

**Minutes of the Town of Johnsburg Regular Board Meeting July 1, 2008
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, July 1, 2008 at 7:00pm at the Wevertown Community Center, Wevertown, NY Supervisor Goodspeed called the meeting to order at 7:00pm and the pledge to the flag was led by Mr. Robert Nettle.

Roll call showed the following persons present: Supv. Sterling Goodspeed; Town Councilmen/ Eugene Arsenault, Arnold Stevens, and Ronald Vanselow; Town Clerk/ William Rawson. Town Councilman Frank Morehouse, Jr. was not present.

Guests: On attached list

RESOLUTION NO. 116

Mr. Stevens presented the following resolution, with a second from Mr. Arsenault, to accept the minutes of the June 17, 2008 regular meeting as written. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays – 0

Town Councilman Frank Morehouse, Jr. entered the meeting at 7:05pm.

CORRESPONDENCE:

1. A letter from Mr. Robert Nettle regarding the possibility of clearing the Ski Bowl Park sand mine allowing for use of the sand by the Town Highway Department, as well as improving the views of the park from the Route 28 and the hamlet of North Creek.
2. A letter from Deb Zack, Membership and Development Director of the Adirondack Mountain Club requesting that the Town Board allow the Adirondack Mountain Club to request a special event alcohol permit for August 17, 2008 in the Ski Bowl Park; this is in connection with the **ididaride!** bicycling event which they are sponsoring.
3. A letter from Francis Smith notifying the Town Board that it is his intent to apply for an addition to his liquor license to allow for outdoor sales on the nights of the Music by the River Concert Series.
4. A letter from Jo Ann Smith applying for the Town Historian position which will become vacant in January 2009 with the resignation of Doris Patton, effective at the end of 2008.
5. A letter from Martha vonCzoernig, President of the Town of Johnsburg Library Board of Trustees, informing the Town Board that the Town of Johnsburg Library has been awarded thirty-nine hundred dollars from the Warren County Aid Program and thanking the Town Board for its continued support during these unstable financial times.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed informed the Town Board that Town Assessor Ann Deppe is scheduling a workshop/discussion with representatives from the N.Y.S. Office of Real Property to discuss a one hundred percent property revaluation of the Town; it is expected that this session will be scheduled for one of the August regular Town Board meetings.

Supv. Goodspeed noted that the Town Board members had received copies of the reports from the Budget Advisory Committee groups dealing with solid waste and health insurance; Supv. Goodspeed asked that the Town Board review these reports for the 2009 Budget process.

Supv. Goodspeed asked Accounts Clerk Candace Lomax for an update on her discussions with David L. Lovelace, Director of the Adirondack Tri County Nursing and Rehabilitation Center regarding the Center's financial problems. Mrs. Lomax said that the director had asked if the Town could assist with maintenance or plowing; assistance which the Town cannot legally give. She had discussed some items such as pooled electric purchase to lower rates and suggested that the Center look into bidding fuel oil or look into the possibility of being able to purchase on the Warren County bid. The Adirondack Tri County Nursing and Rehabilitation Center is currently looking for a C.P.A. or a volunteer grant writer for their board.

Supv. Goodspeed updated the Town Board on a meeting that he had had earlier today with Mike Pratt, the manager of O.R.D.A. at Gore Mountain for an overview of trail expansion at the ski center. Regarding the possible joint Town and O.R.D.A. project to improve the condition of the older, enclosed or red pavilion at the Ski Bowl Park; he informed the Town Board that Mike Pratt is very busy with the trail expansion and that the National Grid funding has not yet been fully confirmed; he has therefore, not scheduled a meeting between the Town Board and Mike Pratt.

Supv. Goodspeed recognized Mr. Michael Jacobs owner of a parcel north of the hamlet of North Creek which houses primitive camping. Mr. Jacobs explained that a North Creek Water District line runs through his property and requests that the Town Board allow him to connect to the water line for no charge other than the cost of materials to achieve the connection. The fee to connect to the water district for a single connection is \$2000.00. Mr. Stevens said that he had no problem with allowing the connection; however, he saw no reason to waive the connection fee. Supv. Goodspeed noted that there seemed to be no other responses from the Town Board. Mr. Jacobs indicated that he has allowed the Town a one hundred year easement for the use of his property by the water district and without a waiver of the fee he will not pursue the connection to the water district.

Supv. Goodspeed distributed to the Town Board floor plans and a proposed schedule of use fees for the Tannery Pond Community Center; he added that he had tried to keep the use fees low so as not to affect building usage. Supv. Goodspeed asked the Town Board to review the fee schedule for discussion and possible action at the July 15th meeting.

Supv. Goodspeed updated the Town Board in a response to their questions regarding the property owned by the Town of Johnsbury on Bateman Road in Bakers Mills (132.10-1-4). Town Attorney J. Anthony Jordan has conducted a title search with the following results: the property was donated to the Town of Johnsbury by the Bakers Mills-Sodom Vol. Fire Company; the property is intended to be used by the Boy Scouts of America or failing that for the youth of the Town of Johnsbury. The Town of Johnsbury may sell the property and use the proceeds for the benefit of the youth of the Town of Johnsbury. Supv. Goodspeed asked if the Town Board wished to declare this property to be excess.

RESOLUTION NO. 117

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board of the Town of Johnsbury declares the following to be surplus property: one (1) 0.60 acre parcel, Tax Map Number 132.10-1-4, on Bateman Road. 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 and Highway Supt. Curt Richards have been meeting with Warren County D.P.W., and as a result of these meetings they have decided to use the 2009 C.H.I.P.'s funding for paving. Supv. Goodspeed said that he would keep the Town Board informed of how he and Supt. Richards decide it would be best to use the money; whether it would be better to look at one road or a portion of more than one road. They are also looking at the possibility of having the Warren County paving crew do some work in conjunction with the Town Highway personnel.

Supv. Goodspeed distributed a memo from himself to the Town Board regarding the opening of the Town Beach. Water samples from the beach were rushed to a testing facility in Glens Falls on Thursday (June 26) and the results were within the acceptable level; Supv. Goodspeed proposes opening the beach, with a lifeguard who was hired last week, and with no installation of the dock (raft) due to the level of the water being determined to be only about five feet deep at the point where the dock is normally anchored. Closing the beach is a very costly undertaking requiring fencing and signage. The Department of Health informed Supv. Goodspeed that to allow swimming at the Town Beach without a lifeguard would be to invite large fines; even to look the other way if unsupervised swimming was occurring would result in fines or a mandated closure of the facility. Supv. Goodspeed added that Engineer James Hutchins has created a possible design for dam repair; this plan may be able to be put in operation as a part of the Warren County Soil & Water permit from the Department of Environmental Conservation for the improvement of the fish habitat. If the U. S. Army Corps of Engineers will allow the project to proceed under these conditions the dam may be repaired this year; without their agreement the repairs may take an extended time or never be able to occur. Engineer Hutchins said that the costs could be estimated to be in the range of five to seven thousands of dollars; Supv. Goodspeed said that with approval the repairs would be deemed an emergency. Mr. Vanselow asked if the repairs would be compatible with the fish habitat project; Supv. Goodspeed replied that they would be compatible.

Supv. Goodspeed reported to the Town Board that Mr. Joel Beaudin, Ski Bowl Park Grant Project (EPF-407083) Coordinator had obtained three quotes for the resurfacing of the tennis courts in the Ski Bowl Park as part of the grant. Mr. Beaudin recommended that the Town Board approve execution of a contract with Vt. Tennis Court Surfacing in the amount of \$11, 500.00 for the resurfacing of the Town basketball and tennis courts at the Ski Bowl Park; this was the lowest quote received. Supv. Goodspeed pointed out that the Town has not yet received a contract from the granting agency; he suggested an approval conditioned upon the receipt by the Town of the contract from N.Y.S.

RESOLUTION NO. 118

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury authorizes the execution of a contract with Vt. Tennis Court Surfacing in the amount of \$11, 500.00 for the resurfacing of the Town basketball and tennis courts at the Ski Bowl Park, the lowest of three quotes, obtained by Mr. Joel Beaudin, Ski Bowl Park Project Grant Coordinator; and further, this approval is conditioned upon the receipt and execution of the appropriate contract from the granting agency. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -

NEW BUSINESS

Supv. Goodspeed distributed to the Town Board copies of a property tax exemption for Cold War veterans; this exemption has been passed by Warren County and the Town of Johnsburg has usually followed the county in such exemptions. Supv. Goodspeed said that the exemption was given him by Town Assessor Ann Deppe; he added that several inquiries have been made regarding this exemption. The exemption would have to be passed as a local law and he was forwarding this exemption to Town Attorney J. Anthony Jordan for review and drafting or revision as necessary.

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of June 2008, to the members of the Town of Johnsburg Town Board.

Supv. Goodspeed distributed the monthly report of the Zoning Enforcement Officer Mr. Edward Tuttle, for the month of June 2008, to the members of the Town of Johnsburg Town Board.

Supv. Goodspeed asked Secretary Cherie Ferguson to explain the Warren County Hyper-Reach Notification System. Ms. Ferguson explained that the Hyper-Reach Notification System was a mass notification system whereby, in the case of an emergency, the Town could call Warren County and calls would go out from there to an affected street, an area in the town, or the entire town. There would be no cost to the Town except during use; the cost is twenty cents per minute of use.

RESOLUTION NO. 119

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board of the Town of Johnsburg authorizes the Town Supervisor to execute the Intermunicipal Agreement Concerning Use of Hyper-Reach Notification System between the Town of Johnsburg and Warren County. 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 received through the Town Justices a memorandum from the Unified Court System informing the Town of having been scheduled to receive, at no cost to the municipality, a payment terminal for the receipt of credit card payments. Municipalities must begin accepting payment of fines, surcharges, and fees as well as posting bail by using a credit card; there will be no cost to the municipality. Supv. Goodspeed asked that the Town Board authorize the installation of the payment terminal and release of information to the Office of Court Administration to allow the operation of the terminal.

RESOLUTION NO. 120

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board of the Town of Johnsburg authorizes the installation of a payment terminal for the use of the Town Justices for the purpose of receiving of credit card payments for the payment of fines, surcharges, and fees as well as posting bail by using a credit card and release of information to the Office of Court Administration to allow the operation of the terminal. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed updated the Town Board on the failure of Well Number 6; Well Number 4 has been put online. The pump for Well Number 6 has failed and will be replaced; the production from Well Number 6 is necessary to allow the Water District to meet the N.Y.S. Department of Health guidelines for water production. In addition Delaware Engineering, the Water District operator, has

suggested the replacement of some galvanized pipe with plastic pipe and the changing of a filter; Delaware Engineering says that this should insure an increase in the lifespan of the well by ten to fifteen years. The cost of the pipe and filter replacement would be less than \$7000 dollars.

RESOLUTION NO. 121

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury authorizes the changing of galvanized pipe to plastic pipe in Well Number 6; and further, the Town Board authorizes the replacement of the filter in Well Number 6. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked the Town Board if they wished to act on the request from Deb Zack, Membership and Development Director of the Adirondack Mountain Club, that the Town Board allow the Adirondack Mountain Club to request a special event alcohol permit for August 17, 2008 in the Ski Bowl Park; this is in connection with the “**ididaride!**” bicycling event which they are sponsoring. Mr. Stevens cautioned the increased liability risk from such a use. Mr. Vanselow noted that Francis Smith was also looking to the Town for a liquor license modification for Smith’s Restaurant; Supv. Goodspeed noted that the modification for the liquor license at Smith’s Restaurant only requires that the Town acknowledge the receipt of the notification. Supv. Goodspeed said that he would reply to that notification tomorrow.

RESOLUTION NO. 122

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault to allow permission for the Adirondack Mountain Club to request a special event alcohol permit for August 17, 2008 in the Ski Bowl Park; this is in connection with the “**ididaride!**” bicycling event which they are sponsoring; and further, the Town Board requires that the Town of Johnsbury be named as an additional insured and that proof of insurance for the event is delivered to the Supervisor. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 1 (Stevens)

Supv. Goodspeed distributed an article forwarded by Town of Chester Supervisor Frederick Monroe, from the Press Republican (Plattsburgh, NY), regarding the statewide burn ban proposed by the Department of Environmental Conservation (D.E.C.). Mr. Vanselow noted that he believed that the Town of Chester had banned already burn barrels. Mr. Arsenault asked if there was any additional public hearings in the Adirondack Park; Supv. Goodspeed replied that there were apparently no other public hearing scheduled in the Adirondack Park. Mr. Stevens said that there was a desire to eliminate the burning of plastics for health reasons; Mr. Arsenault said that this appeared to be a wide net for plastics. Mr. Stevens asked if there was an effective date; Supv. Goodspeed replied that it was not currently known. Mr. Vanselow said that there was a problem with burn barrels; the regulation to burn only paper and cardboard was regularly abused. Mr. Arsenault agreed that burn barrels are a problem. Supv. Goodspeed said that he would contact the Adirondack Association of Towns and Villages to check for exemptions and their position on the proposed ban.

Supv. Goodspeed informed the Town Board that he had been working with the Race the Train Committee and the Warren County Sheriff Office regarding the safety of the runners in the race. The Warren County Sheriff Office is working with the committee to improve safety with a running lane and with the race continuing through the hamlet of North Creek; there have been discussion to route traffic around the hamlet during the race. Mr. Arsenault said that a possible conceptual agreement

with volunteers at each intersection and a possible closure of Circle Avenue in North Creek during the Fun Run portion of the race seemed workable.

Supv. Goodspeed informed the Town Board that the gas supply at the Warren County fueling site is high octane and therefore costs a higher rate. When the contract expires the county will replace the supply with a lower octane level; this will create some cost per gallon savings, however, it may result in lower miles per gallon fuel economy.

Supv. Goodspeed in reference to the letter from Jo Ann Smith demonstrating an interest in the Town Historian position when it becomes vacant in January noted that this an appointed position usually filled in January. Supv. Goodspeed added that Jo Ann Smith is seeking an acknowledgement of appointment in return for time she would spend working with current Town Historian, Doris Patton through the end of the year to better understand the position. Supv. Goodspeed noted that the position has not been advertised in the past. Mr. Morehouse asked if there had been any other interest shown and asked that the newspaper put in a note about the vacancy in case someone from the Historical Society was interested.

RESOLUTION NO. 123

Mr. Stevens presented the following resolution with a second from Mr. Arsenault that discussion of the possibility of a “pre-appointment” to the position of Town Historian is to be tabled until the next regular Town Board meeting. 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 Z.E.O. Ed Tuttle had requested that he be allowed to attend the Planning and Zoning Summer School to be held on July 23, at the Queensbury Town Hall and sponsored by the Association of Towns; the cost to the Town will be a sixty dollar registration fee and mileage. Supv. Goodspeed asked if the Town Board would allow Z.E.O. Tuttle to attend this educational event.

RESOLUTION NO. 124

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board does authorize Z.E.O. Ed Tuttle to attend the educational Planning and Zoning Summer School, sponsored by the Association of Towns and to be held on July 23, at the Queensbury Town Hall; the cost to the Town will be a sixty dollar registration fee and mileage. 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 Town had received a bill from the Town insurance carrier for one hundred and thirty-five dollars for an anti-terrorism rider to the insurance policy; prior to paying this bill he is seeking clarification and authorization for this additional rider, as well as attempting to have it removed from the Town insurance policy.

Mr. Vanselow had written a resolution of condolence from the Town Board to the family of National Guard Spc. Mark C. Palmateer who lost his life while on active duty in Afghanistan on June 26, 2008; Spc. Mark C. Palmateer was a former resident of the Town of Johnsburg and his family currently resides in the Town of Johnsburg.

RESOLUTION NO. 125

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

WHEREAS, National Guard Spc. Mark C. Palmateer was formerly a resident of the Town of Johnsburg, NY, and

WHEREAS, He lost his life while on active duty in Afghanistan on June 26, 2008, and

WHEREAS, He exemplified the very spirit of courage and self-sacrifice, and

WHEREAS, He left behind his loving family and friends,

NOW BE IT RESOLVED that the people of the Town of Johnsburg express their heartfelt condolences to his family, our gratitude for his service, and our prayer that they find peace.

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

PRIVILEGE OF THE FLOOR

Supv. Goodspeed said that the June 27 concert at the Kellogg (Waddell) property in North Creek was a success and the remaining free concerts this summer should be very popular...

Secretary Cherie Ferguson reminded those present of the Independence Day Celebration to be held on July 5 at the Ski Bowl Park starting at noon.

Supv. Goodspeed noted that upon being asked by the Glens Falls Post he had decided to have the Town Hall close at 5:00pm on Thursday, July 3.

RESOLUTION NO. 126

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #13G/Claims #239-266; Highway Fund- Warrant #13H/Claims #129-133; North Creek Water Dist.- Warrant #13W/Claims #56-57; Capital Projects Fund- Warrant #1CPF/Claim #1. 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. Arsenault at 8:10pm. 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 July 15, 2008 at the Town Hall (Library), North Creek, NY. The Town Board will interview candidates for the vacancy on the Planning Board at 6:15pm in executive session.

Prepared by William Rawson, Town Clerk