

**Minutes of the Town of Johnsbury Regular Board Meeting Thursday, November 8, 2007
Held at 7:00pm at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Thursday, November 8, 2007 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Thomas called the meeting to order at 7:30pm and the pledge to the flag was led by Councilman Arnold Stevens.

Roll call showed the following persons present: Supv. William H. Thomas; Town Councilpersons/ Eugene Arsenault, Sterling Goodspeed, and Arnold Stevens; Town Clerk/ William Rawson. Councilwoman Alyce VanKeuren was absent.

Guests: On attached list

CORRESPONDENCE:

1. A letter from Mr. Richard Smith to Mr. Edward Tuttle, Zoning Enforcement Officer expressing his belief that an adjacent landowner is not living up to his permit approval requirements and causing a serious problem on the property belonging to Mr. Smith.
2. A letter from the Warren County Board of Supervisors requesting that the Johnsbury Town Board set aside an amount from Occupancy Tax Funding not to exceed \$2,700.00 to allow Warren County to accede to the request by the New York State Association of Fire Chiefs for \$150,000.00 in Occupancy Tax Funding to hold their annual conference in Lake George
3. A letter from Mr. Mark Bergman requesting that the Town Board apply for a N.Y.S. Department of Environmental Conservation "Smart Growth" grant for the purpose of hiring a consultant to inventory and analyze the current condition of the infrastructure of the Town in order to assist in developing a capital equipment replacement schedule.
4. A letter from Ms. Barbara MacNaughton expressing her concern over the traffic pattern for the proposed Tall Timbers development and focusing on the problem of a possible flaw in the traffic study carried out in January 2007.

COMMITTEE REPORTS:

The agenda for the November 2007 monthly meeting of the Library Board of Trustees that was held on November 7, 2007 was distributed to the Town Board.

OLD BUSINESS:

Supv. Thomas announced that the well drilling project at the Wevertown Community Center had been completed prior to the General Election on November 6 at the urging of Mr. Stevens and was supplying water at the building. The approval for drinking use has not been received from the Department of Health. The well was drilled to a depth of 200' and supplies 5 gallons per minute of water.

Supv. Thomas informed the Town Board that the Adirondack Park Agency had issued the permit for the lighting of the ski lift at the Ski bowl Park; this means that the lighting will be available for this winter season.

Supv. Thomas informed the Town Board that the temporary license to allow Top ridge to lay water line in the Town right-of-way has been completed and signed. Mr. Goodspeed added

that the plan to have the Top Ridge developers rehabilitate well number 3 had been changed as this was seen not to be a good use of the funding. The Top Ridge developers will now make a payment in the amount of \$40,000.00 to the North Creek Water District for the water rights required by the Department of Health. The North Creek Water District will receive the payment prior to the water being turned on and there will be additional connection costs for curb stops and inspections. Mr. Arsenault noted that the Top Ridge developers were paying for the line installed to connect the development to the North Creek Water District and that the Water Supt. would be overseeing the installation of the line.

Supv. Thomas announced that the Town Board members (Councilpersons) would be paying the same percentage as the Highway Department employees for dependent coverage. The amount is currently 17%.

RESOLUTION NO. 294

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board members (Councilpersons) would pay the same percentage for dependent coverage as the Highway Department employees under the Highway Workers Contract. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas informed the Town Board that he had received a letter from the Adirondack Park Agency transferring all incomplete Class B projects to the Town of Johnsbury Planning Board for final determination; the effective date for this transfer is October 18, 2007.

Supv. Thomas informed the Town Board that Shaw Fuel Oil and Kero., Inc. had won the Warren County heating fuels bids. Supv. Thomas noted that the Town could opt to purchase fuel under the Warren County bid for 2008; the County bid price differential for No. 2 Fuel Oil is \$0.299 and the County bid price differential for Kerosene is \$0.299. For the year 2007 all of the bids for No. 2 Fuel Oil and kerosene which were received were for a higher differential than the amount of the accepted County bids. The Town Board had earlier expressed an interest in purchasing under the Warren County bid. The Town Board had advertised for bids on propane and these are to be opened on Nov. 20th.

RESOLUTION NO. 295

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board elects to be included in the Warren County bid for No. 2 Fuel Oil and kerosene; the 2008 County bid price differential for No. 2 Fuel Oil is \$0.299 and the County bid price differential for Kerosene is \$0.299 and the bid was awarded to Shaw Fuel Oil and Kero. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas informed the Town Board that Mrs. Judith Brown has sent the Town Board a site map of the plots created at the garden area in the Ski Bowl Park; he reminded the Town Board that the garden area is near the pavilion and playground area in the park. Also, Mrs. Kelda Nettle has been working to obtain good soil for the area; in hopes of seeding to grow grass next year. The only cost to the Town will be the cost of the Highway delivering the dirt to

the park area. Mrs. Nettle added that the compost bin being built at the transfer station was nearly ready for use.

Mr. Goodspeed read a letter from Ms. Jill Broderick, the new chairperson, of the Ski Bowl Park Committee; the Ski Bowl Park Committee asked that the Town board approve the appointment of Mr. Peter Olesheski and Ms. Nancy Ness to the Ski Bowl Park Committee.

RESOLUTION NO. 296

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury appoints Mr. Peter Olesheski and Ms. Nancy Ness to the Ski Bowl Park Committee at the request of the Ski Bowl Park Committee. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

NEW BUSINESS

Supv. Thomas informed the Town Board that Town Assessor Ann Deppe had attended a meeting regarding the 2010 federal census. As a result of this meeting Mrs. Deppe has been notified that Warren County will be handling the address issues as it is perceived as a conflict of interest for Assessors to perform this information gathering function.

Supv. Thomas asked if the Town Board wished to apply for a N.Y.S. Department of Environmental Conservation "Smart Growth" grant for the purpose of hiring a consultant to inventory and analyze the current condition of the infrastructure of the Town in order to assist in developing a capital equipment replacement schedule as requested by Mr. Mark Bergman in his letter read earlier in the meeting. Mr. Stevens expressed his agreement in pursuing the proposed grant opportunity.

RESOLUTION NO. 297

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board authorizes the application for a N.Y.S. Department of Environmental Conservation "Smart Growth" grant for the purpose of hiring a consultant to inventory and analyze the current condition of the infrastructure of the Town including the 94 miles of Town roads, the Town buildings and the Highway Department road maintenance equipment. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas informed the Town Board that the 1996 tractor used by the Town Parks and Buildings Department had broken down and that Parks Dept. Supt. Matt Olden had taken it to Falls Farm and Garden for repairs. The tractor is used for many tasks by the Parks Department including plowing during the winter and mowing during the summer. Supv. Thomas asked Parks Supt. Olden to explain his request for repairs to the tractor; Supt. Olden explained that the tractor engine was ruined. The cost to replace the engine is \$7,000.00; Supt. Olden added that Falls Farm and Garden has checked the tractor for other problems and declared it to be in good repair.

RESOLUTION NO. 298

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the replacement of the engine in the 1996 tractor used by the Town Parks and Buildings Department; the price is understood to include the replacement engine, the removal of the ruined engine, the installation of the new engine, the shipping and all labor to perform the replacement. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas reminded the Town Board of the letter from Warren County Board of Supervisors requesting that the Johnsburg Town Board set aside an amount from Occupancy Tax Funding not to exceed \$2,700.00 to allow Warren County to accede to the request by the New York State Association of Fire Chiefs for \$150,000.00 in Occupancy Tax Funding to hold their annual conference in Lake George; Supv. Thomas added that this convention resulted in a substantial increase in sales tax receipts to the county and towns for 2007. Supv. Thomas noted that the formula projected a maximum contribution from the Town of Johnsburg of \$2700.00, but he believed that the actual amount would be approximately \$1800.00.

RESOLUTION NO. 299

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the contribution of 2008 Occupancy Tax monies up to a maximum of \$2700.00 to Warren County for the purpose of funding the request by the New York State Association of Fire Chiefs to hold their 2008 convention in Lake George (Warren County). With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas asked the Town Board to reserve \$10,125.00 of Occupancy Tax monies for use by the Town of Johnsburg for projects prior to any other requests being entertained.

RESOLUTION NO. 300

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes that \$10,125.00 in 2008 Occupancy Tax funds be reserved for use by the Town of Johnsburg prior to any other requests for 2008 Occupancy Tax funds. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas noted that while the Town Board had held a Public Hearing on the 2008 budget he would ask that the Town Board not approve a final budget for 2008 at the November 20th Town Board meeting. Mr. Goodspeed noted that he hoped that the Town Board would restore the Youth Committee budget to 2006 levels.

Supv. Thomas distributed the Monthly Report of the Zoning Enforcement Officer, Mr. Edward Tuttle, for the month of October 2007, to the members of the Town of Johnsburg Town Board. Mr. Tuttle also noted that he had attended a Wastewater Management class as well as reviewing applications and issuing several zoning permits.

Supv. Thomas distributed the Supervisor's Monthly Report, for the month of October 2007, to the members of the Town of Johnsburg Town Board.

Town Attorney Jordan informed the Town Board that a permit for water taking was needed for well #4. Front Street was to establish a new water supply per the Water Agreement; this well has been reviewed by Jim Hutchins, engineer.

RESOLUTION NO. 301

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that

WHEREAS, the New York State Environmental Quality Review Act (SEQR) requires the Town of Johnsburg to determine the potential adverse environmental impact of water taking at well #4;

WHEREAS, the Town of Johnsburg Town Board has completed a Short Environmental Assessment Form and has identified no potential significant adverse impacts of the paving project, and

THEREFORE, BE IT RESOLVED that it is hereby determined that no significant adverse environmental impact will result from the water taking, and that a negative declaration, pursuant to 6 NYCRR Part 617, shall be prepared.

With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

RESOLUTION NO. 302

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that it is resolved that the Town of Johnsburg Town Board authorizes the Supervisor of the Town of Johnsburg to sign the Short Environmental Assessment Form for the of water taking at well #4 and to sign the application to the New York State Department of Environmental Conservation for water taking at well #4. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Supv. Thomas informed that the Town Board he was appointing Mr. Sterling Goodspeed as Deputy Supervisor of the Town of Johnsburg for the balance of the calendar year of 2007.

RESOLUTION NO. 303

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the following certified bills which have been reviewed by the Board members be paid: General Fund- Warrant #21G/Claims #436-468; Highway Fund- Warrant #21H/Claims #223-237; North Creek Water Dist.- Warrant #20W/Claims#88-98; Capital Projects Fund-Warrant #9CPF/Claims#11-13. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

PRIVILEGE OF THE FLOOR

Mrs. Kelda Nettle asked about the possibility of a community calendar to eliminate or reduce overlapping events among community organizations. Supv. Thomas noted that this is done semi-annually by the Upper Hudson Arts & Consortium. Mr. William Heidrich added that his wife had worked very hard on that calendar effort.

Mrs. Nettle asked about the status of Casey's North and the Copperfield Inn as concerns the possibility of their being closed for the winter season. Supv. Thomas explained that Warren County Economic Development is working to try to assist in these businesses being opened for the ski season.

Mr. Mark Schmale asked the reason for the \$150,000.00 Occupancy Tax funding request from Warren County; he also asked if there was a downside to the request. Supv. Thomas answered that the New York State Association of Fire Chiefs had moved their convention from Syracuse to Lake George last year with assistance from Occupancy Tax funds in the amount of \$150,000.00; Warren County does not have the funding available for the 2008 convention. Supv. Thomas said that the convention generated substantial sales tax revenue and that he sees no down side to the request; any request of this sort by Warren County would be a separate request which the Town Board could approve or turn down individually.

Mr. Stevens made a motion, with a second from Mr. Arsenault to enter into executive session for the purpose of discussing personnel issues regarding a new hire at 8:50pm. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

Mr. Arsenault made a motion, with a second from Mr. Goodspeed to adjourn the executive session at 9:00pm. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

RESOLUTION NO. 304

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board authorizes the hiring of Ms. Kathy Waite, dba Waite Services, as the cleaner of the town buildings with the exception of the Highway Garage and the Tannery Pond Community Center for the amount of \$140.00 per week. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0

A motion to adjourn the meeting was presented by Mr. Steven with a second from Mr. Arsenault at 9:02pm. . With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, Stevens, Thomas) Nays - 0 Meeting Closed.

The next Regular Town Board meeting will be held at 7:00pm on November 20, 2007 at the Town Library, North Creek, NY.

Prepared by William Rawson, Town Clerk