

**Minutes of the Town of Johnsborg Regular Board Meeting November 16, 2010
Held at 7:00pm at the Town of Johnsborg Library, North Creek, NY;**

Minutes of the regular meeting of the Town Board of the Town of Johnsborg held on Tuesday, October 19, 2010 at 7:00pm at the Town Library, North Creek, NY Supervisor Goodspeed called the meeting to order at 7:02pm and the pledge to the flag was led by Councilman Arnold Stevens.

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. 217

Mr. Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the November 4, 2010 regular Town Board meeting as written. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

RESOLUTION NO. 218

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to accept the minutes of the November 4, 2010 Public Hearing on the 2011 Town of Johnsborg Budget as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

RESOLUTION NO. 219

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to accept the minutes of the Public Hearing on the 2011 Johnsborg Fire Protection Contracts for the Johnsborg Fire Protection District as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

CORRESPONDENCE:

1. A letter from Mr. Joseph and Mrs. Theresa Roeder expressing concerns with the wording of the minutes of the minutes of the October 5, 2010 regular Town Board meeting and the results of the discussion of the condition of Coulter Road at the October 19, 2010 regular Town Board meeting.
2. A copy of Town of Horicon Resolution Number 130 urging the Warren County Boards of Supervisors to sell the county share of the Gaslight Village property.
3. A letter from Mrs. Andrea (Andie) Waldron representing the "Lights On Committee" explaining to the Town Board that the original information presented at the October 19, meeting regarding the snowflake lights was incorrect and requests approval by the Town Board of the correct information.

COMMITTEE REPORTS:

OLD BUSINESS:

Mr. Paul Heid informed the Town Board that Mrs. Theresa Roeder had contacted him and asked him to inform the Town Board that she will not be able to attend the meeting to discuss her letter regarding Town Board minutes and road conditions; Supv. Goodspeed said that the Town Clerk had informed him that he had received the same information. Supv. Goodspeed said that he will place the items on the December 7, agenda.

Supv. Goodspeed updated the Town Board on the progress of the Harrington Road bridge project; Mr. Stevens said that he had visited the site and that abutments have been poured on the downstream side today and will be setting until about Thursday. If conditions allow the abutments on the other side will be poured next Wednesday.

Supv. Goodspeed asked Secretary Cherie Ferguson to update the Town Board on the interviews for the position of cleaner at the Tannery Pond Community Center. Sect. Ferguson explained that five applications had been received and three respondents were interviewed; one individual did not reply to the interview appointment and one individual did not arrive for an interview. The interviews were conducted by Sect. Ferguson and Accounts Clerk Candace Lomax; following the interviews the recommended individual was Ms. Karen Wright. Supv. Goodspeed asked if the Town Board wished to act upon the recommendation.

RESOLUTION NO. 220

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, that the Town Board having received a recommendation following interviews with three candidates for the position of cleaner at the Tannery Pond Community Center that the Town Board authorizes the hiring of Ms. Karen Wright as the cleaner at the Tannery Pond Community Center. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked Secretary Cherie Ferguson to update the Town Board on the heating issues at the Tannery Pond Community Center. Sect. Ferguson explained that she has recently spoken with Mr. Marty Devitt of Thermal Associates who informed her that the heat pump should be available for installation the second weekend of December. Mr. Devitt also explained that he is working on an idea to better control the air temperature at the Tannery Pond Community Center and is reviewing plans to determine if his idea will work.

Supv. Goodspeed explained that the 2011 Preliminary Budget has been presented together with a narrative version and that the Town Board conducted public hearings on both the preliminary budget and the 2011 fire protection contract for the Johnsbury Fire Protection District. Supv. Goodspeed said that the main item of concern appears to be additional funding for the fire companies in the Johnsbury Fire Protection District and the elimination of the \$10,000.00 payment to the North Creek Fire District. Supv. Goodspeed said that he had delivered the following correspondence to the Town Board members and to as many fire chiefs as possible:



Town of Johnsburg

P.O.Box 7, North Creek, NY, 12853
Ph: 518-251-2421 Fax 518-251-9991

**Bakers Mills
Johnsburg
NorthCreek
North River
Riparius
Wevertown**

November 15, 2010

This letter is to advise Town Board members and all Fire Companies of budget proposals regarding fire company funding after the public hearing that was held on November 4, 2010.

The following is a summary of the conclusion and proposals.

Town Supervisor
Sterling T. Goodspeed
(518) 251-2421

Town Council
Gene Arsenault
Frank Morehouse
Arnold Stevens
Ron Vanselow

Highway Superintendent
Daniel B. Hitchcock
(518) 251-2113

Town Clerk
William R. Rawson
(518) 251-3011

Town Assessor
Ann P. Deppe
(518) 251-5559

- 1) The current contract provides 2011 funding in the amount of \$10,000 for the North Creek Fire District. This is a contractual obligation that will be difficult to terminate at this point.
- 2) I have spoken with several North Creek District members, in summary they feel there is a possibility to remove this payment in future years.
- 3) I would like to move more dollars toward the Johnsburg Fire Protection District. I propose a \$750.00 increase for each company outside of the North Creek Fire District. This is a 2.1% increase, as opposed to a 1.5% increase. The tax rate would be 3.21%, up from 2.64%.
- 4) In the future I propose to dissolve the contract issue with North Creek District in accordance with the timing noted on the contract. This would allow the \$10,000 North Creek District payment to be divvied up among the remaining fire companies.
- 5) As I indicated previously, dramatic changes are facing fire companies in upstate rural New York. I feel it is imperative to communicate in an active, not reactive manner. It is vital to the survival of all fire companies to work together towards a common goal. I will stand ready to assist anytime.

Very Truly Yours,

Sterling T. Goodspeed
Supervisor, Town of Johnsburg

Supv. Goodspeed asked North River Fire Chief John Donohue for comment; Fire Chief Donohue said that he was happy that the issue of the elimination of the \$10,000.00 seems to be resolved and while the companies had wanted a 3% increase that this was an improvement. Fire Chief Donohue said that he only found out about the letter late as he doesn't receive e-mail; he added that the Riverside Fire Company also had not received the information. Fire Chief Donohue said that he was in agreement that there needs to be more communication between the Town Board and the Fire Companies of the Town. Supv. Goodspeed said that some people have contacted him regarding ending the \$10,000.00 payment this year; he added that he has tried to explain the contractual obligation which exists for 2011. Mr. Paul Heid said that he had been told by a previous administration that this change was almost impossible. Secretary Cherie Ferguson said that she had spoken directly with Bakers Mills-Sodom Fire Chief Lewis Hitchcock and that he seemed pleased. Supv. Goodspeed asked for a motion to adopt the 2011 Preliminary Budget as the Final Budget for 2011 with the change regarding the \$750.00 per company increase in the payment to the Fire Companies.

RESOLUTION NO. 221

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the Tentative Budget for 2011 which was filed in the Town Clerk's office on September 30, 2009, the Preliminary Budget in which was included the following change: the addition of the list of exemptions received from the Town Assessor added to the Preliminary Budget, on which a Public Hearing was held on November 4, 2010, at 6:30pm, at the Wevertown Community Center, Wevertown, NY:

THEREFORE, the Preliminary Budget, is to be accepted as the Final Budget for the Town of Johnsbury for the year to begin January 1, 2011; and it is further resolved that pursuant to a Public Hearing on the 2011 Johnsbury Fire Protection Contract for the Johnsbury Fire Protection District having been held on Thursday, November 4, 2010, at 6:00pm at the Wevertown Community Center, Wevertown, NY; the Town Board approves of the 2010 Johnsbury Fire Protection Contract for the Johnsbury Fire Protection District including an additional seven hundred and fifty dollars to be paid to the following companies: North River Vol. Fire Co., Garnet Lake Vol. Fire Co., Bakers Mills/Sodom Vol. Fire Co., Johnsbury Vol. Fire Co., Wevertown Vol. Fire Co., and Riverside Vol. Fire Co. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Goodspeed, Vanselow) Nays – 0

Supv. Goodspeed asked that the Town Board pass a resolution of conceptual approval for a plan to modify the contract in such a way as to remove the \$10,000.00 payment to the North Creek Fire District.

Mr. Morehouse presented a resolution of conceptual approval of the modification of the fire protection contract in such a way as to remove the \$10,000.00 payment to the North Creek Fire District with a second from Mr. Vanselow. As a result of the following remark, Mr. Morehouse withdrew this resolution.

Mr. Arsenault asked if the Town Board really wanted to move prior to speaking with the North Creek Fire Commissioners; he believed that it would be better to discuss this issue first.

Supv. Goodspeed expressed concern about the Wevertown Fire Company regarding the report that the Wevertown Fire Company no longer has the North Creek Fire Company toned out for their calls. Johnsbury Fire Chief Barry Aldrich said that it seems that Wevertown Fire Company has removed North Creek Fire Company from their emergency plan. North River Fire Chief John Donohue said that Wevertown has removed North Creek Fire Company from mutual aid; he added that he believed that the Wevertown Fire Chief has that right, although, personally he was not sure it was a correct decision. Supv. Goodspeed said that at a recent fire near the Wevertown firehouse it was reported that the Johnsbury Fire Company was the first responding company; Johnsbury Fire Chief Aldrich confirmed this. Mr. Arsenault said that he believed that the Wevertown Fire Chief should have been asked before this was discussed in open session; Supv. Goodspeed said that he had discussed this with the Town Attorney and had been informed that it was a valid topic for open session.

Supv. Goodspeed asked for Town Board suggestions on how to act. Mr. Stevens suggested a letter from the Town Supervisor to the Wevertown Fire Chief asking for an explanation; Mr. Morehouse said that he had no strong feelings on the method, but wanted an immediate response from the Wevertown Fire Company. Mr. Vanselow asked if the discussion was only about the mutual aid issue or if there were other issues; Supv. Goodspeed replied that if there are other contractual issues that it or they would be a topic or topics for an executive session.

Mr. Paul Heid said that the Town Board may want to speak with the Warren County Assistant Fire Coordinator and agreed that the discussion should be done with expediency. Fire Chief Donohue agreed with Mr. Arsenault that the issue should have been discussed with the Wevertown Fire Chief first; he added that he has removed North Creek from automatic mutual aid as well. Chief Donohue said that the emergency mutual aid plan for a specific site is different from a general mutual aid. Chief Donohue added that if the decision to remove the North Creek Fire Company was a personal issue, then there was a cause to question the decision. Supv. Goodspeed said that he will send a letter to the Wevertown Fire Chief tomorrow.

Supv. Goodspeed asked the Town Clerk to report on the issues raised at the previous Town Board meeting regarding the dog licensing law. Mr. William Mosher had asked if hunting dogs working with their owners could be exempted from the requirement of having to wear a license tag; the Town Attorney has researched this and reported that state law requires dogs at large to be wearing a tag, so that the Town Board cannot change this portion of the law. The revised copy of the dog licensing law given to the Town Board contains provisions to allow the selling of purebred licenses with the fees at the current levels and the provision that the procurement of the tags will be the responsibility of the owner. Mr. Arsenault asked the Town Clerk if he had a preference for or against the purebred licensing; the Town Clerk replied that he had no real preference and that the elimination of the purebred provision would increase the funds to help pay for the licensing of dogs at the expense of those having dogs. The Town Board members indicated that the purebred provision should remain with the aforesaid conditions and fees. Supv. Goodspeed asked for a motion to accept the dog licensing law as presented and to reaffirm the public hearing on the proposed law.

RESOLUTION NO. 222

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board moves to adopt the following as the proposed Local Law #1 of 2010 entitled ***A Local Law Of The Town Of Johnsburg, Warren County, New York, Relating to the Control and Licensing of Dogs*** and to reaffirm that the Town Board will conduct a public hearing on the aforesaid proposed local law at the Wevertown Community Center, Wevertown, NY on Tuesday, December 7, 2010, at 6:45pm.

A LOCAL LAW OF THE TOWN OF JOHNSBURG, WARREN COUNTY, NEW YORK,
RELATING TO THE CONTROL AND LICENSING OF DOGS

Be it enacted by the Town Board of the Town of Johnsburg as follows:

Section 1 Title:

This Local Law shall be known and cited as the "Control and Licensing of Dogs Local Law of the Town of Johnsburg."

Section 2 Statutory authority:

This Article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, as amended by Chapter 59, Part T, of the laws of 2010, and as may be subsequently amended or revised.

Section 3 Purpose:

The purpose of this Article shall be to preserve public peace and good order in the Town of Johnsburg and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Johnsburg.

Section 4 Definitions:

As used in this Article, the following terms shall have the meanings indicated:

AT LARGE -- Off the premises of the owner.

DOG WARDEN/ANIMAL CONTROL OFFICER -- A person or persons appointed by the Town for the purpose of enforcing this Article.

LEASHED -- Restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

OWNER – The person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost and such loss was

promptly reported to the Dog Warden/Animal Control Officer, or any peace officer, and a reasonable search has been made. If a dog is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation who or which at any time owns or has custody or control of, harbors or is otherwise responsible for any dog which is kept in, brought into or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this article shall be held and deemed to be the "owner" of such dog for the purpose of this article. In the event that the "owner" of any dog found to be in violation of this article shall be under 18 years of age, any head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this article.

Section 5 Prohibited acts:

It shall be unlawful for any owner of a dog in the Town of Johnsbury to permit or allow such dog to:

A. Run at large, unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Article, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.

B. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harbinger of the dog.

C. Cause damage or destruction to public or private property, defecate, urinate or otherwise commit a nuisance upon the property of other than the owner or harbinger of the dog.

D. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.

E. Chase, leap on or otherwise harass bicycles or motor vehicles.

F. Kill or injure any dog, cat or other household pet.

G. Be unlicensed when four months of age or older.

H. Not have a current and valid Town of Johnsbury identification tag on its collar while at large, whether or not restrained by an adequate leash.

Section 6 Female dogs:

All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Warden/Animal Control Officer, or any peace officer, and removed to a safe place of confinement.

Section 7 Conditions for keeping dogs:

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner or harborer, the dogs become the property of the Town of Johnsburg to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.

Section 8 Licensing of dogs; fees:

A. License required. All dogs in the Town of Johnsburg shall be licensed with the Town Clerk by the age of four months, and any person applying for a dog license shall present a current certificate of rabies vaccination at the time of making application for a license or for the renewal of an existing license.

B. Expiration of license. All dog licenses shall be valid for a period of one year and shall expire at the end of the month one year from the date of issuance.

C. License fees. The fee for a spayed or neutered dog shall be \$3.50, which fee includes the assessment of a surcharge of \$1 for the purpose of carrying out a program of animal population control. The fee for an unspayed or unneutered dog shall be \$10.50, which fee includes the assessment of a surcharge of \$3 for the purpose of carrying out a program of animal population control. Replacement tag fees shall be \$2.00. The fee for a Purebred License as provided for in Paragraph (E) below shall be as follows:

- i) 0-10 dogs a fee of \$25 plus a surcharge of \$3 per dog;
- ii) 11-25 dogs a fee of \$50 plus a surcharge of \$3 per dog; and,
- iii) 26+ dogs a fee of \$100 plus a surcharge of \$3 per dog.

The surcharge shall be for the purpose of carrying out a program of animal population assessment and control. The fees provided for in this paragraph C shall be reviewed by the Town Board periodically and may be changed by resolution of the Town Board, as necessary.

D. Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee of \$5 will be assessed to the owner of any dog found unlicensed or for which the license has not been renewed at the time the enumeration is conducted.

E. Purebred license. (a) The owner of one or more purebred dogs registered by a recognized registry association may make an application annually for a purebred license, in lieu of or in addition to the individual licenses required by subdivision (A) of this section. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

(b) Such application shall be made to the person specified in paragraph (A) of section eight of this Article.

(c) The application shall state the name, address and telephone number of the owner; the county and city, town or village where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex of each purebred dog over the age of four months which is harbored on the premises and which is eligible for

registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

(d) The application shall be accompanied by the license fee prescribed by paragraph (C) of section Eight of this Article and a certificate of rabies vaccination or statement in lieu thereof, as required by paragraph (A) of this section.

(e) Upon receipt of the foregoing items, the clerk or authorized dog control officer shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefore shall be made.

(f) No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of subdivision one of this section, except when the new owner holds a valid purebred license.

F. Service dogs. The Town of Johnsbury shall require a license for any guide dog, service dog, hearing dog or detection dog, the license fee will be waived as those terms are defined by Article 7 of the Agriculture and Markets Law.

G. Shelters. The Town of Johnsbury does not allow the licensing of dogs by a shelter. The shelter shall send the adoptive dog owners to the Clerk of the town or city in which the dog will be harbored for licensing or to the Town Clerk of the Town of Johnsbury where the shelter is located for the purchase of the license for adoption purposes.

H. All dog licenses shall be purchased in person at the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee shall accompany the forms. There shall be no refund of fees.

I. No tags will be included with the purebred licenses. If the owner wants a tag for their dogs they shall be responsible for purchasing the tags, at their own expense. These tags must be imprinted with the same number as the purebred license. These tags may be used only on dogs owned and harbored by the holder of the purebred license.

J. All fees shall be used in funding the administration of the Dog Control Law of the Town of Johnsbury.

Section 9 Seizure of dogs; redemption; disposition; impoundment fee:

The Dog Warden/Animal Control Officer, or any peace officer, shall seize any unlicensed dog whether on or off the owner's premises and/or any dog not wearing a tag, not identified and not on the owner's premises.

A. If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than five days.

B. If a dog seized is wearing an identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven days; if notified by mail, no less than nine days.

C. The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of Article III of this chapter are as follows:

(1) For the first impoundment: \$45 plus the prevailing charge to the Town of Johnsbury for each day of impoundment.

(2) For the second impoundment: \$60 plus the prevailing charge to the town of Johnsbury for each day of impoundment.

(3) For the third impoundment: \$90 plus the prevailing charge to the Town of Johnsbury for each day of impoundment.

D. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

Section 10 Record of seizure:

Upon taking custody of any animal, the Dog Warden/Animal Control Officer, or any peace officer, shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location or release and name and address of owner, if any.

Section 11 Complaints:

Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Town of Johnsbury or with the authorized Dog Warden/Animal Control Officer or any peace officer, specifying the violation, the date of violation, the damage caused and including place(s) violation occurred and the name and address of the dog owner, if known.

Section 12 Enforcement:

The Dog Warden/Animal Control Officer of the Town of Johnsbury shall, and all peace officers may, administer and enforce the provisions of this article and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off the owner's premises, if witnessed to be in violation of this article.

Section 13 Impeding Dog Warden/Animal Control Officer unlawful:

No person shall hinder, resist or oppose the Dog Warden/Animal Control Officer or peace officer authorized to administer or enforce the provisions of this article in the performance of the officer's duties under this article.

Section 14 Disclaimer of liability:

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by a Dog Warden/Animal Control Officer or peace officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

Section 15 Penalties for offenses:

Any violation of this article shall be punishable, for each violation, by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

Section 16 Repealer:

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed.

Section 15 Severability:

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 16 when effective:

This local law shall take effect January 1, 2011, after filing with the Secretary of State of the State of New York.

With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays – 1 (Vanselow)

Ms. Michelle SanAntonio asked who will be enforcing this law; Supv. Goodspeed said that the Animal Control Officer William Mosher was sitting next to her.

Supv. Goodspeed updated the Town Board on the train meeting at Warren County last Friday. Iowa Pacific Railroad made the initial presentation; Iowa Pacific Railroad runs several trains in the United States and two outside the United States. Under the Iowa Pacific Railroad plan the tourist line operation would continue, a daily commuter line would be added which connects to Amtrak, a freight line would be added and there is a ski train proposal for later years. The company expects to lose money on the commuter operation, to break even on the tourist line and to make money on the freight operations. There will be an executive session in the near future to

discuss freight and marketing opportunities. A team of Warren County employees led by Paul Dusek is checking that the documentation supplied by Iowa Pacific Railroad is accurate and it is expected that if the documentation is found to be correct that the process will proceed quickly. Supv. Goodspeed said that while there is no cost to Warren County that Iowa Pacific Railroad has requested that Warren County set aside a portion of its revenue from the line to pay their track insurance deductible. Supv. Goodspeed added that the Codorus Railway has made no presentation as of yet and has less of a track record than Iowa Pacific Railroad.

Supv. Goodspeed said that the North Creek Railway Depot Preservation Association has delivered a letter to Warren County asking that the train operator assist in replacing the decking at the North Creek depot. Mr. Paul Heid asked if Warren County would help the snowmobile club replace the access which would be lost with the operation of ski trains; Supv. Goodspeed said that he has spoken with Mr. James (Cork) Nester and has discussed the issue. Supv. Goodspeed said that Warren County and the Towns will try to arrange for the replacement of the train tracks; he added that all of the responding operators wanted to operate during the winter.

NEW BUSINESS

Supervisor Goodspeed asked Secretary Cherie Ferguson to update the Town Board on the Blue Shield Traditional Medicare Advantage health insurance plan for Medicare eligible employees or retirees. Sect. Ferguson said that the cost for individuals on the plan would be \$321.10 per individual per month, a small increase over the 2010 rate and added that there were no coverage changes in the plan. Supv. Goodspeed asked if the Town Board would authorize him to execute the documents necessary to continue the plan for 2011.

RESOLUTION NO. 223

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow to authorize the Town Supervisor to execute all documents to renew the current Blue Shield Traditional Medicare Advantage health insurance plan for Medicare eligible employees or retirees for 2011 at the increased rate of \$321.10 dollars per individual per month. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

PRIVILEGE OF THE FLOOR

Account Clerk Candace Lomax informed the Town Board that the item for health insurance deductible will be held in “trust and agency” until it can be paid into the health savings accounts; Supv. Goodspeed added that it was a situation where if the monies were paid into the health savings accounts during the current calendar year that there would be tax penalties to the employees.

Mr. Vanselow asked if Supv. Goodspeed wanted to discuss the letter from the “Lights On” Committee. Account Clerk Candace Lomax asked if the Town had the manpower and put up the lights. Mr. Vanselow said that he was not sure what the committee is requesting from the Town. Secretary Cherie Ferguson said that National Grid will not install power outlets on the light poles without a Town resolution and added that it appears that it will take four to six weeks for National Grid to install the outlets. Supv. Goodspeed asked if the Town Board would authorize National Grid to perform the installation

RESOLUTION NO. 224

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Vanselow, that the Johnsbury Town Board authorizes National Grid to move forward to install the outlets on their poles necessary to allow the Town to place on said poles the snowflake decorations (as accepted by the Town on October 19, 2010); and additionally, that the Town Board authorizes no further action at this time. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 1 (Stevens)

Mr. Vanselow asked if there was any action necessary regarding Town of Horicon Resolution Number 130 urging the Warren County Boards of Supervisors to sell the county share of the Gaslight Village property. Supv. Goodspeed said that it was questionable as to whether the Town Board should become involved with the Gaslight Village property issue. This seems to be a case of one Town saying that Warren County should get out and while the Town may have a point he does not believe that it is necessary for the Town of Johnsbury to become involved. Mr. Morehouse said that he was not positive that there would be no benefit from the property to Warren County.

Mr. Morehouse said that he believes that National Grid had a linesman in North Creek changing lights on poles after dark; he added that the individual had not set out cones and the situation seemed dangerous. Supv. Goodspeed said that he would send a note expressing concern over the safety of the worker. Secretary Cherie Ferguson said that she had informed National Grid of the streetlights being out and that the company had responded quickly to the information.

Mr. Arsenault asked what New York State was doing near the Adirondack Tri County Nursing Home; Mr. James Jones replied that New York State was drilling core tests prior to the replacement of a culvert.

RESOLUTION NO. 225

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 #21G/Claims #459-478; Highway Fund- Warrant #21H/Claims #235-249; North Creek Water Dist.- Warrant #21W/Claims#83-87; Library Fund-Warrant #11L/Claims#76-81. 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. Vanselow with a second from Mr. Stevens at 8:15 pm With 5 members voting in favor the motion is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

The next regular Town Board meeting will be held at 7:00pm on December 7, 2010 at the Wevertown Community Center, Wevertown, NY

Prepared by William Rawson, Town Clerk