

**Minutes of the Town of Johnsbury Regular Board Meeting July 21, 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, July 21, 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 Eugene Arsenault.

Roll call showed the following persons present: Supv. Sterling Goodspeed; Town Councilmen/ Eugene Arsenault, Frank Morehouse, Jr., Arnold Stevens, and Ronald Vanselow; Town Clerk/William Rawson was not present.

Guests: On attached list

RESOLUTION NO. 131

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept the minutes of the July 7, 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 letter from Mr. Daniel Hitchcock, Highway Superintendent, describing a specific incident that took place on April 22, 2009 involving the highway department work on Coulter Road. Dan requested a copy of his letter be added to the minutes.
2. A letter from Mr. Lyle Dye, President of the Johnsbury Historical Society announcing an August 29, 2009 production of "Love Letters" to be held at TPCC.
3. A letter from Mr. Oscar Sundberg of Glens Falls about re-opening Old Farm Road to Motorized vehicles.
5. A letter from the Town of Johnsbury Youth Committee chair, Vince Schiavone, requesting a resolution permitting the committee to apply for grant monies through LARAC.
6. A re-application form for Centerplate's Liquor license for the Tubing Park and Saddle Lodge.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed reminded everyone of the lengthy beach discussion at the previous board meeting. Mr. Hutchins was then asked to speak. Jim explained he will attempt to respond to questions outlined in the Goodspeed memo of July 8, 2009. (efficiency, leakage, pipe flow, legal requirements of trench construction). 1) The pond and stream level were monitored for almost three weeks. The pond varied 4 inches; the stream varied 1 foot. Currently the pond is 1foot 2 inches below normal. It takes approximately 55,000 gals of water to raise the pond level 1 inch. Also noted during this three week period- the level of the pond does not come up when it rains. Jim's best guess is the pond level will drop ½ to 1 inch per day with dry weather. This was not confirmed since appreciable rain fell during the monitoring.

2) As to the efficiency of maintaining the water level, in summary, as depicted in the application, a properly installed pipe will maintain the level. This proposal will function when properly installed.

3) A trench 10 feet in depth is extremely dangerous and part of the trench will be under the water level, which complicates the construction.

4) In Jim's opinion, workers must be covered by workers compensation, volunteers are not. To proceed without coverage exposes the town to extreme liability. Some of the trench will be below the water level, presenting an extremely dangerous area to work in.

Mr. Hutchins was asked for an approximate cost of a professionally installed trench, he replied \$30,000 to 40,000. Mr. Arsenault asked how to go about getting a more accurate estimate. Supv. Goodspeed thought a BID document could be prepared and put out to BID in March or April. The Supervisor further stated there are no dollars in the budget for this now, however there could be when next years budget is crafted.

Mr. Vanselow asked if the outlet is 94 ft, Mr. Hutchins replied it is designed to maintain 94 ft. Supervisor Goodspeed asked Mr. Bob Nettle for input, Mr. Nettle stated no comment.

Jim Hutchins stated another option maybe to use a gas or electric pump. Secretary, Cherie Ferguson, explained the Fire Company had a pump to loan, however it is in need of repair, one can be rented for \$1,000 to 1,500. Jim thought a gas pump could be purchased at a tractor supply store for \$1,000 or an electric pump for less than \$1,000. Supv Goodspeed asked if this would involve a permit, Mr. Hutchins stated he didn't know, and didn't investigate it. Cherie Ferguson stated National Grid provided an estimate of \$10,000 a few years ago to install electricity in the beach area. Kelly Nettle stated Mike Pratt, Gore Mt. General Manager, said he would help with the installation, Kelly felt it would cost about \$3,500. Mr. Morehouse asked what happen to the landfill solar project. Supv Goodspeed said that ball is still in the air. Mr. Souzzo, Delaware Engineering, stated he had a pump he would give the town to use. Mr. Arsenault asked how much would we have to run it? Mr. Hutchins stated it varies, it could drop 1 inch per day, 1 inch equals 55,000 gal, a pump would pump 40/gal per minute- that should raise the pond 1 inch per day. A permanent installation would ideally include a float, 1/2" to 1" submersible automatically controlling electric pump in a pit below grade. Mr. Suozzo stated he has 2 or 3 small pumps, he would recommend electric. Kelly Nettle asked where the pond is losing water. Mr. Hutchins replied it goes in the ground, if we had no rain we would lose 1 inch per day, at some point it will stop dropping because of the ground water feed. Mr. Arsenault felt we should be evaluating both sides -short term and a long term period of 30, 40, 50 years. Mr. Morehouse commented that a temporary fix could buy us time while we research digging a trench. Supv Goodspeed stated with the boards permission we will proceed forward.

Next Supv Goodspeed jumped to new business to inform the board that:

Residents to Protect the Adirondacks filed a law suit to stop the interconnect, in a court decision earlier in the week, the RCPA petition had been dismissed. ORDA may modify their plans, and things are moving forward there.

Front Street Mountain Development has broke ground directly across from the Highway garage. Supv Goodspeed confirmed with the town attorney and engineers that they are authorized to go ahead. The APA was present for the first cut, and they are installing the roadway. One building

will have two units, and be ready for occupancy in December 2009. Time permitting the road may be extended to the proposed "Inn" location. In addition the developers have met with the local fire chief.

What remains to be done is the septic (old business). FSMMD are going with a tank storage and haul system for a limited period of time. DEC and DOH has cleared the plans, it now comes down to this board, sitting as the "Board of Health". Supv Goodspeed explained he has spoken to the town attorney and water engineer, both agree it is OK as long as there is a time limitation, which is 12-31-2010. Mr. Stevens stated he would like to see bonding or funding set aside to build the septic to regulation. Supv Goodspeed stated the monies with the planning board are not enough. Jim Hutchins advised \$5,000 each for a total of \$10,000. Adding further, DOH regulations state holding tanks are not permitted for new construction except temporarily while being built. It is not legitimate, and FSMMD should not be permitted to sell a unit with a holding tank. Mr. Souzzo concurred with Jim Hutchins. Mr. Vanselow inquired about problems with a proposed subdivision regulation. Mr. Souzzo replied the logistics is 2 tanks per unit. Supv Goodspeed stated Mr. Mike Dauphinais, DEC specialist, felt the FSMMD proposal appears to be reasonable.

RESOLUTION NO. 132

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Vanselow, The Town of Johnsbury hereby approves the temporary use of holding tanks at Front Street Mountain Development and hold and haul elimination of solid waste subject to the following:

- 1) No unit may be transferred, sold, gifted or otherwise conveyed with a holding tank. Units sold must be connected to the community treatment plan or include an on site conventional wastewater system.
- 2) All installation is conditional on Jim Hutchins PE review of all plans, which must be in compliance of DOH standards and
- 3) a \$10,000 bond or escrow deposit is issued to the Town of Johnsbury
- 4) Under no circumstances shall the temporary use of holding tanks be used after 12/31/2010.

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

Under new business Water District Improvement Proposals- Supv. Goodspeed referred to a letter from the Department of Health sighting 6 deficiencies 4 of which are: Inspection recommendation of a 200,000 gal storage tank, under ground booster pump, 2500 linear feet of pipe that cannot provide proper fire flow, and portions of the system consist of cast iron pipe. The Water District Engineering firm has submitted two USDA grant proposals for the town board to review. The first proposal is for \$862,250 which will cover all the above mentioned deficiencies, the second proposal for \$1,112,250 to include all the above and a new 6A well. The new well option was added because Well #4 capacity yield is less and less. Mr. Jim Suozzo explained the problems the Water District has are not uncommon, in the past DOH concentrated

on supply deficiencies. The Board has two options 1) budget a little each year and work on the deficiencies one at a time, or apply for funding. Mr. Tom Suozzo then explained the USDA has stimulus money targeting small communities of 10,000 and below with a median household income of less than \$40,000. The grants are 75% grant, 25% low interest loan. The Environmental Services will review the application with other departments and advise the town on the best funding package available. Tom and Jim advise the time is right to investigate these options. Mr. Vanselow asked what DOH would do if the town did nothing. Jim Suozzo replied a long term capital program would have to be developed and carried out. Further noting this is not a knee jerk reaction to DOH, these funding programs are geared to small communities. We have a good relationship with Mike Shaw of DOH. Supv Goodspeed noted the person to manage the grant from the Town would be Candace. Mr. Jim Suozzo stated he will do more research, then bring the USDA rep and Steve Marshall to a meeting for further talks. Mr. Arsenault asked if this required a public hearing to which Mr. Suozzo replied no, but a SEQUR will. Mr Suozzo asked the board to discuss the scope of what they wanted accomplished, and he then assured the board his office will do the application for nothing Mr. Arsenault commented on the age of the present water district system. Suprv Goodspeed stated we would informally pursue the next degree, noting the district is not committed to anything until a formal contract is signed. Providing the warranty coverage has expired and the insurance company will not cover the damage; the Board then agrees to spend \$10,000 on well #4 to repair any damage that occurred from a lighting strike. No resolution was presented.

Next on the agenda was Park Grant items. Supv Goodspeed explained the insurance for a water activity dock is \$10,000/yr, if the swing and trampoline are removed the insurance quote will decrease to \$1,000/yr. Kelly Nettle asked to add a few purchase items to the grant- a back board for the tennis courts, door for the fence and a squeegee to remove water from the tennis courts. Supv. Goodspeed asked Account Clerk Candace Lomax on her thoughts. Candace stated the Glens Falls Foundation awarded a \$1,000 grant to be used for the tennis courts, this would be appropriate for that grant. Kelly then asked for permission to prepare a legal ad for sealed BIDS a climbing wall, and skate board park modules. Cork Nestor stated he had found a company that constructs the modules and they are very reasonable and a local company. Kelly then updated the Board on plans for a walkway near the tot lot and a water feature with an arbor for shade. Candace Lomax noted that because this is state park grant funding the state park must approve all legal ads prior to submission.

RESOLUTION NO. 133

Suprv Goodspeed presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize Kelly Nettle to send draft legal ads for sealed BIDS for skate board modules and a climbing wall to Cathy Jepson of the NYSOPHP. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

RESOLUTION NO. 134

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize Kelly Nessle to purchase a back board, squeegee and gate for the fence surrounding the tennis court; and further, that the funds are not to exceed one thousand dollars and to come from the Glens Falls Foundation Grant. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supvr. Goodspeed presented the board with a map of the Ski Bowl Park provided by Jeff Anthony, Professional Planner from the LA Group. Kelly and Bob Nessle asked that the Board not review the map, stating the Ski Bowl Park committee is not ready to have this map sent to the Board. Further stating the committee is not finished with their plans and the map may be changed. Next Kelly asked the board to approve summer projects in the park: installation of signs, paint crosswalks, excavate and level space near the beach, purchase bases for grills, purchase cleaning supplies for grills, install a culvert near the tubing hill, excavate a trench on the road side of the pavilion, clean out the left side entrance to the park. Most of the work would be completed by the Youthworks group, Park Friends and the Highway Department. The total cost is \$9,143.00, of which \$8,590 is for the culvert. Supv Goodspeed will ask to change the scope of the Park grant to include the culvert.

RESOLUTION NO. 135

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize Kelly Nessle to purchase the small items, crosswalk paint \$26. grill pedestals \$92. post set \$45. grill cleaning supplies \$230. crush stone \$160. for a total of \$553. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Morehouse inquired about the status of the Pavilion-Supv Goodspeed stated Mike Pratt had to reconfigure the work schedule. Mike says they will return to the Pavilion fairly soon, and the project will be completed on schedule.

Next Supervisor Goodspeed asked Cherie Ferguson for a report on the cost of the no kill shelter. Cherie spoke with Sandy at the Glens Falls Animal Hospital, it is a law to hold an animal for 5 days, fees coincide with the size of the animal, and the boarding cost is \$13./day. Schroon River Animal Hospital will only contract with Warrensburg. Warren County uses Glens Falls Hospital, the county does not have an SPCA. Mr. Vanselow asked about Adirondack Save a Stray. Cherie will check into Adirondack Save a Stray and report next meeting.

Marilyn Donohue then informed the board of her cat issue. Cats are destroying her home, she has made multiple calls to Bill Mosher, Animal Control Officer. Supvr Goodspeed informed the board he sent Mr. Mosher a letter telling him to respond to this issue. Mr. Mosher did return did contact Mrs. Donohue, stating he would get the problem taken care of somehow. The problem has not been taken care of and as a tax payer she feels he is not doing his job. Adding she is sick of the cats destroying her house, it is costing her and her husband several thousands of dollars.

Supvr Goodspeed stated he could go back to the ACO again, I have written him one letter. Mr. Vanselow stated if we are already paying someone to do this job he should do it or get someone else to do it. Supvr Goodspeed said unless the board has a better idea, he will again write the ACO. Mr. Stevens felt he should respond to people and a time limit on the action taken. Mr. Vanselow would like to add reasonable response time to the ACO job description.

RESOLUTION NO. 136

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize the Supervisor to send a letter to Mr. Mosher stating he has one day to respond to the Donohues, and must provide the Town with a written progress report within one week. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Next Supvr Goodspeed asked Cherie to update the board on the TPCC elevator phone. Cherie stated we are waiting for a building and codes ruling on the use of a dedicated line or extension. Barrier Free will prepare a proposal for monitoring. It was also noted the emergency alarm is not functioning.

Supvr Goodspeed noted the following:

We are not ready to discuss the retirement reporting, it will be addressed at the next meeting. Judy Brown has requested a delegate from the Town Board for the North Country Outreach Center.

Cell Towner update- the company conducted a site visit with the APA on June 10th. They sent up balloons and found a good spot, the company then sent pictures of the site to the APA for conceptual approval. Everything is going well and they will keep the town posted.

Supvr Goodspeed then reported he had a meeting yesterday on the Austin Pond beaver issues. Many surrounding residents attended, the DEC did not attend.

In regards to correspondence:

The letter from the JHS and the Aug 29th date, the board will pass a formal resolution at the next Town Board meeting.

Mr. Oscar Sunberg will be invited to the next meeting. Mr. Sunberg then stood and introduced himself. He distributed flyers to the board regarding judicial rulings on Old Farm Road.

RESOLUTION NO. 137

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow to authorize the Johnsburg Youth committee to apply for LARAC funding. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supvr Goodspeed explained to the board that multiple departments use different methods to report work time. The highway men use a time clock, parks department employees use hand

written time sheets and the town office employees use hand written or computer generated time sheets. Supvr Goodspeed would like the parks department to use the highway time clock and, purchase a time clock for Town Hall employees.

RESOLUTION NO. 138

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize the Supervisor to purchase a time clock for the Town Hall and to begin the transition for all employees to using a time clock. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

PRIVILEGE OF THE FLOOR

Mr. Sundberg further explained to the board that he is in favor of re-opening of Old Farm Road to motorized vehicles

RESOLUTION NO. 139

Mr. Stevens 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 Town Board members be paid: General Fund- Warrant #14G/Claims #273-292; Highway Fund- Warrant #14H/Claims #137-152; North Creek Water Dist.- Warrant #14W/Claims#53-57;Johnsburg Fire protection District Warrant #2JFPD/Claims #2-8;Library Fund Warrant #7L/Claims #43-50. 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. Arsenault with a second from Mr. Morehouse at 10:12pm. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on August 4, 2009 at the Wevertown Community Center, Wevertown, New York.

Prepared by Candace Lomax, Account Clerk