

Minutes of the Town of Johnsburg Regular Board Meeting September 22, 2009
Held at 7:00pm at the Town of Johnsburg Library, North Creek, NY

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, September 22, 2009 at 7:00pm at the Town Library, North Creek, NY Supervisor Goodspeed called the meeting to order at 7:00pm 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. 171

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the September 1, 2009 regular Town Board meeting as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

CORRESPONDENCE:

1. A letter from Mr. Brian Passaglia praising the Town Highway Department for its recent care of Cleveland Road.
2. A letter from Mrs. Ann Schiavone, requesting that she be re-appointed to the Board of Assessment Review as her term expires on September 30, 2009.
3. A letter from the Town of Johnsburg Youth Committee requesting that the Town Board remove Mrs. Jean Comstock as a member of the Youth Committee since she has never attended a meeting of the committee.
4. A letter from the Town of Johnsburg Youth Committee requesting that the Town Board appoint Mr. Joseph San Antonio and Mrs. Andrea Hogan as members of the Youth Committee.
5. A letter from the Town of Johnsburg Youth Committee requesting that the Town Board increase the Youth Committee funding in the 2010 Town Budget.
6. A letter from the Town of Johnsburg Youth Committee requesting that the Town Board reimburses the Youth Committee for Rivendell grant funds deposited with the Town of Johnsburg in the amount of \$500.00.
7. A letter from the Upper Hudson Festivals Inc. thanking the Town Board for the use of the Ski Bowl Park for their sixth annual Bluegrass Festival and requesting that the Town Board Allow them the use of the Ski Bowl Park for their seventh annual Bluegrass Festival in 2010.
8. A letter from the North Creek Cub Scout Pack #36 requesting that the Town Board allow

the Cub Scouts to use a room at the Tannery Pond Community Center in exchange for providing a community to the Town.

9. A letter from Town Highway Supt. Daniel Hitchcock informing the Town Board of his intent to hire a fill in wing man for the winter from November through April.
10. A letter from Mr. Carl Austin representing the Upper Hudson Rail Trail requesting that the Town Board support their application for assistance in converting the railway north of North Creek to a multi-use trail.

Supv. Goodspeed noted that the request from the Town of Johnsbury Youth Committee that the Town Board reimburses the Youth Committee for \$500.00 in Rivendell grant funds deposited with the Town of Johnsbury was basically a matter of booking; he asked if the Town Board wished to authorize the reimbursement to the Youth Committee.

RESOLUTION NO. 172

Mr. Arsenault presented the following resolution, and moved its passage with a second from, to authorize the reimbursement to the Youth Committee, in the amount of \$500.00, for Rivendell grant funds deposited with the Town of Johnsbury. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that Highway Supt. Daniel Hitchcock had the authority to hire a wing man; Mr. Robert Nettle noted that the position should be labeled a wing person. Mr. Vanselow asked if Highway Supt. Hitchcock had a call list; Supv. Goodspeed was not sure, but explained that Highway Supt. Hitchcock wanted to have a person to be on constant call as a fill-in. Supv. Goodspeed added that he had always had a driver call-in list; Mr. Stevens added that the Highway Department was down at least one employee. Supv. Goodspeed asked if the Town Board wished to authorize the insertion of the advertisement in the North Creek News-Enterprise

RESOLUTION NO. 173

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the placement for two weeks of an advertisement for a fill-in wing person from November through mid April in the North Creek News-Enterprise. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked if the Town Board wished to accede to the request from the Town of Johnsbury Youth Committee to remove Mrs. Jean Comstock from her position as a member of that committee.

RESOLUTION NO. 174

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow, to remove by resolution Mrs. Jean Comstock from her position as a member of the Town of Johnsbury Youth Committee pursuant to the Youth Committee by-laws. With 5 members

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

Supv. Goodspeed asked if the Town Board wished to accede to the request form the Town of Johnsbury Youth Committee to appoint Mr. Joseph San Antonio and Mrs. Andrea Hogan as members of the Youth Committee to fill the vacant committee positions.

RESOLUTION NO. 175

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow, to appoint Mr. Joseph San Antonio and Mrs. Andrea Hogan as members of the Youth Committee to fill the vacant committee positions; Mr. Joseph San Antonio is to replace Ms Mary Keeler on the committee with a term to expire on May 10, 2014 and Mrs. Andrea Hogan is to replace Mrs. Jean Comstock on the committee with a term to expire on May 10, 2013. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the hope to extend the rail line service above North Creek seems to be finished as a result of the current budget problems; additionally, National Lead would like to sell the rail which they own. Mr. Carl Austin explained that the rail line above North Creek to Tahawus would make an extraordinary bike trail; it would be a relatively easy project. Mr. Austin said that bike trails are a very popular and successful tourism project. Upper Hudson Rail Trail requesting that the Town Board supports their grant application for consultants to suggest plans for converting the railway north of North Creek to a multi-use trail. Mr. Robert Nettle and Mrs. Kelly Nettle spoke in support of the project. Mr. Morehouse asked if the trail was limited to biking; Mr. Austin replied that the trail would be multi-use although there was a question of allowing snowmobile use. Mr. Morehouse asked about possible reversion clauses in the rail line deeds; Mr. Austin explained that the federal government had passed a law to allow for non-reversion in such cases. Supv. Goodspeed asked if the Town Board would allow him to sign a letter of support for the grant application.

RESOLUTION NO. 176

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow, to conceptually support the Upper Hudson Rail Trail in their plan for the conversion of the railway north of North Creek to a multi-use trail and further, to authorize the Town Supervisor to draft or sign a letter of support for the grant application of Upper Hudson Rail Trail for consultant assistance in the project. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

In response to the North Creek Cub Scout Pack #36 request that the Town Board allow the Cub Scouts to use a room at the Tannery Pond Community Center at no other fee than providing a community to the Town, Supv. Goodspeed replied that other groups had made this suggestion and

he had not supported such exchanges. Supv. Goodspeed said that he had been attempting to create a revenue stream to offset the Town expenses in maintaining the Tannery Pond Community Center and that fulfilling this request would undermine his efforts to find such funding. Ms. Kate Hartley explained that all of the Cub Scout Pack funding was from donations. Mr. Robert Nessel noted that the Tannery Pond Community Center is a specialized building and that the Town supports other buildings which would be available at no fee and be equally as useful for the Cub Scout Pack; Ms. Hartley explained that there is a karate class at the Wevertown Community Center at the same time as the Cub Scout meetings and that the added distance to the Scout Hall may cause some families to withdraw their children from the Cub Scout Pack. Supv. Goodspeed asked Ms. Hartley to contact him later this week in hopes of solving this problem.

COMMITTEE REPORTS:

Mr. Morehouse of the Fire Committee (Arsenault, Morehouse) reported on the meeting between the Fire & EMS committee and the chiefs and officers of the Johnsbury Fire Companies and those of the Johnsbury Emergency Squad on Thursday, September 10. Mr. Morehouse explained that the Fire Committee had suggested to the assembled officers that the Town Board would like to keep their funding at the 2009 levels. The officers replied that the Fire Companies' radios and pagers will become obsolete in January 2010 as a result of changes at Warren County Dispatch; the cost of new radios will be approximately \$5000.00 each. Additionally, some companies need to update their turnout gear. The Fire Committee suggests looking at a per company increase to cover their needs. The Emergency Squad is in need of two new ambulances by the end of 2010; replacing the chassis of the ambulances has been discussed. Mrs. Kelly Nessel, a member of the Emergency Squad, suggested adding fifteen thousand dollars per year to pay for a portion of a new ambulance. Supv. Goodspeed explained that he has been working on the 2010 town budget and many organizations are seeking additional funding. Mr. Vanselow asked if the Emergency Squad had three ambulances; Mrs. Nessel replied that the squad had three ambulances and that usually one was in the shop at most times. Mr. Arsenault said that the Emergency Squad has explored many options and have tried to cut areas of expense and expand revenue; Mrs. Nessel noted the loss of volunteer members and the addition of paid staff. Accounts Clerk Candace Lomax asked if the Warren County radios would be affected; Mr. Morehouse replied that the change was in band width to allow for more clear communication. Mr. James Jones asked why the 911 fee on telephone bills doesn't pay for such equipment upgrades; Supv. Goodspeed said that he would look further into the radio issue.

OLD BUSINESS:

Supv. Goodspeed informed the Town board that the Tannery Pond Community Center Association is prepared to purchase choral risers for the stage at no cost to the Town; the Association needs permission from the Town Board to store the risers in the building if an appropriate space can be found.

RESOLUTION NO. 177

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault, support the purchase of choral risers for the Tannery Pond Community Center by the Tannery Pond Community Center Association at no cost to the Town and further, that the Town Board gives permission for said risers to be stored in the building if an appropriate space can be found. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed recognized Ms. Denise Palyo and Ms. Debbie Bell, representatives of Capital Financial Group, the health insurance broker for the Town, to update the Town Board on health insurance options for 2010. The current provider, Empire, would under the current policy have a rate increase of twenty-one percent; with higher prescription rates the increase would drop to eleven percent. MVP, a provider previously offered by the Town, is offering a high deductible plan with lower rates and an estimated annual savings of fifty-seven thousand dollars to the Town, if the Town pays the annual deductible. Supv. Goodspeed asked if any other municipalities have moved to this policy; the representatives replied that even a smaller town with only eight employees will save thousands. Supv. Goodspeed asked the timing of the policy change; the current policy is up for renewal in November 2009. Ms. Palyo explained that the insurance broker would want to educate the employees about the high deductible plan. Supv. Goodspeed noted that in the short term that the plan might disrupt cash flow. Mr. Vanselow noted that the annual deductible would be placed in a health type account only usable for health expenses; he asked if any plans have the family or children enrolled in a state plan. Ms. Palyo replied that she did not know of any plans set up in such a way. Mr. Vanselow asked if New York State had not raised the age of dependents being on insurance coverage to twenty-nine; Ms. Palyo explained that a rider can be written that the Town will allow the purchase of an individual policy at no cost to the Town. Mr. Arsenault asked if there was any movement on the possibility of grouping small municipalities into one larger group for purchasing health insurance; Ms. Palyo replied that New York State government will not make any changes of that type.

Supv. Goodspeed informed the Town Board that in their packets was a three page memo from Town Attorney Jordan on the proposed Front Street Waiver Agreement #2. Supv. Goodspeed said that there has been some discussion about relocating the Town Highway Garage from its present site near the Front Street Mountain Development project to a site not near the project at the expense of Front Street Mountain Development. The proposed waiver agreement would change the trigger for the site movement. Supv. Goodspeed said that one of the possible sites was the Walters property in the hamlet of Johnsburg. Supv. Goodspeed asked the councilmen to review the memo for discussion and action at the next Town Board meeting. Mr. Vanselow asked if a reason was known for the push from Front Street Mountain Development to modify the agreement; Supv. Goodspeed said that Front Street Mountain Development had said that it would free them to negotiate on a suitable property; he added that the Town Board is currently in control of the initiative and if the Town Board wishes to move forward at this time it will lose some of the

control. Supv. Goodspeed added that he questioned the financial situation of Front Street Mountain Development. Mr. Arsenault asked why Front Street Mountain Development wants to purchase the property, instead of negotiating a price to move the Highway Garage with the Town; Supv. Goodspeed agreed that it seemed strange. Mr. Peter Heid said that it seemed to him that the Highway Garage site would increase in value as time went on and that this probably added to the push to complete the movement now. Supv. Goodspeed said that some hotel groups reportedly won't discuss a hotel complex with Front Street Mountain Development while the Town controls the timing of the movement; he added that Town Attorney Jordan believes that moving the Highway Garage will trigger other items in the Master Agreement.

Supv. Goodspeed informed the Town Board that the North Creek Business Alliance had contacted him to discuss snow removal from sidewalks on Main Street in North Creek. The responsibility for sidewalk clearance can be assumed by the Town; or if the Town does not assume the responsibility, it falls to the property owner. If the Town clears sidewalks in one hamlet it must do so in all. Warren County gave the Town a snow removal vehicle which is in somewhat good condition; if this was used by someone from the Parks Department it would probably result in overtime costs to the Town. Supv. Goodspeed said that if the funding existed that the Town could hire a person to clear sidewalks in the Town, but the funding does not exist. Mrs. Barbara Thomas of the North Creek Business Alliance explained that the big issue to business owners is when the sidewalk is cleared and the plows push snow back on the sidewalks; Supv. Goodspeed explained that Warren County will remove snow piles when there is no overtime cost. Mr. Morehouse said that it would probably help if the snow removal regulations were put in the newspaper. Mr. Stevens said that the plan for clearing the sidewalks with Occupancy Tax funding as last winter should be continued. Supv. Goodspeed said that he will look further into this issue and wants to discuss it further with Mr. Joel Beaudin of the North Creek Business Alliance.

NEW BUSINESS

Supv. Goodspeed explained that Front Street Mountain Development was seeking permission to access a telephone pole on Town property for the purpose of hooking up electric and telephone service to their project adjacent to Town property in North Creek. Mr. Vanselow asked about the possibility of liability issues; Supv. Goodspeed said that was really not a problem. Mr. Stevens asked if there would be any charge to Front Street Mountain Development for the use; Supv. Goodspeed replied that he would look further into the issue.

Supv. Goodspeed asked that the Town Board authorize his signing of an intermunicipal agreement between the Town and Warren County to reaffirm the cost of the tipping fees at the burn plant in Hudson Falls. Mr. Vanselow said that he would not vote for anything related to the burn plant.

RESOLUTION NO. 178

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the Town Supervisor to execute an Amendment Agreement relating to the cost to be paid for tipping fees to Warren County which is an affirmation of current costs. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays – 1 (Vanselow)

Supv. Goodspeed explained that he had polled the Town Board for permission to waive the thirty day waiting period for the renewal of the liquor license of Mr. John Monroe for J. &J.'s Fox Lair Tavern following a request from Mr. Monroe that the Town Board waive the waiting period for his liquor license the NYS Liquor Authority had mailed the renewal application to an incorrect address and thus brought the process near to the end of the license term. Supv. Goodspeed noted that following the poll he had written the NYS Liquor Authority and requested that the Town Board now formally authorize his action.

RESOLUTION NO. 179

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to authorize the Town Supervisor to send a letter to the NYS Liquor Authority waiving the thirty day waiting period for the renewal of the liquor license of Mr. John Monroe for J. &J.'s Fox Lair Tavern. 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 of several changes to the enclosed pavilion at the Ski Bowl Park which is being renovated by ORDA with grant funds from National Grid. The fireplace has a serious defect and will be changed to gas from wood as a fuel source in the interest of safety; in the rest room plumbing will be installed so as to allow showers to be installed after ski season; and the drainage will be reconfigured so as to direct the run-off away from the area. Mrs. Kelly Nettle said that she was not sure that the use of the pavilion for Youthworks was a good idea as the group is seeking housing for sixty to seventy kids and some directors of the group have indicated that they will not return for two or three years. Supv. Goodspeed said that he agreed that there could be problems in such a large group using the building, but added that the shower installation would be a minor expense and could have other uses. Supv. Goodspeed said that ORDA manager Mike Pratt had informed him that the construction schedule would be accelerated to be completed for ski season; Supv. Goodspeed asked that the Town Board approve the changes in concept.

RESOLUTION NO. 180

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens, to give conceptual approve for the following changes at the enclosed (old or red) pavilion at the Ski Bowl Park: to change the fireplace fuel source to gas from wood; to plumb in the rest rooms so as to allow showers to be installed after ski season; and the drainage will be reconfigured so as to direct the run-off away from the area. With 5 members voting in favor, the

resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed)
Nays - 0

Supv. Goodspeed noted there had been requests by individuals to ride on the senior transportation bus from White Water Manor to Glens Falls. The individuals in question while handicapped are not sixty years of age; the fact that they are handicapped does not qualify an individual to use the senior citizen transportation bus, the only qualifier is being sixty years of age or older.

Supv. Goodspeed informed the Town Board that applications for Occupancy Tax funding are now available either online or at the Town Hall and the date to file applications is October 9.

Supv. Goodspeed reported that the August 2009 monthly report from Zoning Enforcement Officer Chris May was in the Town Board members' packets. Mr. Vanselow asked for an update on item number 2, which was regarding parcels divided by a road, street or highway; Supv. Goodspeed said that he would get more information.

Supv. Goodspeed informed the Town Board that he had received a request from Charles Rawson, representing Delaware Operations which operates the North Creek Water District, asking that the Town Board authorize funding for maintenance work on three valve boxes at a cost of between \$500.00 and \$1000.00 each with assistance from Jim Jones Excavating; and also, to perform repairs on the water district tank and building behind the Valhaus Motel with manpower assistance from the Highway Department and a materials cost of approximately \$79.00

RESOLUTION NO. 181

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow, to authorize the expenditure of North Creek Water District funds to perform maintenance work on three valve boxes at a cost of between \$500.00 and \$1000.00 each with assistance from Jim Jones Excavating; and further, to perform repairs on the water district tank and building behind the Valhaus Motel with manpower assistance from the Highway Department and a materials cost of approximately \$79.00. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

PRIVILEGE OF THE FLOOR

Mr. Robert Nettle presented information on his plan to pipe water from the North Creek into the swimming area at Ski Bowl Park. Mr. Nettle said that the Town Board needs the information in order to approve the start of the pipeline construction at the next regular Town Board meeting so that the construction can be done under conditions of low water. Mr. Nettle explained that he had surveyed his planned line and staked it every twenty-five feet; the planned line would not require trenching at a depth of more than five feet. Mr. Nettle explained his plan and gave copies of plans to the Town Board. Supv. Goodspeed asked the cost and the length of time needed to complete the

project. Mr. Nettle estimated a cost of approximately three thousand dollars and the project can be included in the Ski Bowl Park grant funding; he said that he could begin within two days of approval and the work would require less than one month. Supv. Goodspeed asked the Town Board members to review the plans for discussion and or action at the next regular meeting.

RESOLUTION NO. 182

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 Town Board members be paid: General Fund- Warrant #18G/Claims #354-368; Highway Fund- Warrant #18H/Claims #179-195; North Creek Water Dist.- Warrant #18W/Claims#66-73; Library Fund Warrant #9L/Claims #61-67. 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 9:20pm. With 5 members voting in favor the resolution 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 October 6, 2009 at the Wevertown Community Center, Wevertown, New York. Warren County

Prepared by William Rawson, Town Clerk