

**Minutes of the Town of Johnsburg Regular Board Meeting November 18, 2008
Held at the Town Hall (Library), North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday November 18, 2008 at 7:00pm at the Town Library, North Creek, 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

RESOLUTION NO. 208

Mr. Stevens presented the following resolution, with a second from Mr. Arsenault, to accept the minutes of the November 6, 2008 regular meeting and the minutes of the November 6, 2008 Public Hearing on the Fire Protection Contracts for the Johnsburg Fire Protection District 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 Highway employee, Norm Petty, updating the board on the progress of his knee injury and requesting an extension of his medical leave and health insurance.

COMMITTEE REPORTS:

Mr. Vanselow informed the Town Board that the Planning Board would like to schedule a meeting to discuss several issues; these include, but are not limited to enforcement and the availability of the Town Attorney to the Planning Board. Supv. Goodspeed suggested setting up a meeting in December when the Town Attorney will be present.

Supv. Goodspeed noted that he was also trying to set up a meeting between the Adirondack Park Agency (A.P.A.), the Town Board, the Planning Board and the Zoning Board of Appeals to discuss the Local Land Use Plan. Supv. Goodspeed wants to have the Town Attorney, Mr. Brian Grisi (local government liaison of the A.P.A.) and possibly an A.P.A. legal advisor at the meeting.

OLD BUSINESS:

Supv. Goodspeed asked Secretary Cherie Ferguson to update the Town Board on the cell tower issue. She explained that the Town Attorney and Mr. Peter Goutos, of C.A. Smith, LLC, had discussed a lease agreement between the Town and the company. This issue should come to the Town Board for action at the next meeting.

Supv. Goodspeed explained that in September the Town Board had received copies of the waiver agreement between the Town of Johnsburg and Front Street Mountain Development for the conveyance of the ski lift parcel from Front Street Mountain Development to the Town of Johnsburg. After the Town expressed agreement with this waiver, Front Street Mountain Development then modified the wording of the waiver agreement. Front Street Mountain Development was informed that the waiver was unacceptable with the modifications, and as a result of further discussions the waiver is now essentially the same with additional protections

for the Town in regard to ORDA scheduling the ordering and construction of the lift to be constructed on the conveyed property. Mr. Vanselow asked for clarification that there is no cost to the Town and no transfer of land or building rights in return for the conveyance of the Front Street Mountain Development property. Supv. Goodspeed agreed that Mr. Vanselow was correct in his belief and added that the only problem could occur if ORDA began installation of the lift, but then discontinued the construction. Mr. Stevens asked if the Town Board could approve the waiver agreement with the approval of both the Town Attorney and the Town Supervisor; Supv. Goodspeed agreed that this is possible.

RESOLUTION NO. 209

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that as the Town Board authorizes the execution of the waiver agreement, dated November 18, 2008, to the Master Agreement between the Town of Johnsbury and Front Street Mountain Development relating to the conveyance of the ski lift parcel from Front Street Mountain Development to the Town of Johnsbury; said authorization is subject to the agreement of the Town Supervisor and the Town Attorney. 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 the report on the use of the Kellogg (Waddell) Property from the Élan Group had been distributed to the Town Board at their November 6, 2008 meeting. Supv. Goodspeed explained that the Town Board could approve the report; do nothing regarding the report; or the Town Board could acknowledge the concert uses of the property by the Upper Hudson Festivals and the presumptive use of the property for a farmers' market. Supv. Goodspeed added that he was unimpressed by the report and by the lack of any real conclusions on the use of the property; however, he does not wish to slow the progress of the farmers' market organizers or the use of the property for concerts. Mr. Arsenault expressed his dissatisfaction with the report; Mr. Vanselow noted that through the use of the property by the Upper Hudson Festivals and the planning by the farmers' market organizers that implementation of the plan has begun; Mrs. Kelly Nessel suggested that the report was simply a list of suggested uses presented by those at the meetings conducted by the Élan Group.

RESOLUTION NO. 210

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault that as the Town Board grants conceptual support for the use of the Kellogg (Waddell) Property as the venue of a farmers' market and as the site of concerts such as were conducted the previous summer by the Upper Hudson Festivals, Inc. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed informed the Town Board that he had met with both the directors of the Johnsbury Emergency Squad and the "concerned volunteers" regarding the performance of the Johnsbury Emergency Squad. Supv. Goodspeed explained that he believed that the Town should only become involved if there is a financial exposure to the Town, or a lack of the service which the squad is contracted to provide. Supv. Goodspeed noted that he had been assured by the directors of the Johnsbury Emergency Squad that the response is comparable to the previous year and that the number of volunteers has increased. As a result of these assurances Supv. Goodspeed suggests that the Town Board take no action unless this assurance is proven wrong.

Supv. Goodspeed informed the Town Board that he had explained to the insurance carrier, for the Town, NYMIR, that he wanted a rebate on the Town policy or it would be shopped for a better price. Supv. Goodspeed explained to the agent that he would not negotiate on costs prior to the receipt of a quote. A quote from the agent was received one or two days prior to the meeting with a savings of about ten to twelve percent. A meeting with the agent has been scheduled to occur in about a week or ten days with possible additional improvements.

Accounts Clerk Candace Lomax informed the Town Board that the 1st Wilderness Heritage Corridor Grant would expire as of December 31, 2008 if renewal was not approved by the Town Board; Supv. Goodspeed asked the Town board to authorize him to sign the renewal application.

RESOLUTION NO. 211

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that as the Town Board authorizes the Town Supervisor to execute the renewal application for the 1st Wilderness Heritage Corridor Grant. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Accounts Clerk Candace Lomax informed the Town Board that a new contract for the Family and Child Services Grant which is in support of a generator for the North Country Ministry building. The new contract was needed due to cost of the generator being three thousand dollars above the grant amount and a request for more detail; Supv. Goodspeed asked the Town board to authorize him to sign the renewal application.

RESOLUTION NO. 212

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that as the Town Board authorizes the Town Supervisor to execute the new contract for the Family and Child Services Grant in support of a generator for the North Country Ministry. 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 National Grid grant planned to be used for renovation of the enclosed (older) pavilion is now expected to be \$135,000.00 and that a Housing and Urban Development award in the amount of \$50,000 can be used in the same project; there is no Town cash expense for matches on either award. The renovation is expected to occur in the spring of 2009.

Supv. Goodspeed updated the Town Board on the shuttle bus service. Supv. Goodspeed explained that a trial launch of the service would occur during Christmas and Presidents Weeks and Martin Luther King Day. Glens Falls Transit will loan a shuttle bus which will be staffed by drivers supplied by ORDA. Mr. Joel Beaudin said that there was a private individual interested in the shuttle operation and that the Copperfield Inn Resorts is interested in a seasonal shuttle to transport guests to the mountain. Supv. Goodspeed added that this was a trial to produce numbers for possible federal funding; he added that he was willing to work together to get the best service for the Town.

Supv. Goodspeed informed the Town Board that Accounts Clerk Candace Lomax met with Johnsbury Central School Business Office personnel yesterday to discuss possible shared tasks; such items as the school use of Tannery Pond Community Center in exchange for Town

inclusion in the monthly newsletter were discussed. Mr. Morehouse cautioned that any such plans be cleared through the State Comptroller's officer before discussions became too involved. Supv. Goodspeed noted that Member of the Assembly Teresa Sayward had suggested some of the items under discussion as having been done under her leadership in her home town.

NEW BUSINESS

Supv. Goodspeed asked M Mr. Joel Beaudin to update the Town Board on the newly formed North Creek Business Alliance. Mr. Beaudin explained that the alliance was a loose organization of North Creek businesses to work together for common interests; he added that the group hoped to be able to work well with the Chamber of Commerce.

Supv. Goodspeed explained that Mr. Fred Comstock had essentially withdrawn from the race for Town of Johnsbury Superintendent of Highways; he added that he had discussed the possibility of changing Resolution Number 205 of 2008 in light of Mr. Comstock's statements.
RESOLUTION NO. 213

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board rescinds Resolution Number 205 of 2008 effective immediately. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

RESOLUTION NO. 214

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury appoints Daniel B. Hitchcock to fill the balance of the unexpired term as Town of Johnsbury Superintendent of Highways through December 31, 2008, effective as of November 19, 2008. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

RESOLUTION NO. 215

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board of the Town of Johnsbury authorizes payment of Daniel B. Hitchcock from January 1, 2009 through January 16, 2009. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed complimented both Mr. Daniel Hitchcock and Mr. Fred Comstock on their handling of this matter.

Supv. Goodspeed informed the Town Board that the report on the community garden would not be presented as Mrs. Judy Brown was not present.

Supv. Goodspeed informed the Town Board that the Warren County budget was a very hard budget for 2009 and added that as a result of probable cuts from New York State, the next year will probably be even more difficult. After much work the county budget increase was down to 2.9 percent; Supv. Goodspeed noted that this was accomplished without the loss of any positions this year. The net impact on the Town of Johnsbury taxpayers is a 2.44 percent increase when the county increase is combined with the town decrease of .08 percent. Mr. Morehouse added that he did not see any improvement in the Warren County budget in the near future. Supv.

Goodspeed added that he expected that the state would attempt to save money by shifting state costs to the counties and towns and claim that it is a savings.

Supv. Goodspeed explained that last year the Town Board put a very good system for rating the requests for Occupancy Tax fund; Supv. Goodspeed added that the chairman, Mr. Edward Milner has notified him that he was no longer interested in chairing the committee; he would remain as a member. Supv. Goodspeed informed the Town Board that Mrs. Kelly Nessle, a member of the Occupancy Tax Committee, had volunteered to be the chairman of the committee

RESOLUTION NO. 216

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsburg changes the chairman of the Occupancy Tax Committee and appoints Mrs. Kelly Nessle as chairman of the aforesaid committee. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

RESOLUTION NO. 217

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsburg authorizes modification of applications for Occupancy Tax funding for 2009 to December 31, 2008. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked that the Town Board name Community Bank, NA as the official depository of the Town of Johnsburg, as a result of the recent changeover in the local branch of the bank from Citizens Bank to Community Bank, NA.

RESOLUTION NO. 217

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board of the Town of Johnsburg designates Community Bank, NA, North Creek, NY as an official depository in the place of Citizens Bank, North Creek, NY which has sold the North Creek branch. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0 Abstained - 1 (Arsenault)

Supv. Goodspeed informed the Town Board that at the latest request for a burning permit for the Town Transfer Station that the New York State Department of Environmental Conservation (DEC) issued a permit through the April of 2009 and explained that the DEC expected to place a ban on all open burning in effect by late April or early May of 2009. Supv. Goodspeed said that this will necessitate a review of the practice of the Town in accepting brush and branches in light of the planned ban; this may necessitate a regional approach to brush acceptance.

In a related issue Supv. Goodspeed would like newly appointed Highway Supt. Dan Hitchcock to look at the trash compactor in the Transfer Station and assess the problem and the possibility of repair by the Town.

Mr. Vanselow noted that Planning Board alternate member Steven Osterhout has tendered his resignation; Supv. Goodspeed added that he has a copy. Supv. Goodspeed asked if the Town Board wished to accept Mr. Osterhout's resignation.

RESOLUTION NO. 218

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board accepts the resignation of Steven Osterhout as alternate member of the Planning Board effective immediately and be it further resolved that the Town Clerk is authorized to advertise for one week in the November 29th issue in the North Creek News Enterprise for letters of interest in filling the balance of the term of to expire on December 31, 2010 on the Town of alternate member of the Johnsbury Planning Board with the interviews to be conducted at 6:30pm on December 16, 2008, at the Town Hall (Library), North Creek, NY. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed requested that the Town Board set dates for opening the bids for Senior Citizen Transport for the year of 2009. After a short discussion the date for opening the bids was set for December 16, 2008, at 7:00pm, at the regular Town Board meeting of the Johnsbury Town Board at the Johnsbury Town Hall (Library), North Creek, NY and the Town Clerk was directed to advertise for one week, in the November 29th issue of the North Creek News Enterprise to solicit bids.

RESOLUTION NO. 219

Mr. Arsenault presented the following resolution and moved its passage with a second from Supv. Goodspeed to authorize the Town Clerk to advertise for one week, in the November 29th issue of the North Creek News Enterprise to solicit bids for Senior Citizen Transportation from the Town of Johnsbury to Glens Falls and return, one day per week for the year of 2009, with the bids to be opened at 7:00pm at a regular meeting of the Town Board to be held at the Johnsbury Town Hall (Library), North Creek, N.Y. on Tuesday, December 16, 2008, at 7:00pm. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle noted that the Johnsbury Emergency Squad has a standby generator and can operate as a community shelter at the Sodom Community Center. Mrs. Nettle thanked Mr. John McAlonen of Gore Mt. Electric for the installation and the Glens Falls Foundation (\$2500.00), the Rivendell Foundation (\$2000.00), and the Community Fund (\$1000.00) for funding assistance. Mrs. Nettle also noted that the Johnsbury Emergency Squad has received notice of a grant award from the Dept. of Homeland Security in the amount of \$51,087.00 to be used for ambulance supplies. Mrs. Nettle later noted that the flagpole at the perennial flower bed has been installed thanks to the efforts of Mr. Robert Nettle and Mr. Lee Keeler.

Mr. Joel Beaudin asked if the plans for the renovation of the enclosed (red) pavilion include correction of the drainage problem; Supv. Goodspeed explained that the plans for the renovation had not been finalized, but that this was a major concern and that it had been discussed previously. Mr. Beaudin, as a member of the North Creek Business Alliance asked about the status of the cell tower; Supv. Goodspeed answered that the first step would be a lease of the property and then the construction timeline would be in the hands of the company (C.A. Smith,

LLC) which is to build the tower; he added that there is a possibility of more towers on additional sites to allow for more coverage. Mr. Beaudin asked who is driving the cell tower effort; Supv. Goodspeed replied that the company and the Town both wish to move forward, the company cancelled a meeting at the last minute on November 14th. Mr. Beaudin asked if the cable television is under contract; Supv. Goodspeed replied that there is a franchise agreement between the Gore Mt. Cable T.V. and the Town. Accounts Clerk Candace Lomax added that the Town has tried to interest another provider with no success.

Ms. Bobbie Jo Denno asked, regarding the shuttle bus service, if ORDA was paying for the bus as well as the driver; Supv. Goodspeed replied that Glens Falls Transit will provide one bus at no cost for the shuttle bus service experiment. Ms. Denno also asked about the 25 minute trip thru town scheduling; Supv. Goodspeed replied that this time frame seemed reasonable for a trial. Supv. Goodspeed said that the goal was to bring skiers from Gore Mt. to Main Street; the trial is designed to provide numbers for federal grant funding; he is willing to discuss other scheduling options for the shuttle service.

Ms. Sheila Leischen asked why the Gore Mt. Taxi Service was not mentioned in the recent article on new business in the Town of Johnsbury in the Glens Falls Post Star; Supv. Goodspeed answered that there were several business not mentioned by name in the article. Supv. Goodspeed added that one very important business on Main Street, in North Creek was not mentioned either.

Mr. Robert Nettle said that Gore Mt. has been making snow for twenty four hours and if the temperatures continue that the mountain will be open around Thanksgiving. Supv. Goodspeed added that ski ticket sales seem to be up and that people seem to be planning short distance trips for skiing.

Mrs. Nancy Beaudin said that the North Creek Business Alliance is looking for interested members and are open to any Town business.

RESOLUTION NO. 220

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens that the following certified bills which have been reviewed by the Board members be paid: General Fund- Warrant #22G/Claims #433-446; Highway Fund- Warrant #22H/Claims #215-222; North Creek Water Dist.- Warrant #22W/Claims#101-107; Capital Projects Fund- Warrant #8CPF/ Claim #9; Library Fund-Warrant #11L/Claims#75-80. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed mentioned that the Town Board may have an executive session for the purpose of discussing a personnel issue at the next Town Board meeting.

A motion to adjourn the meeting was presented by Mr. Vanselow with a second from Mr. Stevens at 8:35pm. 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 2, 2008 at the Wevertown Community Center, Wevertown, NY.

Prepared by William Rawson, Town Clerk