

Minutes of the Town of Johnsburg Regular Board Meeting July 19, 2011
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 July 19, 2011 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 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

RESOLUTION NO. 126

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the July 5, 2011 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 notification of the filing of a renewal application of a liquor license from Centerplate for the Saddle Lodge at ORDA on Gore Mountain.
2. A notification of the filing of a renewal application of a liquor license from Centerplate for the Tubing Park for ORDA. at the Ski Bowl Park.
3. A notification from the U.S. Army Corps of Engineers of the issuance of a preliminary jurisdictional determination for a private bridge project on Glen Creek Road applied for by John Durling.
4. A notification of the filing of a renewal application of liquor license from L. John Monroe for J. & J. Foxx Lair Bar & Restaurant.
5. A letter from Highway Superintendent Daniel Hitchcock requesting a transfer of \$28,000.00 from unexpended balance to account line DA5110.4 for the purpose of paving the bridge on Harrington Road and some repairs to Riverside Station Road.
6. A letter from Highway Superintendent Daniel Hitchcock requesting a transfer of \$14,600.00 from unexpended balance to account line DA5130.2 for the purpose of purchasing a stainless steel sander to replace a sander which has become worn out.
7. A letter from Highway Superintendent Daniel Hitchcock informing the Town Board of his decision to pave Hudson Street with 2" compacted binder due to the heavy traffic volume and the beaver dams near the road and requesting Town Board approval of this decision.
8. A notice from Sheri Norton, Warren County G.I.S. Coordinator, informing the Town Board that the Warren County Board of Supervisors had instituted a new G.I.S. billing schedule which directly bills the applicant for address assignment requests.
9. An e-mail forwarded by Highway Superintendent Daniel Hitchcock from Warren County D.P.W. Superintendent Jeffery Tennyson detailing a request from Mr. Tim Record for a "Main Street" sign at the northern end of Main Street in North Creek.

COMMITTEE REPORTS:

Mr. Vanselow reported that he had been unable to meet with Mr. Stevens regarding the Mill Creek Recreation Area. Supv. Goodspeed said that he hoped for a report at the next regular Town Board meeting.

OLD BUSINESS:

Supv. Goodspeed explained that he would update the Town Board on several items from the previous meetings prior to entering the discussions of the beach at the Ski Bowl Park and the Front Street Mountain Development transportation corporation.

Supv. Goodspeed said that he had been advised that the cell towers at Wevertown and The Glen are nearing a state of activation; there does appear to be some finger pointing between National Grid and AT& T as to why the cell towers are not yet active. It is expected that the towers should be online by mid-August and the third tower in North Creek should be online in the early fall of 2011.

Supv. Goodspeed said that the first round of the Federal Emergency Management Agency (FEMA) funding requests for the April 2011 flooding had been filed; a meeting is scheduled for Thursday July 21, at 9:00am at the Town Hall with FEMA representatives, Highway Superintendent Daniel Hitchcock and himself to discuss the award.

Supv. Goodspeed reminded the Town Board that the Youth Committee had asked for a slight pay increase of twenty-five cents per hour for returning counselors and bus drivers. Supv. Goodspeed said that there had been an adjustment in the pay to balance out the pay rates.

Supv. Goodspeed reminded the Town Board that bids had been authorized to be let for the replacement of the transfer station operator building which was badly damaged by fire as a result of a lighting strike just before Memorial Day weekend. Creating the bid specifications for the project is a more involved process than expected; the assistance of Delaware Engineering has been requested. Supv. Goodspeed asked that the Town Board rescind resolution number 122 of 2011 which authorized the advertising and letting of a bid for the reconstruction of the operator building at the transfer station until the specifications and the bid package are compiled and available.

RESOLUTION NO. 127

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to rescind resolution number 122 of 2011 authorizing the letting of a bid package to reconstruct the operator building at the transfer station. 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 initial run of the Saratoga-North Creek Railroad will take place on Wednesday July 20 at about 9:30am to 9:45am the train will be leaving the North Creek Station for Saratoga Springs and a return trip; he added that all permits are now in hand. Supv. Goodspeed said that the platform at the depot is being replaced with the cost being divided between the North Creek Railway Depot Preservation Association, Iowa Pacific and Warren County.

Supv. Goodspeed informed the Town Board and public that the Music by the River concert series began with a concert on July 16 and there will be additional concerts on July 30, August 13 and August 27.

Supv. Goodspeed updated the Town Board on news from Warren County regarding the passage of the SUNY Adirondack (formerly ACC) budget. As a portion of the approval the college was allowed to build a dormitory facility to help offset the New York State funding reductions by adding enrollment and revenue to the college by attracting out of the area students to the college.

Supv. Goodspeed opened the discussion on the beach area at the Ski Bowl Park by explaining that over the past years the Town has worked to establish and maintain a swimming area at the Ski Bowl Park. Over the past two years the beach has failed water clarity tests in August of each year and the beach has closed several days ahead of its scheduled closing. Supv. Goodspeed noted that Secretary Cherie Ferguson has conducted a survey on the Town's Facebook site the replies seem to indicate that taxpayers do not wish to spend a great deal more money on the swimming area. Supv. Goodspeed noted that the Town Board had voted not to spend the money for a sanitary survey; the survey would be a requirement to opening the beach.

Supv. Goodspeed asked Engineer Kathleen Suozzo, representing Delaware Engineering, for cost estimates for a plan which would allow for the reopening of the beach with approval of the NYS Department of Health (DOH). Engineer Suozzo explained that the beach operating permit has expired; a permit application will require a sanitary survey (cost estimate \$5500.00 to \$6500.00) as the initial step in the process. The sanitary survey would provide data on the remediation procedures required to remedy the problems with the beach. Depending upon the remedies required the cost could run from \$25,000.00 to over \$100,000.00, especially if repairs are necessary to the dam on North Creek. Engineer Suozzo estimates the cost of closing the beach to swimming and transitioning to a park at \$3500.00. Mr. Vanselow asked if the fact that the swimming area is spring fed would impact the cost of draining; excavating contractor James Jones who installed the berm, replied that pumps may be required to drain the swimming area. Mr. Vanselow asked if Supv. Goodspeed had found out if any of the Ski Bowl Park grant money could be used for portions of the remediation projects; Supv. Goodspeed replied that he has spoken to a representative in Albany and that it may be possible. Mr. Arsenault asked if Warren County would have any available funding; Supv. Goodspeed replied that it was possible, but that he did not believe that there was any additional grant funding from New York State. Mr. Arsenault asked what would happen if the Town Board does not perform any additional work on the swimming area; Engineer Suozzo replied that ponds typically become bogs, or possible a washout may occur and remove the berm and reconfigure the area. Mr. Arsenault said that it would result in the area becoming less of an attraction; he asked if the Town should consider breaching the berm. Engineer Suozzo replied that the NYS Department of Environmental Conservation (DEC) or the Army Corps of Engineers may not allow a breaching of the berm. Supv. Goodspeed noted that the funding for the berm was partially from federal or state funds and that its removal may be a problem; additionally, there may be an open issue with the Army Corps of Engineers regarding work on the dam and that organization may not wish to be helpful. Mr. Morehouse asked if a sanitary survey was necessary to close the beach; Engineer Suozzo replied that it was not. Mr. Vanselow asked if relocating the swimming area was a regulatory nightmare; Engineer Suozzo said that she expected that it would be similar to reopening

the beach. Mr. Paul Logue suggested a concrete dam; Engineer Suozzo replied that Engineer Hutchins' estimate of \$60,000.00 for dam repair/replacement was based on a wooden structure and the DEC is trying to remove dams and to change to a concrete dam would cause additional regulatory issues. Mr. Stevens said that the structure is actually a weir; he explained that the Town had been informed in the late 1980's that a dam was virtually impossible to construct due to regulatory issues. Secretary Cherie Ferguson mentioned the difficulty of creating funding with the new 2% property tax cap established by the state government; she suggested a pool as an alternative. Supv. Goodspeed said that he had spoken to Engineer Thomas Suozzo about the ongoing maintenance costs and found them very high. Secretary Cherie Ferguson suggested charging for parking and swimming at the park as other towns do. Mr. Peter Olesheski said that he had previously been in favor of remediation of the problems at the beach no matter the cost; however, he has been speaking with people about the issue and that he believes that there is support for an area similar to the Hovey Pond Park in Queensbury or the Crandall Park in Glens Falls. Mr. Olesheski added that a decision needs to be made soon as there are other important issues for discussion. Supv. Goodspeed said that until a decision is made it hinders a long range action plan.

Mr. Olesheski suggested using a portion of the Ski Bowl Park grant to fund the beach remediation; Mr. Arsenault said that it is time to look at this option. Mr. Morehouse asked if the grant is specific to the Ski Bowl Park or if it is usable Town wide; Supv. Goodspeed replied that it is specific to the park. Supv. Goodspeed suggested that the Town could take over Sullivan's Island and establish a swimming area. Mr. Morehouse said that he was interested at looking at a site on the Hudson River. Supv. Goodspeed suggested setting up a meeting including members of the Kellogg Property committee and the Ski Bowl Park advisory committee.

Mr. Stevens asked how to draw this discussion to a conclusion; he suggested that the Town Board should make a decision on the use of the beach. Mr. Arsenault disagreed saying that he was not yet ready to do so without seeking further grant funding. Mr. Morehouse said that he was not ready to abandon the idea of a swimming area either at the Ski Bowl Park or on the Hudson River. Supv. Goodspeed said that he would seek additional grant funding and set up a meeting of the Kellogg Property committee and the Ski Bowl Park advisory committee to solicit ideas and return with more information at the next meeting.

Supv. Goodspeed explained that while portions of the Front Street Mountain Development are jurisdictional to the Planning Board that portions are jurisdictional to the Town Board, especially those involving wastewater issues such as the transportation corporation. Supv. Goodspeed said that there appeared to be more agreement in this area and asked that Front Street Mountain Development make a brief presentation of their current request of the Town Board. Front Street Mountain Development Attorney Daniel Smith explained that his client was seeking an approval of a transportation corporation as a part of the permitting process for obtaining a permit from the NYS Department of Environmental Conservation (DEC). Attorney Smith said that Front Street Mountain Development has received a draft permit for Phase 1A Residential from the DEC and that they are requesting an approved certificate of incorporation for a transportation corporation for Phase 1A Residential. Attorney Smith said that plans have been submitted to the Town Engineer, Delaware Operations and Town Attorney J. Anthony Jordan. Supv. Goodspeed asked Town Attorney Jordan if this discussion should be held in executive session; Town Attorney Jordan replied that it could be held in either public or executive session. The Town Board agreed to hold the discussion in public

session.

It was determined that there was agreement on the by-laws, the user regulations and the initial rate application, but there was a wide disparity of amounts on the bonding for the capital costs and the operating costs of the system. Front Street Mountain Development proposed a \$24,700.00 capital funds bonding; Delaware Operations representing the Town proposed a \$236,452.00 bonding amount. There was a disagreement between Front Street Mountain Development and Delaware Operations on whether the equipment purchases had been made and there was a disagreement on the cost of installation of the required treatment equipment and connection costs in part due to the requirement that the Town would need to pay prevailing wage rates for the work. The Delaware Operations estimate includes the installation of the wastewater system, the connection to the Ski Hut as per the February 2007 Wastewater Memorandum of Understanding, and the cost of installation of individual septic systems in the event of that being necessary. Front Street Mountain Development proposed a \$22,000.00 operations bonding amount; Delaware Operations proposed an \$81,310.00 operations bonding amount. There was a difference of opinion regarding the required amount of operator onsite work which will be required by the DEC. Engineer Suozzo said that he has seen several similar operations and has looked at the costs related to those operations.

Front Street Mountain Development principle Mr. David Crikelair said that there was too significant a variation in the bonding proposals between the Town and his company; he said that he needs to review the numbers and have a dialogue between the developer and the Town Attorney and Engineer. Mr. Crikelair said that he believes that his engineers and construction personnel have a good handle on the costs to complete the system; he added that the system has been completely purchased and is onsite and therefore the bond does not need to include these costs as it seems to be doing. Mr. Crikelair said that the connection to the Ski Hut should not be included in the transportation corporation bonding as it is not a portion of Phase 1A Residential. Mr. Crikelair added that the DEC operator hours were recommendations and not requirements and that there will be an offsite monitoring using very advanced technology which will lessen the operating cost and will lower the bonding amount. Supv. Goodspeed replied that the Town Board objective is to protect the citizens of the Town from a worst case scenario regarding the failure of the developer to complete and continue the operation of the wastewater system; he added that it appears that the wide differences on the bonding amounts will preclude the completion of the approval of a certificate of incorporation for a transportation corporation tonight. Town Attorney Jordan added that this will require consideration by both the Town Attorney and the Town Engineer and said that the funding of the legal and engineering escrow accounts will be a limiting factor in determining the speed of the work done by the Town. Supv. Goodspeed said that he hoped that the bonding discussion could be worked out by the August 2, Town Board meeting. Mr. Arsenault asked that the information be delivered to the Town Board with time for review prior to the meeting.

NEW BUSINESS

Supv. Goodspeed asked that the Town Board take action on the requests from Superintendent of Highways Daniel Hitchcock read earlier during the meeting. Highway Supt. Hitchcock requested that the Town Board authorize a 2011 budget amendment to transfer the amount of \$28,000.00 from the 2010 unexpended balance to account line DA5110.4 for the purpose of paving the bridge on Harrington Road and some repairs to Riverside Station Road as approved by Federal Emergency Management Agency (FEMA).

RESOLUTION NO. 128

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault, to amend the 2011 Town budget with the following amendment as requested by Superintendent of Highways Daniel Hitchcock for the purpose of paving the bridge on Harrington Road and some repairs to Riverside Station Road:

2011 Budget Amendments --- 7/19/2011

Increase Appropriations and Appropriated Balance

960 – Increase Appropriations	599 – Increase Appropriations Balance
General Repairs DA5110.4 <u>\$28,000</u>	(Highway Fund) <u>\$28,000</u>

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

Superintendent of Highways Daniel Hitchcock requested a transfer of \$14,600.00 from unexpended balance to account line DA5130.2 for the purpose of purchasing a stainless steel sander to replace a sander which has become worn out.

RESOLUTION NO. 129

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Morehouse, to amend the 2011 Town budget with the following amendment as requested by Superintendent of Highways Daniel Hitchcock for the purpose of purchasing a stainless steel sander for the Highway Department to replace a sander which has become worn out and unusable:

2011 Budget Amendments --- 7/19/2011

Increase Appropriations and Appropriated Balance

960 – Increase Appropriations	599 – Increase Appropriations Balance
General Repairs DA510.2 <u>\$14,600</u>	(Highway Fund) <u>\$14,600</u>

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

Superintendent of Highways Daniel Hitchcock informed the Town Board of his decision to pave 1.7 miles of Hudson Street with 2” compacted binder due to the heavy traffic volume and the beaver dams near the road at an estimated cost of \$157,504.42 versus the double chip seal proposal with a cost estimate of \$78,329.42 and requesting Town Board approval of this decision.

RESOLUTION NO. 130

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to acknowledge and authorize Superintendent of Highways Daniel Hitchcock decision to pave 1.7 miles of Hudson Street with 2” compacted binder due to the heavy traffic volume and the

beaver dams near the road at an estimated cost of \$157,504.42 versus the double chip seal proposal with a cost estimate of \$78,329.42. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked Mr. Tim Record about the sign request for Main Street which was forwarded by Highway Superintendent Daniel Hitchcock from Warren County D.P.W. Superintendent Jeffery Tennyson. Mr. Record said that he had merely wanted to know what was involved in order to have a sign which said Main Street in addition to the County Route sign so that people would know that it was Main Street as well.

Supv. Goodspeed noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of June 2011, was in the Town Board members' packets

Supv. Goodspeed noted that the monthly report of the Animal Control Officer, William Mosher, for the month of June 2011, was in the Town Board members' packets.

PRIVILEGE OF THE FLOOR

Secretary Cherie Ferguson explained that she was speaking for Mrs. Dianne Szlachowski who could not wait for the Privilege of the Floor portion of the meeting. Mrs. Dianne Szlachowski expressed her concern that Parks and Buildings Superintendent Matt Olden and the Highway Department are understaffed. Supv. Goodspeed said that a possible structural change had been discussed regarding the management of the Parks and Buildings Department. Mr. Peter Olesheski said that people he had been speaking with had asked about the Warren County work program; Supv. Goodspeed replied that the program had been terminated. Supv. Goodspeed said that the rainy weather had led to a lack of mowing being done. Mr. Olesheski said that at the Up Yonda Farm they use the Youth Bureau and alternative sentencing for manpower. Supv. Goodspeed said that the Town has used those programs when there were individuals available; he added that using alternative sentencing individuals for mowing was seen as a liability. Mr. Morehouse asked if the Parks Department was still working on mowing; Supv. Goodspeed said that Bates, Hack and the Methodist Church cemeteries were not yet mowed. Secretary Cherie Ferguson said that for a large portion of the week Supt. Matt Olden was a one man crew; Mr. Morehouse said that the comment was not meant to reflect on Supt. Matt Olden's work. Supv. Goodspeed said that it was time to look at Supt. Matt Olden's responsibilities; Mr. Arsenault said that the current situation was not working. Mr. Morehouse suggested putting the cemetery mowing out for bids or quotes; Mr. Vanselow agreed and said that lawn care professionals should be solicited. Mr. Olesheski asked if there was no money for seasonal help to mow; Supv. Goodspeed said that money could be found, but the people were not so easy to find.

RESOLUTION NO. 131

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the Supervisor to seek quotes by advertising, Facebook notice and telephone for the mowing of the Town cemeteries for the balance of the growing season. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Mr. Paul Logue said that it was not just cemeteries, but the ball fields, the Kellogg Property and the dump area and that in these areas a tractor would be very useful. Superintendent of Highways Daniel Hitchcock said that usually by late summer the weather gets so dry that the grass doesn't grow much at that time.

Superintendent of Highways Daniel Hitchcock said that during safety training conducted downstairs at the Wevertown Community Center he noticed a musty smell and that the floor was damp; he suggested a dehumidifier for the building. Supt. Hitchcock also informed the Town Board that the cement of the steps at the door on the north side of the building was broken and possibly a danger. Supv. Goodspeed said that it would be looked into and possibly the door should be shut off.

Mr. Peter Olesheski said that many of the town Buildings needed serious repair; Supv. Goodspeed said that the number of Town Buildings had been discussed and it was difficult to determine which buildings should be shut down and also a question of funding for repairs. Mr. Olesheski said that the ceiling of the Wevertown Community Center was in poor shape as well and with the amount of use which the building gets it should be a priority.

Mr. Tim Record said that a swimming area at the Kellogg property might not be a good choice due to the pollution which has been created historically from the railroad on the site; Supv. Goodspeed said that swimming was a better fit for Sullivan's Island. Secretary Cherie Ferguson said that Mrs. Dianne Szlachtowski had voiced the same thought and added that the bubble for rafting may be a problem also. Mr. Peter Olesheski said that the possibility of flooding would make it difficult to maintain a beach area with sand.

RESOLUTION NO. 132

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Vanselow that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #12G/Claims #258-283; Highway Fund- Warrant #12H/Claims #143-158; North Creek Water Dist.- Warrant #11W/Claims#51-55; Library Fund-Warrant #7L/Claims#34-39 Johnsbury Fire Protection District- Warrant #2 JFPD/Claims #2-8. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

The Town Clerk asked that the Town Board ratify the proclamation of thanks regarding the Independence Day celebration authorized at the previous Town Board meeting for Richard Green.

RESOLUTION NO. 133

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

IN APPRECIATION

WHEREAS, our good friends and residents of the Town of Johnsbury, Richard Green and the Braley & Noxon Hardware staff have rendered outstanding service to the town in support of the Town of Johnsbury Independence Day Celebration,

WHEREAS, over the past seven years, Richard Green and the Braley & Noxon Hardware staff have worked strenuously to expand the Town of Johnsbury Independence Day Celebration, and

WHEREAS, to this end Richard Green has expended large sums of his own funds and his employees' time to enhance the enjoyment, and entertainment of the residents of the community at the Independence Day Celebration, and

WHEREAS, this includes the funding of musical entertainment, and promotion of the event, as well as paying for extended fireworks displays, all of which contribute to the resurgence of the Town of Johnsburg Independence Day Celebration, and

WHEREAS, the residents of the Town of Johnsburg appreciate and enjoy the entertainment afforded by the Town of Johnsburg Independence Day Celebration as a result of the dedication the staff of Braley & Noxon Hardware

THEREFORE BE IT RESOLVED that the Town Board, on behalf of all the residents of the Town of Johnsburg, expresses its appreciation for the service rendered by Richard Green and the staff of Braley & Noxon Hardware and hereby expresses its sincere best wishes to them in the future.

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 9:37pm. 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 August 2, 2011 at the Wevertown Community Center, Wevertown, NY.

Prepared by William Rawson, Town Clerk