bridge would have a pressure treated wood deck and steel supports and that a small amount of rip rap would be used for the winter season and it would be planned that the new wing walls would be installed in the spring. Supv. Goodspeed said that this temporary bridge would allow access for fire trucks and ambulances and allow for snow plowing during the winter. Highway Supt. Hitchcock said that while the Highway Department could do much of the work that some portions will need to be contracted out.

Mr. Arsenault asked how the FEMA funding works. Supv. Goodspeed explained that the funding passes through New York State, although the state cannot capture the funds; he added that the payment for the entire award should arrive in about four weeks. Supv. Goodspeed explained that all of the funds are tied to work which has been already done or to be done to repair damage from the March 2010 storm. Mr. Arsenault asked how the money was directed; Supv. Goodspeed explained that slightly less than sixty two thousand dollars was directed to the bridge project and the balance was to the other sites. Engineer Tom Suozzo said that he believed

that the final replacement bridge total cost would be eighty thousand dollars and about sixty thousand dollars of this would be from FEMA and twenty thousand dollars from the Town. Mr. Arsenault asked if the FEMA funds to replace money already spent were directed in a certain way; Supv. Goodspeed replied that he was not completely sure of the answer. Supv. Goodspeed said that Warren County helped a great deal with the Town getting the FEMA award; he added that Accounts Clerk Lomax and Highway Supt. Daniel Hitchcock had also done a lot of work to secure the funds. Mr. Vanselow asked if any resolutions were needed to process the funds; Supv. Goodspeed said that the earlier authorizations allowed him to execute the documents. Highway Supt. Hitchcock asked if the work which needed to be contracted out would need to be bid or could it be considered in emergency status; Supv. Goodspeed said that it was certainly an emergency to the residents on Harrington Road and asked Town Attorney Tony Jordan for an opinion. Attorney Jordan said that he would want to read the FEMA contracts to be sure that the FEMA funds would not be jeopardized.

Mr. Cork Nester asked about the beaver dams. Supv. Goodspeed instructed Secretary Cherie Ferguson to show an aerial photograph/map of the area which roughly showed the locations of several beaver dams. Supv. Goodspeed explained that he will be attempting to communicate with property owners to identify the dams and also in an attempt to gain consent to remove the beavers from Austin Pond. Supv. Goodspeed said that he hopes to have a proposal for the next Town Board meeting.

Supv. Goodspeed reminded the Town Board that Front Street Mountain Development had returned again to discuss and request action on issues associated with water, wastewater and the trail system parcels. Supv. Goodspeed noted that the Town has been awaiting information and or activity on wastewater infrastructure and the transportation corporation; he noted that several New York State agencies are involved as well.

On the tank and haul request for units three and four of Phase 1A Residential the Town has been waiting for the final design plans and infrastructure. There are thirteen units planned for that site and there are questions regarding the suitability of soils to handle a conventional wastewater system if necessary. Engineer Tom Suozzo representing Delaware Operations said that additional test results and information is needed.

Mr. Mac Crikelair representing Front Street Mountain Development said that there was a question of proceeding with the SHIPO application. Town Attorney Jordan explained that SHIPO is a part of the de-mapping process regarding Park land and the object is to assure fair compensation to the Town for the parcels to be transferred. Supv. Goodspeed said that he has reviewed part of the package and that there is one portion of the application which he is not comfortable signing; the portion seems to indicate that the Town is ready to immediately move the Town Highway Department garage. Supv. Goodspeed said that he has sent this to Town Attorney Jordan for review; Attorney Jordan said that he expects to have a response tomorrow and that he believes that the problem can be easily fixed. Mr. Crikelair said that the portion does not mean that the movement of the Highway garage is about to happen. Supv. Goodspeed said that he wants the Town Attorney to sort this out.

Mr. Crikelair asked if the water district extension application had been filed; Engineer Suozzo said that he expected that he will finish his review tomorrow and send it to the Town by Thursday.

Mr. Crikelair asked about the approval of the transportation corporation. Engineer Suozzo said that he is still looking at the possibility of the NYS Department of Environmental Conservation (DEC) requiring an operator for the system and added that he would like to have

some suggestion from the DEC that it will approve the design as well. Mr. Crikelair asked why Front Street Mountain Development had to go to the DEC twice. Supv. Goodspeed said that Delaware Operations is trying to get everything in a row so it will move smoothly. Attorney Jordan said that the system requires a surface water discharge of clean waste water into a stream and that the Town needs professional services to determine the needs of the Town and the bond for operation. The technical review will cost about twenty-five thousand dollars and will show what is necessary to treat waste; determine if the system can handle the effluent and the cost to the municipality to construct the septic system and operate it for five years. The DEC and the NYS Department of Health (DOH) have oversight and issue the permits. If the DEC rejects the proposed system the review costs are wasted. Mr. Arsenault asked if this is not the developers' financial risk and would be their decision to spend their money. Engineer Suozzo said that he is looking to see if there are possible additional requirements from the DEC which could add to the cost of the bond. Mr. Crikelair said that Front Street was hesitant to wait for an approval from the DEC; Engineer Suozzo said that he was not looking for a full approval, but for a comfort level from the DEC.

Regarding the transportation corporation, Attorney Jordan replied that the Town was waiting for results from an onsite perk test and Supv. Goodspeed added that he wanted to see final design plans as well. Mr. Arsenault asked if any of this has come forth. Engineer Suozzo said that he is still reviewing the information and that he has concerns about bonding. Supv. Goodspeed asked if this isn't covered in the transportation corporation rules. Engineer Suozzo said that he doesn't want to spend a lot of time, but wants to have a suggestion of approval prior to Delaware Operations spending a lot of time on it. Mr. Arsenault asked if there was a sense of when he would be able to report to the Town; Engineer Suozzo replied that the key is when the DEC finishes its review. Supv. Goodspeed said that once the DEC gets to know it can look toward an approval of the plans and the Town has an agreement with the developer to fund the review the review can go forward.

Mr. Crikelair expressed frustration over the lack of a tank and haul approval; Supv. Goodspeed said that the Town needs to see progress in the permanent wastewater system, reports on the soils specific to the site of the septic system and perk test on that site. Mr. Crikelair said that his company did not want to spend additional time and money on a third wastewater system; he said that he believed that the requests were above and beyond the norm. Supv. Goodspeed said that the Town needs more than the general response which arrived from the Front Street Mountain Development engineers; the Town needs to know that the soils will support all thirteen of the Phase 1A Residential systems. Mr. Crikelair said that the entire thirteen unit system relates to the transportation corporation not the tank and haul. Mr. Vanselow said that the Town is asking for information specific to the installation site, not to the entire parcel. Mr. Crikelair said that his company was looking for approval of a tank and haul for one two unit building and he hopes the information provided will be sufficient, if it is not then the request will be withdrawn. Supv. Goodspeed said that he disagreed with the Mr. Crikelair's characterization. Supv. Goodspeed said that the Town had approved the first tank and haul request in a spirit of cooperation. Supv. Goodspeed said that he DOH regulations regarding the tank and haul are to allow development to begin while the wastewater system is under construction; he added that there has been no start of construction on the wastewater system and said that Front Street Mountain Development is asking the Town Board to move contrary to the DOH regulations. Supv. Goodspeed said that while design plans help they are not the same as being under construction. Mr. Crikelair said that he sees it as a straight forward process and that his company is ready to go to Warren County for a building permit. Attorney Jordan said that it is very clear

that the Town Board needs a perk test for the site of the units; he added that the cost of such a test is about two hundred and fifty dollars. With that information Delaware Operations can then make a recommendation to the Town Board on bonding and approval of the tank and haul; all this is being done to protect the Town. Mr. Arsenault asked if there isn't a bond for the tank and haul to replace it with a conventional system if it fails or is not continued by Front Street Mountain Development and also asked if anyone has spoken to Mike Shaw at the DOH on this subject. Supv. Goodspeed said that Mike Shaw will expect a perk test on the building site. Engineer Suozzo said that he expects Mike Shaw to ask the DEC about the full wastewater system design as well. Supv. Goodspeed asked if there is a siting possibility for all thirteen Phase 1A Residential units. Engineer Suozzo said that there was not enough room for thirteen conventional systems; Mr. Crikelair agreed. Supv. Goodspeed said that the Town needs to get the engineers from both Front Street Mountain Development and the Town to agree and asked if enough information has been provided to allow Delaware Operations to recommend approval to the Town. Engineer Suozzo answered that there was not enough information; he said that the Adirondack Park Agency (APA) wants perk tests and test pits. Engineer Suozzo explained that there is a great deal of variability of soils on the slopes; he said that working from a generalization was problematical in that if the system fails the Town needs to know what type of system can be built to fulfill its responsibility. Mr. Crikelair said that his company does not plan to locate the system on the site. Mr. Vanselow said that in the case of failure the Town may have to build a third system. Mr. Crikelair said that was the purpose of the bond. Supv. Goodspeed said that the Town may need an additional site to build the system if it can't be located on this site; Engineer Suozzo said that he believed this was an issue. Mr. Vanselow questioned the building of four houses on one lot without a subdivision. Supv. Goodspeed said that the Town wants Delaware Operations to say that this will work and be legal; he added that he doesn't believe that both the Town and Front Street Mountain Development engineers, Jarrett Engineers, PLLC agree yet. Supv. Goodspeed asked Engineer Suozzo to contact Jarrett Engineers, PLLC and try to bring back a recommendation at the next meeting. Engineer Suozzo said that he wants to be sure that the siting can be legal. Attorney Jordan said that the cost is the real question; he noted that added distance will add to the cost. Engineer Suozzo said that there were some APA guidelines limiting the distance to not more than two hundred and fifty feet. Mr. Arsenault and Mr. Stevens expressed frustration about listening to this discussion meeting after meeting with no resolution in sight; Mr. Stevens suggested that they get a plan. Mr. Arsenault said that there doesn't appear to be any connection or progress. Supv. Goodspeed said that part of the problem is that the issue is not ready to be vetted at the Town Board level. Supv. Goodspeed said that he will put this item on the next agenda if some middle ground is reached to allow for Town Board action. Attorney Jordan suggested asking for APA approvals as well. Engineer Suozzo said that he will come up with a list of options for the Town Board and asked what questions the Town Board wanted answered. Supv. Goodspeed said that the siting requirements for the system and to be sure they were in agreement with state agencies; Mr. Arsenault wanted to know the bonding requirements. Engineer Suozzo said that some responses will be required from the DEC and the DOH and they may not look at the plans for several weeks.

Engineer Suozzo wanted to mention that in regards to the letter from Mr. Gregg Taylor that Delaware Operations was going to recommend to the Town that High Density Poly pipe be used in place of K copper to cut down costs. The main requirement would be that copper fittings be used and water meters installed to be able to check for leaks.

Supv. Goodspeed explained that the Town recently received a voucher in the amount of two thousand dollars to pay for the services of Mr. Thomas Goodman in excavating the water pipeline to supply water to the swimming area at the Town Beach in the Ski Bowl Park. Supv. Goodspeed said that it was his recollection that the Town Board had agreed not to entangle any grant money on the pipeline following the decision of the NYS Office of Parks, Recreation and Historic Preservation to require stamped engineering plans in order to consider reimbursing for the pipeline project and also not to expend any additional Town funds on the project. The Ski Bowl Park Committee made a presentation to use the proceeds from a raffle to pay for any additional work on the pipeline project and the Town Board agreed that any future costs were to be paid from the raffle funds. Mr. Arsenault agreed with Supv. Goodspeed and Accounts Clerk Candace Lomax referred to Resolution Number 46 of 2010, February 2, 2010. Resolution 46 states that the Town Board acknowledges and supports the raffle to be conducted by the Friends of the Town of Johnsbury Parks with a target of \$4000.00 in ticket sales, with \$1750.00 paid out in prizes, for a net of \$2250.00, for the purpose of paying the cost of renting the larger equipment necessary to complete the pipeline to supply water to the swimming area at the Ski Bowl Park. Mr. Paul Heid agreed that Supv. Goodspeed's recollection is supported by the Town minutes.

#### NEW BUSINESS

Supv. Goodspeed informed the Town Board that as a result of the recently passed NYS Budget ending the involvement of the NYS Department of Agriculture and Markets in licensing dogs, local municipalities will be required to license dogs without any assistance from New York State. Supv. Goodspeed recognized Town Clerk William Rawson to discuss the purchase of a Town Clerk software package to handle the licensing of dogs. Town Clerk Rawson explained that he currently uses free software available through NYS Department of Agriculture and Markets for licensing dogs; this software option will be eliminated by the end of the year and he explained that he was seeking permission to purchase a software package which will include dog licensing software. Town Clerk Rawson has quotes for software from BAS and Williamson Law Book. The quote from BAS is \$980.00 including installation cost of \$280.00 and a recurring annual maintenance fee of \$300.00. The quote from Williamson Law Book is \$1505.00 plus \$85.00 per hour and \$.50 per mile for installation and a recurring annual maintenance fee of \$605.00. Town Clerk Rawson asked the Town Board to approve the purchase of the BAS Town Clerk software package. Mr. Arsenault asked if the dog licensing fees would pay for the program; Town Clerk Rawson replied that the Town would now receive the full dog license fee instead of only 53% and the full cost of the license is either \$2.50 or \$7.50. Mr. Morehouse asked if the program would run on the computer currently used in the Town Clerk office; Town Clerk Rawson replied that it would.

#### RESOLUTION NO. 167

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Morehouse, to authorize the Town Clerk to purchase a "Small Town Clerk Licensing System" from BAS (Business Automation Services) at a total cost of \$980.00 installation cost of \$280.00 and a recurring annual maintenance fee of \$300.00. 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 as a result of the recently passed NYS Budget ending the involvement of the NYS Department of Agriculture and Markets in licensing dogs, local municipalities will be required, prior to January 1, 2011, to pass a local law regarding

the licensing of dogs. Supv. Goodspeed informed the Town Board that he had faxed information regarding a local law to Town Attorney Tony Jordan's office. Attorney Jordan replied that NYS Department of Agriculture and Markets is going to put a sample local law for dog licensing on its website and that he believes that the sample law will provide much of the basis for a local law for the Town.

Supv. Goodspeed informed the Town Board that recently appointed Zoning Enforcement Officer John Dwyer had left him a voicemail announcing his resignation from the position and Mr. Dwyer had not come into the Town Hall on Thursday for his regular hours. Supv. Goodspeed noted that the Town board had interviewed candidates for the Zoning Enforcement Officer position on July 27; he asked if the Town Board would prefer to begin the interview process once again or appoint the other candidate interviewed in July. Mr. Stevens suggested that the entire process be begun again and Mr. Vanselow suggested an advertisement be run for two weeks in the North Creek News Enterprise. Supv. Goodspeed asked for a resolution to advertise the position and also to set a date for interviews.

#### RESOLUTION NO. 168

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow that, in consideration of the appearance of the resignation of Zoning Enforcement Officer John Dwyer, the Town Board authorizes the advertisement for two weeks in the North Creek News Enterprise of a vacancy in the Zoning Enforcement Officer position; and further, that the Town Board sets the date for interviews for the position as October 5, 2010. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Assessor Ann Deppe explained that 2009-10 has been a difficult year with increases in both school and county taxes. The value of homes has fallen due to the economy, although, sales in both and newly constructed homes in Warren County are still strong. Supv. Goodspeed noted that Assessor Ann Deppe has been informed of a program being offered by NYS as an incentive to achieve a full market value on properties through a reval. The Town would have to commit to doing a reval every four years which follows the standards for assessing properties; then the Town would receive five dollars per parcel for the first year and two dollars per parcel for the following years. Supv. Goodspeed added that now is a good time to do a reval and that when performing a reval was last discussed Warren County had originally offered assistance, but now there was no assistance available. Assessor Deppe said that she had not researched the costs more fully as she did not want to spend the time without assurance from the Town Board that it was interested in moving forward. Mr. Vanselow said that he believed that the inequality was worse on the lower valued properties; Assessor Deppe said that vacant land is under assessed, but private forest land is correctly valued. Supv. Goodspeed said that he would like to move forward slowly with the reval and he planned to put the issue on the agenda for the September 21, Town Board meeting. Assessor Deppe said that the NYS Assessors Association is looking to move all local municipalities to full assessment to allow easier data comparisons between localities. Mr. Cork Nester, a local realtor, explained that it is very difficult to explain the Town taxing to potential buyers. Mr. Vanselow remembered that the Town Board had spoken about setting money aside to pay for a reval and asked about the status of the funding; Accounts Clerk Candace Lomax said that no funds had been set aside for that purpose. Mr. Arsenault said that a reval requires a full discussion as it is an emotional and complicated issue. Supv. Goodspeed said that the Town is paying a price by not doing a reval. Assessor Deppe said that the tax rate in

the Town of Johnsbury and also Warren County are not bad compared to other areas; Supv. Goodspeed said that in a listing of county taxes that Warren County is the lowest taxing county in New York State. Mr. Joseph LaRocque asked if the Town Board would plan to hire in order to expedite the process; Assessor Deppe said that the data is available. Supv. Goodspeed and Mr. Stevens asked for more information at the next Town Board meeting such as costs and the time necessary to complete a reval project.

Mr. Paul Heid questioned the acreage on his parents' parcel; Assessor Deppe explained that she had discussed this with his parents. Mr. Paul Heid said that his parents were hiring legal council to look into the issue.

Supv. Goodspeed recognized Highway Superintendent Daniel Hitchcock to discuss the Agreement To Spend Highway Funds regarding the reclamation of old pavement on the Durkin Road through the double chip seal process at a cost of \$59,784.22 which was read earlier in the meeting. Highway Supt. Daniel Hitchcock noted that the Town roads seem to get worse each year and that he has been looking for a solution which the Town can afford. The double chip process, formerly known as oil and stone, will cost about \$60,000.00 for the 1.3 miles of Durkin Road. Highway Supt. Daniel Hitchcock would like to try this process on Durkin Road and if it is successful he would like to apply it to Hudson Street next year. Mr. Cork Nester said that this seemed to be a worthwhile attempt at improvement. Secretary Cherie Ferguson asked if there was any recourse to having the Top Ridge developers help to fund the process; Town Attorney Tony Jordan noted that the bond has been released. Accounts Clerk Candace Lomax noted that there were additional issues such as valves which were never finished and a culvert in the area of Mr. Edward Tuttle's property which was damaged during the installation of the water line. It was noted that there used to be two 10 foot wide driving lanes and that now there was one 10 foot wide driving lane and one lane which is only about 4 feet wide. Attorney Jordan suggested looking at this in light of the acceptance of the water line by the North Creek Water District; he noted that the water line which was installed by the Top Ridge developers has not been accepted by the water district and that this is a condition of approval. Supv. Goodspeed asked if the Town Board wished to accept the Agreement To Spend Highway Funds on the Durkin Road project.

#### RESOLUTION NO. 169

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow, to approve of the Agreement To Spend Highway Funds (284) submitted by Highway Superintendent Daniel Hitchcock for the purpose of reclaiming Durkin Road through the double chip seal process at a cost of \$59,784.22. 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 monthly report of the Animal Control Officer, William Mosher, for the month of August 2010, was in the Town Board members' packets

Supv. Goodspeed noted that the Supervisor's Monthly Report, for the month of August 2010, was in the Town Board members' packets.

Supv. Goodspeed informed the Town Board that there had been numerous complaints of damage resulting from the construction on NYS Route 28 between North Creek and North River; he had voiced his complaints to the NYS Department of Transportation (DOT) regarding the beginning of this project just prior to Labor Day weekend. Supv. Goodspeed said that there seems to be recourse to the contractors insurance and he added that the NYS DOT is sending

insurance forms to the Town Hall for those requiring them. Mr. Paul Heid said that a friend of his had called the NYS DOT to complain of damage and had been told that there were sixty two previous complaints; he added that NYS DOT did not properly control all intersections with State Route 28 and the signage was not proper.

Supv. Goodspeed noted that it appeared that things were ready to move forward on the Gregg Taylor subdivision; he added that this was important as it is the preferred site for a cell tower for coverage of the hamlet of North Creek.

Supv. Goodspeed said that he would refer the letter from Mr. John McAlonen regarding a health-safety issue at the Hudson River Trailer Park to Town of Johnsburg Health Officer Dr. John Ruge. Mr. Arsenault asked why Mr. McAlonen didn't address the situation; Supv. Goodspeed replied that he believed that Mr. McAlonen had previously attempted to resolve such a situation by himself and met with legal issues. Mr. Vanselow said that Mr. McAlonen should be notified of the tax implications which could occur if the Town cleans up the property; if the Town cleans up a property then the cost is added to the tax bill as an omitted tax and while the trailer is owned by an individual the property is owned by Mr. McAlonen. Secretary Cherie Ferguson asked if the Animal Control Officer should be notified to check on the animals mentioned in the letter; Supv. Goodspeed agreed that he should.

Supv. Goodspeed asked if the Town Board wished to act regarding the Garnet Hill Property Owners Association request for signage at two sites on Thirteenth Lake Road due to a public safety danger involving poor visibility and frequent high driving speeds; he noted that the association members declined to contribute funds towards the purchase of the signage. The two sites are the intersections of Thirteenth Lake Road with Harvey Road and Old Farm Road. Mr. Stevens said that he remembered the cost of the signs as being about five hundred to six hundred dollars. Highway Superintendent Daniel Hitchcock said that there would be three signs per site with the cost being about five hundred dollars. It was noted that the road is a Town Road with traffic to both the Garnet Hill Lodge and Thirteenth Lake and that much of the nearby property is owned by the Garnet Hill Property Owners Association. Mr. Vanselow noted that apparently the drivers are ignoring the current speed limit signs. Mr. Vanselow added that he was disappointed that the Garnet Hill Property Owners Association did not step up with the funding; he noted that merchants in the hamlet of North Creek had agreed to pay for the signage and marking for crosswalks and that these were denied by Warren County and the NYS Department of Transportation.

#### RESOLUTION NO. 170

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 agrees to fund signage for pedestrian crossings the intersections of Thirteenth Lake Road with Harvey Road and Old Farm Road at a cost of five hundred to six hundred dollars with the funding coming from the contingency fund line of the budget. 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 take action regarding the Town of Barker request for a Town Board resolution supporting the approval of horizontal gas drilling in the Marcellus Shale Formation; he added that it appeared that the Town of Barker is looking for a way to get funding through the property earnings. Mr. Vanselow said that there is currently a

ban on mining procedures of this type due to toxic chemicals used in the drilling process. Town Attorney Tony Jordan suggested that the Town Board not take up this issue.

#### PRIVILEGE OF THE FLOOR

Secretary Cherie Ferguson asked if the Town Board would take any action on the letter from Ms. Eva Mongeon regarding the lights on the T.C.Murphy Lumber Co. sign on State Route 28 in Wevertown. Supv. Goodspeed replied that this would be the first item for the Zoning Enforcement Officer once a new individual is appointed. Mr. Vanselow said that it sounds like Zoning Enforcement Officer Chris May had discussed the problem, but had not begun an enforcement procedure.

Mr. Morehouse presented the following motion, with a second from Mr. Arsenault to enter into executive session at 9:35pm for the purpose of discussing a matter of real property litigation in Warren County Supreme Court with the Town Attorney. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Also present at the request of the Town Board for the discussion were Town Attorney Tony Jordan and Town Assessor Ann Deppe

Mr. Arsenault presented the following motion, with a second from Mr. Stevens to adjourn the executive session at 9:50pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

#### RESOLUTION NO. 171

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board of the Town of Johnsbury agrees to the following settlement of a matter of litigation in Warren County Supreme Court; that the Town Attorney will negotiate to establish a reduction of the market value of parcel 99.-1-41 for the tax year (2009) to \$233,000.00 and further, that the Town Board will be reimbursing the owners for the overpayment of town taxes pursuant to Real Property Tax Law. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

#### RESOLUTION NO. 172

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 #16G/Claims #336-351; Highway Fund- Warrant #16H/Claims #177-184; North Creek Water Dist.- Warrant #16W/Claim #63; Capital Projects Fund- Warrant #8CPF/Claim #11; Library Fund-Warrant #9L/Claims#64-70; Johnsbury Fire protection District Warrant #4JFPD/Claim #11. 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. Morehouse at 9:51pm. 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 September 21, 2010 at the Town Hall (Library), North Creek, NY.

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Prepared by William Rawson, Town Clerk

## MEETING ATTENDANCE SIGN-IN

Meeting Date:

September 7, 2010

Committee/Board:

Regular Town Board Meeting @  
Wevertown Community Center, Wevertown, NY

Please PRINT your name and address clearly to assure the correct spelling in the minutes of this meeting.

- |     |                 |              |
|-----|-----------------|--------------|
| 1.  | CHERIE FERGUSON | N. Creek     |
| 2.  | Jan H.          | B. Mills     |
| 3.  | Tom Suzzo       | Del Eps.     |
| 4.  | Jim Jones       | Johsburg     |
| 5.  | Pandora Lmax    |              |
| 6.  | ARMANDO PEREZ   | NORTH RIVER  |
| 7.  | KEN MURRAY      | NORTH RIVER  |
| 8.  | JOE LAPOQUE     | NC           |
| 9.  | Mac Crikelair   |              |
| 10. | CHARLIE RAWSON  | N.C.         |
| 11. | Paul Heid       | Johsburg     |
| 12. | Peter Heid      | Bakers Mills |
| 13. |                 |              |
| 14. |                 |              |
| 15. |                 |              |
| 16. |                 |              |
| 17. |                 |              |
| 18. |                 |              |
| 19. |                 |              |
| 20. |                 |              |