

**Minutes of the Town of Johnsburg Regular Board Meeting October 4, 2011  
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, October 4, 2011 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Goodspeed called the meeting to order at 6:58pm and the pledge to the flag was led by Councilman Frank Morehouse, Jr.

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

Guests: On attached list

**RESOLUTION NO. 183**

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to accept the minutes of the September 20, 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

Supv. Goodspeed noted that he would have to leave the meeting very soon due to a medical emergency; he explained that he would go through some of the agenda items out of order prior to leaving the meeting.

**OLD BUSINESS:**

Supv. Goodspeed reminded the Town Board that at the September 6, 2011 that Ms. Pam Morin of the Warren County Planning and Community Development Department had made a presentation to the Town Board regarding the First Wilderness Heritage Corridor program and had asked to seek individuals to represent the Town of Johnsburg in a county-wide committee to schedule events so that the events are not all occurring at the same time and competing with each other for attendees. Supv. Goodspeed recommended that the Town Board appoint Mrs. Helen Miner and Ms. Joanne C. Smith of North Creek to the First Wilderness Heritage Corridor committee.

**RESOLUTION NO. 184**

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens to appoint Mrs. Helen Miner and Ms. Joanne C. Smith as representatives from the Town of Johnsburg to the Warren County First Wilderness Heritage Corridor committee. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

**NEW BUSINESS:**

Supv. Goodspeed informed the Town Board had received a letter from Elise and Woody Widlund acknowledging the influx of visitors to the Town as a result of the train ridership; they added that it was sad that visitors do not see that there is a gallery in the Tannery Pond Community Center. The Widlunds are requesting that the north side of the building have the following line added to the wall: "& Widlund Gallery". The Widlunds wish to add this line at their own expense with lettering which matches the original lettering on the building. Supv.

Goodspeed asked that the Town Board approve this request.

#### RESOLUTION NO. 185

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse to allow Elise and Woody Widlund to purchase and install the following line: "& Widlund Gallery" to the north wall of the Tannery Pond Community Center at their own expense to better represent the inclusion of the gallery in the building. 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 had delivered the 2012 Tentative Budget to the Town Clerk and asked the Town Clerk to distribute copies of the 2012 Tentative Budget to the Town Board members which was then done. Supv. Goodspeed said that this was a very difficult budget to put together; he noted that there was a 100 percent increase in the worker's compensation costs and substantial increases in the state retirement program. Supv. Goodspeed said that the budget is under the 2 percent legislature mandated tax levy limit.

Supv. Goodspeed informed the Town Board that Assessor Ann Deppe had had a heart attack last week and was now at home recovering; he added that his thoughts and prayers were with her.

(Supv. Goodspeed left the meeting to proceed to the Glens Falls Hospital due to a family emergency)

Deputy Supervisor Eugene Arsenault took over the running of the meeting at the departure of Supv. Goodspeed.

#### CORRESPONDENCE:

1. A letter of thanks from the Johnsbury Historical Society for the availability of facilities and the set up by Parks and Buildings Supt. Matt Olden.
2. A letter from the Adirondack Community Outreach Center (formerly North Country Outreach Center) requesting the use of the Tannery Pond Community Center with the fees waived for the purpose of a fund raiser.
3. A response from the U. S. Postal Service to the resolution in support of the Riparius post office remaining open; the response suggested that the alternative service suggested by the Postal Service will continue to provide effective service.
4. A letter from Janet Konis saying that she would be interested in filling a vacant position on the Planning Board.
5. A letter from Elise and Woody Widlund requesting that the Town Board them to purchase and install the following line: "& Widlund Gallery" to the north wall of the Tannery Pond Community Center at their own expense to better represent the inclusion of the gallery in the building.

Deputy Supv. Arsenault asked if the Town Board wished to act upon the request from the Adirondack Community Outreach Center (formerly North Country Outreach Center) to use the Tannery Pond Community Center with the fees waived for the purpose of a fund raiser for their organization.

## RESOLUTION NO. 186

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Morehouse, to allow Adirondack Community Outreach Center (formerly North Country Outreach Center) to use the Tannery Pond Community Center, on Saturday February 4, 2012, with the fees waived for the purpose of conducting a fund raiser for their not for profit organization. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Vanselow) Nays – 0

## COMMITTEE REPORTS:

Mr. Vanselow (Occupancy Tax Committee) reported that the business community had requested that the Town Board authorize funding from the Occupancy Tax funds for the use of a shuttle during the October 8-9, 2011 weekend.

## RESOLUTION NO. 187

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Morehouse to authorize funding from the Occupancy Tax funds to a maximum amount of \$800.00 for the purpose of assisting to defray the expense of running a shuttle for the Columbus Day weekend (October 8-9) in North Creek to move train riders and others to various sites for the street fair. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Vanselow) Nays – 0

Mrs. Kelly Nettle informed the Town Board that she was relinquishing the Occupancy Tax funding for the trail maps in the amount of \$1200.00; Secretary Cherie Ferguson asked that she send a letter to that effect to the Town.

## OLD BUSINESS:

Deputy Supv. Arsenault asked Mr. Donald Filkins for an update on the Town buildings which he had reported on to the Town Board at the previous meeting. Mr. Filkins reported that he had worked on clearing shrubbery at the Senior Citizens meal site; he has compiled a list of materials to make repairs to the supply room, replaced the table holding the countertop, painted the doors and replaced stained ceiling tiles at the meal site as well. At the Wevertown Community Center he has worked on the front door and repaired the base board heat covers and the wall board downstairs. Mr. Filkins said that he had spoken with Supv. Goodspeed about repairing the ceiling tiles using the tiles from downstairs and replacing that tile with a less expensive tile; he also suggested that a security deposit be held for damage and not released until after a post use inspection by Town personnel. Mr. Filkins said that the damage to the downstairs door at the Wevertown Community Center was obviously willful damage as the door is a solid type door. Mr. Filkins said that he has spent twenty eight hours on the buildings of which he will be requesting payment for twenty and is not planning to bill for mileage. Deputy Supv. Arsenault thanked Mr. Filkins for his efforts. Mr. Robert Nettle congratulated Mr. Filkins and asked the Town Board if the Town hired a person to maintain the Town buildings. Deputy Supv. Arsenault replied that Mr. Filkins had offered his help and that Parks and Buildings Superintendent Matt Olden doesn't have a lot of time; he added that there was a question of how to address this issue in the 2012 budget. Deputy Supv. Arsenault added that Supt. Olden has more than enough on his plate than he has time to do and the Town Board needs to look at the responsibilities of that department.

## NEW BUSINESS

Deputy Supv. Arsenault asked Secretary Cherie Ferguson to report on the heating fuel contract expiration. Sect. Ferguson explained that Warren County has put the heating fuel for 2012 out to bid and that the Town has locked into the Warren County pricing over the last few years as the price is lower than the price which the Town receives if it puts out a bid. Mrs. Kelly asked if the Emergency Squad could get those prices as well. Mr. Stevens asked if it was only heating fuel; Sect. Ferguson said that it was kerosene and heating fuel and that the Town has used the state contract price for propane.

Deputy Supv. Arsenault said that North Creek Water District Clerk James J. Lomax had asked that the Town Board reduce the water rent bill rate for the Sweet mill property due to its closure resulting from the April flooding. Mr. David Bulmer informed the Town Board that the railroad company has offices in that building. Mr. Vanselow said that the change was to be from commercial rate to residential rates; Deputy Supv. Arsenault asked if Water District Clerk Lomax knew that the building was being used by the railroad. Mr. Morehouse said that he believed that the Town Board should have more information before taking action; Deputy Supv. Arsenault said that the decision should wait until the next meeting and that more information should be received.

Deputy Supv. Arsenault asked Secretary Cherie Ferguson to explain the issue of the damaged well pump at well number 4. Sect. Ferguson explained that this is the largest producing well operated by the North Creek Water District and that in order to stay within the production limits assessed by the NYS Department of Health that this well will need to be on line soon; if there is another failure of any pump the system will not be able to sustain the necessary production levels. Water Operator Charles Rawson of Delaware Operations has notified the Town Board that on September 26 there was a pump motor failure at well number 4. During the Hurricane Irene storm the well's electric supply has been cut off and when power was restored one leg of the three phase line was missing which causes the pump motor to try to start with insufficient voltage. Delaware Operations has received a quote, for the Water District, from J.D.'S Pump & Drilling Service in the amount of \$6150.00 (material and labor) to replace the damaged pump motor and would request that the Town Board authorize the repair as an emergency measure. The damage occurred as a result of the loss of the three phase power to the pump during Hurricane Irene. Deputy Supv. Arsenault asked about insurance coverage; Sect. Ferguson said that there was no lightning strike type event to refer to; she suggested that as it occurred during Hurricane Irene that it may be possible to add this to the Federal Emergency Management Agency (FEMA) application for damage caused by that event.

#### RESOLUTION NO. 188

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow that the Town Board accepts the quote from J.D.'S Pump & Drilling Service in the amount of \$6150.00 for materials and labor to repair the pump at well number 4 as an emergency measure so as to return the well to service as soon as possible to keep the North Creek Water District water production within NYS Department of Health guidelines; and further, that the Town Board requests that the cost to repair the pump at well number 4 be added to the Federal Emergency Management Agency (FEMA) application relating to the damages resulting from Hurricane Irene. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Vanselow) Nays – 0

Deputy Supv. Arsenault noted that the Youth Committee minutes for the meeting of

September 22, 2011, was in the Town Board members' packets.

Deputy Supv. Arsenault noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of September 2011, was not yet available and is expected to be made available at the next Town Board meeting.

Deputy Supv. Arsenault noted that the monthly report of the Animal Control Officer, William Mosher, for the month of September 2011, was in the Town Board members' packets.

Deputy Supv. Arsenault distributed the Supervisor's Monthly Report, for the month of September 2011, to the members of the Town of Johnsbury Town Board.

#### PRIVILEGE OF THE FLOOR

Secretary Cherie Ferguson asked if the Town Board wished to act upon the letter from Ms. Janet Konis for appointment to the Planning Board either by setting up an interview or by appointing her to the Planning Board. Mr. Vanselow said that Ms. Konis had previously been a Planning Board member. Mr. Robert Nettle said that he had worked with Ms. Konis on the Planning Board and that she had substantial experience. Mr. Vanselow said that as Ms. Konis had been interviewed for appointment to the Zoning Board of Appeals recently he was willing to appoint her to the Planning Board without an additional interview.

#### RESOLUTION NO. 189

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow to appoint Ms. Janet Konis as a member of the Town of Johnsbury Planning Board for the balance of a term to expire February 1, 2015. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Vanselow) Nays – 0

Secretary Cherie Ferguson noted that there were engineering recommendations from the Kellogg Property Committee in the Town Board members' packets for review and possible action at the next Town Board meeting. Deputy Supv. Arsenault explained that the committee is trying to secure services for a review of the buildings on the property and suggested repairs; the cost of the repairs will be needed as well. Mr. Stevens asked if the cost of the engineering review is available from the grant associated with the property; Deputy Supv. Arsenault said that it appears to be the case.

Mrs. Kelly Nettle asked if the Town Board was planning to send anyone to the North Country Regional Economic Development Council meeting on October 19; she suggested sending someone from the Business Alliance. Mr. David Bulmer, Chamber of Commerce president, said that the Town of Johnsbury is a part of the Albany district; he has spoken with Mr. Peter Wall the regional director of the capital region "Open for Business". Mr. Bulmer said that being in the Albany region may prove to be a benefit as that region will probably be heavily funded for grants; he added that on Thursday there will be a meeting on the consolidated funding application next week and the Town may want to send someone to that meeting. Mr. Bulmer said that he doesn't believe that Warren county is actively involved; Deputy Supv. Arsenault asked why not and Mr. Bulmer said that they should be. Deputy Supv. Arsenault asked that Secretary Cherie Ferguson refer this to Supv. Goodspeed. Mr. Bulmer said that there are low interest loans, grants and tax abatements available. Deputy Supv. Arsenault said that he has heard that this will be ongoing, possibly up to five years. Mrs. Nettle said that she was

interested in seeking funding for a new Emergency Squad building; she added that the new application seemed to be simpler than the previous applications. Deputy Supv. Arsenault asked if Mrs. Nessle was attending; she said that she might. Mrs. Nessle said that this may be a good funding source for the shuttle. Mr. Bulmer said that the Chamber of Commerce plans to assist in grant writing. Mr. Bulmer said that the Town should apply for a grant to update the North Creek Action Plan; Deputy Supv. Arsenault said that he has discussed this with Supv. Goodspeed and that the current plan has been very helpful in obtaining grant funds. Mrs. Nessle said that the Town Board needs to move forward with the Ski Bowl Park grant; Deputy Supv. Arsenault said that there is a need to look at priorities and to plan for the future.

Mr. David Bulmer asked when the 2012 budget will be made available to the public; Deputy Supv. Arsenault replied after it was moved to preliminary and this will probably be at the next meeting. Mr. Bulmer asked why the worker's compensation was up 100%; Secretary Cherie Ferguson replied that the Town is in a pool with Warren County and that it was not just the Town. Mr. Robert Nessle asked if changes are made before the budget is finalized; Mr. Vanselow replied that changes are made, but not a lot of them. Deputy Supv. Arsenault said that part of the process is trying to understand the budget. Mr. Vanselow said that it would have been good to have had mandate relief. Mrs. Kelly Nessle suggested overriding the cap. The time frame for passing a local law was questioned; Deputy Supv. Arsenault said that the process would need to be started soon. Deputy Supv. Arsenault said that it was an act of cowardice to pass a budget cap without creating mandate relief.

Mr. Robert Nessle asked the purpose of the parking law which is the subject of the public hearing at the next meeting; Mr. Stevens replied that the purpose is to lessen erosion at the Black Hole (part of the Mill Creek Recreation Area) by moving the parking away from the roadside. Mr. Vanselow said that it would be a better parking area. Mrs. Diane Szlachtowski asked where the proposed parking would be located. Mr. Stevens replied that it would be in the area of Dunkley Falls; he added that there is an established trail. Mr. Vanselow described the trail as being near the creek; Mrs. Szlachtowski replied that it was a wet area, but that she was glad to see parking moved away from the road as that is dangerous.

Mrs. Kelly Nessle said that the Johnsburg Emergency Squad may ask the Town Board to approve a municipal loan for a new Emergency Squad building. Mr. Vanselow said that this would mean the Town getting an obligation on an Emergency Squad building. Deputy Supv. Arsenault said that the involvement of the Town may trigger prevailing wage laws and raise the cost of the building considerably.

#### RESOLUTION NO. 190

Mr. Vanselow 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 #17G/Claims #360-378; Highway Fund- Warrant #17H/Claims #203-212; North Creek Water Dist.- Warrant #16W/Claims#71-72. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Vanselow) Nays – 0

A motion to adjourn the meeting was presented by Mr. Morehouse with a second from Mr. Stevens at 8:15pm. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Vanselow) Nays – 0

The next regular Town Board meeting will be held at 7:00pm on October 18, 2011 at the Town Hall (Library), North Creek, NY. A Public Hearing on A LOCAL LAW OF THE TOWN OF JOHNSBURG, WARREN COUNTY, NEW YORK, TO REGULATE PARKING UPON THE HIGHWAYS WITHIN THE CORPORATE LIMITS OF THE TOWN OF JOHNSBURG will be held at 7:00pm on October 18, 2011.

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Prepared by William Rawson, Town Clerk