

Minutes of the Town of Johnsburg Regular Board Meeting August 3, 2010
Held at 7:00pm at the Weertown Community Center, Weertown, NY

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, July 6, 2010 at 7:00pm at the Weertown Community Center, Weertown, NY. Supervisor Goodspeed called the meeting to order at 7:00pm. 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

Supv. Goodspeed explained that the minutes of the July 27, 2010 meeting were not yet available due to short period of time since that meeting.

CORRESPONDENCE:

1. A letter from Town of Johnsburg Historian Jo Ann Smith requesting funding to purchase a computer program, Heritage Collector Suite, for the Historian at a cost of \$84.95.
2. A letter from Mr. Charles Rawson, Water Operator (Delaware Operations, Inc.), for the North Creek Water District requesting that the Town Board approve the replacement of the roof of Well House #4R; the quote for materials is \$834.12 and the quote for labor is \$1600.00.
3. A letter from Jeffrey Alonzo, President of Alonzo Fireworks, notifying the Town Board that his company will be putting on a fireworks display in the Town of Johnsburg and including copies of his company's insurance and license to deal in or manufacture explosives.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed updated the Town Board and those present on the Harrington Road bridge issue. Supv. Goodspeed explained that the Town was pursuing dual tracks regarding a solution to the replacing of the bridge over Johnson Brook which was washed out in March 2010. The Town Board has retained Engineer Carl Schoder to complete changes to his plans for both a temporary bridge and a permanent bridge solution and Town representatives have met twice with the Federal Emergency Management Agency (FEMA) regarding the damage from the March storm. Supv. Goodspeed said that there was a FEMA "kickoff" meeting on Friday (July 30) at the Town Hall which was attended by Highway Superintendent Daniel Hitchcock, Accounts Clerk Candace Lomax and himself representing the Town and two FEMA representatives and a second meeting on Monday (August 2) with Councilman Arsenault replacing Supv. Goodspeed and Engineer Carl Schoder also present and four FEMA representatives at the bridge site. Supv. Goodspeed said that the Town will receive a FEMA award; the question is the size of the award. Supv. Goodspeed asked Mr. Arsenault to report on the Monday meeting; Mr. Arsenault said that at the meeting at the site the bridge specialists asked a number of questions about what happened and it was stressed that FEMA funding was based on bringing the bridge back to its state prior to the flooding without any improvements. Mr. Arsenault said that FEMA has asked Accounts Clerk Lomax for a substantial amount of background information and an estimate of cost will be coming back from FEMA. Highway Supt. Hitchcock said that FEMA will pay for new abutments and wing walls; he added that Engineer Carl Schoder said that replacement of the

bridge using steel from Warren County and extending it to create a twenty to thirty foot opening to allow more water flow would cost more than Engineer Schoder's entire plan. Supv. Goodspeed said that FEMA makes a distinction between mitigation and improvement and that while the agency will fund repairs it will not build a better bridge. Supv. Goodspeed said that there was also a question of how to access funding sources. Mr. Arsenault asked how the Town was to evaluate whether to go with the Schoder plan or to go with the solution proposed by Highway Supt. Hitchcock. Supv. Goodspeed said that Engineer Schoder has serious engineering reservations about Highway Supt. Hitchcock's plan. Mr. Arsenault said that FEMA can do its own engineering. Accounts Clerk Lomax said that it may be beneficial to the Town to allow FEMA to develop the abutments and wing walls plans. Mr. Vanselow asked if there was any engineering access through Warren County; Supv. Goodspeed replied that Carl Schoder was the County engineer. Supv. Goodspeed asked Thomas Suozzo of Delaware Operations if his company was involved in bridge engineering; Mr. Suozzo replied that Delaware Operations had done bridge design. Mr. William Nickerson said that he had noticed the meeting at the bridge site and gone over to listen to the discussion which he said seemed positive. Mr. Nickerson said that he was happy to see that something was happening. Mrs. Eileen Sharp said that it appeared that someone had driven over the bridge; Mr. Wayne Schoonmaker had some pictures of the bridge. Highway Supt. Hitchcock said that he wants to get the bridge reopened. Mr. Charles Martin said that one seldom sees box culverts supporting railroad bridges fail. Supv. Goodspeed suggested asking Delaware Operations to work for the Town with Carl Schoder and FEMA to look at the bridge possibilities.

RESOLUTION NO. 148

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board will ask Delaware Operations to work for the Town of Johnsburg with Engineer Carl Schoder and the Federal Emergency Management Agency (FEMA) to determine the best possible temporary and permanent bridge solutions in reopening Harrington Road to through traffic. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed reminded the Town Board of requests regarding the Tannery Pond Community Center received at the meeting of July 27, which the Town board has not yet acted upon. In its letter the Tannery Pond Community Center Association stated that it recommended approval of all the following requests. The Tannery Pond Community Center Association requested that the Town Board allow the Tannery Pond Community Center Association to display a history of Tannery Pond Community Center on the wall of the main entrance to the building; the North Creek Methodist Church offered to donate a church pew to the Tannery Pond Community Center for placement in the Widlund Gallery of the building; and the Gore Mountain Region Chamber of Commerce requested to make improvements to the outside of the Tannery Pond Community Center with flower boxes and maintenance to the Chamber sign. Supv. Goodspeed asked that the Town Board approve all three of the requests.

RESOLUTION NO. 149

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board approves the three following requests, having received recommendations of approval for all three requests from the Tannery Pond Community Center Association: to allow the Tannery Pond Community Center Association to display a history of Tannery Pond Community Center on the wall of the main entrance to the building; to accept the

North Creek Methodist Church offer to donate a church pew to the Tannery Pond Community Center and to authorize its placement in the Widlund Gallery of the building; and to allow the Gore Mountain Region Chamber of Commerce request to make improvements to the outside of the Tannery Pond Community Center with flower boxes and to perform maintenance to the Chamber sign and relocate it to a metal post at the north end of the building and allow outdoor brochure display racks. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed reminded the Town Board of the letter from the North Country Hardship Fund received at the July 27, Town Board meeting requesting permission to allow The North Country Helicopter Flight Co. to give helicopter rides at their Waynestock III fundraiser at the Ski Bowl Park on August 7, 2010. Supv. Goodspeed asked if the Town Board wished to act upon the request.

RESOLUTION NO. 150

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board approves the North Country Hardship Fund request to allow The North Country Helicopter Flight Co. to give helicopter rides at their Waynestock III fundraiser at the Ski Bowl Park on August 7, 2010 with an insurance certificate showing the Town of Johnsburg as an additional insured from both the North Country Hardship Fund for the fundraiser on August 7, 2010, and also, from The North Country Helicopter Flight Co. for August 7, 2010 if they will be giving helicopter rides. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed reminded the Town Board that on July 20, 2010 there had been a bid opening for the purchase of a municipal sander/spreader. The bids were as follows: the bid from Viking Cives was received on July 20, 2010 at 10:25am and the bid was in the amount of \$14,065.00, with an option for the Town of Johnsburg to pick up in Saratoga Springs, NY in an amount of \$13,665.00; The bid from Arrowhead Equipment, Inc was received on July 20, 2010 at 11:40am and the bid was in the amount of \$11,836.00; The bid from T & T Body King, Inc was received on July 20, 2010 at 11:57am and the bid was in the amount of \$14,664.00. Supv. Goodspeed said that Highway Superintendent Daniel Hitchcock has reviewed the bids and is ready to make a recommendation for acceptance to the Town Board. Highway Supt. Hitchcock stated that he reviewed the bids with the assistance of Mr. Donald Moore, Deputy Highway Supt. and Mr. Alvin Russell, mechanic. Highway Supt. Hitchcock stated that all three recommended the acceptance of the bid from Viking Cives in the amount of \$13,665.00 for the following reasons: the Highway Department has other Tarco brand sanders that work very well, the Highway Department currently stocks some parts for Tarco sanders, the Tarco sander (8.5cubic yards) holds more material than the Air-Flo sander (7.5 cubic yards), the Tarco sander (10ga.) is built with thicker material than the Air-Flo sander (12ga.), and the Tarco sander has a replaceable wear slide (chain guide) under the conveyor and the other two brands do not. Highway Supt. Hitchcock, therefore, recommends that the Town Board not accept the lowest bidder and instead accept the bid from Viking Cives for the Tarco brand sander; he added that he expects the Tarco brand sander to outlast the other two brands. Supv. Goodspeed asked if the Town Board wished to accept the recommendation of Highway Supt. Hitchcock.

RESOLUTION NO. 151

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsburg accepts the recommendation of Highway Superintendent Daniel Hitchcock accept the bid from Viking Cives in the amount of \$13,665.00 for the Town of Johnsburg to purchase and to pick up in Saratoga Springs, NY a Tarco brand municipal spreader/sander; as the bidder was not the lowest responsible bidder the reasons for accepting the Viking Cives bid are as follows: the Highway Department has other Tarco brand sanders that work very well, the Highway Department currently stocks some parts for Tarco sanders, the Tarco sander (8.5cubic yards) holds more material than the Air-Flo sander (7.5 cubic yards), the Tarco sander (10ga.) is built with thicker material than the Air-Flo sander (12ga.), and the Tarco sander has a replaceable wear slide (chain guide) under the conveyor and the other two brands do not. Highway Supt. Hitchcock, therefore, recommends that the Town Board not accept the lowest bidder and instead accept the bid from Viking Cives for the Tarco brand sander; he added that he expects the Tarco brand sander to outlast the other two brands. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed reminded the Town Board that interviews of candidates John M. Dwyer and Frank C. Slycord for the position of Zoning Enforcement Officer (ZEO) had been conducted prior to the July 27, Town Board meeting; he noted that the Town Board had asked to have the references of the candidates checked. Supv. Goodspeed said that it appeared to him that the Town Board had a strong feeling to have the individual in the ZEO position available on short notice and that a local person would be more quickly available. Supv. Goodspeed thanked previous ZEO, Mr. Christopher J. May, for his hard work and for being willing to help train a new ZEO. Mr. Wayne Schoonmaker asked when the new ZEO will start; Supv. Goodspeed replied that the new ZEO will be notified tomorrow and begin as soon as possible.

RESOLUTION NO. 152

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board having conducted interviews with candidates for the position of Zoning Enforcement Officer that the Town Board appoints Mr. John M. Dwyer as the Zoning Enforcement Officer for the Town of Johnsburg for the balance of the year 2010, effective immediately. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed recognized Attorney Daniel Smith and Mr. Mac Crikelair to present requests from Front Street Mountain Development regarding an extension of the North Creek Water District to the Front Street Mountain Development project within the North Creek Water District. Front Street Mountain Development is seeking approval of its wastewater system. Front Street Mountain Development is seeking to start its transportation corporation application. Front Street Mountain Development would like to have the Town Board accept the trail properties so that ORDA may begin working on the trails. Supv. Goodspeed said that the Town Board will not address all of these issues tonight; however, many of the issues will be touched upon. Supv. Goodspeed added that many of these issues involve other agencies, such as the NYS Department of Health (DOH), the NYS Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA) and the Town of Johnsburg Planning Board and the Zoning Boars of Appeals.

Attorney Daniel Smith asked that the Town Board grant Front Street Mountain Development an expansion of the North Creek Water District service area; he added that Front Street Mountain Development understood that the Town Board needs to be the petitioner as the system operator and that upon completion of the infrastructure within the development that it will be turned over to the North Creek Water District. Mr. Tom Suozzo, representing Delaware Operations, the engineer for the North Creek Water District, replied that he has spoken with Jarrett Engineers, PLLC, the engineers for Front Street Mountain Development, and said that he has enough confidence that the water and wastewater plans are in the same plots and distances as shown. Supv. Goodspeed asked if Mr. Mike Shaw at the DOH was a party to the engineering discussions; Mr. Suozzo replied that Mike Shaw at DOH will rely on the DEC findings. Supv. Goodspeed asked if the engineering review would put the Town Board in a position to act. Mr. Suozzo said that there was some work to be done on the wastewater and in determining the bonding requirement. Supv. Goodspeed asked Attorney Smith if his client was ready to pay all required fees for the North Creek Water District under the current regulations; Attorney Smith replied that Front Street Mountain Development was ready to pay all fees and Mr. Crikelair said that a check in partial payment has already been sent to the Town. Mr. Vanselow asked if a public hearing was required to extend the service area of the water district; Mr. Suozzo said that according to Mike Shaw at DOH that he usually gets Planning Board approval prior to conducting his review. Supv. Goodspeed summed up with the following: the Front Street Mountain Development plans have been reviewed by Delaware Operations for the Town and some technical changes requested by Delaware Operations have been addressed and Delaware Operations believes Jarrett Engineers to be responsive; Mr. Suozzo agreed that this was the case. Mr. Charles Martin asked what was in writing and asked if there was enough water to supply Front Street Mountain Development. Supv. Goodspeed said that the Town has received a great deal of design information and that as a part of earlier negotiations that Front Street Mountain Development was required to contribute to the renovation of the water district and by drilling a well to increase the water supply. Supv. Goodspeed asked if the Town Bard wished to act to submit an application for the expansion of the North Creek Water District.

RESOLUTION NO. 153

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board of the Town of Johnsburg approves the submission of a water supply application to the NYS Department of Environmental Conservation for the expansion of the water service area within the North Creek Water District which will provide water to Phase 1A Residential plan of Front Street Mountain Development, conditional upon approval by all governing agencies and the Town engineers (Delaware Operations) and further, authorizes the Town Supervisor to execute all necessary documents. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays – 1 (Vanselow)

Mr. Richard Ross asked what the Town responsibility would be if the project failed. Supv. Goodspeed said that in the case of the water district that the infrastructure would be in place and that the water supply would be shut off due to lack of payment, additionally the water district would be required to maintain enough water supply under DOH regulations to allow the water to be turned on when the bill is paid. Mr. Charles Rawson, Delaware Operations, added that Front Street Mountain Development has drilled one well so far. Attorney Smith said that, currently, Front Street Mountain Development is only responsible for supplying enough water to cover Phase 1A Residential. Supv. Goodspeed asked if Front Street Mountain Development will

reinstate its fire retardation system when it is being supplied through the North Creek Water District; Mr. Crikelair said that upon connection that the fire retardation system will be reinstated. Mr. Suozzo said that Front Street Mountain Development was following the regulations so far. Supv. Goodspeed said that he Town Board has tried to look at the pressures on the water district as a result of new development.

Attorney Smith next said that Front Street Mountain Development requests that the Town Board approve the transportation corporation for Phase 1A Residential. Mr. Suozzo said that the Town Board will need to approve the transportation corporation and the bond amount which is to allow the Town to operate the system if Front Street Mountain Development cannot; he added that a map of the project area is necessary to complete the plans. Attorney Smith agreed that two bonds were needed: a construction bond and a bond equal to five years of maintenance costs to cover the first five years of operation. Mr. Vanselow asked who builds the system; Attorney Smith replied that Front Street Mountain Development does. Mr. Vanselow asked if the transportation corporation needs to be in existence prior to construction of the wastewater system. Attorney Smith said yes, that the building permit is issued to the transportation corporation. Supv. Goodspeed asked if the transportation corporation is related to Front Street Mountain Development. Attorney Smith said that the ownership shares are pledged to the Town along with the bonds. Supv. Goodspeed said that he was not prepared to move forward with approval of the transportation corporation at this time. Mr. Suozzo said that he was waiting for the DEC review results before reviewing the plans themselves. Mr. Crikelair made a presentation to the Town Board explaining the wastewater system. Mr. Richard Ross asked what good are the stock shares in the transportation corporation if the stocks are no good. Supv. Goodspeed explained that if the project fails that the DEC will require that the Town operate the system and that the stocks will give the Town the ownership authority to operate the system and that the maintenance bond will provide the funds to operate the system until the fees charged by the Town for operating the system will pay for its operation. Mr. Suozzo said that Delaware Operations will look at a bond to provide enough money for the Town to operate the system at no cost to the taxpayers. Mr. Crikelair said that costs for using the system will be paid by the homeowners. Supv. Goodspeed said that the Town Board is working on a worst possible case scenario to protect the Town taxpayers. Mr. Paul Heid asked if the stock can have a negative value or is it only for ownership; Supv. Goodspeed said that the bond is to cover the Town costs and the stock is to assure Town ownership and authority to operate the system. Mr. Peter Heid asked if the bond is insufficient does the town bear the additional cost or does Delaware Operations; Mr. Suozzo replied that the Town would, however, that Delaware Operations has done the estimate for a number of system bonds and that his company will get it right. Mr. Peter Heid asked if there was a second opinion or only that of Delaware Operations; Supv. Goodspeed replied that it would be Delaware Operations only, although if there was a mistake of size that Delaware Operations would be open to a malpractice lawsuit. Mr. Peter Heid asked since Delaware Operations has never been tested, has the Town seen references. Mr. Robert Nessle asked why the bond isn't in perpetuity; Attorney Smith replied that the five year limit is in NYS state law. Supv. Goodspeed said that if all units are sold that the system is deemed successful. Mr. Crikelair said that the planned system allows for expansion as the project grows; Supv. Goodspeed said that this type of system seems to be preferred by the DEC. Mr. Peter Heid asked if this will change the rates for the rest of the water district; Supv. Goodspeed said that he doesn't see this as having an impact on the current water district. Mr. Nessle asked if the bonding could go on until the system is completed; Mr. Arsenault asked if each phase has a separate bonding requirement. Attorney Smith said that there is a continuous bonding

requirement for each phase. Mr. Morehouse asked if the bond covers the original phase plus new construction; Attorney Smith said that Attorney Smith said that he expected that it would cover the entire system. Mr. Richard Ross asked if this is to be a gated community why the Town is discussing the operation. Mr. Crikelair said that he doesn't expect a gated community; Front Street Mountain Development plans to send clients into town to shop and recreate. He added that Front Street Mountain Development does not plan to be a drag on the overall community, although there will be a small number of private or gated homes. Supv. Goodspeed said that the Town Board needs to deal with these issues and the project is subject to NYS bonding laws; this project should not negatively impact current taxpayers.

Highway Superintendent Daniel Hitchcock said that he went past an area with a wastewater plant and the operation could be smelled five miles away; Mr. Suozzo said that the plans called for carbon on the vent to allow no odor. Mr. Peter Heid said that the building at the road into the property seemed to be a gatehouse. Mr. Peter Heid asked if the Town of Johnsburg oversaw the construction of the wastewater system at the Comlinks project and he asked who the engineer was that worked on that project for the Town and if it was Delaware Operations; he added that the system had overflowed more than once. Supv. Goodspeed replied that he was not sure who the engineer for the Town was on that project, although he was sure that it was not Delaware Operations. Supv. Goodspeed said that he could look it up at a later date.

Mr. Crikelair said that Front Street Mountain Development hoped to present the transportation corporation at the next Town Board meeting with a plan to have the wastewater system in place by the end off this year. Mr. Suozzo said that the system is expected to be a de-nitrification system with the discharge going into a stream on the Front Street Mountain Development property. Mr. Suozzo said that this will result in tighter controls than a discharge into the Hudson River, which would be the preferred option by the NYS DEC. Mr. Crikelair asked that the Town Board approve the tank and haul for units three and four. Mr. Crikelair added that the purpose is to allow construction to begin and stressed that the tank and haul will not be built. Mr. Chuck Martin asked why Front Street Mountain Development needs approval for a system which will not be built. Mr. Vanselow replied that the Warren County Codes Enforcement department understands that the system will never be built, but a septic system of some sort is necessary to obtain a building permit. Mr. Crikelair urges approval of the tank and haul system for units three and four adding that Front Street Mountain Development was taking all the risk. Mr. Vanselow said that he did not remember that a unit would be occupied and or shown. Accounts Clerk Candace Lomax asked if a subdivision is needed in order to continue to build. Mr. Vanselow said that Town zoning laws allow two units on a parcel with a variance; he added that building cannot go on above that limit without a subdivision. Mr. Richard Ross asked if Front Street Mountain Development had planned to not build a tank and haul for the first two units. Supv. Goodspeed explained that Front Street Mountain Development needed water and wastewater to obtain a certificate of occupancy; he added that the certificate of occupancy for unit one is temporary. Mr. Crikelair said that the unit was not really occupied; it was briefly used by a company employee during his daughter's wedding. Mr. Suozzo asked if it was the intent of Front Street Mountain Development to apply for a realty subdivision.

The original tank and haul was bonded in the amount of ten thousand dollars per unit and approval of those tank and haul systems will expire on December 31, 2010. Mrs. Kelly Nessle asked if this meant that the water connection and wastewater treatment system need to be in place by that date. Mr. Crikelair said that he expects to have the wastewater treatment system in place by that date. Mr. Peter Heid asked what the basis of the ten thousand dollar bond was; Mr. Vanselow replied that the amount was determined by Engineer James Hutchins based on the

costs to build a septic system. Mr. Vanselow asked if the Town can get some assurance that a normal septic system can be built at that location. Mr. Crikelair said that Front Street Mountain Development has had soil analysis performed. Mr. Suozzo said that Delaware Operations was looking to see the results for a “perk test” and if that was correct and if the site was a workable location that ten thousand dollars was a reasonable amount. Mr. Crikelair said that the Town has zero exposure since the building can’t be sold without a septic system. Accounts Clerk Lomax said that if Front Street Mountain Development ceases operation and abandons the property that it would be the responsibility of the Town to create a septic system. Mr. Peter Heid said that there were about thirteen incomplete developments in the Town of Johnsburg; he asked if part of the cost of the bonding would be to remove the tank and haul system. Supv. Goodspeed said that it would be a part of the cost. Mr. Paul Heid asked if all the concerned agencies understand that the tank and haul system would exist on paper only. Mr. Crikelair replied that the other agencies were not relevant as the Town Board is the granting agency and that Front Street Mountain Development needs to be compliant with the Town. Supv. Goodspeed said that the appearance is that of a gimmick to allow Front Street Mountain Development to continue construction. Mr. Charles Martin asked why not have the bond large enough to put in the entire system; Supv. Goodspeed replied that there will be enough money in the bond for that. Mr. Arsenault asked why aren’t the plans finished and delivered; why allow an agency to control your destiny. Mr. Crikelair replied that the Town had hired away the engineering firm which his company was using. Supv. Goodspeed said that three years had passed since Delaware Operations had ceased working for Front Street Mountain Development and that the hiring of an engineering firm to replace that company should have taken only a few weeks at most, this is a smokescreen. Attorney Smith said that he understood that the Town Board’s concern is what happens if the project fails. Mr. Crikelair said that the main concern of Front Street Mountain Development in proposing a tank and haul system is to avoid the costs involved in engineering a conventional system; he added that if his company designs a conventional system, then the building permit may as well be based upon its construction. Mr. Arsenault replied that Front Street Mountain Development has brought itself to this position. Mr. Suozzo said that Delaware Operations needs to get to a comfort level that a place exists for an approvable conventional system and that the bond should include money to design such a system.

Supv. Goodspeed said that planned discussions and possible approvals for the next meeting include the following items: an affirmation from Delaware Operations that a conventional septic system is feasible; Front Street Mountain Development agrees to the bonding amount proposed by Delaware Operations; Front Street Mountain Development will agree not to delay on long term infrastructure installation. Supv. Goodspeed said that this is a complicated process which has moved forward faster in the last two weeks than in the previous year. Mr. Peter Heid said that it seemed possible that the bond on the first tank and haul system may not be sufficient and suggested that Delaware Operations review that bond.

Mr. Mac Crikelair asked about the turning over of the trail property from Front Street Mountain Development to the Town of Johnsburg. Supv. Goodspeed said that he wants to hear from ORDA manager; Mike Pratt that ORDA is ready to begin cutting trails on the property. Mr. Crikelair said that he had a favorable discussion with Mike Pratt and said that he hoped that all three could speak together next week.

NEW BUSINESS

Supv. Goodspeed informed the Town Board that Johnsbury Head Start was relocating its operation to the Johnsbury Central School and would be willing to donate their playground equipment to the Town; Supv. Goodspeed suggested referring the question of acceptance to the Ski Bowl Park Committee and the Town Board agreed.

Supv. Goodspeed noted that the Supervisor's Monthly Report, for the month of July 2010, was in the Town Board members' packets.

Supv. Goodspeed informed the Town Board that NYS Retirement System has sent a letter informing the Town of the estimate for the Town contribution to the retirement system in 2011. The estimate by the retirement system for the 2011 payment is \$91,387.00; Accounts Clerk Candace Lomax said that the 2010 payment had been \$43,514.00. Mr. Arsenault asked why the estimate had increased so much from this year to the next. The Town Clerk explained that at the NYS Town Clerks Association Convention that a representative from the NYS Retirement System had explained that the estimates are based upon the state of the stock portfolio as of the end of March each year and that in 2010 the stock market was at a low point. Mr. Arsenault said that looking at a snapshot instead of long term was not the best way to manage the fund; he asked how the Town Board can be expected to create a budget with this type of a hit. Mr. Arsenault said that the legislation needed to be changed to correct the snapshot method of deciding on how to arrive at the retirement estimate. Supv. Goodspeed said that he was hoping to leave the contingency fund mostly untouched in an attempt to maintain these funds for use toward the 2011 payment.

Supv. Goodspeed noted that the monthly report of the Animal Control Officer, William Mosher, for the month of July 2010, was in the Town Board members' packets

PRIVILEGE OF THE FLOOR

Mrs. Kelly Nessle asked if there was a pile of dirt at the Great Eastern Lumber Co. site which was available to the Town; she further asked if the Town would transport the dirt to the transfer station so as to make it available to the Ski Bowl Park Committee. Mrs. Nessle said that the Committee would like the dirt stored at the site of the former leaf dump at the Transfer Station. Mr. Vanselow asked where the dirt originated; Mrs. Nessle said that it came from Comlinks. Mrs. Nessle said that the dirt had been offered to the Town and that the Town had turned the offer down.

RESOLUTION NO. 154

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board of the Town of Johnsbury accepts the dirt from Comlinks which was stored at the site of the former Great Eastern Lumber Co. for use by the Ski Bowl Park Committee and further, that the Town Board authorizes the Town Superintendent of Highways to transport the dirt to the site of the former leaf dump at the Transfer Station for storage. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

Mr. Charles Martin presented a petition with 174 total names questioning the disregard shown by the Town Supervisor and the Town Board relating to the cemeteries in the Town of Johnsbury. Supv. Goodspeed noted the receipt of the petition and said that he believes that Union Cemetery is in pretty good shape and that Bates Cemetery is being mowed by the Town

crew. Supv. Goodspeed said that the Town is struggling to work on the cemeteries and that one additional worker was added for three weeks to assist in mowing; he added that there are some problems with some of the cemeteries. Supv. Goodspeed said that the Town Historian Jo Ann Smith is interested in cemetery headstone restoration. Supv. Goodspeed said that the cemeteries are a pressure point for the Town and that the Town will strive to do better.

Mr. Martin said that the cemeteries should come before parks in funding and care. Mr. Martin said that the lower end and the front entrance to Bates Cemetery haven't yet been mowed; Supv. Goodspeed said that the Town will try to do a better job. Mr. Martin said that he would volunteer dirt for the cemetery to improve it. Mr. Peter Heid suggested using some of the soil just discussed for the Ski Bowl Park. Mrs. Kelly Nessle said that if plots are being sold in Bates Cemetery that there should be funds to care for the cemetery maintenance and that congregations should be responsible for cemeteries associated with churches. Mr. Stevens said that regarding the Johnsburg Methodist Church that the cemetery is not owned by the church. Supv. Goodspeed said that cemetery associations used to exist and that when they no longer exist the responsibility falls on the municipality. Mr. Richard Ross suggested hiring local children seeking those serving community service sentences to help clean up the cemeteries; he said that the residents have lost roads and lost garbage collection and he asked when we will start fixing our community. Mr. Ross complained of tax breaks for developers.

Mrs. Shelly VanNostrand asked where the money to buy the buildings at the Kellogg property coming from. Supv. Goodspeed said that the property was not being purchased; it was being turned over to the Town by the Open Space Institute (OSI). Supv. Goodspeed said that the cost of the insurance would increase by four hundred dollars annually; he added that Barton Mines Corporation planned to rent some space for twelve to fourteen hundred dollars per month which would be placed in a Capital Accounts fund for major maintenance to the buildings. Supv. Goodspeed said that he wouldn't like to lose these buildings; he added that the property will be tax exempt and that OSI will not convey the title to any entity other than a tax exempt organization. Mrs. VanNostrand asked about uses for the property; Supv. Goodspeed said that the Farmers' Market and the concert series are current events and that he is seeking additional events to reconnect Main Street to the Hudson River. Supv. Goodspeed said that the reality is that if we don't do something to create some growth that we will lose the downtown businesses that we have. Mr. Vanselow said that Warren County has made it almost impossible to use the property. Mr. Richard Ross asked who will maintain the property; Supv. Goodspeed said that Barton Mines Corp. would perform routine maintenance to a cap of three thousand dollars per year. Supv. Goodspeed added that there was a Riverfront grant of \$190,000.00 available to upgrade the buildings, an especially important upgrade being the installation of bathroom facilities and also improvement of the grounds and better river access. Mr. Peter Heid said that Supv. Goodspeed had earlier come up with eight hundred dollars per month and a cap of two thousand dollars annually. Supv. Goodspeed said that the amount would be dependent upon the size of the area used; if it was the same as Barton Mines was currently renting it would be twelve hundred dollars per month, the space could be smaller and thus produce less income.

Mr. Richard Ross questioned the rental of storage space from North Country Storage for two hundred and twenty dollars per month. Supv. Goodspeed said that there is little storage space in the Town buildings and that the barn which had been used for that purpose was unsafe. Mr. Ross suggested tearing the barn down; Supv. Goodspeed said that there were problems of live power and a fuel oil tank. Supv. Goodspeed said that he had been hoping to annex a storage building to a well house when one was being renovated. Mr. Ross suggested renting a storage trailer as they are available for fifty nine dollars per month. Accounts Clerk Candace Lomax said that there

were two sheds available from Johnsburg Head Start. Mr. Peter Heid suggested using buildings on the Kellogg property; Supv. Goodspeed said that this might be possible. Mr. Vanselow asked if items go in and out of the storage units; Accounts Clerk Lomax said that it moves mostly on a seasonal basis. Mrs. Kelly Nessle suggested looking at a US Department of Agriculture loan to rebuild the red barn for storage; Supv. Goodspeed said that he was very nervous to be building in the current economy.

Mr. Paul Heid complained to the Town Board that there was dog waste on the beach and unsanitary debris in the water and asked what was being done to correct the problem. Supv. Goodspeed replied that the water is to be tested again; the beach is currently closed due to the expiration of the lifeguard's credentials, with the exception of swim lessons associated with the Summer Youth Program. Supv. Goodspeed said that he believed that when the lifeguard's credentials are updated that the beach can be reopened. Supv. Goodspeed said that he had ordered a woman off the beach the previous night due to her having a dog on the beach; he added that there is little Town employee presence on the beach without the lifeguard and also at night. Mr. Peter Heid asked what happened to the water to be supplied by the pipeline; Supv. Goodspeed replied that a report was made by Mr. Robert Nessle at the previous Town Board meeting and explained that the pipeline is working somewhat, but not at the level that Mr. Nessle had hoped. Mr. Paul Heid said that Engineer James Hutchins had qualified his support of the project by saying that the work should be done by professionals and that a larger diameter pipe should be used. Mr. Peter Heid said that the pipeline should be built to the plan approved or that it should be removed. Mr. Paul Heid said that the disturbance to the ground by the pipeline construction has created an invasion of the Purple Loosestrife plant which is very invasive. Mr. Peter Heid suggested seeding the area. Supv. Goodspeed said that there needs to be a long term discussion of the Town Beach and that the Town needs to work with several NYS agencies, as well as to discuss what to do for the next four weeks. Supv. Goodspeed the Town needs to work with the NYS Department of Health in this matter. Mr. Peter Heid complained that Supv. Goodspeed did not answer his question. Mr. Peter Heid said that the pipeline is making the situation in the swimming area worse by allowing fish to enter the swimming area and then die in that area; Mr. Peter Heid said that the pipeline should be screened. Mr. Paul Heid asked if it was possible to go back to a more traditional design; such as prior to the berm being installed. Supv. Goodspeed said that the possibility could be looked at. Supv. Goodspeed said that the Town Beach will be on future agendas and that further discussion of the subject would not be productive at this time.

Accounts Clerk Candace Lomax reminded the Town Board of the request read earlier in the meeting from Town of Johnsburg Historian Jo Ann Smith to purchase a computer program Heritage Collector Suite, designed to help preserve and organize photographs and it also will help to map cemeteries, for the Historian at a cost of \$84.95. Supv. Goodspeed asked if the Town Board wished to allow this purchase.

RESOLUTION NO. 155

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board of the Town of Johnsburg authorizes the Town Historian to purchase the Heritage Collector Suite computer program to help preserve and organize photographs in the possession of the Town of Johnsburg at a cost of \$84.95. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Accounts Clerk Candace Lomax reminded the Town Board of the request read earlier in the meeting from Mr. Charles Rawson, Water Operator (Delaware Operations, Inc.), for the North Creek Water District requesting that the Town Board approve the replacement of the roof of Well House #4R; the quote for materials is \$834.12 and the quote for labor is \$1600.00. These quotes assume the existing roof structure is in satisfactory condition. Supv. Goodspeed asked if the Town Board wished to allow this project to be undertaken.

RESOLUTION NO. 156

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board of the Town of Johnsburg authorizes the North Creek Water District, under the Town of Johnsburg Procurement Policy, to hire Mr. James Harrison to repair the roof of Well House 4R at a cost of \$834.12 for materials and a cost of not more than \$1600.00 for labor. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. William Nickerson said that he admired the work done by the Town Board.

Mr. Robert Nessle asked if the Town was fully covered for liability from both an insurance and security standpoint regarding the Waynestock III event. Accounts Clerk Candace Lomax said that the "Race The Train" was going on this weekend as well. Supv. Goodspeed said that his office would reach out to the Warren County Sheriff for additional coverage of the events.

Highway Superintendent Daniel Hitchcock noted that many municipalities are going back to grave from asphalt to maintain their roads; he added that he has been experimenting with a mixture of tailings and #1 and #2 stone which seems to be working better than the tailings alone. Highway Supt. Hitchcock said that #1 and #2 stone are less expensive than #4 stone for road work. Highway Supt. Hitchcock said that there was a spray on type of asphalt (chip seal) which he was going to see a demonstration of in the near future. Mr. Richard Ross said that Hudson Street was last resurfaced when he was fifteen years old and it has lasted well for most of thirty years. Mr. Morehouse said that PCB laden oil is no longer available. Mr. Ross said that the key would be to get a good base for the roads; most Town Roads seem to have tree trunks and rocks that are moved upward by frost heaves; he suggested that the Town obtain a portable screening plant and dig up and screen the base to a depth of five feet to improve the road base. Supv. Goodspeed said that he believed that the Town Board should devote a large portion of a meeting in the next month or so to a public discussion of the Town roads. Mr. Arsenault agreed with the idea and suggested inviting a highway specialist to assist in the discussion; Supv. Goodspeed agreed with that idea and suggested that the Highway Committee meet with Highway Supt. Hitchcock to discuss possible plans for dealing with Town roads.

Supv. Goodspeed presented the following motion, with a second from Mr. Morehouse to enter into executive session at 10:05pm for the purpose of discussing a potential administrative litigation issue, from a state agency of the State of New York, the issue associated with potential strategies to mitigate liability and also, litigation strategies under the recommendation of the Town Attorney. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed presented the following motion, with a second from Mr. Stevens to adjourn the executive session at 10:32pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that no resolutions resulted from the executive session.

Mr. Arsenault presented the following motion, with a second from Mr. Stevens to enter into executive session at 10:33pm for the purpose of discussing overall work satisfaction with one of the Town Contractors. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed presented the following motion, with a second from Mr. Stevens to adjourn the executive session at 10:45pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that no resolutions resulted from the executive session.

RESOLUTION NO. 157

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 board members be paid: General Fund- Warrant #14G/Claims #300-315; Highway Fund- Warrant #14H/Claims #163-168; North Creek Water Dist.- Warrant #14W/Claim #54. 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. Morehouse at 10:46pm. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on August 17, 2010at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk