

**Minutes of the Town of Johnsburg Regular Board Meeting May 3, 2011
Held at the Wevertown Community Center, Wevertown, NY; also Executive Session to
Interview Candidates for the Planning Board Positions**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday May 3, 2011 at 6:30pm at the Wevertown Community Center, Wevertown, NY. Supervisor Goodspeed called the meeting to order at 6:10pm and the pledge to the flag was led by Councilman Eugene Arsenault.

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

The Town Clerk read the legal notice of the rescheduling of the meeting as it appeared in the North Creek News – Enterprise on April 23, 2011.

Guests: On attached list

Mr. Stevens presented the following motion, with a second from Mr. Arsenault to enter into executive session for the purpose of conducting interviews of candidates for the Planning Board vacancies at 6:31pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Also present were James D. Nester and Peter Olesheski, the candidates to be interviewed.

Mr. Stevens presented the following motion, with a second from Mr. Vanselow to adjourn the executive session for the purpose of conducting interviews of candidates for the Planning Board vacancies at 7:15pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

(The public session resumed at 7:15pm following the reopening of the meeting to the public)

RESOLUTION NO. 72

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept the minutes of the April 5, 2011 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 revised contract from Dr. John O'Connor, DVM, of the Glens Falls Animal Hospital and a request for action by the Town Board.
2. A letter from Darren and Lisa Tracy offering the Town of Johnsburg Highway Department sand from their property on Main Street in North Creek.
3. A letter from Neil Shaw enclosing a copy of a portion of a survey of his property at 227 Main Street adjacent to Town property and his request to acquire the Town property.

4. A notice of the liquor license renewal from Laurabobs, LLC for Laura's, in North Creek.
5. A letter from retiring Accounts Clerk Ms. Candace Lomax giving the Town Board a brief overview of the financial status of the Town and requesting that the Town Board conduct an audit upon her departure.
6. A letter from Mr. Vince Schiavone informing the Town Board of his interest in being appointed to a possible vacancy on the Board of Assessment Review.
7. A letter from Secretary to the Supervisor Cherie Ferguson requesting an additional forty hours of leave for emergency responders and an amendment of the policy to authorize additional hours of leave.
8. A letter from Mr. David Bulmer requesting that the Town Board review the Planning Board and its lack of a quorum at its regularly scheduled meeting of April 25 and that the Town Board return to its previous meeting schedule of twice monthly meetings earlier than the planned resumption in September.
9. A letter from the Johnsbury Historical Society requesting permission from the Town Board to display a banner at the entrance to Ski Bowl Park from September 1, through 12, 2001 for the purpose of promoting their Civil War weekend event.
10. A letter from Director of Warren County Health Services Patricia Auer informing the Town Board of a situation involving William Mosher, Animal Control Officer for the Town of Johnsbury, where timely investigation following a reported dog bite incident was severely lacking.

The Town Clerk informed the Town Board that the Warren County Board of Elections has offered the Johnsbury Central School the use of two voting machines for the upcoming school election and the Town Clerk has been coordinating with Custodian Mike Ordway the moving of the machines to the school.

COMMITTEE REPORTS:

Planning and Zoning Committee Report (Councilmen Arsenault and Vanselow)

Mr. Vanselow reported that the Planning Board will hold a special meeting on May 9 to address the April 25 agenda which was not able to be transacted due to the lack of a quorum.

OLD BUSINESS:

Supv. Goodspeed reminded the Town Board that Engineer Kathleen Suozzo of Delaware Operations was going to report on her discussion with a representative of the NYS Department of Health (DOH) regarding the Town Beach and swimming area at the Ski Bowl Park. Engineer Suozzo reported that she had spoken with Greg Reynolds of the Glens Falls office of the DOH on April 25 and that Mr. Reynolds had identified the requirements necessary to maintain the Town Beach as a permitted beach. Mr. Reynolds further indicated that the beach could be opened on a conditional basis (consent decree) as a pre-existing beach.

To maintain the usage and be operational as a permitted beach the Town will need to contract with an engineer to prepare a sanitary survey, that routine bacteriological sampling would need to be conducted during the operational season and greater scrutiny of the water quality by the lifeguarding staff on a daily basis. Additionally, a resubmission of the beach's safety plan

detailing the daily monitoring and record-keeping would be required. The Town Supervisor would be required to provide a written response to the DOH closure letter of 2010 which included the aforementioned steps to correct the deficiencies and a detailed plan to close the beach if the conditions deteriorate. Engineer Suozzo explained that Mr. Reynolds greatest concern is swimmer safety; if water conditions were to deteriorate during the season swift action must be taken to close the beach. The DOH staff would conduct a review of proposed operations prior to allowing an opening of the beach and there would probably be more frequent inspections than in the past.

Engineer Suozzo explained that the cost of the sanitary survey would be \$5500.00, the cost of the routine bacteriological sampling is estimated at \$1000.00 and the secchi disc for testing water clarity is about \$50.00.

Engineer Suozzo explained that she had discussed using the area as a park and Mr. Reynolds indicated that this would require adequate "No Swimming" signage to be installed, the Town would need to police the area to discourage possible swimmers and all beach equipment (lifeguard chair, ropes, beach signs) would have to be removed; the DOH would not require fencing of the area. Engineer Suozzo also suggested the removal or reduction of the sand as it suggests a beach.

Supv. Goodspeed said that he believed that opening the beach under a conditional basis would increase the Town's liability due to being under notice by the DOH; Engineer Suozzo agreed. Mr. Vanselow asked if the only additional action by the lifeguards would be visibility testing; Engineer Suozzo replied that it would. Mr. Vanselow asked who would perform the routine bacteriological sampling; Engineer Suozzo replied that there were companies which could be hired for the sampling. Mr. Vanselow asked if a closure plan was required to end the usage of the area for swimming; Engineer Suozzo said that it was not mentioned during the discussion, it had been mentioned in the letter of 2010 and it would probably not have to be too extensive. Mr. Arsenault asked if additional costs will be incurred in opening the beach area to swimming; Engineer Suozzo replied that there would be the cost of the sanitary survey, the sampling and monitoring of conditions and possible remediation costs. Mr. Arsenault asked if not opening this year will prevent a future opening for swimming; Supv. Goodspeed said that he believed that in light of the operations to be performed to permanently close the area to swimming that one year of non operation would not remove it from the list of swimming areas. Supv. Goodspeed said that he had a problem with spending \$5500.00 for the sanitary survey and having to close the beach in August as previously; he added that he doesn't see the sense of opening the beach without an idea of the remedial costs. Engineer Suozzo said that the sanitary survey would provide a list of remedial measures to keep the beach open. Supv. Goodspeed asked if the sanitary survey was necessary to close the beach; Engineer Suozzo replied that the sanitary survey was not immediately necessary for the beach to be closed for the season or necessary to close the beach permanently. Mr. Vanselow asked the length of time to complete the sanitary survey; Engineer Suozzo replied about six weeks. Mr. Arsenault asked if the sanitary survey needed to be complete prior to the opening of the area for swimming; Engineer Suozzo replied that it did not and said that it should probably be done during the season. Mr. Vanselow said that he believes that the Town Board is being cautioned about operating the beach for swimming under the conditional basis due to increased liability. Mr. Arsenault said that doing the required

testing and the sanitary survey should mitigate the liability. Mr. Morehouse said that the question is if the Town is going to keep a beach in Town or close it permanently.

Mrs. Kelly Nettle noted that there seemed to be an emphasis on the lifeguard performing their job and keeping records and the Town beginning the sanitary survey and conducting bacteriological sampling; she asked if the liability was based upon the water clarity. Mr. James "Cork" Nester said that the area appeared to require additional water to operate correctly. Mr. Peter Olesheski suggested using some of the Ski Bowl Park grant funding for the beach testing and remediation. Mr. Arsenault said it was a good offer, but that the money should not have to come from the grant funds.

Mr. David Bulmer said that it seems to be prudent to perform the sanitary survey this year if the beach is not to be permanently closed. Mr. Vanselow said that performing the sanitary survey is setting the scene to say that having spent the money for the survey that some more funding should be spent to allow the beach to operate. Mr. Vanselow asked if there was money in this year's budget for the sanitary survey; Supv. Goodspeed replied that there is no specific funding but that there is contingency funding. Secretary Cherie Ferguson said that priority for contingency funding should be the Town Roads following the flooding and rains. Supv. Goodspeed said that he favors not operating the beach for swimming this year, but keeping the options open for next year; he believes that the liability bar is set too high for the Town.

Mr. Peter Olesheski also said that the concern about the liability is valid, but he doesn't see this as a major problem if the beach is closed at the first sign of trouble. Mr. Olesheski asked that the Town Board try to open the beach area for swimming. Supv. Goodspeed explained that the threshold of liability is different for a municipality in that the municipality needs to be put on notice and have time to take corrective action; in this case the Town has already been given notice and any plan must correct the situation or the Town is liable. Engineer Suozzo said that the pre-operating inspection would be looking for monitoring requirements, the safety plan and whose responsibility it will be to close the beach if it becomes necessary; she added that the beach will be under closer scrutiny by the DOH. Mrs. Kelly Nettle asked if the Town having been put on notice for the previous issues would affect the liability of the Town in a physical injury question; Supv. Goodspeed said that he believed that the wording of the DOH letter is very important and that it would affect any case.

Mr. Morehouse said that he believed that there could be more liability for the Town if the beach is closed and there is no lifeguard than if it is open with a lifeguard present. Mr. Stevens said that he does not see that the long term decision needed to be made tonight; the question of opening for this season needed to be made tonight. Supv. Goodspeed asked if the Town Board wished to make a decision remediate the beach tonight; if not he wants to set a deadline within the next two Town Board meetings. Mr. Arsenault asked how the Town Board can make a decision without the sanitary survey to give information on the remediation costs; Supv. Goodspeed replied that the water level needs to be increased and the estimated cost of the dam repair to raise the water level was \$60,000.00 a year and a half ago. Mr. Peter Olesheski said that other than the Delaware Operations representatives we are not engineers and have only guessed at the problems with the swimming area; the engineers have said that the sanitary survey will provide information as to the solutions and therefore the sanitary survey should be performed by the professionals. Supv. Goodspeed asked that Delaware Operations come back

with estimates of costs for a permanent fix; he added that he was seeking suggestions on how to deal with water depth, snakes, vegetation, water clarity issues and possible costs including the sanitary survey. Mrs. Kelly Nettle said that she believed that Engineer Suozzo had said that the sanitary survey would include remediation suggestions and projected costs. Engineer Suozzo said that the sanitary survey gives a picture of the problem and that her firm could then expand on that to suggest solutions to the problem; without the survey all she could do is make guesses. Mr. Robert Nettle said that when the problem started last summer that it was determined that there had been no sanitary survey and the survey is a requirement of any swimming site and he believes that Mr. Arsenault and Mr. Morehouse are seeing the solution correctly. Mr. Olesheski said that as regards costs there appear to have been none so far; he added that Supv. Goodspeed seems to be suggesting that Delaware Operations develop estimates for the Town at no charge. Supv. Goodspeed said that he expected that Delaware Operations would charge for the estimates, but he did not believe that this would cost as much as the sanitary survey.

Supv. Goodspeed asked if the Town Board wished to take any action at this time.

RESOLUTION NO. 73

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault to spend \$5500.00 for the sanitary survey and to try to open the beach for swimming under a conditional basis (consent decree) for the 2011 season. With 2 members voting in favor and 3 members opposed the resolution is declared to be defeated. Ayes-2 (Arsenault, Morehouse) Nays – 3 (Stevens, Vanselow, Goodspeed)

Supv. Goodspeed said that he was scheduling a discussion at the next Town Board meeting (June 7, 2011) on the long term decision on swimming at the beach and that he also expects some estimates from Delaware Engineering on possible costs. Mr. Vanselow said that a great deal of time has been spent on this issue and that there is a need to move on.

Supv. Goodspeed asked Engineer Thomas Suozzo for a report on the bridge on Harrington Road over Johnson Brook. Engineer Thomas Suozzo reported that the bridge is now open and has turned out well; he commended the work of the Town Highway employees on the project. Engineer Thomas Suozzo explained that there is one further item which will require another shutdown; this will be the installation of the 4 wing walls. Engineer Thomas Suozzo said that the planned time for the shut down was a 2 or 3 week period during July or August; he suggested that there be a stiff penalty clause for any time overruns. Engineer Thomas Suozzo estimated the cost to be about \$20,000.00 which requires three written quotes for the work. Additionally, the railings and the painting of the bridge need to be finished; he added that there was a minor issue with the southern entrance to the bridge. Supv. Goodspeed thanked Delaware Operations and the Town Highway Department for their work; he added that Federal Emergency Management Agency (FEMA) funding had covered most of the costs. Engineer Thomas Suozzo said that the cost of the Delaware Operations engineered total project cost about will be about \$100,000.00 versus the estimated \$300,000.00 cost for the project.

Supv. Goodspeed reminded the Town Board that the Hazard Mitigation Plan had been made available and that at the April 5, Town Board meeting that he had informed the Town Board that

he would request Town Board action at this meeting. Supv. Goodspeed asked if the Town Board wished to adopt the Hazard Mitigation Plan.

RESOLUTION NO. 74

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

(Name of Jurisdiction) Town of Johnsburg

(Governing Body) Town Board

(Address) 219 Main Street, North Creek, NY 12853

RESOLUTION

WHEREAS, the Town of Johnsburg, with the assistance from Friends of the North County, Inc., has gathered information and prepared the Warren County Pre-Disaster Multijurisdictional Hazard Mitigation Plan; and

WHEREAS, the Warren County Pre-Disaster Multijurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Johnsburg is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Johnsburg Town Board members have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Town Board that the Town of Johnsburg adopts the Warren County Pre-Disaster Multijurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this 3rd day of May, 2011 at the meeting of the Town Board

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

Supv. Goodspeed explained that the train contract with Iowa Pacific has been approved by the Warren County Board of Supervisors; he added that all parts of the operation seem to be viable.

Supv. Goodspeed updated the Town Board on the three active cell tower projects in the Town Of Johnsburg. The Wevertown and The Glen projects are progressing quickly with the towers in the air and the hold-up is for the ground to dry so that the remaining equipment may be trucked

in and installed; the projected on-line date is about June 1. The North Creek Cell Tower project is in process with the Adirondack Park Agency and the estimated time from approval to the finish of construction is expected to be between August and September for the start of operation. Mrs. Kelly Nettle asked about the North River area; Supv. Goodspeed replied that the North Creek tower will provide coverage some distance to the north. Supv. Goodspeed added that there has been some research of sites in the State Route 8 corridor.

Supv. Goodspeed reminded the Town Board that there have been some requests from business owners about speed limits and cross walks in the hamlet of North Creek. Supv. Goodspeed explained that he had spoken to then Warren County Department of Public Works Superintendent William Lamy about the issues and there were some concerns about adding the crosswalks. There has been continued interest from the North Creek Business Alliance in placing crosswalks. Supv. Goodspeed suggested that the Town Board request that the NYS Department of Transportation investigate a speed limit reduction in the hamlet of North Creek. Mr. David Bulmer suggested that starting at the southern entrance to the hamlet from the current forty miles per hour speed limit be reduced to twenty five miles per hour and that twenty five miles per hour be continued throughout the hamlet in place of the current thirty miles per hour limit.

RESOLUTION NO. 75

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board of the Town of Johnsbury at the request of the North Creek Business Alliance asks that the New York Department of Transportation to investigate the entire length of Main Street from the entrance at Cunningham's Ski Barn to the northern entrance at the intersection of Railroad Place for possible reduction of speed limits and also the possibility of recommending additional speed limit signs on the same portion of road. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

Supv. Goodspeed noted that there were request for four crosswalks requested by the North Creek Business Alliance in the hamlet of North Creek as follows: the Copperfield Inn to the train complex; the Grand Union plaza to the Rite Aid pharmacy; the Grand Union plaza to Bar Vino; the Town Hall to Tannery Pond Community Center. Mr. Vanselow said that there had been an additional request for a crosswalk between the Catholic and Methodist Churches and the Community Bank. Supv. Goodspeed said that he has spoken with Warren County Department of Public Works Superintendent Jeffery Tennyson about the crosswalks and that he believes that the Warren County Department of Public Works will install the crosswalks and perform the curb cuts. Supv. Goodspeed asked if the Town Board wished to request the Warren County Department of Public Works create the five crosswalks and perform any necessary curb cuts and additional handicapped identifications as well.

RESOLUTION NO. 76

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury at the request of the North Creek

Business Alliance asks that the Warren County Department of Public Works create five crosswalks with the necessary curb cuts and handicapped identifiers at or as near as practical to the following sites: the Copperfield Inn to the train complex; the Grand Union plaza to the Rite Aid pharmacy; the Grand Union plaza to Bar Vino; the Town Hall to Tannery Pond Community Center; the Catholic and Methodist Churches to the Community Bank. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays –0

NEW BUSINESS

Supv. Goodspeed explained that as a result of the recent rains and snow melt that the Town of Johnsbury has had significant problems with Town roads; he added that 13th Lake Road which is maintained by Warren County has sustained serious damage and it is expected that that road will be out of service for several weeks. Supv. Goodspeed said that it has been very difficult to work on and keep up the maintenance on the Town roads and that the Town roads in the North River area are the alternate routes around 13th Lake Road. Supv. Goodspeed asked Superintendent of Highways Daniel Hitchcock if he wished to comment. Highway Supt. Hitchcock explained that he has instituted one way traffic on Rogers and Old Schoolhouse Roads to detour around 13th Lake Road. Mr. Vanselow asked Highway Supt. Hitchcock if he had sufficient materials and funds for maintaining the roads under these difficult conditions. Highway Supt. Hitchcock noted that \$20,000.00 in funds from unexpended balance had been added to the general repairs budget line last month, but that an additional \$20,000.00 addition would help with the necessary repairs and maintenance.

RESOLUTION NO. 77

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to amend the 2011 Town budget with the following amendment as requested by Superintendent of Highways Daniel Hitchcock:

2011 Budget Amendments --- 5/3/2011

Increase Appropriations and Appropriated Balance

960 – Increase Appropriations	599 – Increase Appropriations Balance
General Repairs DA5110.4 <u>\$20,000</u>	(Highway Fund) <u>\$20,000</u>

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

(Mr. Vanselow left the meeting at 9:08pm)

Mrs. Kelly Nettle asked if there was any plan to install additional culverts; Highway Supt. Hitchcock replied that he planned to put in shoulder stone as that is the recommended solution and he needs to obtain the stone to address these issues.

(Mr. Vanselow returned to the meeting at 9:10pm)

Supv. Goodspeed explained that during the recent flooding event that he had declared a state of emergency on April 28, and issued an evacuation order for the Hudson River Trailer Park on April 28; the evacuation order was lifted on April 30, and the state of emergency was cancelled on May 2. Supv. Goodspeed asked that the Town Board ratify these actions and note the times specified for each of these actions.

RESOLUTION NO. 78

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury ratifies the following actions taken by Supervisor Goodspeed in response to the recent flooding in the Town of Johnsbury and noted the times specified for the actions:

April 28, 2011

13:00:00

DECLARATION OF A STATE OF EMERGENCY FOR THE ENTIRE TOWN OF JOHNSBURG, NEW YORK DUE TO HEAVY RAINS AND FLOODING

April 28, 2011

21:00:00

EMERGENCY ORDER FOR EVACUATION OF THE HUDSON RIVER TRAILER PARK, LOCATED AT 4139 STATE RT 28, NORTH RIVER, NY DUE TO FLOODING

April 30, 2011

12:00:00

EMERGENCY ORDER FOR EVACUATION OF THE HUDSON RIVER TRAILER PARK HAS BEEN LIFTED

May 2, 2011

12:00:00

DECLARATION OF A STATE OF EMERGENCY FOR THE TOWN OF JOHNSBURG HAS BEEN CANCELLED

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

Supv. Goodspeed reported that water rose to an average level of sixteen inches in the Kellogg (Waddell) property buildings and as a result the electricity to the buildings on the property was shut off. The furnace at the North Creek Railway Depot Museum was damaged by the flooding. There is a question of the current condition of the buildings and their electrical systems. Warren County Department of Public Works Superintendent Jeffery Tennyson, Paul Butler and an electrician from Warren County have inspected the buildings and turned the electricity off in the buildings. National Grid has turned the electricity on to the buildings. The outdoor electrical facility which is used for outdoor music programs and the Adirondack Adventure Festival has been damaged; the Warren County electrician has taken it to his shop for repair and it is expected that it will be available for the upcoming weekend activities. Warren County has said that it will

not charge the Town for the repair and inspection. Mr. David Bulmer said that he believes that there will be a group on site tomorrow to begin cleaning up from the flood.

Supv. Goodspeed noted that the Town Board has interviewed two candidates for vacancies on the Planning Board (member of the Planning Board and Alternate Member of the Planning Board), Mr. James D. Nester and Mr. Peter Olesheski; he asked if the Town Board wished to appoint an individual to fill the vacancies.

RESOLUTION NO. 79

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Morehouse to appoint Mr. James D. Nester as a member of the Town of Johnsburg Planning Board for a term to expire February 1, 2018 and further, that the Town Board appoints Mr. Peter Olesheski as the alternate member of the Town of Johnsburg Planning Board for a term to expire on December 31, 2013. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed recognized Planning Board Chairperson Dorothy Osterhout to make a request for funding to host a training session for members of the Planning Board and Zoning Board of Appeals; the Planning Board expects the cost to be between three hundred and four hundred dollars for the presenter. The Planning Board is planning to invite members of Planning Boards and Zoning Boards from other area Towns in an effort to defray the cost.

RESOLUTION NO. 80

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to authorize the spending of up to four hundred dollars for the hiring of a qualified presenter to conduct a training session for the Planning Board and Zoning Board of Appeals during the year of 2011. 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 act upon the request from Secretary to the Supervisor Cherie Ferguson for an additional forty hours of leave for emergency responders and an amendment of the policy to authorize additional hours of leave. Sect. Ferguson added that by mid-March she had used up her responder hours for 2011; she added that since then she has used 18.75 hours of her personal or vacation time. Mr. Arsenault asked if there were other emergency responders in the Town's employ; Sect. Ferguson replied that Fred Comstock and Scott Allard worked for the Highway Department and were emergency responders as well. Mr. Arsenault said that he believed that there should be a top end to the request and to the Town's liability. Mr. Vanselow said that it seemed to be specific to Sect. Ferguson; she replied that there are a limited number of responders. Mr. Vanselow said that he would like to speak to other department heads for their input; he added that she did extraordinary work and that the loss of her presence did create a loss to the Town office. Mr. Arsenault asked if there was any cost due to a replacement having to be in the office; Supv. Goodspeed replied that the Deputy Town Clerk was brought in to cover the telephone in the front office and that there were times when both the Town Clerk and the Deputy were assisting individuals with questions. Mr. James Nester suggested that the emergency services campaign for more volunteers; Sect. Ferguson said that

there had been a recent attempt with limited success. Supv. Goodspeed asked if the Town Board wished to act upon the leave request or the policy change or both.

RESOLUTION NO. 81

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to extend the emergency responder leave for Secretary to the Supervisor Cherie Ferguson for an additional forty hours of leave and further, that at present there will be no change in the emergency responder leave policy. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked that the Town Board authorize him to execute the contract with Glens Falls Animal Hospital.

RESOLUTION NO. 82

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Town Supervisor to execute the contract with the Glens Falls Animal Hospital and Dr. John O'Connor for the holding and disposition of seized dogs as presented. 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 fireworks contract had arrived from Alonzo Fireworks. The contract is to provide a fireworks display for the Independence Day Celebration at an overall cost of \$8000.00. The funding is in part from Occupancy Tax monies in the amount of \$5,500.00 and \$2500.00 is from private donation. Supv. Goodspeed asked the Town Board for authorization to sign the contract.

RESOLUTION NO. 83

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Supervisor to sign the contract with Alonzo Fireworks to provide a fireworks display for the Independence Day Celebration at an overall cost of \$8000.00 with funding from Occupancy Tax monies in the amount of \$5,500.00 and \$2500.00 from a private donation. 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 April 2011, was in the Town Board members' packets.

Supv. Goodspeed noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of April 2011, was in the Town Board members' packets.

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of April 2011, to the members of the Town of Johnsbury Town Board.

Supv. Goodspeed asked if the Town Board wished to act upon the request, noted as delivered to the Town Clerk and given to the Town Board earlier in the meeting, from the White Water

Derby, Inc. requesting that the Town Board grant that organization a blanket vending permit for their sponsored event the Adirondack Adventure Festival to be held April 30 through May 2, 2010

RESOLUTION NO. 84

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to authorize the Town Clerk to issue the White Water Derby, Inc a blanket vending permit for their sponsored event the Adirondack Adventure Festival to be held May 6 through 8, 2011, and further, that the White Water Derby, Inc be exempt from the fee for said vending permit. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays –0

Supv. Goodspeed explained that the Youth Committee term of Ms. Cheri Hayes was due to expire on May 10, 2011 and that Ms. Hayes was present and had indicated her willingness to remain as a member of the Youth Committee; he asked if the Town board wished to re-appoint Ms. Hayes to that position.

RESOLUTION NO. 85

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to re-appoint Ms. Cheri Hayes as a member of the Town of Johnsbury Youth Committee for a term to expire May 10, 2016. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the Town Board needed to re-appoint Ms. Candace Lomax as a Town employee for the purpose of training Ms. Stephanie Leonard as Accounts Clerk for the Town of Johnsbury.

RESOLUTION NO. 86

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to re-appoint Ms. Candace Lomax as a Town employee for the purpose of training Ms. Stephanie Leonard as Accounts Clerk for the Town of Johnsbury. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed reminded the Town Board of the letter from Darren and Lisa Tracy in which they offer the Town of Johnsbury Highway Department sand from their property on Main Street in North Creek at no other charge that its removal from their property. Supv. Goodspeed asked if the Town Board wished to authorize Superintendent of Highways Daniel Hitchcock to move forward with the project if it seems to be cost effective for the Town.

RESOLUTION NO. 87

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize Superintendent of Highways Daniel Hitchcock to move forward

conceptually with the sand removal project at the property on Main Street belonging to Darren and Lisa Tracy if the projects seems to be cost effective for the Town of Johnsbury. 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 believed that the letter from Neil Shaw regarding the purchasing of property from the Town as premature and that he planned to forward this letter to the Town Attorney for review.

Supv. Goodspeed asked the Town Clerk if any Town Board was requested by the applicant in the liquor license notification which was presented to the Town Board during the correspondence portion of the meeting; the Town Clerk replied that the applicant had not requested any action by the Town Board.

Supv. Goodspeed asked if the Town Board wished to appoint Mr. Vince Schiavone to the Board of Assessment Review as requested in his letter which was read during the correspondence portion of the meeting.

RESOLUTION NO. 88

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow to appoint Mr. Vince Schiavone to the Town of Johnsbury Board of Assessment Review for a term to expire September 30, 2016. 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 act upon the request, received in correspondence earlier in the meeting, from the Johnsbury Historical Society to display a banner at the entrance to Ski Bowl Park from September 1, through 12, 2001 for the purpose of promoting their Civil War weekend event.

RESOLUTION NO. 89

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to allow the Johnsbury Historical Society to display a banner at the entrance to Ski Bowl Park from September 1, through 12, 2001 for the purpose of promoting their Civil War weekend event. 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 in response to the letter from Warren County Health Services regarding the lack of response from Animal Control Officer William Mosher that he will send a letter to Animal Control Officer Mosher seeking a response and an explanation of his apparent lack of timely investigation following a reported dog bite incident which could have involved a possible rabies exposure.

Supv. Goodspeed asked if the Town Board wished to discuss the letter from Mr. David Bulmer regarding the recent Planning Board meeting and the frequency of the Town Board meetings. Regarding the lack of a quorum at the Planning Board meeting of April 25, Mr. Vanselow said that the Planning Board positions are now all filled; the Planning Board was short one member and two e-mails from members were received to the meeting that two members could not attend and that just prior to the meeting a third member notified the Chairman that they could not be present. Mr. Vanselow added that the Planning Board is staffed by volunteers and life happens. Mr. Arsenault said that there are people driving hundreds of miles to place business before the Planning Board and it is not a good thing to not be able to conduct business due to a lack of a quorum. Supv. Goodspeed said that if this happened again with a full board that it should be revisited; however, a single time is not a cause for overreaction.

As regards the twice monthly meetings of the Town Board, Mr. Arsenault said that he would prefer to return to the twice monthly schedule. Supv. Goodspeed said that the late spring and summer meetings seemed to be short normally; he added that Warrensburg meets once per month, although they have some special meetings. Supv. Goodspeed said that eh would accept the preference of the Town Board. Mr. Morehouse said that he had no strong feelings either way; he added that after a couple of hours that the Town Board could lose effectiveness. Mr. David Bulmer said that the lack of meetings meant a longer period of waiting prior to reimbursement for Occupancy Tax funds. Mr. Bulmer added that at least two individuals had questioned if the Town Board members would reduce their salaries or benefits due to less meetings. Mr. Stevens said that there appeared to be more interest with only one meeting per month. Supv. Goodspeed said that other Towns have handled the Occupancy Tax question; he added that it was quite possible that even with an additional meeting that the Planning Board appointment may not have happened. Supv. Goodspeed said that a newly appointed member without any tome to familiarize themselves with the issue may have been voting on an important issue. Mr. Bulmer said that under the normal method that there would have been one or two additional members for the Planning Board at the last meeting. Supv. Goodspeed said that sometimes the Town Board needs to take its time and that he believed that it was worth trying the one meeting per month schedule.

RESOLUTION NO. 90

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to add a second Town Board meeting to the schedule in the months of June, July and August following the plan of the third Tuesday and the meetings are to be held at 7:00pm at the Town Hall (Library) in North Creek, NY. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Vanselow) Nays – 1 (Goodspeed)

Supv. Goodspeed noted that newly hired Accounts Clerk Stephanie Leonard seems to be picking up the job well and that the training seems to be going well. Supv. Goodspeed added that he believes that outsourcing the payroll may not provide the savings that were expected and that additional discussions may occur on that issue.

Supv. Goodspeed explained that regarding the request for an audit from former Accounts Clerk Candace Lomax he has received a letter from Mr. Don Greene noting the accuracy of Mrs. Lomax's work and adding that she gets praise from the New York State Comptroller's office and from departments she contacts at Warren County. Mr. Greene noted that an audit would be costly and time consuming and he believed quite unnecessary. Mr. Vanselow said that he was not sure that Mrs. Lomax really believed that the Town needed to spend money for an audit. Supv. Goodspeed said that he has a great deal of belief in the accuracy and correctness of the funds and bookkeeping of Mrs. Lomax. Mrs. Kelly Nessel suggested that the Town Board produce a letter of commendation and support for the work of Mrs. Lomax.

RESOLUTION NO. 91

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Supervisor to produce a letter of commendation and support for the work of Mrs. Candace Lomax as Accounts Clerk for the Town of Johnsburg. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Vanselow asked if there was any update on the Front Street Mountain Development project; Supv. Goodspeed said that he had not received any communication from Front Street Mountain Development asking for time on the agenda. Supv. Goodspeed explained that the Town Board had approved by resolution the connection of the Front Street Mountain Development project to the North Creek Water District and that the connection had been made. Regarding the handling of the wastewater Front Street Mountain Development had applied to the Department of Environmental Conservation (DEC) and there had been changes and a variety of systems proposed. Supv. Goodspeed said that he has spoken with the DEC and the Department of Health (DOH) about the transportation corporation; he added that a meeting has been scheduled for next week involving the Town Attorney, Delaware Operations, Front Street Mountain Development and the regulatory agencies.

Supv. Goodspeed noted that the hold and haul extension from the Town Board will expire at the end of May 2011. Mr. Vanselow said that the wastewater treatment system will not be built by the end of this month and he expects that Front Street Mountain Development will request another extension to allow their permits to be continued; he added that it is his understanding that a treatment plant should be under construction prior to the allowing of a tank and haul system. Mr. Vanselow said that Front Street Mountain Development could be looking at a serious problem at the end of the month; he said that he had fully expected to see them at tonight's meeting. Supv. Goodspeed said that he had spoken to the attorney for Front Street Mountain Development and that the issue was not raised by their attorney; he added that it is not the job of the Planning Board to notify the developer of expiring permits. Mr. Vanselow said that he did not vote in favor of the last extension request and that he was not inclined to support another extension. Mr. Arsenault said that when the issue comes before the Town Board we will discuss it and it was not on the

current agenda. Mr. Vanselow said that the Town board will have to deal with it soon.

PRIVILEGE OF THE FLOOR

None at this meeting

RESOLUTION NO. 92

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #8G/Claims #155-181; Highway Fund- Warrant #8H/Claims #73-93; North Creek Water Dist.- Warrant #7W/Claims#32-36; Library Fund-Warrant #5L/Claims#21-28. 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. Vanselow at 10:08pm. 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 June 7, 2011 at the Wevertown Community Center, Wevertown, NY.

Prepared by William Rawson, Town