

**Minutes of the Town of Johnsburg Regular Board Meeting November 4, 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, November 4, 2010 at 7:52pm at the Wevertown Community Center, Wevertown, NY. Supervisor Goodspeed called the meeting to order at 7:02pm. 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, and Ronald Vanselow; Town Clerk/ William Rawson. Councilman Arnold Stevens was absent.

Guests: On attached list

No action was taken on the minutes for the October 19, 2010 regular Town Board meeting as the Town Board wished to discuss a question raised by a member of the public when she was present.

CORRESPONDENCE:

1. A letter from Ms. Jane Peter, President of 7SKI, Inc. asking that the Town Board pass a resolution waiving the 30 waiting period for a New York State liquor license application at 3195 State Route 28, North Creek, formerly known as Casey's North.
2. A letter from Mr. Joel Beaudin, President of Upper Hudson Festivals, Inc. thanking the Town Board for their support of the Bluegrass Festival over the years, enclosing a check in the amount of \$250.00 to cover any additional costs to the Town for the use of the Ski Bowl Park for the festival, and requesting the use of the Ski Bowl Park for August 16, 2011, through August 22, 2011 for the Bluegrass Festival as well as a blanker vending permit and permission to display their banner August 18, through August 21, 2011.
3. A letter from Ms. Carol Benner, of Garnet Hill Lodge, notifying the Town Board of the planned renewal of the liquor license for the Garnet Hill Lodge and enclosing a copy of the application.

Supervisor Goodspeed asked if the Town Board wished to waive the time period for a liquor license for 7SKI, Inc. d/b/a Basil & Wick's at 3195 State Route 28, North Creek, formerly known as Casey's North and authorize the issuance of a letter to waive the time period for a liquor license application

RESOLUTION NO. 204

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the issuance of a letter to waive the thirty day time period for a license application for 7SKI, Inc. d/b/a Basil & Wick's at 3195 State Route 28, North Creek. With 4 members voting in favor, the resolution is declared carried. Ayes -4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 0

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed said that concerns were raised regarding the budget during the public hearings and that he plans to review the budget and to bring it back for possible revision and passage at the November 16, Town Board meeting.

Mr. Robert Nettle said that he had read that New York State had made a mistake in the sales tax distribution to Warren County and that there would be a correction and an increase. Supv. Goodspeed said that he would contact County Administrator Paul Dusek to check on this information.

Supv. Goodspeed updated the Town Board on the Warren County request for proposal (RFP) to operate the train. Three responses to the RFP have been received from the San Luis and Rio Grande Railroad (a subsidiary of the Iowa Pacific Railroad), the Codorus Creek Railroad Company and the Upper Hudson River Railroad. Supv. Goodspeed said that the Public Works Committee has set the morning of November 12 as the date for the first interview of the responses; he added that it will be a highly complicated process and urged those concerned to attend the meeting. Supv. Goodspeed said that copies of the proposals were available for review in his office. Mr. David Bulmer asked if the newspaper article was correct as it left the impression that only the Iowa Pacific Railroad would be interviewed; Supv. Goodspeed said that the first interview will be the Iowa Pacific Railroad and then possibly with the Codorus Creek Railroad and currently there is little support for continuing a relationship with the Upper Hudson River Railroad. Supv. Goodspeed said that he believed that the suggestion of a snow train for this winter was overly aggressive.

Supv. Goodspeed asked Town of Johnsburg Assessor Ann Deppe to discuss a possible town wide re-val. Assessor Deppe said that her office is flooded with complaints from property owners who have difficulty understanding the difference between the full market value and the appraised value. Assessor Deppe explained that there will be some assessment shifts and that people are seeking equality and uniformity in their property values, which is the goal of a re-val. Assessor Deppe said that the next step for the Town Board is to read the information packet which she gave to the Town Board and to include funding in the Town Budget for the re-val. Assessor Deppe said that Mr. John Stack from the NYS Office of Real Property would help with the analysis and that Mr. Mike Swan from Warren County Office of Real Property would help with the printing; she added that a clerk and data collector would be needed for the re-val process.

Assessor Deppe said that she cannot guarantee the NYS reimbursement amount for the re-val, but it could be as high as \$49,686.00 and the amount of reimbursement is based on the number of applications for funding which are received by NYS. Assessor Deppe said that she expects the costs associated with the re-val to be a data collector at \$5000.00, a clerk at \$10,000.00, postage of \$2,000.00 and a NYS charge of \$3.00 per parcel for assistance. Mr. Vanselow asked if the amount in the 2011 budget was \$10,000.00; Supv. Goodspeed said that it was. Supv. Goodspeed said that he believed that the Town Board needed to simultaneously fund, contract and plan for the costs over two budget cycles. Assessor Deppe said that the Warren County Assessors want to do a county wide re-val in 2012.

Supv. Goodspeed said that the reality of having a new administration in New York State made him nervous regarding the funding; he wondered if the new governor would or could withdraw the funding which is currently in place. Supv. Goodspeed said that the Town needs to address the issue of a re-val, but he wants to be sure that the governor-elect will not pull the funding. Supv. Goodspeed asked Assessor Deppe to ask her state level contacts whether there is a possibility of cuts in this funding. Assessor Deppe said that the funding was signed into state law

in October 2010. Supv. Goodspeed thanked Assessor Deppe for her work and for dealing so well with the difficulties which are involved with her job.

Supv. Goodspeed noted that attorney Daniel Smith was present to make a request for Front Street Mountain Development. Attorney Smith asked that the Town Board approve a second hold and haul septic system and that it be allowed for use through May 31, 2011; and also, that the first hold and haul expiration be extended through Mat 31, 2011. Supv. Goodspeed said that he had discussed this request with Delaware Operations and that they were ready to move forward if the Town Board was in agreement. Delaware Operations has determined that \$20,000.00 would be the overall amount to guarantee the completion of septic systems for the four units. Supv. Goodspeed said that this included the \$10,000.00 from the first hold and haul, but it did not include the \$10,000.00 fund for engineering review of the permanent wastewater system to be covered by the transportation corporation. Supv. Goodspeed said that he also spoke with a representative of the Adirondack Park Agency (APA) regarding the stop work order and the hold and haul. The representative of the APA said that the stop work order was directed toward permanent infrastructure and was not directed against the hold and haul operation even though portions of the hold and haul may become part of the permanent infrastructure. The response from the APA is that the Town Board is within its rights to deny the hold and haul as parts of it may become permanent or to allow it as previously granted by the APA.

Supv. Goodspeed asked Attorney Smith if at some point there will be no new hold and haul requests; Attorney Smith replied that he believed so, although Mr. Mac Crikelair has been advertising a third building. Supv. Goodspeed asked the purpose of the extension of the expiration of the hold and haul; Attorney Smith said that it was to allow construction of the second building and added that he may be back to ask for a further extension on these four units if the building season does not allow construction to progress rapidly. Supv. Goodspeed said that he would vote for a second hold and haul and the time extension, but that he will not vote to authorize further extensions or additional hold and haul systems. Mr. Vanselow asked where else in the Town of Johnsbury can you apply for a subdivision and still go ahead without the approval of that subdivision; he said that Front Street Mountain Development was months away from the subdivision approvals. Mr. Vanselow said that there have been a lot of bad faith dialogues and misinformation from Front Street Mountain Development; he added that he does not want to go forward with a resolution that contravenes the Planning Board. Attorney Smith said that while the Subdivision Law retains authority for subdivisions to the Planning Board, the site plan authority is given to the APA for Class A projects. Supv. Goodspeed asked how many units could be put on one parcel; Attorney Smith replied that Front Street Mountain Development could own all the units and not have a subdivision. Mr. Vanselow said that Front Street Mountain Development has said that it wants to sell the units. Supv. Goodspeed said that the pending application and subdivision should trigger a review and that it is not right for the Town Board to contravene the Planning Board. Mr. Vanselow said that he can't see that anyone else would be allowed to do this.

RESOLUTION NO. 205

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Morehouse that the Town Board acting as the Board of Health will approve the addition of a second and final hold and haul system with an expiration date of May 31, 2011 and further, that the Town Board will require a \$10,000.00 cash deposit and further, that the original hold and haul system which is conditioned to expire on December 31, 2010 will have its expiration date extended to May 31, 2011 and that all other conditions imposed by the original

authorization granted in Resolution Number 132 enacted on July 21, 2009 continue in full force and effect; and that these approvals are granted under the following conditions: that the units will not be sold unlawfully occupied and that this Town Board permission will be withdrawn if the developer applies for a certificate of occupancy for the units served by the second hold and haul system. With 3 members voting in favor the resolution is declared carried. Ayes-3 (Arsenault, Morehouse, Goodspeed) Nays – 1 (Vanselow)

Supv. Goodspeed asked that Town Clerk William Rawson explain two items regarding proposed Local Law Number 1 of 2010 to be known as “Control and Licensing of Dogs Local Law of the Town of Johnsbury”. Town Clerk Rawson said that the fees listed in the proposed law should have been \$3.50 for a spayed or neutered dog (\$2.50 + \$1.00 fee mandated by New York State for spaying or neutering) and \$10.50 for unspayed or unneutered dogs (\$7.50 + \$3.00 fee mandated by New York State for spaying or neutering); Town Clerk Rawson said that the Town Board needed to hold a public hearing on proposed Local Law Number 1 of 2010 to be known as “Control and Licensing of Dogs Local Law of the Town of Johnsbury”. Supv. Goodspeed asked that the Town Board set a date and time for the public hearing.

RESOLUTION NO. 206

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Clerk is instructed to advertise in one issue of the North Creek News-Enterprise that the Town Board will conduct a Public Hearing regarding the proposed Local Law #1 of 2010 to be known as “Control and Licensing of Dogs Local Law of the Town of Johnsbury”; said Public Hearing to be held on Tuesday, December 7, 2010, at 6:45pm, at the Wevertown Community Center, Wevertown, NY. With 4 members voting in favor, the resolution is declared carried. Ayes -4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 0

Mr. William Mosher, Animal Control Officer and current holder of a purebred license asked that the Town Board place language in the proposed law to include the issuing of purebred licenses by the Town; Mr. Mosher said that New York State has had the provision in its law and that it should be continued as an assist to those raising purebred dogs. Mr. Arsenault asked why the Town should give a benefit to an individual who is raising dogs as a business; Mr. Mosher said that the lower price per dog offsets the cost of not spaying or neutering the dogs which would not be sensible when raising the purebred dogs for resale. Mr. Peter Heid said that this would be an assist to a business. Mr. Mosher also asked if dogs hunting in the company of an owner could be exempted from the requirement of having to have a license tag on the dog as this can cause health problems for the dog. Supv. Goodspeed said that he will check into the purebred and tag issue requests.

Supv. Goodspeed recognized Mr. Vanselow, the current chairman of the Occupancy Tax Committee, to make requests regarding the Occupancy Tax applications and the rulings regarding the funding. Mr. Vanselow asked that the Town Board extend the deadline for the submission of Occupancy Tax funding applications to November 7, 2010.

RESOLUTION NO. 207

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize the extension of the deadline for the receipt of Occupancy Tax funding request applications to November 7, 2010. With 4 members voting in favor, the resolution is declared carried. Ayes -4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 0 Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 0

Mr. Vanselow asked that the Town Board review the following language from the instructions for the Occupancy Tax funding applications: "Funding up to four years only for the same request; each year, similar requests diminished by 25% if a money-making venture" and asked that the Town Board strike the words "if a money-making venture" as the information is virtually impossible to verify.

RESOLUTION NO. 208

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize the striking out of the phrase "if a money-making venture" from the guidelines in granting contract amounts from Occupancy Tax funds. With 4 members voting in favor, the resolution is declared carried. Ayes -4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 0

Mr. Vanselow informed the Town Board that fourteen Occupancy Tax funding applications had been received with requests totaling \$62,000.00. Mr. Vanselow explained that there was only \$35,000.00 in Occupancy Tax funding available; he said that some individuals will be disappointed.

NEW BUSINESS

Supv. Goodspeed informed the Town Board of the Warren County heating oil bid winners; Main Brothers Oil Co., Inc. had won the #2 fuel oil bid with a differential of \$.1689 per gal over the base price, G. A. Bove & Sons, Inc. won the 50/50mix bid with a differential of \$.3250 per gal over the base price and G. A. Bove & Sons, Inc. won the kerosene bid with a differential of \$.3250 per gal over the base price. Supv. Goodspeed asked that the Town Board approve the Town of Johnsbury being included in the Warren County contracts for the year beginning November 1, 2009 through October 31, 2010. The state contract price on propane runs through December 31, 2010.

RESOLUTION NO. 209

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board elects to be included under the Warren County bid pricing for No. 2 Fuel Oil; the 2011 County bid price differential for No. 2 Fuel Oil is \$0.1885 per gallon over the base price (Main Brothers Oil Co., Inc.). With 4 members voting in favor, the resolution is declared carried. Ayes -4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 0

RESOLUTION NO. 210

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board elects to be included under the 2011 Warren County bid pricing for kerosene and 50/50mix; the County bid price differential for Kerosene is \$.3500 per gallon over the base price (G. A. Bove & Sons, Inc.) and the kerosene bid price differential of \$.3500 per gal over the base price (G. A. Bove & Sons, Inc.). With 4 members voting in favor, the resolution is declared carried. Ayes -4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed informed the Town Board that the contract to remove scrap metal from the transfer station is due to expire on November 30, 2010 and asked the Town Board authorize the placing of a new scrap metal removal bid.

RESOLUTION NO. 211

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to authorize the Town Clerk to advertise for one week on in the North Creek News Enterprise for the removal of scrap metal from the Town of Johnsbury Transfer Station, with the contract to run from December 1, 2010 through November 30, 2011, with the bids to be opened at 7:00pm at a regular meeting of the Town Board to be held at the Wevertown Community Center, Wevertown, NY on Tuesday, December 7, 2010, at 7:00pm. With 4 members voting in favor, the resolution is declared carried. Ayes -4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 0

Supervisor Goodspeed noted that although the intermittent snow removal contract has expired that it appears that it is not necessary to bid it at this time.

Supv. Goodspeed informed the Town Board that the contract for the operation of the North Creek Water District will expire soon. Supv. Goodspeed informed the Town Board that he will have a lease arrangement with some of the principals involved in Delaware Operations, the current operator of the North Creek Water District and therefore, he will abstain from the discussion and will not vote on any recommendation. Mr. Arsenault asked the cost of the current contract; Accounts Clerk Candace Lomax replied that it was now \$1780.00 per month in 2010 and recommended that the Town Board ask for a proposal. The Town Board requested that she ask for a proposal.

Supv. Goodspeed informed the Town Board that the drug and alcohol testing contract with Standard Medical Services will end on December 31, 2010. Highway supt. Daniel Hitchcock has suggested that there is a possible alternative in the company which serves the Johnsbury Central School as this company comes to the school to perform the testing which allows the worker to be available for work for most of the day as opposed to the current company which requires the worker to travel to Glens Falls for testing; the company serving the school does not perform the same test as the one currently performed by Standard Medical Services. Mr. David Bulmer said that it might be worth looking into the company serving the school to see if they could provide the required test. Supv. Goodspeed asked for approval to sign the contract renewal for 2011 with Standard Medical Services.

RESOLUTION NO. 212

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to authorize the Town Supervisor to execute with Standard Medical Services renewal of the contract for drug and alcohol testing for Town employees driving Town equipment for the year of 2011. With 3 members voting in favor, the resolution is declared carried. Ayes -3 (Arsenault, Morehouse, Goodspeed) Nays – 1 (Vanselow)

Supv. Goodspeed informed the Town Board that the contract for the maintenance of the HVAC (heating and air conditioning) system at the Tannery Pond Community Center with Thermal Associates expires on December 31, 2010; he noted that this appears to be the only company which has bid on this contract. Mr. Morehouse said that Thermal Associates is the only company in the region which can supply the parts for the system. Supv. Goodspeed asked for approval to sign the contract renewal for 2011 with Thermal Associates.

RESOLUTION NO. 213

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Morehouse to authorize the Town Supervisor to execute with Thermal Associates a renewal of the contract for the maintenance of the HVAC (heating and air conditioning) system at the Tannery Pond Community Center for the year of 2011. With 4 members voting in favor, the resolution is declared carried. Ayes -4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed requested that the Town Board set dates for opening the bids for Senior Citizen Transport for the year of 2011. After a short discussion the date for opening the bids was set for December 7, 2010, at 7:00pm, at the regular Town Board meeting of the Johnsbury Town Board at the Wevertown Community Center, Wevertown, NY and the Town Clerk was directed to advertise for one week, in the North Creek News Enterprise to solicit bids.

RESOLUTION NO. 214

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to authorize the Town Clerk to advertise for one week, in the North Creek News Enterprise to solicit bids for Senior Citizen Transportation from the Town of Johnsbury to Glens Falls and return, one day per week for the year of 2011, with the bids to be opened at 7:00pm at a regular meeting of the Town Board to be held at the Wevertown Community Center, Wevertown, NY on Tuesday, December 7, 2010, at 7:00pm. With 4 members voting in favor and none opposed the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that the monthly report of the Animal Control Officer, William Mosher, for the month of October 2010, was in the Town Board members' packets

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

Supv. Goodspeed noted the monthly report of Zoning Enforcement Officer, Danae Tucker, for the month of October 2010, was in the Town Board members' packets. Supv. Goodspeed added that he has spoken with ZEO Tucker and reported that she is energized and educating herself on the position. Mr. Vanselow reported that he had spoken with ZEO Tucker as well and informed the Town Board that she has contacted George (Rudd) VanVoorhis about his T.C. Murphy Lumber Company sign in Wevertown which is the subject of a lighting complaint registered by Ms. Eva Mongeon.

PRIVILEGE OF THE FLOOR

Mr. Vanselow asked if Supv. Goodspeed wished the Town Board to act upon the request from the Upper Hudson Festivals, Inc for the use of the Ski Bowl Park for the festival, and requesting the use of the Ski Bowl Park for August 16, 2011, through August 22, 2011 for the Bluegrass Festival as well as a blanket vending permit and permission to display their banner August 18, through August 21, 2011. Supv. Goodspeed asked if the dates were okay; Secretary Cherie Ferguson replied that they were and that the festival had the right of first refusal for the venue.

RESOLUTION NO. 215

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Morehouse to allow the Upper Hudson Festivals, Inc the use of the Ski Bowl Park August 16, 2011, through August 22, 2011 for the Bluegrass Festival; and further, the Town authorizes the Town Clerk to issue a blanket vending permit for the aforesaid event; and further, the Town Board grants permission to the Upper Hudson Festivals, Inc to display their Bluegrass Festival banner August 18, through August 21, 2011. With 4 members voting in favor and none opposed the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 0

Secretary Cherie Ferguson informed the Town Board that five applications for cleaner of the Tannery Pond Community Center had been received. Supv. Goodspeed suggested scheduling interviews for November 16, at 6:30.

RESOLUTION NO. 216

Mr. Vanselow 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 #20G/Claims #411-458; Highway Fund- Warrant #20H/Claims #226-234; North Creek Water Dist.- Warrant #20W/Claims #78-82; and additionally, the Town Board acknowledges that Voucher #386 of General Fund Warrant 19G in the amount of \$1071.00 was a duplicate of Voucher #345 of General Fund Warrant 16G and payment was requested accidentally. The check for payment of this account has been voided. With 4 members voting in favor and none opposed the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed said that there would be a short executive session and no Town Board action was expected following the executive session.

Mr. Morehouse presented the following motion, with a second from Mr. Vanselow to enter into executive session at 9:25pm for the purpose of discussing a personnel issue regarding a Town employee associated with the Highway Department. With 4 members voting in favor and none opposed the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 0

Also present at the request of the Town Board for the discussion was Town of Johnsbury Superintendent of Highways Daniel Hitchcock.

Mr. Arsenault presented the following motion, with a second from Mr. Morehouse to adjourn the executive session at 9:37pm. With 4 members voting in favor and none opposed the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked that the Town Board enter a second executive session.

Supv. Goodspeed presented the following motion, with a second from Mr. Vanselow to enter into executive session at 9:38pm for the purpose of discussing a personnel issue regarding a Town employee at the Town Hall. With 4 members voting in favor and none opposed the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed presented the following motion, with a second from Mr. Morehouse to

adjourn the executive session at 9:52pm. With 4 members voting in favor and none opposed the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 0

A motion to adjourn the meeting was presented by Mr. Morehouse with a second from Mr. Arsenault at 9:52pm. With 4 members voting in favor and none opposed the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on November 16, 2010 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk