

**Minutes of the Town of Johnsburg Regular Board Meeting March 2, 2010
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, March 2, 2010 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, Arnold Stevens, and Ronald Vanselow; Town Clerk/ William Rawson. Councilman Frank Morehouse, Jr absent.

Guests: On attached list

RESOLUTION NO. 60

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the February 16, 2010 regular Town Board meeting as written. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

(Councilman Frank Morehouse, Jr entered the meeting at 7:03pm)

CORRESPONDENCE:

1. A letter from the Gore Mountain Regional Chamber of Commerce requesting that the Town Board grant that organization a blanket vending permit for their sponsored event the Adirondack Adventure Festival to be held April 30 through May 2, 2010.
2. Eight letters with forty seven signers of various ages requesting that the Town Board reinstate curbside recycling collection which was discontinued to budgetary concerns; includes letters from Ms. Susan Murante, Mr. Jerome Spitz, and Ms. Nancy Sylvester.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed updated the Town Board members that Highway Superintendent Daniel Hitchcock has agreed to remove the current dugouts and concession stands at the baseball fields in North Creek and Sodom as time and snow plowing requirements allow and that at least one and possibly more contractors will rebuild the dugouts and concession stands with materials donated by Okemo Log Homes.

Supv. Goodspeed reminded the Town Board members that Engineer Jim Suozzo (Delaware Engineering) is looking into the possibility of creating a wastewater district for the hamlet of North Creek including the business area, portions of the residential area and the Adirondack Tri County Nursing Home and ORDA. Supv. Goodspeed added that he has been led to believe that a municipal wastewater system will be necessary in the near future. Mr. Vanselow, the Town Board representative to the Wastewater Committee, reported that the committee had met about a week ago and requested that the Town Board appoint the following members to the Wastewater Committee: Michael Bowers, Mike Pratt, Joel Beaudin and Ronald Vanselow, and that further the authority to seek out and apply for funding opportunities and to hold public meetings to discuss the progress of the project.

RESOLUTION NO. 61

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the creation of a Wastewater Committee with the following members: Michael Bowers, Mike Pratt, Joel Beaudin and Ronald Vanselow, and that further the Town Board authorizes the Wastewater Committee to seek out and apply for funding opportunities and to hold public meetings to discuss the progress of the project. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed updated the Town Board on the transfer of the Kellogg (Waddell) Property from the Open Space Institute to Warren County. Supv. Goodspeed explained that the transfer had been delayed due to environmental issues and an engineering study and report dealing with those issues has been completed and that the transfer is expected to occur in the next four to six weeks. There is a possibility of the Town of Johnsbury will be able to control the booking and use of the property to some extent; Warren County is seeking ideas for uses and a meeting will be held on March 4, 2010 from 10:00 to 2:00 at the Owens House to discuss uses. Identified successful uses include the Farmers' Market and the Concerts by the River series. Warren County plans to work on the property when manpower is available.

Supv. Goodspeed reminded the Town Board that there were some funding issues related to the water pipeline project to supply water to the swimming area at the beach in the Ski Bowl Park. Supv. Goodspeed noted that the granting agency was not supportive of the water pipeline project without an engineering report in favor of the project. If the Town Board does not wish to have an engineering report created; then the Town Board will need to reallocate the funds already spent on the pipeline and charged to budget lines associated with the Ski Bowl Park grant. Mr. Vanselow asked if the planned raffle has been launched and if the anticipated funds to be realized are for future or past expenses; Mr. Robert Nettle replied that the raffle was planned to pay for future expenses. Supv. Goodspeed inquired into the amount of the currently expended monies; Accounts Clerk Candace Lomax replied that without looking at a spreadsheet that she believed the amount to be in the range of three to four thousand dollars. Mr. Nettle said that he believed that the amount for pipe and item 4 was about two thousand dollars at most. Mr. Stevens said that he believed that the raffle funding should go towards future costs and that the level of expense was near the amount which the Town had planned to spend on the project and that he would support reallocating the previously expended funds and additionally, he would support using the raffle proceeds for future costs.

RESOLUTION NO. 62

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to not apply any grant funds to the water pipeline project in the Ski Bowl Park and further, that the funds already expended be reallocated to expense lines not associated with the Ski Bowl Park grant; and also that the Town Board recognizes that proceeds from the raffle operated by the Friends of the Town of Johnsbury Parks will be applied to future costs. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Vanselow noted that this was discussion relating to the financial aspects of the water pipeline project. Supv. Goodspeed noted that additional safety issues were associated with the

project and that he wanted to make the Town Board acquainted with the issue; a portion of the trench, about two feet deep was open and not fenced off, near the brook end of the line. Mr. Paul Heid said that the Mr. Hutchins, the Town's engineer suggested that the pipe should be larger and the line be professionally placed; he added that Town money was being spent in the face of this advice. Mr. Peter Heid added that currently there was not enough water being supplied by the brook to supply water to the swimming area. Supv. Goodspeed asked Mr. Robert Nettle if he wished to make a response; Mr. Nettle replied that he believed that the project would supply water and that he would not discuss this with non-professionals. Mrs. Margaret Prashaw suggested that there would be little water available during the summer season. Mr. David Bulmer suggested that ORDA may have some orange fencing available to block off the open area. Mr. Vanselow also questioned the safety of working in the trench; Supv. Goodspeed added that while the trench was authorized to go to a five foot depth that it had been dug deeper; Mr. Peter Heid requested that the Town add more supervision as Mr. Nettle had already exceeded his authorization; Supv. Goodspeed suggested having Highway Supt. Hitchcock look over the progress of the project. Mr. Peter Heid suggested selling the firewood created by the project as a funding source; Mr. Stevens said that the Town has a policy of delivering firewood to the North Country Outreach Center.

Supv. Goodspeed explained that Zoning Enforcement Officer Chris May wants to discuss the possibility of the Town of Johnsbury handling the building inspection process in Town in place of Warren County; he added that ZEO May could not be present tonight. Supv. Goodspeed said that the request could be financially expensive to the Town; Mr. Vanselow asked if ZEO May had any solid numbers for the Town Board. Supv. Goodspeed replied that he did not believe that ZEO May did; he added that ZEO May was looking to receive funding from Warren County, which Supv. Goodspeed said the Town would not receive. Supv. Goodspeed expected that this topic would be on the agenda for the next meeting.

NEW BUSINESS

Supv. Goodspeed informed the Town Board that the New York State Retirement System requires that a calendar record of work hours be kept for three months by appointed and elected officers; as the Town officials completed the calendars in 2009, the New York State Retirement System will allow the 2009 calendars to be used if resolutions number 121 and 122 passed in June of 2009 be reaffirmed by the Town Board. Resolution 121 sets the standard work day for the Supervisor, Councilman, Town Justice and North Creek Water District Clerk; Town Clerk and Superintendent of Highways. Resolution 122 states that Councilman be credited with 10.83 days per month; that the North Creek Water District Clerk be credited with 6 days per month; and that the Supervisor, Town Clerk and Superintendent of Highways be reported at full time for retirement purposes.

RESOLUTION NO. 63

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, that the standard work day be six (6) hours per day for the Supervisor, Councilman, Town Justice and North Creek Water District Clerk; that the standard work day for the Town Clerk be seven (7) hours per day; and that the that the standard work day for the Superintendent of Highways be eight (8) hours per day; and further, that this is a reaffirmation of Resolution 121 of 2009. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

RESOLUTION NO. 64

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, that Councilman be credited with 10.83 days per month; that the North Creek Water District Clerk be credited with 6 days per month; and that the Supervisor, Town Clerk and Superintendent of Highways be reported at full time; and further, that this is a reaffirmation of Resolution 122 of 2009. 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 Zoning Enforcement Officer, Christopher May would like authorization to attend an onsite wastewater training session in Lake George, NY on Thursday, March 25, 2010, from 8:00am to 5:00pm at a cost of \$40.00 plus mileage.

RESOLUTION NO. 65

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board does authorize Zoning Enforcement Officer, Christopher May to attend an onsite wastewater design training session in Lake George, NY on Thursday, March 25, 2010 from 8:00am to 5:00pm at a cost of \$40.00 registration, including breakfast and lunch, plus mileage. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed recognized Town Clerk William Rawson for the purpose of asking the Town Board for authorization to attend the N.Y.S. Town Clerk Convention April 25th thru 28th at Saratoga Springs. The Town Clerk estimates the following expenses to the Town for the Town Clerk and Deputy Town Clerk attending the convention which has sessions regarding proposed changes to dog licensing: New York State Department of Agriculture and Markets proposes that the local governments take over this program in total. Vendors will be available to discuss program and supply costs related to this change. Educational and training opportunities are available especially from the Department of Health for new Deputy Town Clerk/Registrar and Town Clerk.

Costs:	
Conference	\$150.00
Mileage	\$90.00
Meals	\$30.00
Total	\$270.00

The Town Clerk requests that the Town Board authorize the attendance of himself and his Deputy at the convention which can be paid from the Town Clerk budget line and is not an added, non-budgetary expense.

RESOLUTION NO. 66

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board does authorize the Town Clerk and Deputy Town Clerk to attend the educational N.Y.S. Town Clerk Convention April 25th thru 28th at Saratoga Springs at an anticipated cost to the Town of approximately \$270.00 and not to exceed \$300.00. 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 monthly report of the Animal Control Officer, William Mosher, for the month of February 2010, was in the Town Board members' packets

Supv. Goodspeed noted that there was no monthly report of the Zoning Enforcement Officer, Christopher May, for the month of February 2010, as there had been no activity in February.

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of February 2010, to the members of the Town of Johnsbury Town Board.

Mr. Vanselow asked that the Town Board discuss the issue of the Front Street Mountain Development Corporation bond or escrow for the hold and haul solid waste system. July 21, 2009 the Town Board allowed Front Street Mountain Development Corporation to use a hold and haul system in the recently constructed duplex; as a part of Resolution 132 of 2009 Front Street Mountain Development Corporation is to place \$10,000.00 in bond or escrow to assure construction of a conventional wastewater system. Mr. Stevens asked if this escrow requirement has been fulfilled; it has not. Mr. Stevens said that Front Street Mountain Development Corporation should be notified that the escrow requirement must be fulfilled. Mr. Arsenaault agreed and added that Front Street Mountain Development Corporation should be informed that there will be no further discussion or movement without the payment of the escrow funds. Accounts Clerk Candace Lomax added that the Town also needs \$10,000.00 for engineering and legal escrow funds as well for a total of \$20,000.00. Mr. Vanselow asked if Front Street Mountain Development Corporation has a plan for a wastewater system; Supv. Goodspeed replied that their plan seems to be a connection to the municipal wastewater system which was discussed earlier in the meeting. Supv. Goodspeed added that it will be years before the construction of the possible municipal system if it moves forward. Mr. David Bulmer asked if the escrow was required to get a certificate of occupancy or to be able to sell units. Supv. Goodspeed and Mr. Vanselow replied that units may not be sold with a holding tank system in place; Mr. Vanselow added that Front Street Mountain Development Corporation doesn't seem to have a plan for a transportation corporation in place or even in the planning stage. Mr. Peter Heid asked if Town Engineer James Hutchins has inspected the holding tank system; Supv. Goodspeed replied that he had. Mr. Paul Heid suggested that this could become a very expensive problem for the Town if Front Street Mountain Development Corporation does not put a realistic system in place; Supv. Goodspeed said that the Town is very aware of the issue. Supv. Goodspeed said that he would write a letter to Front Street Mountain Development Corporation seeking \$10,000.00 for the escrow on the hold and haul system and also a replenishment of the engineering and legal fees escrow account; he added that if Front Street Mountain Development Corporation does not comply that the next possible step would be to ask the Town Board to authorize a request for a stop work order from the Adirondack Park Agency on the current construction. Mr. Paul Heid asked about the encroachment on Town property of the gate house building of Front Street Mountain Development Corporation; Supv. Goodspeed replied that the Town is aware of the issue and that in the future Front Street Mountain Development Corporation will own the property as a result of a land swap. Supv. Goodspeed added that there is a question as to the use of an easement by Front Street Mountain Development Corporation; the corporation is not using the legally defined easement, however, the legally defined easement would be invasive to the Ski Bowl Park. Mr. Peter Heid asked if the Town should receive compensation for the land use by Front Street Mountain Development Corporation; Supv. Goodspeed replied possibly if the problem continues with no end terms defined; he said that the easement issue was of a lower priority than the wastewater system.

Supv. Goodspeed explained that as a result of the budget process curbside recycling was ended as of January 1, 2010; prior to suggesting an ending of curbside recycling collection the budget increase was in the range of fifteen to eighteen percent. Between the reductions in insurance premiums and the ending of curbside recycling collection the increase was reduced to zero percent. Supv. Goodspeed said that he was sorry to eliminate good, but not essential services. This change also allowed for the extension of weekend hours at the transfer station to 9:00am to 5:00pm from 12:00pm to 5:00pm as weekdays. Indian Lake and Thurman are the only local towns with curbside recycling collection. Supv. Goodspeed added that there had been a couple of contacts on the Town Facebook account in support of ending curbside trash collection as well as the recycling. Supv. Goodspeed said that he had spoken to Parks and Buildings Supt. Matt Olden regarding possible compromises to allow for a return to curbside recycling collection as inexpensively as possible. Mr. Vanselow said that he saw the curbside collection as a good program and suggested that it be returned on a monthly or twice monthly basis; Mr. Paul Heid agreed with this suggestion. Mr. David Bulmer asked about a contracted outside service; Supv. Goodspeed replied that this could be looked into. Mr. Morehouse asked if there had been any discussions regarding Mr. Robert Nessel's suggested private contractor; Mr. Nessel replied that getting a private enterprise going was difficult. Mr. Stevens and Mr. Arsenault suggested the possibility of adding this to the trash collection contract. Mr. Arsenault said that he understood that some people need this service and wondered if a partial use could be instituted; Supv. Goodspeed replied that a service must be made available to all residents. Supv. Goodspeed suggested possibly having drop off (collection) areas in each hamlet for collection by Town employees. Mr. Peter Heid said that it was better for the environment to have one vehicle making the trip instead of numerous vehicles. Mr. Morehouse asked if the transfer station is open every day and suggested closing one day during the week to free an employee for curbside collection; Supv. Goodspeed agreed that this was worth looking into. Mrs. Margaret Prashaw said that she believed twice a month would be sufficient. Supv. Goodspeed and Mr. Vanselow suggested possibly using Highway Department employees in the summer. Mr. Robert Nessel about private enterprise; Mrs. Prashaw said that we might as well pay taxes as pay private operators. Supv. Goodspeed said that the burn plant obligation ends in 2011 and that this may lead to some savings. . Supv. Goodspeed said that the Town Board is receptive to possibly reinstating the curbside recycling collection and said that he would speak to Parks and Building Supt. Matt Olden tomorrow to try to find a solution; he added that he will bring this issue back to the Town Board soon.

PRIVILEGE OF THE FLOOR

Mr. Robert Nessel asked who the Animal Control Officer is; Supv. Goodspeed replied that at the February 2, 2010 Town Board meeting that Mr. William Mosher had been appointed for the year 2010 and numerous contingencies had been added in the resolution.

Mr. David Bulmer asked if the Animal Control Officer had any thing to do with cats; Supv. Goodspeed replied that the Animal Control Officer is not empowered to work with cats; however, the Town Board expects that the Animal Control Officer will work with individuals to find resources to deal with cat issues. Mr. Bulmer said that some people feed the wild cats near the Grand Union; Supv. Goodspeed said that he would ask the Town Attorney to discuss this problem with Mr. Mosher.

Mr. Peter Heid asked if there were any calls listed in the Animal Control Officer's report; Supv. Goodspeed replied that there were and gave Mr. Heid his copy of the report.

Mr. Paul Heid asked if Mr. Mosher was the correct person to contact regarding individuals

allowing their dogs to use the beach; Supv. Goodspeed replied that he was the correct officer. Mr. David Bulmer suggested that the Town establish a dog walk area in the Ski Bowl Park.

RESOLUTION NO. 67

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 board members be paid: General Fund- Warrant #5G/Claims #94-114; Highway Fund- Warrant #5H/Claims #43-51; North Creek Water Dist.- Warrant #5W/Claims#15-17; and further, the Town Board acknowledges that on Warrant #4H that claim number 42 was incorrectly typed for the amount tendered and not the amount paid; in order to correct this claim number 42 on Warrant number 4H will be adjusted to pay \$82.39 instead of \$100.04 and the warrant is to be corrected. 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 8:33pm)

Supv. Goodspeed said that he would ask that the Town Board enter into an executive session for the discussion of the early stages of contract negotiations and that he did not expect any action to follow from the executive session.

Mr. Morehouse made a motion, with a second from Mr. Arsenault to enter into executive session for the purpose of discussing the early stages of contract negotiations at 8:35pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays - 0 (Mr. Vanselow absent)

(Mr. Vanselow returned to the meeting at 8:35pm)

Mr. Morehouse made a motion, with a second from Mr. Vanselow to adjourn the executive session at 8:58pm. 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 Supv. Goodspeed with a second from Mr. Morehouse at 8:59pm. 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 March 16, 2010 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk