

**Minutes of the Town of Johnsbury Regular Board Meeting December 7, 2010  
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 Tuesday, December 7, 2010 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Goodspeed called the meeting to order at 7:00pm. 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

**BID OPENING:**

The Town Clerk read the Legal Notice for the Senior Citizen Transportation Bid as it appeared in the North Creek News-Enterprise edition of November 27, 2010. The Clerk noted that one copy of the bid packet had been sent out. One bid was received on December 6, 2010 from Warren Hamilton Counties ACEO, Inc.; the bid was opened and contained all appropriate forms. Warren Hamilton Counties ACEO, Inc. bid a total of \$9,945.00 for trips during the calendar year of 2011.

**BID OPENING:**

The Town Clerk read the Legal Notice for the Scrap Metal Bid as it appeared in the North Creek News-Enterprise edition of November 27, 2010. The Clerk noted that four copies of the bid packet had been sent out to East Side Auto, Earth Waste Systems, Northern Car Crushers and Giorgio Atzeni. There were two bids received: one on November 19, 2010 from East Side Auto, and one on December 6, 2010 from Earth Waste Systems. The bids were opened in order of receipt and contained all the appropriate forms. East Side Metals Recycler bid \$190.00 per net ton and Earth Waste Systems bid \$122.22 per net ton to purchase and remove the scrap metal from the Town of Johnsbury Transfer Station.

**RESOLUTION NO. 226**

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the November 16, 2010 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 notification to the Town Board that the Adirondack Local Government Day Conference will be held on March 22 and 23, 2011, in Lake Placid.
2. A letter from the Riverside Volunteer Fire Company announcing the purchase of a used Brush Truck for the fire company.
3. A letter from the New York State Comptroller acknowledging receipt of the Town of Johnsbury corrective action plan to the report of examination of the real property tax collection.
4. A letter from the Tri-County United Way introducing the final report for the “Aging in Place in Rural New York” study.

5. A Letter from the Johnsbury Emergency Squad Inc. requesting permission to modify the interior of the Emergency Squad headquarters in order to create additional sleeping space for overnight crews and also to build additional storage shelves.
6. A letter from the Office for the Aging and the Secretary of State regarding the “Livable New York” policy recommendations.

Supv. Goodspeed noted that there were several copies of the “Aging in Place in Rural New York” study available for the public on the front table.

Supv. Goodspeed proposed that the request from the Johnsbury Emergency Squad be turned over to Zoning Enforcement Officer Danae Tucker and ask that she inspect the building and report back to the Town Board at the next Town Board meeting (December 21, 2010)

Supv. Goodspeed said that one further piece of correspondence had been given to him immediately prior to the Town Board meeting; Supv. Goodspeed read a letter of resignation from Accounts Clerk Candace Lomax informing the Town Board that she would be leaving her position effective April 10, 2010. Supv. Goodspeed thanked her for her dedicated work for the Town.

Mr. Vanselow suggested that the Town Board authorize the payment of the registration fees for any member of the Planning Board and Zoning Board of Appeals and the Zoning Enforcement Officer who wish to attend the Adirondack Local Government Day Conference on March 22 and 23, 2011, in Lake Placid. Mr. Arsenault asked the cost; the cost is \$55.75 per individual.

#### RESOLUTION NO. 227

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Stevens to authorize the payment of the registration fees for any member of the Planning Board and Zoning Board of Appeals and the Zoning Enforcement Officer who wish to attend the Adirondack Local Government Day Conference on March 22 and 23, 2011, in Lake Placid, NY. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

#### COMMITTEE REPORTS:

#### OLD BUSINESS:

Supv. Goodspeed explained that Mrs. Theresa Roeder has expressed concern over the wording of the October 5, 2010 minutes in which the word “compliant” was used by the Town Clerk to describe her bringing an issue to the Town Board regarding the condition of Coulter Road. Supv. Goodspeed said that upon further review of Mrs. Theresa Roeder’s letter it appeared that the minutes of October 19, 2010 were not involved in the request for change and asked if the Town Board wished to move to approve the minutes of the October 19, 2010 regular Town Board meeting as written.

#### RESOLUTION NO. 228

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to accept the minutes of the October 19, 2010 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

Supv. Goodspeed asked the Town Board if they wished to act upon a change of the wording of the October 5, 2010 regular Town Board meeting minutes. Mrs. Theresa Roeder said that she

was not happy with the use of the of the word “complaint” in the minutes; she explained that she came to discuss a situation. Mrs. Roeder added that she wanted a clarification of what Town Attorney Tony Jordan meant he spoke of the size of a right of way at the same meeting. Mrs. Roeder said that the material, from Barton Mines, which the Town Highway Department is using on Coulter Road, is washing onto her property and diminishing the value of the property. Mr. Vanselow asked Town Clerk William Rawson his position on the request; Town Clerk Rawson said that while he believed that the Town Board should authorize corrections of facts and points of law, particularly in Town Board resolutions, that he did not think that the Town Board would be well served to correct minutes without point of fact errors. Mr. Peter Heid and Mr. Paul Heid suggested that possibly the Town Clerk has misheard the Town attorney due to the noise in the room. Mr. Arsenault and Mr. Vanselow said that the Town Attorney should be asked to explain the meaning of his remarks regarding the right of way and his recollection of the remark. Supv. Goodspeed asked the Town Clerk to ask Town Attorney Jordan if he remembered the statement and for his interpretation of it.

Supv. Goodspeed asked if the Town Board wished to discuss this issue further. Mrs. Theresa Roeder presented photographs of her property showing the Barton Mines material on her property. Mr. Paul Heid said that at the October 19, Town Board meeting it was mentioned that if there was a larger public concern that the Town Board might look into taking a stronger position on the issue of the material; Supv. Goodspeed said that the Town Board position is that this is largely in the purview of the Highway Superintendent. Mr. Paul Heid presented an informational petition with approximately ninety-four signatures requesting that the Town discontinue use of the Barton’s Mines material on Town roads. Mr. Vanselow said that if there is something that he believes that the Town Board can do. Mrs. Roeder asked doesn’t the Town Board control the Highway Department; Supv. Goodspeed explained that the Town board does not oversee the Highway Department; the Town Board funds the budget of the Highway Department. Mr. Paul Heid asked if the material is dangerous and if it is not a legal New York State Department of Transportation material isn’t it a liability issue for the Town Board. Mr. Paul Heid added that there were environmental concerns and noted that Highway Superintendent Daniel Hitchcock was mixing in pea gravel; he requested that the Town Board communicate to Highway Supt. Hitchcock the public concerns about the use of the material. Supv. Goodspeed said that he could ask Town Attorney Jordan about the liability issue, if the New York State Department of Environmental Conservation says the material is toxic. Mrs. Roeder said that there is a question of fouling private property. Mr. Peter Heid said that the material is dangerous to drive on and toxic to fish; he asked that the Town get an opinion from the NYS Comptroller. Mr. Arsenault asked if Mrs. Roeder had spoken to Highway Supt. Hitchcock; she replied that she had discussed the issue with Highway Supt. Hitchcock and that the result was more ditching and damage to her property. Mr. Arsenault asked if she had spoken with Highway Supt. Hitchcock after that incident; Mrs. Roeder replied that she had not. Supv. Goodspeed said that it is Highway Supt. Hitchcock’s call on road work. Mr. Paul Heid said that the intent was to keep the Town out of litigation from property owners. Mrs. Theresa Roeder said that she and her husband have contacted an attorney. Mr. Peter Heid said that he believed that a class action was possible under the circumstances.

Mr. Stevens said that he thought that the discussion was about the minutes. Mr. Stevens suggested a motion to accept the minutes of October 5, 2010, as they stand.

RESOLUTION NO. 229

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow, to approve the minutes of the October 5, 2010 regular Town Board meeting as they stand. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked if there was any further discussion on the issue of the use of the Barton Mines material for road work.

Mr. David Bulmer said that he would like to see Highway Supt. Daniel Hitchcock at public meetings for open discussion as the Zoning Enforcement Officer (ZEO). Supv. Goodspeed said that the ZEO is under the Town Board chain of command; Highway Supt. Hitchcock is not and he added that the Highway Superintendent has a difficult work schedule, especially during the winter snow season. Mr. Arsenault said that Highway Supt. Hitchcock has attended several meetings recently; Mr. Stevens added that he has attended seven of the last eleven meetings. Supv. Goodspeed said that appearance at Town Board meetings will not necessarily change decisions he has made on his operations. Mr. Bulmer said that the public can interact with most officials in public, but not the Highway Superintendent. Mr. Arsenault suggested that the Highway Committee discuss this issue with Highway Supt. Hitchcock. Mr. Arsenault added that Highway Supt. Hitchcock is accessible to the public, but that there was probably a value to an open discussion of Highway issues. Mr. Thomas Pierson asked if there was a place to challenge the decisions of the Highway Superintendent; Supv. Goodspeed and Mr. Arsenault replied that the Highway Superintendent is an autonomous position and is accountable to the public. Mr. Arsenault said that the Town Board has discussed the possibility of making the position appointed instead of elected; this would move the responsibility for decisions to the Town Board. Mr. Paul Heid said that this was not meant to be an attack on Highway Supt. Hitchcock; although he was disappointed at not seeing him attend Town Board meetings more often. Mr. Robert Nessel suggested that Highway Supt. Hitchcock come to one Town Board meeting per month. Supv. Goodspeed and Mr. Arsenault said that his coming to Town Board meetings would be difficult during snow season.

Mrs. Theresa Roeder asked where she should go regarding the condition of Coulter Road. Supv. Goodspeed replied that the Highway Committee would discuss this issue with Highway Supt. Hitchcock and report back at a future meeting; he said that she would be informed as to when the response would be made.

Mr. Charles Rawson said that he signed the petition presented earlier by Mr. Heid due to dissatisfaction with use of the Barton Mines material on the roads; he added that he was very supportive of the work done by Highway Supt. Hitchcock and the Highway Department Employees.

Supv. Goodspeed noted that the bid for Senior Citizens Transportation to Glens Falls during the 2011 year had been opened earlier in the meeting and that Warren Hamilton ACEO, Inc. had been the only bidder and that the amount bid was \$9,945.00; the amount of the accepted bid for 2010 had been \$9,690.00. Supv. Goodspeed asked if the Town Board wished to award the Senior Citizens Transportation bid.

#### RESOLUTION NO. 230

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to award the bid for Senior Citizens Transportation to Glens Falls and return one day per week for the year of 2011, to Warren Hamilton ACEO, Inc. 190 Maple Street, Glens Falls, NY 12801, in the amount of \$9,945.00 for trips during the calendar year of 2011. 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 Scrap Metal Bid had been opened earlier in the meeting and could be awarded; The bids were as follows: Northern Car Crushers bid \$60.00 per ton, East Side Metals Recycler bid \$190.00 per net ton and Earth Waste Systems bid \$122.22 per net ton to purchase and remove the scrap metal from the Town of Johnsbury Transfer Station. Supv. Goodspeed asked if the Town Board wished to award the bid at this time. Mr. Vanselow asked if the Town had had any problems working with the high bidder; Secretary Cherie Ferguson replied that the Town had worked with the company previously and had no problems.

#### RESOLUTION NO. 231

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens to award the Scrap Metal Bid to East Side Metals Recycler, 2323 State Route 149, Fort Ann, NY, 12839, in the amount of \$190.00 per net ton to purchase and remove the scrap metal from the Town of Johnsbury Transfer Station between December 1, 2010 and November 30, 2011. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed recognized Assessor Ann Deppe for an update on the discussion of a reval. Assessor Deppe gave the Town Board paperwork including an application for funding assistance from the New York State Office of Real Property Tax Services. Assessor Deppe explained that a recently enacted law allows up to five dollars per parcel for the initial reval and up to two dollars per parcel in the second and third years and up to five dollars per parcel for the second reval; she noted that these amounts are not fixed, but based upon the number of applicants. Assessor Deppe said that the funds should be viewed as an incentive not a guarantee. Assessor Deppe said that she plans to retire in April of 2011 and that the Town Board should look to the next assessor for cost estimates. Assessor Deppe said that Warren County Real Property Director Mike Swan would assist in the area of field review and informal hearings and that New York State would assist with appraisal of utilities and large complex properties. Supv. Goodspeed said that the Town Board would continue getting updates.

In a related area Supv. Goodspeed noted that Warren County Board of Supervisors was looking at the removal of some parcels from the tax roles due to possible environmental liability; one of these parcels is in the Town of Johnsbury. Taxes on these properties have been accruing for three years and each year the taxpayers of Warren County have been paying for these properties in making the Town and School tax collections whole. Assessor Ann Deppe noted that no one wants to purchase contaminated property, even at a tax sale. Supv. Goodspeed said that the title of the property remains with the current owner. Mr. Stevens asked the location of the parcel in the Town of Johnsbury; Supv. Goodspeed said that Warren County was not yet at a point to disclose the parcels. Mr. David Bulmer asked if this would have much of an effect on the school taxes; Supv. Goodspeed said not a lot of effect. Mr. Paul Heid suggested that he might know the property; Supv. Goodspeed said that if Mr. Heid believed that the property he had in mind had safety issues that a report should be made to the Zoning Enforcement Officer.

Supv. Goodspeed recognized Secretary Cherie Ferguson for an update on the billing associated with the Quadricentennial Program. Sect. Ferguson explained that Warren County obtained a grant to assist in publicizing Towns along the Hudson River in 2009 through the

establishment of a web presence and an informational kiosk. The Town of Johnsbury had agreed to become involved in the grant through the passage of Resolution Number 169 of 2009. The kiosk and website were to be constructed by the Lakes to Locks organization; the cost which was agreed to by the Town Board was \$3461.00; the problem associated with this operation is that the Lakes to Locks organization requests payment prior to the delivery of the service and the kiosk which is contrary to the normal procedure followed by the Town in purchasing goods and services. In April of 2010 the payment request was sent to Town Attorney Jordan for review. Warren County Planning and Community Development Director Patricia Tatich says that the Town will be reimbursed by Warren County for the expenditure. Mr. Arsenault asked the length of the reimbursement cycle and if the grant had been approved; Supv. Goodspeed replied that the grant was approved. Accounts Clerk Candace Lomax said that all New York State grants have been reduced by 1.1%. Supv. Goodspeed asked if the Town Board wished to authorize payment for the kiosk and website presence prior to the receipt of the goods and service in this instance.

#### RESOLUTION NO. 232

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize payment for a website presence and an informational kiosk associated with the Quadricentennial Program and in the amount of \$3641.00. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed noted that the payment will be made as part of the warrants to be acted upon at the December 21, 2010 Town Board meeting.

Supv. Goodspeed updated the Town Board on the progress of the construction of cell towers to expand local coverage. Supv. Goodspeed said that he has spoken with the attorney for the company planning to construct the cell tower in Wevertown; he was informed that the company expects to receive approval by the end of this year and that ground breaking will commence as soon as weather allows following the receipt of approvals.

Supv. Goodspeed said that the North Creek cell tower project has problems with the necessary approvals and that the company constructing that tower anticipates construction to begin in late spring of 2011.

Supv. Goodspeed asked Engineer Tom Suozzo (Delaware Operations) to update the Town Board on the work on the temporary replacement bridge over Johnson Brook on Harrington Road. Engineer Suozzo reported that both concrete abutments are in place; the project had proceeded slower than anticipated due to high water. Engineer Suozzo said that the Highway Department employees were cutting the steel beams and checking to be sure of fit prior to moving them onto site at the Harrington Road. Supv. Goodspeed asked for an estimate of when the bridge could be used; Engineer Suozzo said that Highway Superintendent Daniel Hitchcock wants the side railing in place due to liability issues and that the bridge work was weather dependent, but that it would be completed for drivability as soon as possible and the asphalt driving surface would be added in the spring..

#### NEW BUSINESS

Supv. Goodspeed reminded the Town Board that the Public Hearing on proposed Local Law #1 of 2010 entitled Control and Licensing of Dogs Local Law of the Town of Johnsbury had been conducted earlier in the evening and he asked if the Town Board wished to act to adopt the local law at this time.

## RESOLUTION NO. 233

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board of the Town of Johnsburg having held earlier today a Public Hearing on proposed Local Law #1 of 2010, moves to adopt as presented the proposed Local Law #1 of 2010 entitled Control and Licensing of Dogs Local Law of the Town of Johnsburg to be Town of Johnsburg Local Law #1 of 2010 (text as follows)

### A LOCAL LAW OF THE TOWN OF JOHNSBURG, WARREN COUNTY, NEW YORK, RELATING TO THE CONTROL AND LICENSING OF DOGS

Be it enacted by the Town Board of the Town of Johnsburg as follows:

#### Section 1 Title:

This Local Law shall be known and cited as the "Control and Licensing of Dogs Local Law of the Town of Johnsburg."

#### Section 2 Statutory authority:

This Article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, as amended by Chapter 59, Part T, of the laws of 2010, and as may be subsequently amended or revised.

#### Section 3 Purpose:

The purpose of this Article shall be to preserve public peace and good order in the Town of Johnsburg and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Johnsburg.

#### Section 4 Definitions:

As used in this Article, the following terms shall have the meanings indicated:

AT LARGE -- Off the premises of the owner.

DOG WARDEN/ANIMAL CONTROL OFFICER -- A person or persons appointed by the Town for the purpose of enforcing this Article.

LEASHED -- Restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

OWNER – The person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost and such loss was promptly reported to the Dog Warden/Animal Control Officer, or any peace officer, and a reasonable search has been made. If a dog is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation who or which at any time owns or has custody or control of, harbors or is otherwise responsible for any dog which is kept in, brought into or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of

this article shall be held and deemed to be the "owner" of such dog for the purpose of this article. In the event that the "owner" of any dog found to be in violation of this article shall be under 18 years of age, any head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this article.

#### Section 5 Prohibited acts:

It shall be unlawful for any owner of a dog in the Town of Johnsburg to permit or allow such dog to:

A. Run at large, unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Article, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.

B. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harbinger of the dog.

C. Cause damage or destruction to public or private property, defecate, urinate or otherwise commit a nuisance upon the property of other than the owner or harbinger of the dog.

D. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.

E. Chase, leap on or otherwise harass bicycles or motor vehicles.

F. Kill or injure any dog, cat or other household pet.

G. Be unlicensed when four months of age or older.

H. Not have a current and valid Town of Johnsburg identification tag on its collar while at large, whether or not restrained by an adequate leash.

#### Section 6 Female dogs:

All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Warden/Animal Control Officer, or any peace officer, and removed to a safe place of confinement.

#### Section 7 Conditions for keeping dogs:

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner or harbinger, the dogs become the property of the Town of Johnsburg to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.



Section 8 Licensing of dogs; fees:

A. License required. All dogs in the Town of Johnsbury shall be licensed with the Town Clerk by the age of four months, and any person applying for a dog license shall present a current certificate of rabies vaccination at the time of making application for a license or for the renewal of an existing license.

B. Expiration of license. All dog licenses shall be valid for a period of one year and shall expire at the end of the month one year from the date of issuance.

C. License fees. The fee for a spayed or neutered dog shall be \$3.50, which fee includes the assessment of a surcharge of \$1 for the purpose of carrying out a program of animal population control. The fee for an unspayed or unneutered dog shall be \$10.50, which fee includes the assessment of a surcharge of \$3 for the purpose of carrying out a program of animal population control. Replacement tag fees shall be \$2.00. The fee for a Purebred License as provided for in Paragraph (E) below shall be as follows:

- i) 0-10 dogs a fee of \$25 plus a surcharge of \$3 per dog;
- ii) 11-25 dogs a fee of \$50 plus a surcharge of \$3 per dog; and,
- iii) 26+ dogs a fee of \$100 plus a surcharge of \$3 per dog.

The surcharge shall be for the purpose of carrying out a program of animal population assessment and control. The fees provided for in this paragraph C shall be reviewed by the Town Board periodically and may be changed by resolution of the Town Board, as necessary.

D. Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee of \$5 will be assessed to the owner of any dog found unlicensed or for which the license has not been renewed at the time the enumeration is conducted.

E. Purebred license. (a) The owner of one or more purebred dogs registered by a recognized registry association may make an application annually for a purebred license, in lieu of or in addition to the individual licenses required by subdivision (A) of this section. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

(b) Such application shall be made to the person specified in paragraph (A) of section eight of this Article.

(c) The application shall state the name, address and telephone number of the owner; the county and city, town or village where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

(d) The application shall be accompanied by the license fee prescribed by paragraph (C) of section Eight of this Article and a certificate of rabies vaccination or statement in lieu thereof, as required by paragraph (A) of this section.

(e) Upon receipt of the foregoing items, the clerk or authorized dog control officer shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefore shall be made.

(f) No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of subdivision one of this section, except when the new owner holds a valid purebred license.

F. Service dogs. The Town of Johnsborg shall require a license for any guide dog, service dog, hearing dog or detection dog, the license fee will be waived as those terms are defined by Article 7 of the Agriculture and Markets Law.

G. Shelters. The Town of Johnsborg does not allow the licensing of dogs by a shelter. The shelter shall send the adoptive dog owners to the Clerk of the town or city in which the dog will be harbored for licensing or to the Town Clerk of the Town of Johnsborg where the shelter is located for the purchase of the license for adoption purposes.

H. All dog licenses shall be purchased in person at the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee shall accompany the forms. There shall be no refund of fees.

I. No tags will be included with the purebred licenses. If the owner wants a tag for their dogs they shall be responsible for purchasing the tags, at their own expense. These tags must be imprinted with the same number as the purebred license. These tags may be used only on dogs owned and harbored by the holder of the purebred license.

J. All fees shall be used in funding the administration of the Dog Control Law of the Town of Johnsborg.

#### Section 9 Seizure of dogs; redemption; disposition; impoundment fee:

The Dog Warden/Animal Control Officer, or any peace officer, shall seize any unlicensed dog whether on or off the owner's premises and/or any dog not wearing a tag, not identified and not on the owner's premises.

A. If a dog seized is not wearing an identification tag (license tag), it shall be held for a period of no less than five days.

B. If a dog seized is wearing an identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven days; if notified by mail, no less than nine days.

C. The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of Article III of this chapter are as follows:

(1) For the first impoundment: \$45 plus the prevailing charge to the Town of Johnsborg for each day of impoundment.

(2) For the second impoundment: \$60 plus the prevailing charge to the town of Johnsborg for each day of impoundment.

(3) For the third impoundment: \$90 plus the prevailing charge to the Town of Johnsborg for each day of impoundment.

D. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

#### Section 10 Record of seizure:

Upon taking custody of any animal, the Dog Warden/Animal Control Officer, or any peace officer, shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location or release and name and address of owner, if any.

#### Section 11 Complaints:

Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Town of Johnsburg or with the authorized Dog Warden/Animal Control Officer or any peace officer, specifying the violation, the date of violation, the damage caused and including place(s) violation occurred and the name and address of the dog owner, if known.

#### Section 12 Enforcement:

The Dog Warden/Animal Control Officer of the Town of Johnsburg shall, and all peace officers may, administer and enforce the provisions of this article and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off the owner's premises, if witnessed to be in violation of this article.

#### Section 13 Impeding Dog Warden/Animal Control Officer unlawful:

No person shall hinder, resist or oppose the Dog Warden/Animal Control Officer or peace officer authorized to administer or enforce the provisions of this article in the performance of the officer's duties under this article.

#### Section 14 Disclaimer of liability:

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by a Dog Warden/Animal Control Officer or peace officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

#### Section 15 Penalties for offenses:

Any violation of this article shall be punishable, for each violation, by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

#### Section 16 Repealer:

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed.

Section 15 Severability:

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 16 when effective:

This local law shall take effect January 1, 2011, after filing with the Secretary of State of the State of New York.

With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

(Mr. Vanselow left the meeting at 8:12pm)

Supv. Goodspeed informed that the Town Board that there has been tension over the sign ordinance portion of the Local Land Use Plan (Zoning Law). A controversy rose about one year ago over the many signs on town roads which were said to be in violation of the sign ordinance. Supv. Goodspeed said that he has discussed a change to legalize the signage with the Adirondack Park Agency (APA) and that the agency asked that the Town wait until there were more changes being requested.

(Mr. Vanselow returned to the meeting at 8:14pm)

Supv. Goodspeed said that many signs could be grandfathered in, although this is not mentioned in the ordinance. Zoning Enforcement Officer Danae Tucker said that the APA said that grandfathering would need to revert to 1968 existing signs and added that it would be more valuable to have a specific change in the ordinance. Supv. Goodspeed said that it was a question of enforcement. Supv. Goodspeed said that he spoke with Mr. Brian Grisi at the APA who said that the Town could modify the sign ordinance as to not affect the business district or the hamlets; he added that the APA said that the Local Land Use Plan was to encourage business. Supv. Goodspeed said that he had asked local attorneys who are involved in land use for comment and they responded with recommendations to include a boundary line adjustment, wetlands language adjustment and road language. Assessor Ann Deppe said that the boundary line adjustment used to be an easier operation under the old statute. Mr. David Bulmer said that the public should have input as well. Supv. Goodspeed said that he had reached out to local attorneys who represent the public and noted that Mr. Thomas Pierson had taken the time to read the Local Land Use Plan; he asked if Mr. Pierson could provide written comment on the ordinance. Mr. Pierson agreed to provide written comment and said that he believed that while the current violations need revision, but the public shouldn't be allowed to do whatever they want. ZEO Tucker said that it would be helpful to have amendments to explain what the Town Board wants enforced; she added that she spoke with Mr. Brian Grisi at the APA and he said that the APA's purpose in the sign ordinance was to prevent outdoor fluorescent signage. ZEO Tucker said that she was willing to enforce the law, but she needed direction from the Town Board.

(Mr. Arsenault left the meeting at 8:24pm)

ZEO Tucker said that while there was enforcement language about ongoing construction, that there was nothing about unpermitted construction which was finished prior to being detected. Supv. Goodspeed said that the finished construction should be reported to the Warren County Code Enforcement Office.

(Mr. Arsenault returned to the meeting at 8:26pm)

Supv. Goodspeed asked that ZEO Tucker prioritize the larger issues versus the smaller issues.

ZEO Tucker said that she has spoken with Ms. Karen Putney of the Warren County Code Enforcement Office about a certificate of occupancy for the gatehouse at the Front Street Development; she added that it could only be conditional through May 31, 2011 as she understood the hold and haul authorization. Mr. Vanselow said that there were several questions regarding the permissions granted by the APA. Mrs. Dorothy Osterhout, Chairman of the Planning Board, said that the APA had issued amendments to amendments including phase changes and map changes by Front Street; she added that Front Street still has no subdivision as the APA seems to allow construction without subdivision. Supv. Goodspeed said that Front Street believes that it has not triggered Planning Board action. Planning Board Chairman Osterhout said that the Planning Board believed that Front Street has applied for a subdivision and that the company should complete the process.

Supv. Goodspeed recognized Mr. Vanselow for a report on the status of the Occupancy Tax Committee; Mr. Vanselow said that the committee plans to submit recommendations to the Town Board at the December 21, 2010 Town Board meeting and expect that the Town Board will act on the recommendations at the Organizational meeting in January 2011.

Mr. Vanselow added that it appeared that the "Lights On" Committee would have about one thousand dollars left after purchasing timers for the snowflake lights and he expects the remainder to offset the set up fee from National Grid for the snowflake lights.

Supv. Goodspeed asked Secretary Cherie Ferguson to explain to the Town Board the request regarding the Transfer Station Cleanup Cards and the fee adjustments. Sect. Ferguson said the Town Clerk requests that the Town Board authorize the issuance of the 2011 Transfer Station Cleanup Card. The requests for rate changes are based on the price of three dollars for each sticker and to change costs to match the sticker charge. The changes to the Transfer Station Rates would include the following: compressed waste at forty-eight dollars per cubic yard (decrease two dollars), large barrel or bag (55gal.) of waste at six dollars each (increase one dollar), and a full size pickup truck (2.5 cubic yards) of construction debris at seventy-five dollars per load (decrease one dollar), tires at three dollars each (increase one dollar), VCR at three dollars each (increase one dollar), box spring and mattress at nine dollars each (decrease one dollar), carpet (12x12) at nine dollars each (decrease one dollar). Supv. Goodspeed asked the Town Board to move to authorize the issuance of the 2011 Transfer Station Cleanup Cards and to adjust the Transfer Station Rates to align with the sticker price.

#### RESOLUTION NO. 234

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens that the Town Board authorizes the issuance of the 2011 Transfer Station Cleanup Cards which will include the following fee changes Tires at three dollars each, VCR at three dollars each, box spring and mattress at nine dollars each, carpet (12x12) at nine dollars each for

a total value of the card of one hundred and eight dollars; and also to balance the costs to the sticker price the following Transfer Station Rates will be changed: compressed waste at forty-eight dollars per cubic yard, large barrel or bag (55gal.) of waste at six dollars each, and a full size pickup truck (2.5 cubic yards) of construction debris at seventy-five dollars per load . With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed noted that the Town Board had received copies of proposed 2010 Budget amendments in their packets; the amendments are to keep the budget accounts in balance. Supv. Goodspeed asked that the Town Board approve these amendments to the 2010 Town Budget.

RESOLUTION NO. 235

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

GENERAL FUND

transfer between accounts

FROM:		TO:			
A1990.4	Contingent	30,700.00	A1410.1	Town Clerk (other)	100.00
	A1420.4	Attorney	2,000.00		
	A1430.1	Personnel	560.00		
	A3510.4	Animal Control	200.00		
	A7110.4	Parks Dept	3,000.00		
	A8090.4	Recycs	2,000.00		
	A8160.1	Refuse	3,000.00		
	A9061.8	Eye & Dent & Deducts		19,840.00	
Totals	30,700.00		30,700.00		

to balance expense accounts

Increase Estimated Revenues (A510)

Increase Appropriations (A960)

A2115.2	Frontstreet Mountain Development		A8020.41	15,000.00
A2115.5	The Ledges	A8020.44	379.00	
		15,379.00		

HIGHWAY FUND

transfer between accounts

DA5130.2	Equipment	DA5120.4	Bridges	15,000.00
	DA8760.2	FEMA	5,000.00	
	DA8760.4	FEMA	45,000.00	
		65,000.00		

Increase Estimated Revenues (DA510)  
(DA960)

Increase Appropriations

DA1120	County Sales Tax	20,000.00	DA9061.8	Eye & Dent &
Deducts	20,000.00			

LIBRARY FUND

Increase Appropriated Fund Balance		Increase Appropriations	
L599	3,500.00	L960	
L7410.1	Payroll	300.00	
L7410.4	Contract	1,500.00	
L9060.8	Health Deducts	1,700.00	
	3,500.00		

Cap Projects

Increase Appropriated Fund Balance		Increase Appropriations	
H599	6,364.20	H960	
H7110.27	SBP Pipeline	1,364.20	
Increase Estimated Revenues		H8160.2	Landfill Closure 5,000.00
H510	185.00	H7110.21	Memorial/Butterfly Garden 185.00
H2705 Misc Gifts			
(Garden donation) 6,549.20			6,549.20

With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed recognized Accounts Clerk Candace Lomax to request that the Town Board authorize the Town Supervisor to sign the program application to request Youth Program reimbursement for the 2011 budget cycle. Accounts Clerk Lomax said that the amount of the reimbursement is uncertain; in past years it has been \$1300.00.

RESOLUTION NO. 236

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the Town Supervisor to sign the program application to request Youth Program reimbursement for the 2011 budget cycle. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

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

Supv. Goodspeed noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of November 2010, was in the Town Board members' packets

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

PRIVILEGE OF THE FLOOR

Supv. Goodspeed explained that he was asking the Town Board to enter into executive session to discuss Fire Contract negotiations and a personnel issue involving a Town Hall employee.

Mr. Morehouse presented the following motion, with a second from Mr. Arsenault to enter into executive session at 8:44pm for the purpose of discussing Fire Contract negotiations. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Also present at the request of the Town Board for the discussion were Wevertown Volunteer Fire Company Chief Jarret Brown and Wevertown Volunteer Fire Company members Andy Baker and Walter Hazeltine.

Supv. Goodspeed presented the following motion, with a second from Mr. Vanselow to adjourn the executive session at 9:00pm. 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 action was taken as a result of the executive session and that a submission from the Wevertown Volunteer Fire Company was received.

Mr. Morehouse presented the following motion, with a second from Supv. Goodspeed to enter into executive session at 9.00pm for the purpose of discussing a personnel issue involving a Town Hall employee. 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. Morehouse to adjourn the executive session at 9:20pm. 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 action was taken as a result of the executive session

#### RESOLUTION NO. 237

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 #22G/Claims #479-496; Highway Fund- Warrant #22H/Claims #250-265; North Creek Water Dist.- Warrant #22W/Claims #88-90; Capital Projects Fund- Warrant #11CPF/Claim #14; Library Fund-Warrant #12L/Claims#82-87. 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. Morehouse with a second from Mr. Stevens at 9:20pm. 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 December 21, 2010 at the Town Hall (Library), North Creek, NY.

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Prepared by William Rawson, Town Clerk