

**Minutes of the Town of Johnsbury Regular Board Meeting November 5, 2009
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, November 5, 2009 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 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. 199

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the October 20, 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. Rick Moon regarding Beach Road; Mr. Moon commends Highway Supt. Hitchcock and the Highway Department for the recent maintenance of Beach Road, he also notes that the use of tailings as a road surface may create unsafe road conditions during and following heavy rain conditions.
2. An Agreement to Spend Highway Funds (284) submitted by Highway Superintendent Daniel Hitchcock for the purpose of amending previous 284 Agreements regarding work on Barney Hill Road, Crane Mt. Road and Bartman Road.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed reminded the Town Board that there exists an opportunity for significant budgetary savings through the adoption of a high deductible health insurance which affords Town employees similar benefits to the current coverage with a higher deductible which will be paid by the Town. The high deductible plan is calculated to result in approximately fifty-four thousand dollars of savings compared to the current present health insurance plan. If the Town Board chooses the high deductible plan then the decision to use a health savings account or have the town handle the reimbursement in house. Mr. Arsenault questioned if the Town office staff would have would have the time to handle the reimbursement and added that the employees had raised questions of privacy; he respected privacy as an important issue. Supv. Goodspeed agreed with Mr. Arsenault on both points; Mr. Peter Heid said that he believed that the outside handling of the funds would be less expensive in the long run and allow the office staff more time for town duties. Mr. Vanselow asked if the reimbursement funding could be a future contract issue; Supv. Goodspeed said that he believed that it could be as a part of the benefit package. If the Town board wished to offer to allow dependents thru the age of twenty-nine to be placed employees' family policy they would have to act upon that item or they could simply not act and the dependents would be able to purchase individual policies on their own.

RESOLUTION NO. 200

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the Town Supervisor to execute all documents to adopt the change to the MVP Preferred High Deductible EPO health insurance plan with outside management of H.S.A. (Health Savings Account) for 2010 beginning in December 2009. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

The cost of the insurance plan for Medicare eligible individuals will increase forty-eight dollars per month for the Town and an increase of and \$2.84 per month for the individuals with family coverage. Supv. Goodspeed asked if the Town Board wished to continue this plan.

RESOLUTION NO. 201

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens 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 2010 at the increased rate of an additional forty 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

The shuttle discussion was moved to later in the meeting to be done with the other North Creek Business Alliance issue of sidewalk clearing.

Mr. Vanselow left the meeting at 7:18pm.

Supv. Goodspeed informed the Town Board that the closing of Warren County taking ownership of the Kellogg (Waddell) property from the Open Space Institute is imminent.

Supv. Goodspeed noted that the contract extension for the First Wilderness Heritage Corridor had been received and needed to be signed and returned; he asked that the Town Board retroactively approve his signing of the contract extension.

RESOLUTION NO. 202

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse to retroactively approve of and authorize the Town Supervisor's signing of the extension of the contract for the First Wilderness Heritage Corridor. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays – 0 Mr. Vanselow absent.

Supv. Goodspeed informed the Town Board that the planned parking area for the rafting take out was moving forward and that if everything continues that the safer parking area for the rafting buses on the Hudson River side of State Route 28 should be available for the spring rafting season.

Mr. Vanselow re-entered the meeting at 7:21pm.

Supv. Goodspeed informed the Town Board that he, Planning Board Chairman Dorothy Osterhout, Engineer James Hutchins, Town Attorney Tony Jordan and Mr. Vanselow met with the following representatives from Front Street Mountain Development: Attorney Daniel Smith, Mac and David Crikelair, and their engineers to discuss the state of the permitting process for the

Front Street Mountain Development project. Supv. Goodspeed explained that the meeting was a chance to have most of the main participants in the permitting process in one room and that the discussion led to some understanding of the various positions of each of the participants; Supv. Goodspeed added that while everyone was not happy with the results, that some progress was made.

Supv. Goodspeed explained that the report from Mrs. Barbara Thomas on the successful Farmer's Market project was in the Town Board packet.

Supv. Goodspeed informed the Town Board that the new plow truck had been delivered; Highway Supt. Hitchcock added that the truck was delivered in good order and that he was happy to have it.

In an added agenda item Supv. Goodspeed informed the Town Board that the balance of the insurance funds from the Ski Hut fire, thirty-one thousand dollars, will be paid to the Town very soon; the company planned to have the check cut tomorrow, November 6. Supv. Goodspeed informed the Town Board that he had argued for payment with the insurance company over the small size of the replacement building (old pavilion), but had prevailed in his attempt to recover the money for the Town.

Supv. Goodspeed explained that the report from Mr. Robert Nettle on the water pipeline project at the Ski Bowl Park; Supv. Goodspeed added that the insurance for the project is in place. Mr. Nettle's report noted that he had suffered from vandalism; tires on his trailer had been slashed. The pipeline project was progressing, but with some difficulties; Mr. Nettle is currently out of town on vacation. The pipeline is laid and some is covered. Mr. Peter Heid asked about the firewood from cutting along the pipeline; Supv. Goodspeed replied that this was a question for Mr. Nettle and that he will look into the issue. Mr. Heid asked about Mr. Nettle working in the stream; Supv. Goodspeed replied that he was not aware of Mr. Nettle having equipment in the stream. Mr. Heid said that Mr. Nettle has entered the stream and that he must be stopped.

Supv. Goodspeed recognized Mr. Joel Beaudin to announce that a shuttle service was to be put in place for the ski season and also a discussion of issues of interest to the North Creek Business Alliance. The Copperfield Inn and the Alpine Lodge in cooperation with ORDA at Gore Mt. is contracting with North Creek Taxi to operate a shuttle; the shuttle will travel in a continuous circuit between the North Creek hamlet, Ski Bowl Park and ORDA at Gore Mt. Funding for the shuttle is currently from the sale of advertising in the taxi; the North Creek Business Alliance is seeking a corporate sponsor to offset some of the costs. There is to be no charge for the shuttle and it will not be run on a fixed schedule. Supv. Goodspeed added that he expects the interconnect trail to be partially open this ski season.

Supv. Goodspeed said that he had brought Warren County DPW Supt. William Lamy to a North Creek Business Alliance meeting to discuss the issues of sidewalk clearing and snow removal on Main Street, North Creek. Supt. Lamy agreed to pursuing changes in the speed of the Warren County plow vehicles in the hamlet and some discussions took place, but no decisions were made. Supv. Goodspeed explained that the sidewalk clearing vehicle owned by the Town needs about one thousand dollars worth of work; he added that as the Town has eliminated a Parks position that he cannot foresee creating a position to clear sidewalks. Mr. Joel Beaudin said

that the business people clear their sidewalks; the problem is homeowners, especially those not living at the property. Mr. David Bulmer also wants the sidewalk from the Town Hall to the school to be cleared. Supv. Goodspeed said that he would discuss a local ordinance with the Town Attorney; he added that it may be difficult to delineate certain sidewalks for legal action without affecting all sidewalks in Town. Zoning Control Officer Chris May suggested that the Town and Warren County trade plow duties allowing the Town more control over the sidewalks; Supv. Goodspeed said that this solution would take a lengthy period to arrange.

Mr. David Bulmer explained that the North Creek Business Alliance, the Gore Mt. Region-Town of Johnsborg Chamber of Commerce and the Hudson River White Water Derby were looking to create new events for the White Water Derby; the new programs would be hikes, bicycle rides, fly fishing classes and additional kayak classes or events; the group is also planning to create a downtown hamlet portion of the event similar to the October festival. Supv. Goodspeed praised the October event. Mr. Peter Heid said that the weather in early May often is not conducive to bicycling. The group is seeking Occupancy Tax funding from Warren County; Supv. Goodspeed said that events which will extend over several days and are new will score better in the Warren County system. The group is also looking to work with the Town to reestablish camping; Mr. Vanselow volunteered to with the group as a liaison from the Town Board. Supv. Goodspeed said that having a representative from the North Creek Business Alliance or the Chamber of Commerce attend town Board meetings was a benefit.

NEW BUSINESS

Supv. Goodspeed noted that the financial crisis in New York at the state level is working into the county and town levels and that there may be many challenges in the coming year. Warren County road paving is moving from a ten year schedule to a twenty year schedule. Mr. Harrison Sangster, representing the Johnsborg Emergency Squad asked that the Town Board begin setting aside a capital reserve for the purpose of purchasing a new ambulance for the Johnsborg Emergency Squad. Secretary Cherie Ferguson noted that the Town currently gives the Emergency Squad five thousand dollars for the lease of an ambulance. Supv. Goodspeed said that while it is always referred to as a really tough budget, there can be no doubt that this is a very tough budget; the state is continuing to pass mandates and passing no funding for them. Supv. Goodspeed noted that he had said no to all requests for increased funding. Supv. Goodspeed added that the money does not exist and that the Town may not be able to support the Emergency Squad in any fashion in the future. Mr. Arsenault said that this is the second year of putting off this request from the Emergency Squad and added that just because the state and county don't act responsibly is no reason for the town not to act responsibly; we should take care of the problem ourselves. Supv. Goodspeed said that the town may not be in a financial position to take care of the problem by itself. Mr. Sangster said that the Johnsborg Emergency Squad can work within its budget this year; planning for next year is a problem. Supv. Goodspeed said that there are many problems. Mr. Peter Heid said that it seems irresponsible to send as much money in the Ski Bowl Park as the Town Board currently is and noted the pipeline costs; Supv. Goodspeed replied that the town had a grant for the Ski Bowl Park and that the costs of the pipeline were relatively small. Mr. Heid said that money should be saved where it can; Mr. Arsenault said that there was a great deal of support for the park improvements. Mr. Joel Beaudin noted that the three thousand dollars for economic development now comes from Occupancy Tax funds not property tax; Mr. Heid replied that tax dollars are tax dollars and grants are as well. Supv. Goodspeed noted that as the Town Board had conducted a Public hearing on the Preliminary Budget for 2010 earlier in the evening he would ask for a resolution

to accept the Preliminary Budget as the Final Budget. Mr. Vanselow noted that he would vote in favor of the budget, but he planned on offering several amendments in the nature of capital improvements at a later date.

RESOLUTION NO. 203

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to accept the Tentative Budget for 2010 which was filed in the Town Clerk's office on September 30, 2009, the Preliminary Budget in which was included the following changes: the assessed value of the Town corrected to the actual amount of 8736.818 thousands from the projected 8741.209 thousands, and 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 5, 2009, 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 Johnsburg for the year to begin January 1, 2010; and it is further resolved that pursuant to a Public Hearing on the 2010 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District having been held on Thursday, November 5, 2009, at 6:00pm at the Wevertown Community Center, Wevertown, NY; the Town Board approves of the 2010 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District including an additional nine thousand to be divided among the following companies: North River Vol. Fire Co., Garnet Lake Vol. Fire Co., Bakers Mills/Sodom Vol. Fire Co., Johnsburg Vol. Fire Co., Wevertown Vol. Fire Co., and Riverside Vol. Fire Co., expressly for the purchase of new turnout gear to be compliant with federal and OSHA requirements. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Goodspeed, Vanselow) Nays – 0

Supv. Goodspeed informed the Town Board that the road posting item on the agenda was not necessary.

Supv. Goodspeed informed the Town Board that he had received a request from the Boy Scouts for a resolution in appreciation of the work done by Christopher Sears to attain the rank of Eagle Scout; he asked that the Town Board pass such a resolution.

RESOLUTION NO. 204

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

Whereas, Christopher Sears belongs to Boy Scout Troop 36 of North Creek, and

Whereas, Christopher has helped establish and build a perennial Memorial Garden area at the Adirondack Tri-County Nursing and Rehabilitation Center creating paved walkways, multiple planters and flowerbeds, benches and a gazebo for the enjoyment of residents, their families and visitors to the center and

Whereas, Christopher worked on this project with the aid of volunteers from his troop, the Center and the community, and

Whereas, Christopher needed to plan, organize, find funding for, and complete this project in order to fulfill the final requirement for the Eagle Scout rank, and in fact raised enough money to establish a maintenance fund for the gardens and

Whereas, the Eagle Scout rank is the highest honor in scouting it is a true honor for Christopher, his family and this community, for him to have earned the highest honor in Scouting, and

Now, therefore, be it resolved that the Town Board of the Town of Johnsbury recognizes the hard work and dedication Christopher Sears has shown in his years as a Boy Scout of Troop 36; and further, the Town Board wishes to express their pride in this area youth and wishes him the best of luck as he moves into the future.

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 Zoning Enforcement Officer (ZEO) Chris May was present to discuss problems with the Warren County Building Codes Enforcement operations. Supv. Goodspeed noted that he had received numerous complaints regarding the administration of building codes by Warren County; he described the state code as unreadable and noted the following complaints about enforcement: the review process is too slow, the reviews are incremental and the schedule is difficult to work with for contractors. Supv. Goodspeed added that some were suggesting that the Towns take back code enforcement. ZEO Chris May, also a contractor, said that he had spoken with New York State Code Enforcement and their reply was that Warren County was following the most stringent letter of the law in enforcement. ZEO May added that a group of at least a dozen contractors want to have an outside inspection service hired; the problem is one of inconsistent enforcement. ZEO May also said that ten years ago there were twice as many permits issued with less inspection personnel in the county office. Mr. Harrison Sangster asked if the enforcement position was elected or appointed; Supv. Goodspeed replied that it was appointed and added that the director had support in the Warren County Board of Supervisors. Supv. Goodspeed agreed with ZEO May that the previous director had made the system work. Mr. Vanselow suggested that it may be a good time to look into sharing the code enforcement position among several towns. Supv. Goodspeed noted that last year the Alpine Lodge renovations went over budget due to lack of available enforcement. ZEO May said that it is not all building inspections; he described a zoning issue which resulted in a lengthy delay to the builder involving a county request that he, ZEO May, prove that no building was within a few feet of the proposed structure on a many acre parcel where the proposed building would be the only structure on the parcel. ZEO May added that the attitude in the enforcement office is often terrible and little effort to assist the public is seen. Supv. Goodspeed asked that ZEO May try to find out from New York State how other towns are handling this type of problem and look into time needed, responsibilities and insurance liabilities involved in the position. Supv. Goodspeed asked if there was any interest from the Town Board members in exploring a change in the way building code enforcement is handled. Mr. Arsenault said that it seems worth looking into and added that the inspectors should be responsive to the public.

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. 205

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board elects to be included under the Warren County bid pricing for No. 2 Fuel Oil and kerosene; the 2010 County bid price differential for No. 2 Fuel Oil is \$0.1689 per gallon over the base price (Main Brothers Oil Co., Inc.); the County bid price differential for Kerosene is \$.3250 per gallon over the base price (G. A. Bove & Sons, Inc.) and the 50/50mix bid price differential of \$.3250 per gal over the base price (G. A. Bove & Sons, Inc.). 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 there had been significant acts of vandalism on the Carol Thomas Trail; he has spoken with the Warren County Sheriff about the graffiti and destruction. Supv. Goodspeed added that the vandalism to Mr. Robert Nessle's trailer at the Ski Bowl Park was probably related; he added that it took time to commit these acts. Mr. David Bulmer added that there was graffiti along Main Street as well. Mr. Peter Heid volunteered to donate a camera to the Town for use in photographing future acts for prosecution. Supv. Goodspeed said that following the previous acts of vandalism he had received requests for minimal punishment; Supv. Goodspeed now wants to send a serious message with stronger punishment. Mr. Bulmer asked if the vandalism can be repaired; Supv. Goodspeed replied that it can and that the most visible and offensive vandalism will be removed quickly. Mr. Bert Miner asked about offering a reward; Supv. Goodspeed said that there were some good leads already. Mr. Peter Heid said that if it was just spray paint that it was probably kids. Mr. Bulmer asked if this seemed to be related to the previous acts of vandalism on the Carol Thomas Trail; Supv. Goodspeed said that it seemed probable. Supv. Goodspeed said that he would keep the Town Board updated on this issue.

Supv. Goodspeed requested that the Town Board set dates for opening the bids for Senior Citizen Transport for the year of 2010. After a short discussion the date for opening the bids was set for December 1, 2009, 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. 206

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Vanselow 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 2010, 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 1, 2009, at 7:00pm. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the Supervisor's Monthly Report, for the month of October 2009, is in the Town Board members' packets.

Supv. Goodspeed informed the Town Board that the Zoning Enforcement Officer's Monthly Report for the month of October 2009, is in their packets.

Supv. Goodspeed informed the Town Board that a request to reconnect to the North Creek Water District had been received from Mr. Matt Ordway. A residence had existed on the parcel owned by Mr. Ordway and had been connected to the water district; it was then disconnected several years ago. The request contains a twenty-five dollar application fee and it is not expected that a single family residence will negatively affect the water district; Supv. Goodspeed asked that the Town Board approve of the reconnection to the North Creek Water District.

RESOLUTION NO. 207

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the reconnection of water supply to parcel number (66.18-1-25) owned by Mr. Matt Ordway to the North Creek Water District and with no waiving of additional connection fees. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

PRIVILEGE OF THE FLOOR

Secretary Cherie Ferguson informed the Town Board that the scrap metal pile at the Transfer Station was getting quite large and the previous contract for the removal of scrap metal has expired. Supv. Goodspeed asked if the Town Board wished to put the scrap metal disposal out to bid.

RESOLUTION NO. 208

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, 2009 through November 30, 2010, 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 1, 2009, at 7:00pm. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Joel Beaudin suggested that the Town of Johnsbury offer to administer the Kellogg (Waddell) for Warren County when the county assumes ownership of the property; Supv. Goodspeed agreed and added that he believed that Warren County would be willing to accept the offer.

Mr. Beaudin asked why the siding of the renovated pavilion next to the new pavilion has been sided with log siding which does not match the siding on the new pavilion. Supv. Goodspeed said that he had believed that it was to match the open (new) pavilion in such aspects; he added that he would ask ORDA manager Mike Pratt about this. Mr. Vanselow said that ORDA has an agreement with Lincoln Logs for materials and ORDA has a similar building on the other side for the lift and also on Gore Mt.

RESOLUTION NO. 209

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #21G/Claims #404-427; Highway Fund- Warrant #21H/Claims #215-220; North Creek Water Dist. - Warrant #21W/Claims#78-79; Capital Project Funds- Warrant #10 CPF/Claims #18-19; Library Fund Warrant #11L/Claim #76. 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. Morehouse with a second from Mr. Vanselow at 9:00pm. 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 November 17, 2009 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk