

**Minutes of the Town of Johnsbury Regular Board Meeting May 19, 2009
Held at 7:00pm at the Town of Johnsbury Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, May 19, 2009 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 Frank Morehouse, Jr.

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

Guests: On attached list

RESOLUTION NO. 102

Mr. Morehouse presented the following resolution, and moved its passage with a second from Supv. Goodspeed, to accept the minutes of the May 5, 2009 regular Town Board meeting as written. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Morehouse, Vanselow, Goodspeed) Nays - 0

CORRESPONDENCE:

1. A letter from Mr. Wayne Bukovinsky, requesting that the Town of Johnsbury extend the hours at the Ski Bowl Park on August 15, 2009 to allow for a fundraising event and associated cleanup to occur at that time.
2. A letter from Mr. William Ordway informing the Town Board of his support of retaining the town highway superintendent as an elected position.
3. A letter from Warrensburg Town Clerk, Donna Combs, informing the Town Board of the passage by the Warrensburg Town Board of a resolution in support of keeping the Warren County Fish Hatchery open.

COMMITTEE REPORTS:

Supv. Goodspeed reported that he had spoken with Mr. Arsenault of the Highway Committee; Mr. Arsenault believes that a significant portion of a Town board meeting should be dedicated to the discussion of planning for road maintenance and/or equipment repair or replacement through the use of CHIPs funds. Supv. Goodspeed said that a portion of the June 16 meeting will be given over to this discussion; he will include this information in the Supervisor's report in the school newsletter.

OLD BUSINESS:

Supv. Goodspeed asked James Hutchins, P.E. to report to the Town Board on possible solutions to the problem of supplying water to the Town Beach. Engineer Hutchins explained that he had reviewed the plan submitted by Mr. Robert Nettle to fill the swimming area by using a pipe in the creek above the swimming area and allowing gravity to transport the water. Engineer Hutchins said that on April 13 the water in the stream was about 2 feet above the water level in the swimming area; if the water level in the stream dropped less than 1 foot the plan was practical. The plan would require approximately 675 feet of 6 inch pipe which would require trenching to a depth of 6 to 8 feet along the edge of the creek through wetlands which would

require permitting or trenching to a depth of 8 to 12 feet to detour around the wetlands which would require a permit from the Army Corps of Engineers. Engineer Hutchins has also discussed the plan with Mr. Jim Lieberum, Water Resource Specialist Certified Professional in Erosion and Sediment Control for the Warren County Soil and Water Department and he agreed that the project would require an Army Corps of Engineers permit for work below the mean water level. As the permitting issues may hold up the water line construction, Engineer Hutchins suggests obtaining a small gas or electric pump to keep the water level up in the swimming area. Mr. Robert Nettle said that in his presentation there is an application ready for action and which he does not believe would require additional permitting. Supv. Goodspeed requested that both the Town Board members and Engineer Hutchins read Mr. Nettle's project plan; he will put a discussion of the project on the agenda for the June 2, Town Board meeting.

As regards the dam, Engineer Hutchins said that the eastern crib structure is basically sound; the western crib is beginning to settle. If the Town Board wishes to stabilize the dam, Engineer Hutchins suggests that consideration be given to moving forward with the permitting process to stabilize the dam. If the Town Board wishes to stabilize the dam structure, the Department of Environmental Conservation will require some changes to allow for easier fish passage.

Supv. Goodspeed reported that the ORDA Board had voted at their May meeting to authorize the installation of the Interconnect Lift between Gore Mt. and the Ski Bowl. Supv. Goodspeed thanked the Interconnect supporters for their work in helping to obtain the approval. Trail cutting is planned to begin May 26; upgrading work has begun on the enclosed (red) pavilion at the Ski Bowl Park and all materials from the pavilion will be stored by ORDA until the Town Board decides if they are usable or not. Mr. Vanselow asked if there would be any firewood available from the trail cutting process. Supv. Goodspeed explained that any trails cut on New York State property would need to remain on site; later trails cut on Town property will provide materials for firewood and the use of that material will be decided by the Town Board.

Supv. Goodspeed reminded the Town Board that Mr. James Suozzo, President of Delaware Operations, had been to the May 5, Town Board meeting to discuss applying for a grant to place solar panels on the Highway Department garage to power water district Well Number 4. In the furtherance of that application, Supv. Goodspeed asked that the Town Board approve a resolution designating itself as the lead agency in the State Environmental Quality Review (SEQR) and also, a resolution authorizing the Town Supervisor to execute all application and certification documents associated with the Green Innovation Grant Program. Supv. Goodspeed added that Mr. Suozzo had informed him that there was approximately a 20% chance of success in this grant application. Supv. Goodspeed added that there is a letter of support for the project from Warren County. Supv. Goodspeed added that he had been asked if the Highway Garage was to be moved in accordance with the Master Agreement between the Town of Johnsbury and Front Street Mountain Development that the solar panels could be moved with the garage.

RESOLUTION NO. 103

May 19, 2009 authorizing the Designation of Lead Agency Mr. Vanselow offered the following resolution:

WHEREAS, the Town of Johnsbury proposes to install solar panels to operate well # 4 under the NYS Green Innovation Grant Program (GIGP), and as detailed in the North Creek

Water District Green Infrastructure Program Plans, copy of which is held in the Town Clerk's office, and

WHEREAS, the State of New York requires an environmental review of such projects;

THEREFORE, BE IT RESOLVED, that the Town of Johnsbury does hereby designated itself as lead agency as required by the State Environmental Quality Review Act and shall by this act commence the required review.

Resolution was seconded by Mr. Morehouse.

The foregoing resolution was adopted by the following roll call vote:

Sterling Goodspeed - Aye
Frank Morehouse - Aye
Ronald Vanselow - Aye

RESOLUTION NO. 104

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

Whereas, the Town of Johnsbury Town Board strongly supports the application for funding for the North Creek Water District under the Green Innovation Grant Program, and

Whereas, said funding will be utilized to install solar panels to operate well #4, the main water supply for the water district, and

Whereas, the solar panels will greatly reduce the energy consumption of well #4 and will reduce the carbon foot print;

Therefore, be it resolved, that the Town of Johnsbury Town Board hereby authorizes the Supervisor to execute the application and certification papers under the Green Innovation Grant Program.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Morehouse, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that while interviews for the vacant Zoning Enforcement Officer position were scheduled for earlier in the meeting; there had been no candidates for interview thus far. Supv. Goodspeed asked if the Town Board wished to advertise again for this position.

RESOLUTION NO. 105

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Vanselow that the Town Board authorizes the Town Clerk to advertise for two weeks on May 30 and June 6, 2009, using display advertising in both the North Creek News Enterprise and the Adirondack Journal for letters of interest in filling the position of Zoning Enforcement Officer, with interviews to be scheduled for June 16, 2009, beginning at 6:30pm. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Morehouse, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed informed the Town Board that Front Street Mountain Development wants to move forward with Waiver Agreement #2 to the Master Agreement which involves the ski trail parcels for the Interconnect; he added that he does not believe that at the current time, the agreement is quite ready to be acted upon. The question of whether or not Parcel A was parkland seems to be close to being resolved; it appears that this parcel was procured separately from the park property and will not need to be de-mapped. However, Town Attorney Jordan believes that the Ski Bowl Park building rights are parkland and need to be de-mapped. Supv. Goodspeed added that he expects the de-mapping process to begin soon.

Supv. Goodspeed informed the Town Board that Secretary Cherie Ferguson had been scheduled to attend a Warren County sponsored meeting on Emergency Response Policy earlier in the day; Ms. Ferguson was informed the meeting was cancelled when she arrived at the site and there is no report at this time.

Supv. Goodspeed informed the Town Board that there had been no recent improvement in response to a cleanup of the Goodman Road which Town Attorney Jordan and the Zoning Enforcement Officer had been pursuing at the request of a neighboring property owner. Supv. Goodspeed added that Town Attorney Jordan believe that Parcel A is parkland and thus needs to be de-mapped had prepared litigation for filing and that he, Supv. Goodspeed had signed it based upon Resolution 70-2008 authorizing the Town Attorney Jordan and the Zoning Enforcement Officer to have the property cleaned up. Supv. Goodspeed expects the litigation to be served within 10 to 15 days for a court ordered cleanup of said property.

NEW BUSINESS

Supv. Goodspeed informed the Town Board that there was a plan for improvements at the Sodom Scout Hall (Community Center) involving the extension of the power supply to the gazebo and snack area. Currently, electricity to these areas is provided through the use of extension cords. Buildings Supt. Matt Olden is expecting quotes from two or more contractors to install a heavier panel box, and install the approximately 330 feet of electrical cable; he added that the electric cable would need to be trenched for the length of the run to both areas.

Supt. Olden informed the Town Board that he had been working until 6:00pm or 7:00pm each day this week in order that all of the cemeteries, the Owens House and the baseball fields might be mowed by Memorial Day weekend. Mr. Gordon Oehser asked about access to a private burial ground on a neighbor's property; he wondered if the owner could refuse access to the burial ground. Supv. Goodspeed replied that he believed that if there is a historical pattern of use that access must be allowed.

Supv. Goodspeed said that he was not sure of the retirement calendar item and as both Secretary Cherie Ferguson and Accounts Clerk Candace Lomax were not present he would ask that the item be placed on the agenda for the next meeting.

Supv. Goodspeed informed the Town Board that the new cell tower group seemed to be progressing satisfactorily. The company is interested in three parcels, all privately owned, for accessing the North Creek area. The company is also investigating sites in the Wevertown area which should cover the balance of the Town of Johnsbury. Mr. Vanselow suggested looking into a way to designate pull off areas with cell coverage for safety reasons; Supv. Goodspeed agreed.

Supv. Goodspeed informed the Town Board that there has been a very preliminary contact from a company interested in looking into installing a solar energy field atop the capped landfill area. The company is looking into whether it is a large enough area to generate a sufficient amount of energy to make the project financially sensible. While, the company has built such projects in other areas of the state; this type of project has not been attempted or permitted in this Department of Environmental Conservation area. Mrs. Kelly Nettle asked why the landfill area was the choice; Supv. Goodspeed replied that it was due to the large open space and the solar panels are often considered a better prospect than the current view. Supv. Goodspeed said that the project appears to be worth considering.

Supv. Goodspeed asked if the Town Board wished act upon the request, read earlier in Correspondence, to allow Mr. Wayne Bukovinsky an extension of the hours in which to use the Ski Bowl Park in the area of the pavilion on August 15, 2009, through the hour of midnight, for the purpose of conducting a fundraiser event.

RESOLUTION NO. 106

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Morehouse to allow Mr. Wayne Bukovinsky an extension of the hours at the Ski Bowl Park on August 15, 2009 in the area of the pavilion to midnight, for the purpose of conducting a fundraising event and allowing associated cleanup to occur at that time. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Morehouse, Vanselow, Goodspeed) Nays - 0

PRIVILEGE OF THE FLOOR

Mr. Gordon Oehser suggested that the advertising for a Zoning Enforcement Officer should include the description of an individual to assist in the permitting process. Supv. Goodspeed said that the process need not be adversarial and that assistance in the application process makes the job of the Zoning Enforcement Officer easier.

Mr. Edward Milner informed the Town Board that the Central Adirondack Trail kickoff is June 4, at Blue Mt. Lake; some federal and state off site signage options are available under this program. He added that the survey of Towns and Villages in the Adirondack Park ordered by the Adirondack Association of Towns and Villages was expected to be released soon. Mr. Milner informed the Town Board that the Gore Mountain Region Town of Johnsbury Chamber of Commerce web site project is underway and that in reworking the website discussions of options with the Town would be necessary. Mr. Milner informed the Town Board that the matching funds for the branding project, \$7500.00 in either payments or pledges, have been obtained by the Chamber of Commerce; he was especially pleased that many payments were from outside the Town of Johnsbury. Mr. Milner said that the Chamber of Commerce is seeking nominations for the "Citizen of the Year" award; he added that there were 3 vacancies on the Chamber of Commerce Board. Mr. Milner said that the Council of Chambers is a good source of assistance for regional areas. Mr. Milner said that the newly painted Chamber of Commerce sign is now outside the office at Tannery Pond Community Center. Supv. Goodspeed added that the cross walks requested by the North Creek Alliance seem to have met with approval from Warren County; although the cross walk between the Town Hall and the Tannery Pond Community Center has been previously denied. Mr. Milner said that Gov. Patterson has recently appropriated funds for major projects with the minimum being \$100,000.00 and that amount

must be no more than 20% of the project. Supv. Goodspeed added that he believed that a second round of smart growth grants was being issued.

Mrs. Barbara Thomas updated the Town Board on the Farmers Market planned for the Kellogg (Waddell) Property in North Creek. Mrs. Thomas informed the Town Board that flyers were being posted advertising the grand opening on June 11, 2009. In addition to the vendors there will be activities and/or music. Mrs. Thomas thanked the group which worked to bring about the market including the following individuals: Sarah Williams, Michelle San Antonio, Jim and Deb Morris, and Karen Hanley. Mrs. Thomas asked that the Town Board grant the Farmers Market a blanket Vending Permit and exemption from the permit fee for 2009.

RESOLUTION NO. 107

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Morehouse to authorize the Town Clerk to issue the North Creek Farmers Market on the Hudson a blanket vending permit for 2009 for their market days and further, that the North Creek Farmers Market on the Hudson be exempt from the fee for said vending permit. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Morehouse, Vanselow, Goodspeed) Nays - 0

Mr. Joseph LaRocque asked if was strange that ORDA on Gore Mt. got some money for maintenance from a grant to install lifts at the Ski Bowl and meanwhile they were suggesting that ORDA should not have to spend money on the Ski Bowl. Supv. Goodspeed said that the comment came from a member who is not a supporter of the project. Supv. Goodspeed added that local board member Robert Flacke is trying to open up the venues to a more competitive type of bidding.

Mr. Robert Nettle questioned whether ORDA was following the floor plans for rehabilitation at the enclosed (older) pavilion at Ski Bowl Park; in looking at the floor plan which ORDA appears to be using he notes numerous 6x6 posts in the floor space. Mr. Nettle said that the roof trusses should not need additional support and that the posts will limit the use of the space by the Summer Youth Program. Neither Supv. Goodspeed Mr. Morehouse and Mr. Vanselow remembered seeing interior plans for the rehabilitation; Supv. Goodspeed said that he would contact ORDA Manager Mike Pratt tomorrow about the plans and the posts.

Mr. Robert Nettle said that he had submitted plans for review to the Department of Environmental Conservation regarding the pipeline to the swimming area and in response received a letter of support in return; the plans include the removal of the dam on North Creek. Supv. Goodspeed replied that the Town Board wanted to be sure to have the water level in the swimming area would be high enough for use as soon as possible; he added that he is not sure that the permitting process will run as smoothly as the letter suggests. Supv. Goodspeed said that he was not opposed to Mr. Nettle's plan. Mrs. Kelly Nettle said that it was possible that the cost of materials for the pipeline, estimated to be about \$2500.00, could be added to the Ski Bowl Park grant.

RESOLUTION NO. 108

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 Town Board members be paid: General Fund- Warrant #10G/Claims #192-208; Highway Fund- Warrant

#10H/Claims #90-102; North Creek Water Dist.- Warrant #10W/Claims#38-42: Library Fund Warrant #5L/Claims #26-35. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Morehouse, Vanselow, Goodspeed) Nays - 0

A motion to adjourn the meeting was presented by Mr. Vanselow with a second from Mr. Morehouse at 8:30pm. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Morehouse, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on June 2, 2009 at the Wevertown Community Center, Wevertown, New York. It is expected that there will be an executive session prior to the meeting for the purpose of interviewing applicants for the position of Zoning Enforcement Officer.

Prepared by William Rawson, Town Clerk