

**Minutes of the Town of Johnsborg Regular Board Meeting December 1, 2009
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsborg held on Tuesday, December 1, 2009 at 7:00pm at the Wevertown Community Center, Wevertown, NY Supervisor Goodspeed called the meeting to order at 7:03pm and the pledge to the flag was led by Councilman Eugene Arsenault.

Roll call showed the following persons present: Supv. Sterling Goodspeed; Town Councilmen/ Eugene Arsenault, Frank Morehouse, Jr., Arnold Stevens and Ronald Vanselow; Town Clerk/ William Rawson.

Guests: On attached list

BID OPENING:

The Town Clerk read the Legal Notice for the Senior Citizen Transportation Bid as it appeared on November 21, 2009 in the North Creek News-Enterprise. The Clerk noted that two copies of the bid packet had been sent out. One bid was received on November 30, 2009 from Warren Hamilton Counties ACEO, Inc.; the bid was opened and contained all appropriate forms. Warren Hamilton Counties ACEO, Inc. bid a total of \$9,690.00 for trips during the calendar year of 2010.

BID OPENING:

The Town Clerk read the Legal Notice for the Scrap Metal Bid as it appeared in the North Creek News-Enterprise of November 14, 2009. The Clerk noted that three copies of the bid packet had been sent out. There were three bids received on December 1, 2009 from East Side Auto, Northern Car Crushers and Earth Waste Systems. The bids were opened and contained all the appropriate forms. Northern Car Crushers bid \$60.00 per ton and East Side Metals Recycler bid \$101.50 per ton and Earth Waste Systems bid \$111.11 per ton to purchase and remove the scrap metal from the Town of Johnsborg Transfer Station.

RESOLUTION NO. 221

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to accept the minutes of the November 17, 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 the Johnsborg Emergency Squad requesting that the Town Board pass a resolution authorizing Mr. Wayne LaMothe of Warren County Planning and Economic Development to prepare a grant in the Town's name for funds for a new building to house the Emergency Squad.
2. A survey request from the Adirondack Park Agency for discussion topics for the Local Government Day Conference in March 2010.
3. A letter from Mr. Robert Nettle updating the Town Board on the water pipeline trench project and seeking additional Town Board approvals to complete the project.
4. A letter from Mr. Peter Heid expressing concerns about the waste of money on the water pipeline trench project and stressing the unsafe working conditions.

5. A letter from Adirondack Treks Nordic Club requesting that the Town Board allow the club to create a viable ski trail in the Ski Bowl Park and to hold a Nordic ski race there on February 20th.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed invited Ms. Emily Stanton, ORDA Marketing Manager, to discuss the shuttle operation; Mr. Keith Wilkerson, of Brant Lake Taxi, was present with the shuttle bus. The shuttle will connect Main Street, North Creek, the Ski Bowl and Gore Mt. and it is expected that the round trip will take about forty five minutes. The shuttle operation is to be paid for through advertising, twelve of fourteen advertising spots are filled, an application for Occupancy Tax funding has been filed and the North Creek Alliance and ORDA are seeking a corporate sponsor to assist in paying for the shuttle operation. The shuttle will operate for thirty nine days, weekends and holidays during the ski season at no cost to those riding the shuttle. (Town Board members Mr. Morehouse, Mr. Arsenault, Mr. Stevens and Supv. Goodspeed and several members of the public left to look at the shuttle in the parking lot at 7:22pm and returned at 7:26pm.) Mr. Robert Nettle asked if the luggage rack would safely hold skis; Ms. Stanton replied that it had been looked at and if it was a problem that riders would be holding their skis as there was room for that. Mrs. Kelly Nettle asked if the bus stop by the Trailways bus line was only a winter stop; Ms. Stanton replied that it was planned for the winter. Supv. Goodspeed said that Warren County DPW Supt. William Lamy has agreed to keep the road to the North Creek Railway Depot plowed and added that repaving Main Street in North Creek is on the Warren County DPW list for 2010. Mr. David Bulmer asked about crosswalks if the street was to be repaved; Supv. Goodspeed replied that he would look into this again.

Supv. Goodspeed reminded the Town Board that the check for the final payment for the Ski Hut fire claim, in the amount of \$31,000.00, has been received and added that he has meet with ORDA Manager Mike Pratt to discuss plans for the old (red) pavilion which is being renovated to replace the Ski Hut. Supv. Goodspeed asked Ms. Emily Stanton, ORDA Marketing Manager, to update the Town Board on the work at the Ski Bowl Lodge (old or red pavilion). Ms. Stanton explained that work was progressing quickly; she explained that the ticketing area can double as a bar for wedding-type functions and there will be upgrades by adding shower facilities for the summer and floor and partition improvements. Supv. Goodspeed noted there was some discussion over the fire alarm call up. Supv. Goodspeed asked that the Town Board allow the Town Attorney to work with ORDA on a contract for the building use.

RESOLUTION NO. 222

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the Town Attorney to work with ORDA, subject to the approval of the Town Supervisor and final approval by the Town Board to draft a building use contract for the Ski Bowl Lodge (old or red pavilion) at the Ski Bowl Park. 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 discussed with Town Attorney Jordan a proposed Local Law on sidewalk clearing with the Zoning Enforcement Officer providing enforcement. Attorney Jordan had said that it was possible to formulate a local law to address the issue in the hamlet of North Creek. Supv. Goodspeed added that he had received several calls on

the subject and none in favor; points about senior citizens being responsible for sidewalks had been raised. Mr. Vanselow suggested limiting the local law to the business district in the hamlet of North Creek; Mr. Stevens asked if a map could be drawn for the purpose. Ms. Laurie Arnheiter said that when the alternate side parking law had been established that a district had been created and suggested using that map; it was noted that this area would not include the sidewalks all the way to the school. Mr. David Bulmer noted that Warren County piled snow on some of the sidewalks and that Mrs. Norma West, a senior citizen, would be responsible for about one hundred feet of sidewalk; he asked if the students are offered bus transport to school. Supv. Goodspeed replied that students above a certain grade level are not transported within one mile of the school. Mr. Stevens asked if the school should be responsible as they require the students to walk; Mr. Morehouse said that it would be cheaper to bus all students than clear sidewalks and that he did not expect that the school could afford either possibility. Mr. Vanselow asked if this would be a zoning issue with the ZEO providing enforcement; Supv. Goodspeed said that the ZEO seemed to be the only person to do the job at the town level. Mr. Arsenault asked about the possibility of a joint town and North Creek Business Alliance proposal to clear the sidewalks; Mr. Joel Beaudin, a member of the North Creek Business Alliance, said that the idea could be discussed, but held out little hope of the Alliance putting in money. Mrs. Kelly Nessel is personally in favor of a local law, even though she and her husband own property in the hamlet business district with a sidewalk frontage. Mr. Peter Heid was not in favor of using taxpayer monies to clear sidewalks in North Creek; Supv. Goodspeed said if any money was to be used that it should be Occupancy Tax money. Mr. Vanselow said that even if property owners were ticketed that the sidewalks would not be cleared; Supv. Goodspeed replied that the sidewalks could be cleared and the cost added to the tax bill as an omitted tax. Supv. Goodspeed said that he will contact all property owners in the business district to discuss sidewalk clearing and also continue to pursue the local law.

Supv. Goodspeed updated the Town Board on the litigation regarding a property in the hamlet of Johnsburg; the lawsuit has progressed and the property seems to have been abandoned. The Town Attorney will pursue a default judgment and the Town will be able to cleanup the property with the cost being added to the tax bill as an omitted tax. Mr. Peter Heid asked how the Town would get a judgment on an abandoned property; Supv. Goodspeed replied that the property owner had been served and that as of that date the judgment can be pursued. Mr. Heid asked if the property was worth the cleanup; Supv. Goodspeed said that if no one buys the property following foreclosure by the Town, that the Town will have cleaned up a nasty piece of property.

Supv. Goodspeed explained that, in addition to Mr. Robert Nessel deciding to end work on the Ski Bowl Park pipeline project, many things have occurred lately regarding the project. Last Tuesday, Supv. Goodspeed received two or three calls from citizens. As a result of his inspection of the project area he sent a stop work order to Mr. Nessel. Earlier, the Adirondack Park Agency had issued a stop work order by mistake. Supv. Goodspeed added that he had received a call from Ms. Catherine Jepson, of the NYS Office of Parks, Recreation and Historic Preservation, saying that she would not authorize grant funds without plans signed by an engineer. Supv. Goodspeed said that he was very concerned about the depth of the pipeline which Mr. Nessel had told the Town Board would be no deeper than five feet and was deeper than his height which is more than five feet. Mr. Vanselow added that he had measured the depth at over seven feet on one side and ten feet on the other; he added that the Town cannot leave this hole as it is due to the liability issue. Supv. Goodspeed agreed with the liability problem and added that he still viewed this as a good project, but wondered how to proceed. Mr. Vanselow suggested covering the hole

as a safety issue; he added that he had asked if the proper equipment was available. Mr. Vanselow said that the project has already progressed beyond what the Town had been led to believe. Mr. David Bulmer asked the length of the hole; Mr. Vanselow replied twenty to twenty-five feet and said that he could not see it as a large problem to cover the hole and restart the project again in the spring. Mr. Nettle replied that it would be a major problem to those who have volunteered their time on the project. Mr. Vanselow said that he took the Town's responsibility very seriously as the Town both owns the property and authorized the project. Mr. Stevens said that he did not know how much the trench had changed since Thanksgiving Day, but he was not afraid of working in the trench at that time; Mr. Vanselow replied that he had been there two days prior to that and portions of the trench had fallen in. Mr. James Jones suggested a layer of crushed stone to be covered by dirt and the spot marked by a post until it can be uncovered and worked in the spring.

RESOLUTION NO. 223

Mr. Vanselow presented the following resolution, and moved its passage with a second from Supv. Goodspeed, to authorize the Town Highway Department to fill in the trench hole to a safe depth. (Withdrawn by Mr. Vanselow and replaced with Resolution No. 224.)

Supv. Goodspeed asked for further comment. Mr. Morehouse asked how deep it considered safe to work without a box to reinforce the work; Mr. Nettle replied that five feet is the maximum depth dependent on the width of the trench and added that there is room to widen the trench which is the purpose of obtaining larger equipment. Supv. Goodspeed said that he wanted to follow the law and lessen Town liability and decide on a solution for continuing in the spring at a later date. Mr. Morehouse suggested filling to a depth of five feet. Mr. Nettle offered to backfill the trench with his own machinery to a level relatively the same as the surrounding ground. Mr. Peter Heid asked how the project can proceed when the Town Engineer has already stated that he is not sure of the project's safety. Supv. Goodspeed said that the Town Board would not solve the overall question of the spring operation tonight; mainly interested in the current liability and safety issue.

RESOLUTION NO. 224

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize Mr. Robert Nettle to fence the water pipeline project and to restore the site to a level approximate to that of the surrounding ground within the next seven days. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

(Mr. Vanselow left the meeting at 8:35 pm.)

NEW BUSINESS

Supv. Goodspeed noted that the report from the Occupancy Tax Committee was in the packets of the Town Board members; he asked committee chairperson Kelly Nettle to give a short report to the Town Board members.

(Mr. Vanselow returned to the meeting at 8:38 pm)

Mrs. Nettle said that the application needs a little more tuning and announced that after three years on the committee that she will be leaving and suggested that she be replaced by a non-business person on the committee for balance. Supv. Goodspeed said that no other Town in

Warren County gives their Occupancy Tax requests and uses this level of scrutiny. Supv. Goodspeed said that he expects the Town Board members to make a funding decision on the Occupancy Tax requests at the next Town Board meeting, December 15, 2009. Ms. Emily Stanton asked if the Occupancy Tax funding is still by reimbursement; Supv. Goodspeed and Secretary Cherie Ferguson both stated that according to interpretations from both the Town Attorney and the Warren County Attorney that the money needs to be spent and then reimbursed; there can be several reimbursements draws to the total awarded in the contract. Mrs. Nessel asked for clarification if 2009 Occupancy Tax funds not yet used is good through December 31, 2009; Supv. Goodspeed replied that it was and that a rollover can be done for a good cause.

Supv. Goodspeed invited Front Street Mountain Development representative Mr. Mac Crikelair to give the Town Board a power point presentation on the Front Street Project. Among the points brought up by Mr. Crikelair were that the company is currently working on the road in the development area, a two unit townhouse, the gatehouse with small changes to enhance to allow the retention of trees on the property and the project has been connected to the North Creek Water District with an inspection by Engineer James Hutchins. Mr. Crikelair said that Front Street Mountain Development plans to begin the wastewater treatment plant in spring of 2010 and that Front Street Mountain Development is moving forward on the de-mapping issue. Mr. Crikelair said that the wastewater plant is complicated because the plant will not function without enough units being online and that the units cannot be constructed with out the plant being constructed. Mr. Crikelair also noted that many portions of the project have been or will be built with regional contractors. Supv. Goodspeed noted that according to the Town Attorney that additional units will need Adirondack Park Agency approval; he added that the Town Attorney will contact Front Street Mountain Development regarding minor changes to the de-mapping issue and he will present a copy to the Town Board and that due to the park land involved that the State Historic Preservation Office (SHPO) will need to be involved. Supv. Goodspeed added that the Town will continue working with Front Street Mountain Development on water and septic issues. Supv. Goodspeed noted that this is a very complicated project. Mr. Vanselow asked if the National Grid power line was moving forward. Supv. Goodspeed said that he had seen a document indicating progress; Mr. Crikelair added that National Grid seemed to be happy with the Town action; a second temporary line will be added for construction on the townhouse. Mr. Robert Nessel urged Front Street Mountain Development to use water meters in their project; Mr. Crikelair replied that this would be an added expense and that Front Street Mountain Development has already built and connected a well to the North Creek Water District. Supv. Goodspeed said that he had toured the trail cuts on the property turned over to the Town from Front Street Mountain Development and noted that it would be a good was of opening the area for the Interconnect. Supv. Goodspeed thanked Mr. Crikelair for the update.

Supv. Goodspeed Asked that the Town Board authorize him to execute the contract with Standard Medical Services for employee drug screening for the year beginning January 1, 2010 through December 31, 2010. The exam costs will be as follows: urine screening \$55.00 each, alcohol breath testing \$21.00 each and Department of Transportation physicals \$100.00 each.

RESOLUTION NO. 225

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the Town Supervisor to execute a contract Standard Medical Services for employee drug screening for the year beginning January 1, 2010 through December 31, 2010; and

further that by the contract the exam costs will be as follows: urine screening \$55.00 each, alcohol breath testing \$21.00 each and Department of Transportation physicals \$100.00 each. With 5 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays – 1 (Vanselow)

Supv. Goodspeed noted that the Town Board had received copies of proposed 2009 Budget amendments in their packets; these are mainly transfers between funds. Also included are deposits in escrow as engineering or legal fees from Front Street Mountain Development. Supv. Goodspeed asked that the Town Board approve these amendments to the 2009 Town Budget.

RESOLUTION NO. 226

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

GENERAL FUND

transfer between accounts

FROM:		TO:	
Insurance A1910.4	85.00	Hwy Super A5010.4	100.00
Contingent A1990.4	3,500.00	Youth Prog A7310.4	485.00
		Recycs A8090.1	1000.00
		Refuse A8160.1	1000.00
		Refuse A8160.4	1000.00
	3,585.00		3585.00

Increase estimated revenues A510

Increase appropriations A960

Front Street Mountain Development A2115.2
1,000.00

FSMD Planning A8020.41
1,000.00

HIGHWAY FUND

transfer within accounts

FROM:		TO:	
Retirement DA9010.8	264.00	Unemployment DA9050.8	
Disability DA9055.8	500.00		5,500.00
Eye & Dent Reimbrs DA9061.8	3000.00		
Medical Insurance DA9060.8	1736.00		
	5500.00		5,500.00

transfer between accounts

Medical Insurance DA9060.8
1,672.00

Cap OutlaysDA5112.2
1,672.00

LIBRARY FUND

Increase appropriated fund balance L599

Increase appropriations L960

Medical Ins.L9060.8	125.00
Contract L7410.4	25000.00
Pers Srvc.L7410.1	1100.00
	26225.00

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 Supervisor's Monthly Report, for the month of November 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 November 2009, was not yet available.

The bid for Senior Citizens Transportation to Glens Falls during 2010 having been opened earlier in the meeting, Supv. Goodspeed asked if the Town Board wished to award the bid.

RESOLUTION NO. 227

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens to award the bid for Senior Citizens Transportation to Glens Falls and return one day per week for the year of 2010, to Warren Hamilton ACEO, Inc. 190 Maple Street, Glens Falls, NY 12801, in the amount of \$9,690.00 for trips during the calendar year of 2010. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that the Scrap Metal Bid had been opened earlier in the meeting and could be awarded; Secretary Cherie Ferguson asked if the bids were made in gross or net tons, she recalled that this had been a problem in the previous bid. As the bid proposal did not specify it was decided that this would be researched and the bid awarded at the next meeting. The Town Clerk said that the proposal form would be changed to specify net tons.

Supv. Goodspeed asked the Town Board to pass a resolution in support of the Johnsbury Emergency Squad grant request as the grant would result in no cost to the Town and Warren County would administer the grant. Mr. Vanselow asked why the Town was involved as the Johnsbury Emergency Squad is an incorporated entity; Supv. Goodspeed replied that it was because the Town contracts with the Johnsbury Emergency Squad for service.

RESOLUTION NO. 228

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board expresses its support for the Johnsbury Emergency Squad, Inc. application for funding for a new building through the Housing Trust Fund Corporation, a

part of the NYS Community Development Block Grant; and further, while the Town Board understands that the application will be made in its name there will be no cost to the Town and that the grant will be administered by Warren County Planning and Economic Development; and further, that the Town Board authorizes said Warren County department to prepare the grant in the name of 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 asked if the Town Board wished to allow the Adirondacks Trek Nordic Club, an entity associated with the Youth Committee, to create a cross country ski trail in the Ski Bowl Park as requested in the letter read earlier at this meeting.

RESOLUTION NO. 229

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the Adirondacks Trek Nordic Club, an entity associated with the Youth Committee, to create a cross country ski trail in the Ski Bowl Park; and further that the Town Board acknowledges that the Adirondacks Trek Nordic Club, an entity associated with the Youth Committee, plans to conduct a cross country ski race on said trail, in the Ski Bowl Park, on February 20, 2010; and further that the Town Board authorizes the removal of saplings as needed near the transfer station gate and to create openings around barrier trunks on the climb to the transfer area; and further, that the Adirondacks Trek Nordic Club, an entity associated with the Youth Committee, to create a cross country ski trail in the Ski Bowl Park needs to confer with Parks Supt. Matt Olden and ORDA Manager Mike Pratt for the trail construction. 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 noted that the Town Clerk had spoken with Zoning Board of Appeals member Wayne G. Schoonmaker is not interested in continuing in the position beyond the end of his term on December 31, 2009. Mr. Schoonmaker was a member of the Zoning Board of Appeals for at least fifteen years and Supv. Goodspeed informed the Town Board that he would write a letter of thanks to Mr. Schoonmaker for his service to the Town. Supv. Goodspeed asked the Town Board to authorize an advertisement for the position to become vacant on the Zoning Board of Appeals.

RESOLUTION NO. 230

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board authorizes the Town Clerk to advertise a vacancy on the Zoning Board of Appeals for a term to expire on December 31, 2014 for one week in the North Creek News-Enterprise; and further, the Town Board authorizes the Town Supervisor to write a letter of thanking Mr. Wayne G. Schoonmaker for his years of service to the Town on the Zoning Board of Appeals. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Secretary Cherie Ferguson reminded Supv. Goodspeed that the term of Mr. Philip Goodman as the Town of Johnsbury representative to the Warren County Youth Bureau was about to expire and that he was willing to be reappointed. Mrs. Kelly Nettle asked what the position entailed; Supv. Goodspeed replied that he was not sure and that the appointment would be put off until the next Town Board meeting.

PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle informed the Town Board that the 2010 Winter Extravaganza at the Ski Bowl Park will be held on February 20 as ORDA has cleared the date.

Mr. David Bulmer reminded the Town Board that the back of the parking area to the north and east of the Wevertown Community Center is very dark; he suggested installing a light for that area. Supv. Goodspeed replied that he had discussed some building improvements for the Wevertown Community Center including the ceiling, a light for the parking area and the front door. Mr. Vanselow suggested checking with New York State Energy Research and Development Authority (NYSERDA); Supv. Goodspeed added that it was possible that some funding could be found in the Office of Court Administration as the Town Justice Court is held in this building.

Mr. Robert Nettle asked if there had been a building problem over the weekend; Supv. Goodspeed replied that he knew of none.

RESOLUTION NO. 231

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 #23G/Claims #451-463; Highway Fund- Warrant #23H/Claims #229-238;. 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 Supv. Goodspeed with a second from Mr. Stevens at 9:30pm. 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 December 15, 2009 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk