

**Minutes of the Town of Johnsborg Regular Board Meeting June 2, 2009
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsborg held on Tuesday, July 7, 2009 at 7:00pm at the Wevertown Community Center, Wevertown, NY Supervisor Goodspeed called the meeting to order at 7:00pm and the pledge to the flag was led by Councilman Arnold Stevens.

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. 109

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the May 19, 2009 regular Town Board meeting as written. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

CORRESPONDENCE:

1. A copy of Stony Creek Town Board Resolution Number 77, in support of keeping the Warren County Fish Hatchery open, from Stony Creek Town Clerk, Susan Harrington.
2. A letter from Mrs. Nancy Dupuis, expressing her appreciation of the work done by Parks Supt. Matt Olden and the Parks Department personnel at the Union Cemetery.
3. A letter from the North Creek Farmers' Market thanking the Town Board for its support of their efforts to establish the market and announcing the opening day of the market on June 11, 2009.

COMMITTEE REPORTS:

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 Nessel 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 said that he believed that permitting issues would not allow water line construction this season; he suggested obtaining a small gas or electric pump to keep the water level up in the swimming area. Engineer Hutchins suggests that the Town Board move forward with the permitting process to install the supply line as well as that to stabilize the dam; he said that the eastern crib structure is basically sound; the western crib is beginning to settle. Additionally, the Department of Environmental Conservation will require some changes to allow for easier fish passage across the dam. Mr. Vanselow asked if there was an imminent danger of collapse of the crib structures;

Engineer Hutchins explained that the deterioration progressed slowly. Supv. Goodspeed noted that he had discussed the use of a portable pump with the North Creek Fire Company and believed the Town could borrow the pump. Mr. Paul Heid asked about water retention in the swimming area; Engineer Hutchins replied that he believed that an average of 5 days of pumping per month would supply sufficient water to maintain the depth required. Mr. Peter Olesheski, speaking for the Ski Bowl Park Committee, endorsed Mr. Nessel's plan and that the full cost of Mr. Nessel's plan is \$3500.00. Mr. Olesheski added that the Department of Environmental Conservation will move forward with the permitting immediately and that the Ski Bowl Park Committee has heard that no Army Corps of Engineers permit is necessary. Mr. Vanselow said that the letter from the Department of Environmental Conservation says that the application could be permitted with the addition of a few details. Mr. Arsenault suggested putting in the application to see what the result would be; Supv. Goodspeed said that he was in favor of Mr. Nessel's plan, but he believed that the permitting would take longer than Mr. Nessel anticipates. Supv. Goodspeed added that the Adirondack Park Agency may well want to become involved in the permitting process. Mr. Olesheski also added that Mrs. Kelly Nessel has discussed adding the water supply line to the Ski Bowl Park grant with the grantor and had been well received; he added that volunteer labor on the trench line could become a part of the grant match. Engineer Hutchins replied that allowing volunteer labor to work in a trench 6' to 12' deep would be a huge risk; Supv. Goodspeed agreed. Mr. Joseph LaRocque said that the trench should not require as much depth as suggested by Engineer Hutchins; Engineer Hutchins replied that the depth required to go through the wetlands would be much less, but the permitting would take much longer. Mr. Paul Heid questioned the cost of laying the line. Mr. Peter Heid did not believe that the creek would fill the swimming area during the drier months of the summer; Mr. James Jones replied that the creek could not be drained by a 2' line at The Preserve. Mr. Peter Heid asked about the pipe being blocked by dirt accumulation; Engineer Hutchins explained that the plan called for rock at the inlet to filter out the dirt. Supv. Goodspeed asked for a resolution from the Town Board to authorize moving forward with Mr. Nessel's waterline plan and also agreeing to the use of a pump in the event of the permitting process taking longer than Mr. Nessel anticipates.

RESOLUTION NO. 110

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow to conceptually support the waterline plan for adding water to the swimming area at the Ski Bowl Park submitted by Mr. Robert Nessel, and further to authorize the Town Supervisor to sign the Department of Environmental Conservation application permit subject to engineering approval from, and on the advice of, James Hutchins, P.E.; and further, that the Town Board will also pursue the borrowing of a pump from the North Creek Vol. Fire Company if the permitting process does not proceed in time to allow the swimming area to be filled by the use of the aforesaid pipeline. 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 members of the North Warren Chamber of Commerce request for Occupancy Tax funds in the amount of \$3000.00 in support a mapping project involving communities along the Hudson River and celebrating the 400th anniversary of the discovery of the Hudson River, originally made by letter on May 5, 2009. Mrs. Pam Morin and Mr. Greg Beckler from the North Warren Chamber of Commerce were present to make a presentation to the Town Board regarding the Riverfront Map project. Mrs. Morin explained that the map project currently involved communities from New York City to Half-Moon, but so far

the map was not continued above that site. Mr. Beckler explained that this project dovetailed with the Scenic Byways and the First Wilderness Heritage Corridor; he added that the North Warren Chamber of Commerce was heading the project and was asking each Town in Warren County for funding in the amount of \$3000.00. Mr. Beckler added that all funds will go to the map printing; numerous Towns have agreed to support the project. The first printing is currently funded; additional funds would allow for additional copies to be printed. Mr. Beckler added that he understood that many Towns have already allocated or spent their Occupancy Tax funds. The first edition of the map will be distributed to schools and libraries; the second edition will be targeted to businesses along the Hudson. Mr. Beckler noted that events during the anniversary period and sites of historical interest would be included as well as businesses. Mr. Vanselow asked what businesses would be displayed and if the businesses were being asked for funding. Mrs. Morin replied that counties and towns were being asked for funding and businesses were not; restaurants, accommodations and businesses associated with the Hudson River were being included. Supv. Goodspeed asked who decides which items will be placed on the map; Mr. Vanselow agreed that this will favor some business over others. Mr. Patrick Cunningham said that this was yet to be determined; he added that the map should be supported financially as the cost for such advertising benefits was a great value. Mr. Arsenault said that this was an ideal application for Occupancy Tax funds; he added that the Town has already gone through the distribution process, and asked if the funds could be split over the next cycle as well and also asked why the request to the county was so low. Mr. Beckler agreed that the timing was not right and added that the county request was low so as to encourage acceptance. Supv. Goodspeed said that he believed that there might be \$1500.00 in the second installment of Occupancy Tax funds; Mr. Arsenault suggested that the request for the following year (2010) be made in conjunction with the Gore Mt. Region-Town of Johnsbury Chamber of Commerce.

RESOLUTION NO. 111

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to fund the Community Map Project of the Upper Hudson River, celebrating the 400th Anniversary of the discovery of the Hudson River, in the amount of \$1500.00 from the second installment payment of Occupancy Tax funds. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that on April 21, 2009 the Town Board had received a request from Superintendent of Highways Daniel Hitchcock to make permanent the appointment of William Mosher to fill the position created by the Town Board not continuing to hold open the position of Mr. Norman Petty past April 7, 2009. Supv. Goodspeed explained that by law a thirty day notice period had to be allowed to expire and since that period is now over, the Town Board may act in accordance with the Ethics Code in deciding upon Supt. Hitchcock's request. Mr. Vanselow asked if the position needed to be advertised or posted; Supv. Goodspeed replied that he did not know if it had been or should have been. Mr. Fred Comstock said that the position had not been posted. Supv. Goodspeed said that he would like to have known how the employee had performed during the period in which he had been hired on a temporary basis. Mr. Paul Heid asked if there had been any complaints about Mr. Mosher's work; Supv. Goodspeed replied that he had received some indirect expressions of concern, but no first hand reports. Mr. Peter Heid said that Mr. Mosher and Highway Supt. Hitchcock had both lied regarding an incident on Coulter Road. Supv. Goodspeed said that the Town Board had been made aware of the incident and asked if there were any additional comments; Mr. Peter Heid presented the Town Board with

copies of a letter which he had written to Warren County Sheriff York regarding the incident on Coulter Road.

RESOLUTION NO. 112

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize, under the standards of the Ethics Code and subject to approval by the Town Attorney, Highway Supt. Hitchcock to hire William Mosher as a full time employee, with benefits, in a driver position for the Town of Johnsbury Highway Department. With 3 members voting in favor the resolution is declared carried. Ayes-3 (Arsenault, Morehouse, Stevens) Nays - 2 (Vanselow, Goodspeed)

Supv. Goodspeed informed the Town Board that he had signed the Emergency Medical Services contracts which have been approved by Town Attorney Jordan regarding the transfer of title of the ambulances from the Town to the squad. Supv. Goodspeed asked the Town Board for authority to sign the contracts; Mr. Arsenault asked if the squad would be responsible for insuring the ambulances and not the Town; Supv. Goodspeed agreed that it would be the responsibility of the squad to insure the ambulances.

RESOLUTION NO. 113

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Stevens to retroactively authorize the Town Supervisor to sign the contracts with the Johnsbury Emergency Medical Services for the transfer of title of the ambulances from the Town of Johnsbury to the squad. 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 it appears that the Gore Mountain Region Town of Johnsbury Chamber of Commerce has the funding in place, either in cash or pledges, for the match of their Occupancy Tax request for the branding project; he added that he is expecting to have the Chamber President, Mr. Edward Milner, at the next Town Board meeting to discuss this situation. Mr. Vanselow said that as he understood the resolution that by May 31, the Chamber was to have procured funding and not just pledges.

Supv. Goodspeed informed the Town Board that the R.F.P. (Request for Proposal) on the Kellogg (Waddell) presented by the Élan Group was not considered long range enough. Supv. Goodspeed informed the Town Board has had an informal meeting with Jeff Anthony (L.A. Group) to discuss the area. The L.A. Group has been successful in getting funding from grants and usually they hear of such grants quite early. Supv. Goodspeed asked if the Town Board was in general agreement with his discussions with the L.A. Group in hope of achieving success in a proposed second round of Smart Growth Grants; while the Town Board was in general agreement no resolution was requested.

Supv. Goodspeed read a memo from Accounts Clerk Candace Lomax regarding budgeted and actual sales tax and mortgage tax receipts. Accounts Clerk Lomax explained that in the 2009 budget that the amount planned on for sales tax was \$761,000.00 (\$460,000.00-General Fund & \$301,000.00-Highway Fund). The 2009 first quarter payment of sales tax was \$181,000.00; this is down \$6,000.00 from the 2008 first quarter payment. The 2009 budgeted amount for mortgage tax was \$75,000.00; the first payment of mortgage tax in 2009 was \$21,655.70. The first payment in 2009 was \$30,000.00 lower than the same payment in 2008; this is the lowest payment since 2001. Accounts Clerk Lomax added that the second payment is rarely more than

the first and the largest difference she has seen is \$10,000.00 higher than the first payment. Supv. Goodspeed said that while the sales tax deficit could be a hiccup and the funding could recover, the mortgage tax deficit is more troubling. Supv. Goodspeed said that the contingency fund currently contains about \$22,000.00 which is a comforting thought. Supv. Goodspeed warned the Town Board to be aware of this loss of funding and to be very careful in funding any projects not already covered by budgeted funds. Mr. Morehouse asked how the Town budgets for the mortgage tax; Accounts Clerk Lomax replied that in 2008 Warren County had suggested that the towns receive a larger portion of the payment and thus the budget number was left at the 2008 level; this increase has not happened and she suggests lowering the revenue projection for next year. Supv. Goodspeed added that Warren County estimate seems to have been needs driven; not market driven. Supv. Goodspeed noted that the Town has seen 5 months of good gasoline prices and that this with the contingency funds should provide some protection. Supv. Goodspeed added that finances are very difficult at the county level; in order to balance the projected shortfall up to 150 employees may need to be laid off. Mr. Paul Heid said that it was good to look ahead because the situation will get worse. Supv. Goodspeed said that the town Board had increased the contingency fund by 250% for 2009.

NEW BUSINESS

In a related issue Supv. Goodspeed informed the Town Board that a beaver dam collapse caused a washout on the railroad track bed 1 mile south of the station at Riparius. As a result of Warren County Department of Public Works (DPW) Committee meetings 2 entities have been authorized to get formal bids on the cost of repairs to the track bed; the repair cost which has been suggested to the County is between \$100,000.00 and \$110,000.00. The repairs would be unfunded in the 2009 County budget; the DPW can do possibly \$15,000.00 of the associated work. Supv. Goodspeed said that his immediate response was to put off the repairs till next year; however, the estimates of repair costs go up to possibly \$250,000.00 as a result of continued water damage. Also, if the connection to Saratoga cannot be made the County will probably be in breach of the grant contracts. Mr. Paul Heid asked if the County is not already in breach due to the station construction; Supv. Goodspeed replied that the stations will fulfill the grant obligations. Supv. Goodspeed added that the contract with the Upper Hudson River Railroad is obligated to make the stations a destination when they are fully enclosed. Mr. Peter Heid said that approximately 2/3 of the County doesn't want the rail line; Supv. Goodspeed replied that repayment of the grant would bankrupt the County. Mr. Peter Heid described the railway as a rusting, rotting, environmental disaster; Supv. Goodspeed noted that it has been a benefit to the economies of North Creek and Riparius. Mr. Peter Heid asked how the massive expenditures have come back; Supv. Goodspeed pointed to the customers at local restaurants and eateries. Mr. Paul Heid said that there were indications of future problems with the rail bed; Supv. Goodspeed agreed that this was probable. Mr. James Jones said that the estimate of the cost of repairs seems to be high; Supv. Goodspeed replied that he hopes Mr. Jones is right, but added that there are only a limited number of contractors who perform this work. Supv. Goodspeed added that there are more beaver dams in the area which could create problems. Mr. Joseph LaRocque said that the Department of Environmental Conservation had removed beavers from an area near his home and they have been gone for 3 years.

Supv. Goodspeed noted that at the next Town Board meeting on June 16, at the Town Hall (Library), there will be a discussion on paving of Town Roads versus equipment purchase and the use of CHIP's funds in the Highway Department.

Supv. Goodspeed explained that as there is currently no Zoning Enforcement Officer that there is no report. Supv. Goodspeed added that he has been reviewing zoning applications and that at this time there have been no applications received for the position of Zoning Enforcement Officer. If any applications are received the Town Board will conduct interviews in executive session on June 16, prior to the regular meeting at the Town Hall (Library).

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of May 2009, to the members of the Town of Johnsburg Town Board.

The Town Clerk notified those present that there will be a rabies vaccination clinic sponsored by Warren County Health Services held at the North Creek Fire House on Saturday, June 20 from 10:00am to noon. The requested donation for the vaccination of a cat or dog is \$10.00; however, no one will be turned away for inability to pay.

PRIVILEGE OF THE FLOOR

Accounts Clerk Candace Lomax, in reference to Mr. Robert Nettle's plan to supply the swimming area with water piped in from the creek above, asked if any digging or trenching involved would require a SEQR finding; Supv. Goodspeed said that it might require a short form SEQR. Mr. Morehouse added that he believed that trench boxes would be required and that the \$3500.00 estimate was not realistic.

RESOLUTION NO. 114

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Vanselow that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #11G/Claims #209-230; Highway Fund- Warrant #11H/Claims #103-111; North Creek Water Dist. - Warrant #11W/Claim#43. 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. Stevens with a second from Mr. Arsenault at 8:45pm. 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 April 21, 2009 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk