

Minutes of the Town of Johnsburg Regular Board Meeting September 21, 2010

Held at 7:00pm at the Library, North Creek, NY

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, September 21, 2010 at 7:00pm at the Library, North Creek, New York.

Supervisor Goodspeed called the meeting to order at 7:00pm. The pledged to the flag was led by Account Clerk, Candace Lomax.

Roll call showed the following persons present: Supvr. Sterling Goodspeed; Town Councilmen/ Eugene Arsenault, Frank Morehouse, Jr., Arnold Stevens, and Ronald Vanselow. Town Clerk, William Rawson was not present, Account Clerk, Candace Lomax sat in for the Clerk.

Guests: On attached list.

RESOLUTION NO. 173

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the September 7, 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 of resignation from the Zoning Enforcement Officer, Mr. John M. Dwyer.
2. A letter from Erika Bornn requesting the Board adopt an ordinance to remove unsightly blue garbage bins from sight by the end of the each garbage collection day. Erika also included a copy of a letter to the editor on the same subject.
3. A letter and copy of an advertisement from Mr. Patrick Cunningham. Mr. Cunningham is requesting the town cancel the contract with Schuss Ski Shop via Beaver Book and not let them use town property to steal from Warren County and local tax paying ski shops.
4. A letter and resume from Mr. Scott Allard expressing an interest in the Zoning Officer position.

COMMITTEE REPORTS:

OLD BUSINESS:

Supvr. Goodspeed stated we are making progress towards the final solution for the Harrington Road Bridge. He then asked Mr. Chuck Rawson to brief the board on the bridge project. Chuck is employed by Delaware Engineering, the firm preparing the design for the new bridge. Chuck noted Dan Hitchcock and Tom Suozzo, P.E. Delaware Engineering, have put a lot of time into the bridge. All permits have been addressed

and completed. DEC has a 72 hour turn around, we have not heard from them, therefore a permit from DEC is not required. Mr. Goodspeed stated the current design is less intrusive to the stream than the prior design. Mr. Chuck Rawson noted that DEC would have looked hard at the previous plans, the current plans will allow the town to stay out of the creek, so we would be ready to start. In addition, Tom, Dan, and Chuck met with Mr. Lou Gallup, a concrete contractor. Tom will contact Lou with the plans, perhaps as early as tomorrow. The I-beams have been inspected, Mr. Jim Dwyer will be drilling test holes for bed rock, then the cement will be poured with ample time to do the framing and support. Currently, the old bridge is being used as a foot bridge, an attempt to coordinate the work so area residents have minimal inconvenience is being made. Paul Heid inquired as to how FEMA worked so fast on this project. Suprv Goodspeed explained FEMA is great to work with, they were here on the ground here fast, allowing us to be in the ground in 4 ½ months. This is all good news on the bridge.

Next on the agenda, Town Assessor, Ann Deppe informed the board about an assessor's meeting she attended that afternoon, where revaluation projects were discussed. Ann provided the board with a brief budget, time line and work tasks involved in a revaluation. The application for an incentive from the state is not available yet, in addition, the state may use Johnsbury as a training site which would help with valuation, site review etc. it was also noted that the County may consider a county wide revaluation. Mr. Vanselow inquired about per parcel reimbursement for state lands. Ann will keep the board informed as new information is released.

Suprv Goodspeed explained that he has received a verbal second opinion from Mark Schachner regarding the mitigation of beavers. The Suprv would like to have a more detailed one on one conversation with Mr. Schachner, as Mr. Schachner feels he has found a provision in the law when assets need to be preserved. Suprv Goodspeed would like to communicate to all Austin Pond area residents. Mr. Joe Larocque asked if this would include all areas where beaver are, Suprv Goodspeed responded yes, I believe so. Peter Heid asked if the State Comptroller Office has been contacted, stating the Comptroller's Office would have the answers. Paul Heid offered his Dads help, he is a licensed state trapper. Mr. Vanselow asked what the next step would be after the beaver, the dams would still be in place. Paul Heid stated the dams would break down over time. Suprv Goodspeed noted that it should be the property owners' problem, and it could be a dangerous problem with significant liability.

Suprv Goodspeed explained all Town Clerks will have to do dog licensing, which was done by the state in the past. Some preparation work is needed prior to the start of the local process. Attorney Jordan recommends the Town review the process and wait to write the law, other towns are in the same position, and there is no sense in reinventing the wheel or pay to re-invent a new law. Mr. Vanselow commented the board needs to figure out what they want to do, there are many options available.

Suprv. Goodspeed reminded the board an air compressor at TPCC is in need of replacement. The quote is \$1,800 from Thermal Associates, the company that has the maintenance contract for the HVAC system in the building. Mr. Cork Nestor questioned the life expectancy of such a compressor. Mr. Morehouse stated most compressors

come with a 5 year warranty. Mr. Vaneslow asked if we could get a price elsewhere. It was noted that this type of system is unique in this area and in the past the town has been unable to get outside quotes. Mr. Arsenault asked where the funds would come from. Account clerk, Candace Lomax stated the buildings fund is pretty strong right now and hopes that it will be able to cover this expense without using contingency monies.

RESOLUTION NO. 174

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to accept Thermal Associates quote of \$1,800.00 for the replacement of a compressor at TPCC. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

Next Suprv Goodspeed said the cell towers are moving forward. He talked about Wevertown and North Creek, there is a third site at the Glen. The North Creek site is the slowest moving project. The application for a private parcel in Wevertown has been sent to the APA. The APA received the application on 9/3/10. SHIPO now needs to be completed. Once the application is deemed complete there would typically be a 21 day comment period, the Agency has 60 days to issue a permit, this could make it possible to break ground in the spring. The Glen site is slightly ahead of Wevertown, by about two weeks. The North Creek site is a challenge due to topography, it is horrendous for the signals. There are 3 strong parcels for signals; 1 is owned privately, and had a planning board subdivision issue hold it up. The Tower Company asked the APA, the APA did not like the site. They are now going to ask the APA about the same property, but a different nook to see if the APA will allow a tower there. Test balloons will be dispersed this week or next. North Creek is 6 months behind the Glen and Wevertown. The coverage area is expected to be North Creek, Glen, and parts of North River with an east west extension to some measure. Mr. Arsenault inquired about anything on wind towers? Mr. Goodspeed stated Bartons is about to do another submission, and asked for a letter of support. The letter has been filed with Terry Martino, APA. In the last 6 months the APA has become more liberal on cell litigation. Ann Deppe asked if the Glen was a private owner, Mr. Goodspeed replied yes. Mr. Cork Nestor ask who would be the carriers on the cell towers, Suprv Goodspeed said that the first would be AT&T and then it would be available to a variety of carries. Paul Heid asked if it would look like the Frankenpine trees? Mr. Goodspeed said it would be a tower, however not visible and that he spoke with Betty Little looking for support and a possible push. He then noted ORDA was given temporary permission to layout towers for the new Ski Bowl Park ski lift in the take out area of tube hill.

NEW BUSINESS

Supvr Goodspeed asked the board to consider passing budget amendments to keep the accounts in balance.

RESOLUTION NO. 175

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to amend the 2010 budget with the following amendments:

| | | | |
|---------------------------|---------|-------------------------------|---------|
| Transfer within accounts | | | |
| FROM: | | TO: | |
| Youth A7310.4 | 208.00 | Youth A7310.1 | 208.00 |
| Assessor A1355.4 | 150.00 | Assessor A1355.1 | 150.00 |
| Transfer between accounts | | | |
| FROM: | | TO: | |
| Insurance A1910.4 | 3508.00 | Town Clerk A1410.1 (other) | 863.00 |
| | | Town Clerk A1410.4 | 1410.00 |
| | | Personnel A 1430.1 | 600.00 |
| | | Highway A5010.4 | 435.00 |
| | | Historian A7510.4 | 200.00 |
| | | | 3508.00 |

JOHNSBURG FIRE PROTECTION DISTRICT

| | | | |
|------------------------------------|---------|-------------------------|---------|
| Increase Appropriated Fund Balance | SF599 | Increase Appropriations | SF960 |
| Contract SF3410.4 | 8701.00 | | 8701.00 |

to record an allotment for turn out gear and radios

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

For the last item on the agenda Supvr Goodspeed read a report on the Real Property Tax Audit conducted in March of 2010 noting that 8 or 9 towns within the county were also audited. The Supvr also read a letter from William Rawson, Town Clerk, who is out of town on vacation. All money has been accounted for and the State Auditors made three recommendations to improve the tax collecting process. Recommendation: #1- remit all monies to the Town Supervisor on weekly basis, #2-when the Town taxes have been made whole, remit all monies to the County Treasurer on a weekly basis, #3 the Town board conduct an annual audit of the Tax Clerks records. Supervisor Goodspeed stated the 2011 budget will include an extra \$2500 for an outside audit of the tax collection records, and asked the board to consider the audit response to the State Comptroller dated August 5, 2010 as a corrective action to the report.

RESOLUTION NO. 176

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow to accept the August 5, 2010 written response as a corrective action and submit the corrective action to the State Comptroller. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

RESOLUTION NO. 177

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

Notice is hereby given that the fiscal affairs of the Town of Johnsbury tax Collector for the period beginning on 2007 and ending on 2009 have been examined by the Office of the State Comptroller and that the report of the examination prepared by the Office of the State Comptroller has been filed in my office where it is available as a public record for inspection by all interested persons. Pursuant to section thirty-five of the general Municipal Law, the Town of Johnsbury town board has authorized the preparation of a written response to the report of examination prepared by the Office of the State Comptroller and will file such response, when completed, in my office as a public record for inspection by all interested persons not later than November 20, 2010. William Rawson, Town Clerk.

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

To address the correspondence letters the board took the following actions:

RESOLUTION NO. 178

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Morehouse to accept Mr. John Dwyer's letter of resignation for the Building and Zoning Enforcement Office position. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

In response to Erika Bornn's letter, Mr. Vanselow stated there is no wisdom in the law and it didn't make sense, Supervisor Goodspeed noted it would be difficult to enforce the ordinance, Mr. Paul Heid replied he would rather see the blue garbage bins as opposed to trash. Secretary Cherie Ferguson stated with the stream line process there is little trash, much more is recycled.

Supervisor Goodspeed responded to Mr. Patrick Cunningham's letter noting it is filled with inaccuracies, the Town is not a party to this which is implied. This is an event that brings three to four thousand people to our town during the shoulder season, this is a good thing. Mr. Morehouse stated there are good deals for kids at this sale, Mr. Nessel

felt the town should receive a reasonable amount of rent for the amount of sales. Ann Deppe agreed with this concept stating they have use of the bathrooms. Candace Lomax felt this would be a perfect opportunity for other businesses to capitalize on the well established traffic flow, and entice visitors to Main Street and into their private businesses. She also added that Schuss does pay county sales tax and is a member of our local chamber. Paul Heid stated the town and county does benefit by way of sales tax and filling beds in the area. Mr. Vanselow thought it would be beneficial to have the shuttle running during the sale to transport people from the Ski Bowl to Main Street and Gore Mountain.

PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle asked the board to grant the Youth Committee permission to file two grant applications with LARAC, in the Town's name. If awarded, the grants will be used to fund the follow youth program activities: 1- after school art in the amount of \$1400, 2- Community Art in the amount of \$2000.

RESOLUTION NO. 179

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse to support the submission of two grant applications to LARAC by the Johnsbury Youth Committee, on behalf of the Town, for the Johnsbury Youth Program: 1- after school art in the amount of \$1400, 2-Community Art in the amount of \$2000. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

Kelly Nettle distributed a letter to Town Board members regarding the Ski Bowl Pond situation. Among several actions she has taken, one was a contact she made with Kathy Suozzo. Kathy will volunteer to work with the SBPAC to consider many different solutions to the turbidity problems and fresh water possibilities.

RESOLUTION NO. 180

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens to allow the SBPAC to address the issue via Kathy Suozzo and work with Kathy to research solutions for the pond. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays -1 (Vaneslow).

Mr. Vaneslow stated one way is a onetime action, another is an ongoing process. Mr. Stevens noted the board would be short sighted to not allow the SBPAC to look into options.

Peter Heid praised Highway Superintendent Dan Hitchcock, and the board for authorizing the purchase of a plasma cutter. Peter said it was a good move and would save the town money.

Supervisor Goodspeed brought up the topic of the crushed stone on the bypass (Route 28). The claim information is here at Town Hall for people who need to file for damage to their vehicles as a result of the stone.

RESOLUTION NO. 181

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 #17G/Claims#352-367; Highway Fund - Warrant#17H/Claims 185-199; North Creek Water District-Warrant #17W/Claims#64-66; Capital Projects Fund-Warrant #9 Claim12. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vaneslow, Goodspeed) Nays -0.

Kelly Nettle asked if an Occupancy Tax committee has been named and the process started. Suprv Goodspeed asked Kelly to e-mail the committee to start the process. Candace will provide Cherie with a copy of the application for distribution so applicants can start the paperwork and meet the Columbus Day deadline.

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Arsenault at 8:20pm. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

The next regular Town Board meeting will be held at 7:00pm on October 5, 2010 at the Wevertown Community Center, Wevertown, New York.

Prepared by Candace Lomax, Account Clerk

MEETING ATTENDANCE SIGN-IN

Meeting Date: September 21, 2010

Committee/Board: Regular Town Board Meeting @ Town Hall
(Town Library), North Creek, NY

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

- | | | |
|-----|------------------------|---------------------|
| 1. | <i>Ann Dappe</i> | <i>Johnsburg</i> |
| 2. | <i>STEVE NAMB</i> | <i>NO. CREEK</i> |
| 3. | <i>Cher Hayes</i> | <i>No. Creek</i> |
| 4. | <i>America Pearson</i> | <i>N. Creek</i> |
| 5. | <i>ROBERT NESTLE</i> | <i>JOHNSBURG</i> |
| 6. | <i>Jim Jones</i> | <i>Johnsburg</i> |
| 7. | <i>Paul Logue</i> | <i>Barrys</i> |
| 8. | <i>Van Wagoner</i> | <i>No. River</i> |
| 9. | <i>Bill Wickersham</i> | <i>Wadsworth</i> |
| 10. | <i>Joe LaRocque</i> | <i>NC</i> |
| 11. | <i>CHARLIE RAWSON</i> | <i>N.C.</i> |
| 12. | <i>Paul Heid</i> | <i>Garnet Lk</i> |
| 13. | <i>Peter Heid</i> | <i>Bakers mills</i> |
| 14. | <i>Kelly Nestle</i> | <i>Johnsburg NY</i> |
| 15. | <i>Bob NESTER</i> | <i>N. Creek</i> |
| 16. | | |
| 17. | | |
| 18. | | |
| 19. | | |
| 20. | | |