

**Minutes of the Town of Johnsburg Regular Board Meeting August 2, 2011
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, August 2, 2011 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. 134

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept the minutes of the July 19, 2011 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 Adirondack/Glens Falls Transportation Council informing the Town Board that their organization is working with Warren County to develop a county bicycle plan and requested a copy of the Town of Johnsburg Comprehensive Plan and further explaining that the Town will be contacted for additional input as the work progresses.
2. A notification of renewal of liquor license from Pete's Aah on Main Street in North Creek.
3. A letter from National Grid asking that the Town help spread the word that National Grid has approximately 8800 miles of natural gas pipeline in central and eastern New York State and that the pipeline while important are also a potential hazard to the public and also asking the Town Board to pass safety information on to the public as possible.
4. A letter from Town of Johnsburg Superintendent of Highways Daniel Hitchcock informing the Town Board that he would like to build a pole barn for equipment storage and that this could be performed with little cost to the taxpayers; Harlan Equipment Company would like to rent space to leave their equipment for a few months and would also be willing to drill holes and donate used power poles for the poles of the barn.
5. Town of Johnsburg Superintendent of Highways Daniel Hitchcock presented an Agreement to Spend Highway Funds (284) to the Town Board to replace the agreement approved on February 1, 2011 to use the double chip seal process to reclaim a portion of Hudson Street.
6. A notification of renewal of liquor license from Andie's at Smith's Restaurant on Main

Street in North Creek.

7. A notification of renewal of liquor license from the Black Mountain Resort on State Route 8 in Sodom.

The Town Clerk informed the Town Board that the Adirondack/Glens Falls Transportation Council was informed that the Town of Johnsburg Comprehensive Plan was available on the Town website and Ms. Kate Mance, Senior Transportation Planner, said that the information was all that was requested at present.

Supv. Goodspeed asked if the Town Board wished to approve the Agreement to Spend Highway Funds (284) submitted by Highway Superintendent Daniel Hitchcock for the purpose of using 3" binder instead of the double chip seal process in the reclamation of Hudson Street, between Collignon Lane and the county bridge.

RESOLUTION NO. 135

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to approve of the Agreement to Spend Highway Funds (284) submitted by Highway Superintendent Daniel Hitchcock for the purpose of using 3" binder instead of the double chip seal process in the reclamation of Hudson Street, between Collignon Lane and the county bridge. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked if the Town Board wished to approve the request from Town of Johnsburg Superintendent of Highways Daniel Hitchcock to build a pole barn using labor from the Highway Department and the assistance of the Harlan Equipment Company and also to authorize the Harlan Equipment Company to store equipment on Town property between the Highway garage and Ski Bowl Road for between two and eighteen months at a fee of \$500.00 per month payable to the Town of Johnsburg.

RESOLUTION NO. 136

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to approve the request from Town of Johnsburg Superintendent of Highways Daniel Hitchcock to build a pole barn using labor from the Highway Department and the assistance of the Harlan Equipment Company and further, also to authorize the Harlan Equipment Company to store equipment on Town property between the Highway garage and Ski Bowl Road for between two and eighteen months at a fee of \$500.00 per month payable to the Town of Johnsburg. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

COMMITTEE REPORTS:

Mr. Arsenault reported that Mrs. Michelle San Antonio of the Kellogg Property Committee had contacted him to inform the Town Board that the committee has one estimate of \$9800.00 for engineering services for renovation/maintenance of the buildings and that the committee is seeking additional estimates.

Mr. Vanselow reported that he had met with Mr. Stevens regarding the Mill Creek Recreation Area (MCRA) and they would request that the Town Board pursue the following plans regarding the MCRA: enact a local law to prohibit parking on both sides of Harrington Road above the "Black Hole" for a distance of about 375 feet, create a parking area by Dunkley Falls and create a walking trail from the parking area to the "Black Hole". Supv. Goodspeed asked that Town Attorney J. Anthony Jordan put together a draft local law for review by the Town Board for the next Town Board meeting. Supv. Goodspeed said that he was trying to contact Open Space Institute (OSI) to let them know that the Town was working on issues relating to the MCRA; he added that he expected that the OSI would be pleased with the plan.

OLD BUSINESS:

Supv. Goodspeed informed the Town Board that the Town Clerk has found an error on General Fund Warrant Number 12G (July 19, 2011), voucher number 281 payable to the Warren County Treasurer. The Town Clerk explained that he had made a typographical error on the subsidiary budget line for Fire Fuel scheduled to begin operation July 14, 2011; the amount typed in was \$3785.52 and it should have been \$3785.33. The Town Clerk requests that the Town Board authorize a correction of General Fund Warrant Number 12G, voucher number 281 from the typed amount of \$3785.52 to \$3785.33.

RESOLUTION NO. 137

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Vanselow, to authorize the correction of the typographical error in General Fund Warrant Number 12G, voucher number 281 from the typed amount of \$3785.52 to \$3785.33. 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 he has spoken to the New York State Department of Health (DOH) regarding the possibility of having swimming on the Hudson River. The DOH has two issues regarding such swimming: the grade at the point of entry and the height of the water during the summer. Supv. Goodspeed said that he has discussed the idea with Engineer Kathy Suozzo, Delaware Operations, and she has agreed to look into it further.

Supv. Goodspeed said that he has met with members of the Kellogg Property and the Ski Bowl Park Committee to discuss the swimming possibilities and locations such as 13th Lake and Garnet Lake. Among the possible actions discussed were the merger of the two committees or the possible expansion of the Ski Bowl Park Committee to be an advisory committee for all town

parks. Supv. Goodspeed said that some of those on the committees seemed to believe that the beach should continue to be worked on and some did not believe that to be a productive use of money. Supv. Goodspeed said that he would like to continue exploring options and report back at the next Town Board meeting.

Mr. Vanselow said that he believed that the discussion had been going on too long and that he was willing to offer a resolution to ask Delaware Operations to prepare a beach closure report; he added that he was not sure that the Town needed to provide a swimming area. Mr. Stevens seconded the resolution. Supv. Goodspeed noted that the estimated cost of a beach closure was \$3500.00. Mr. Arsenault said that he believed that this resolution was premature and that a sanitary survey should be performed prior to any decision due to the lack of information; he added that it was not acceptable to let the area go back to a pond at this time. Mr. Morehouse asked if the \$3500.00 would give the Town Board options; Supv. Goodspeed said that the closure report, signage and revegetation estimate was \$3500.00 and that the sanitary survey estimate was \$5500.00. Mr. Vanselow said that the sanitary survey cost more than the closure report and that all of the remediation possibilities were very expensive; he added that a request to spend money for a sanitary survey has been defeated. Mr. Arsenault said that the Town Board needs to understand the problems and that the possibility of a swimming area in the Hudson River needs to be investigated. Supv. Goodspeed said that swimming being allowed in the Hudson River is not assured of viability. Mr. Vanselow asked how long the DOH will allow the Town Board to continue without a decision. Supv. Goodspeed said that if swimming is to be allowed at the beach area a sanitary survey needs to be active by the spring of 2012. Mr. Peter Heid asked the amount of time to issue a closure report; Supv. Goodspeed said that he was not sure of the time frame. Mr. Vanselow said that there was nothing in a closure report to preclude the Town from reapplying for a swimming area in the future. Supv. Goodspeed said that the longer amount of time which goes by the more difficult it will be to reopen the beach. Mrs. Kelly Nettle said that the sanitary survey is necessary at any swimming site; she asked if the Town Board had a specific amount of money it would be willing to spend at the beach. Mr. Vanselow said that he had no specific amount of money in mind; he reiterated that all of the remediations suggested by Delaware Operations were expensive. Mr. Vanselow said that there are no viable, long term solutions without a large expense. Mrs. Nettle asked if it would matter if the cost was \$10,000.00 or \$65,000.00. Mr. Arsenault asked if grant funds can be used; Mrs. Nettle said that she believed that the NYS Office of Parks, Recreation and Historic preservation would agree to that usage.

Mr. Vanselow said that when it is advertised that there will be a discussion of the beach that not a lot of people show up at the meetings; there are not lots of telephone calls or e-mails; and also, there was not a great deal of usage when the beach was open. Secretary Cherie Ferguson said that the Facebook poll was not supportive of spending money at the beach. Mr. Joseph LaRocque said that swimming in the Hudson River here is dangerous due to the current. Mr. Morehouse asked how long the closure would take; Supv. Goodspeed replied that he expected that the closure plan from Delaware Operations would probably be ready by the next spring. Mrs. Nettle said that the sanitary survey would take eight weeks and must include testing following certain weather

conditions. Supv. Goodspeed said that he was not in favor of requesting a sanitary survey for the beach area. Supv. Goodspeed added that the two known issues are water depth and clarity; Supv. Goodspeed said that the basic remediation costs based on these problems is near \$80,000.00. Supv. Goodspeed said that he does not believe that there is a great deal of support for that level of spending. Mr. Morehouse asked if the Town Board will continue to pursue other areas for swimming; Supv. Goodspeed said that he doesn't believe that a swimming pool is a viable option and that there may be no other option. Supv. Goodspeed said that the question is does the Town Board want to spend more money at the beach area. Mr. Robert Nessle said that he does not believe that there is a factual basis for the cost estimate of \$80,000.00 made by Supv. Goodspeed. Mr. Nessle said that he has conducted clarity tests and that a secchi disc was visible up to a depth of eight feet and that the water depth is not less than eight feet in the swimming area according to his measurements. Mr. Nessle stated that the Town Board should have done a sanitary survey and then there would be facts to base a judgment on and that the beach could be open; he added that in the future the 2011 Town Board will be remembered as the jerks who closed the beach. Supv. Goodspeed replied that the Town Board is trying its best and noted that calling the Town Board offensive "jerks" was offensive; he added that the numbers he cited were from the Delaware Operations estimates and that he had taken the lowest estimates. Secretary Cherie Ferguson noted that the lack of use probably added to the clarity of the water at the beach. Mr. Peter Heid asked that the Town Board move on. Supv. Goodspeed called for a vote on the resolution.

RESOLUTION NO. 138

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Stevens, to authorize and request that Delaware Operations prepare a beach closure report for the swimming area at the Ski Bowl Park. With 3 members voting in favor the resolution is declared carried. Ayes-3 (Stevens, Vanselow, Goodspeed) Nays - 2 (Arsenault, Morehouse)

Supv. Goodspeed reminded the Town Board that at the previous meeting a discussion on the transportation corporation application from Front Street Mountain Development. due to the large variance between the bonding amounts recommended by the Town Engineer, Delaware Operations and those suggested by Front Street Mountain Development the issue could not be concluded at that time. Supv. Goodspeed noted that Town Attorney J. Anthony Jordan, Front Street Mountain Development Attorney Daniel Smith, and Engineer Thomas Suozzo for Delaware Operations, Town Engineer were present to present the discussion of the transportation corporation approval.

Town Attorney J. Anthony Jordan explained that he believed that an agreement had been reached on the bonding amounts for the transportation corporation which were the principle source of dispute at the previous meeting. Town Attorney Jordan said that the amount of security (bonding) for the capital portion of the project (wastewater handling equipment and its installation) to be posted by Front Street Mountain Development had been agreed to be set at \$211,731.00. This security is to provide funding for the Town of Johnsburg to purchase and install the equipment necessary to complete a working wastewater system in the event of Front Street

Mountain Development failing to do so. Included in the approval will be a schedule of values which will set down specific reductions in the security and return of these amounts to Front Street Mountain Development if and when the Town's engineer verifies that certain materials are on site and that satisfactory proof of payment exists. According to Front Street Mountain Development there is already approximately \$70,000.00 in equipment currently onsite.

Town Attorney Jordan further explained that the operational security (bonding) had been agreed to in the amount of \$63,000.00; this security is to allow the Town of Johnsburg to pay for an operator for the system for up to five years until other arrangements for an operator can be made, if Front Street Mountain Development for any reason ceases to operate the system. Engineer Suozzo said that Delaware Operations was very comfortable with these numbers and that they represent adequate protection for the Town.

Mr. Robert Nettle asked if this agreement will include the septic system for the pavilion and the lodge at the Ski Bowl Park; Engineer Suozzo said that if the buildings currently share a septic system that they will continue to do so. Secretary Cherie Ferguson said that the plans state that the two building do share a system; Mr. James Jones said that he installed the system and that they do indeed share a system. Town Attorney Jordan said that the connection of the Ski Bowl Lodge and pavilion toilets should be a condition of approval.

Mr. Vanselow asked Engineer Suozzo if Delaware Operations has operated a similar system to the one being installed by Front Street Mountain Development; Engineer Suozzo replied that his company has not operated this exact type of system, however, they have operated somewhat similar systems and he is comfortable that Delaware Operations can operate the system if needed.

Supv. Goodspeed asked Front Street Mountain Development Attorney Smith if his clients were satisfied with the security amounts; Attorney Smith replied that his clients could live with the numbers and added that they may seek a reduction in the operating security amount if the Department of Environmental Conservation does not require the number of operator hours which are projected in the Delaware Operations amounts. Attorney Smith also noted that Front Street Mountain Development will plan to post bond based on a reduction according to the schedule for equipment already onsite.

Town Attorney Jordan also explained that the Town Board must approve the initial rate to be charged by the sewer corporation, as well as any future rate adjustments. Town Attorney Jordan added that the rate requested by Front Street Mountain Development in the amount of \$1100.00 annually is not adequate to cover the projected operating costs and may have to be increased if the sponsor fee is discontinued; Front Street Mountain Development will be paying a substantial portion of the operational cost. The preceding information is to be provided to future homeowners who shall be notified and advised of the potential for significant increase in fees by Front Street Mountain Development and Mountain Sewer. Mr. Arsenault asked if the Town is committed to the operational rate; Town Attorney Jordan said that the Town may be obligated to pay a user fee. Engineer Suozzo added that normally in five years that the property owners (purchasers) will pay the operational costs; that is not the case here.

Town Attorney Jordan also noted that \$6475.00 is due to Delaware Operations and Jordan &

Kelly for their professional review of the transportation corporation application; by Transportation Corporation Law the Developer (Front Street Mountain Development) or Mountain Sewer is responsible for professional review expenses. The balance in escrow is \$2,700 leaving short fall of \$3,775 which shall be paid prior to municipal consent to the formation of the sewer works corporation. To cover future professional expenses the Town of Johnsborg requires a replenishment of \$5,000 in the escrow account.

Town Attorney Jordan explained that in the interest of fully informing purchasers that the following language will be placed on the subdivision plot map by Front Street Mountain Development: the homeowner is obligated to pay for the Step Tanks, pumps, piping and all costs of connection from the home to the collection system. Until this connection and proof of payment is confirmed and approved by the Town by its engineer no Certificate of Occupancy shall be issued and no occupancy shall be permitted and additionally, expansion of the project beyond the 13 residential units approved in Phase 1A Residential and the Ski Hut shall require Town Board approval pursuant to Transportation Corporation Law and either approval or consent from the New York State Department of Environmental Conservation and the New York State Department of Health.

Supv. Goodspeed asked if this was all agreed to by the developer; Attorney Smith said that the developer (Front Street Mountain Development) agreed to the conditions and amounts for security. Supv. Goodspeed asked if the Town Board wished to take action to approve the application by Front Street Mountain Development for a transportation corporation.

RESOLUTION NO. 139

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

TOWN OF JOHNSBURG RESOLUTION # 139-2011
RESOLUTION TO CONSENT TO FORMATION
OF TRANSPORTATION CORPORATION

WHEREAS, the Town Board of the Town of Johnsborg (the "Town") having engaged in substantial discussions with FrontStreet Mountain Development LLC ("FrontStreet" or "Sponsor") regarding development of a mixed use residential and commercial development on property owned by FrontStreet in the Town of Johnsborg and adjacent to the North Creek Ski Bowl (the "Development"), and

WHEREAS, pursuant to the New York State Transportation Corporation Law FrontStreet is obligated to create a corporation to collect and treat the waste water from the Development, and

WHEREAS, FrontStreet has proposed the creation of Mountain Sewer Company, Inc. (“Mountain Sewer”) to own and operate the sewer treatment plant proposed for the Development, and

WHEREAS, The Town Board desires to approve the application for the transportation corporation subject to the terms and conditions contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Town Board of the Town of Johnsbury in a regular meeting duly convened does hereby authorize FrontStreet to create a sewer transportation corporation to be known as Mountain Sewer Company, Inc. in the Town of Johnsbury, in the County of Warren, State of New York at property FrontStreet owns off of Ski Bowl Road subject to the following:

- 1) Approval is for that portion of the Development identified as Phase 1A Residential only as approved by the Adirondack Park Agency;
- 2) Prior to commencement of any construction activity at the Development the cash security shall be posted with the Town to be held in a non-interest bearing account which shall be subject to withdrawal by the Town without notice pursuant to the terms of this Resolution, New York State Law or any default by Mountain Sewer or Sponsor:
 - a. An amount of \$211,731.00 pursuant to NYS Transportation Corporation Law §119 (1) for the Capital Construction portion of project. The actual amount of the cash deposit shall be subject to reduction by the values assigned on the attached Schedule “A” identified as FSMSC Schedule of Values. Mountain Sewer or Sponsor shall notify the Town prior to commencing construction. If the Town’s engineer verifies that certain Materials are on site and with satisfactory proof of payment the amount of the cash security shall be reduced by the dollar figure identified in the schedule. The decision of the Town on the figure shall be final. Upon completion of construction, or phases of construction, Mountain Sewer or Sponsor shall notify the Town. Appropriate release of funds shall be approved once the Town is satisfied that all necessary inspections have been completed satisfactorily and all necessary payments have been remitted and all contractors have executed lien releases or similar evidence of payment;
 - b. An amount of \$63,000.00 pursuant to NYS Transportation Corporation Law §119(2) for the Operating and Maintenance portion of the project;
- 3) Mountain Sewer or Sponsor shall be responsible for all costs associated with completing the installation and connection of the wastewater systems located in improvements located on the Town Property adjacent to the Development consisting of existing facilities on Town property (hereinafter the “Ski Hut”) to the treatment plant being constructed by Mountain Sewer. Failure to do so prior to or simultaneous with the start up of the treatment plant shall be deemed a default of this Resolution;

- 4) Satisfactory review and incorporation by reference of the documents annexed hereto as Schedule "B" and identified as follows:
 - a. Certificate of Incorporation of Mountain Sewer Company, Inc.;
 - b. By-Laws of Mountain Sewer Company, Inc.;
 - c. User Regulations for Mountain Sewer Company, Inc.;
 - d. Initial Rate Application;
 - e. Municipal Consent to Formation of Sewer-Works Corporation.
- 5) Satisfactory review and incorporation by reference of all necessary easements for the Project sewer collection and treatment;
- 6) The following language added to the transportation corporation documents and the final approved and recorded subdivision map:
 - a. "The homeowner is obligated to pay for the Step Tanks, pumps, piping and all costs of connection from the home to the collection system. Until this connection and proof of payment is confirmed and approved by the Town by its engineer no Certificate of Occupancy shall be issued and no occupancy shall be permitted";
 - b. "Any expansion of the project beyond the 13 residential units approved in Phase 1A Residential and the Ski Hut shall require Town Board approval pursuant to Transportation Corporation Law and either approval or consent from the New York State Department of Environmental Conservation and the New York State Department of Health"

Failure to include this language in the approved subdivision plat map shall render the approval contained herein and the recording of the subdivision map void and a material default of this Resolution;

- 7) Per Transportation Corporation Law the Developer or Mountain Sewer is responsible for professional review expenses. The current amount due as of July 31, 2011 is \$2,600 Del. Ops and \$3,875 Jordan & Kelly for total of \$6,475. The balance in escrow is \$2,700 leaving short fall of \$3,775 which shall be paid prior to municipal consent to the formation of the sewer works corporation. To cover future professional expenses the Town requires a replenishment of \$5,000 in the escrow account;
- 8) Pursuant to the request of the Developer on behalf of the yet to be formed Mountain Sewer the initial rate or user fee is established at \$1,100 per year per user to be increased annually by the growth in the Consumer Price Index. It is understood and agreed by the Developer and Mountain Sewer that the rate approved initially is not adequate to cover the projected operating costs and may have to be increased if the sponsor fee is discontinued. Future homeowners shall be notified and advised of this potential for significant increase in fees by the Developer and Mountain Sewer; and,
- 9) Rights of the Town pursuant to NYS Transportation Corporation Law §119(3) and §120.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF JOHNSBURG, NEW YORK.

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

Supv. Goodspeed thanked Town Attorney Jordan, Attorney Daniel Smith and Engineer Thomas Suozzo for their hard work on the transportation corporation; he added that this was a major step for Front Street Mountain Development.

Front Street Mountain Development Attorney Daniel Smith asked that the Town Board authorize Supv. Goodspeed to sign an easement to allow an electrical connection to the Front Street Mountain Development project.

RESOLUTION NO. 140

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Stevens to authorize the Town Supervisor to execute upon the approval of the Town Attorney, an easement between Front Street Mountain Development Corporation and the Town of Johnsburg to allow National Grid and Frontier Communications to make electrical and telephone with the Front Street Mountain Development project off Ski Bowl Road. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

(Mr. Arsenault left the meeting at 8:18pm)

Supv. Goodspeed informed the Town Board that he had received from Delaware Operations an estimate of the cost for demolition and reconstruction of the fire damaged transfer station compactor and related appurtenances; the total project estimated cost is between \$67,900.00 to \$76,900.00 based upon building codes and NYS prevailing wage rates. Mr. Vanselow asked if the replacement compactor was smaller than the previously installed compactor; Secretary Cherie Ferguson said that the replacement compactor was based on the lower amount of usage which has occurred since the trash collection was ended. Mr. Vanselow asked if this will result in more hauls; that is possible.

(Mr. Arsenault returned to the meeting at 8:20pm)

Supv. Goodspeed informed the Town Board that two quotes for a one time cemetery mowing had been received; he explained that Secretary Cherie Ferguson had placed a request on Facebook, the Town website and had contacted ten vendors by telephone. The two quotes were received from Volt Landscape & Irrigation Co., Inc. (\$8643.00) and John Helms & Sons Lawn Care (\$1900.00). The quotes were for a one time mowing of each cemetery. Supv. Goodspeed said that he believes that either the Cemeteries Committee or himself will have to discuss a September mowing and possibly discuss bidding out the mowing for next year. Supv. Goodspeed asked if the

Town Board wished to accept one of the quotes for cemetery mowing.

RESOLUTION NO. 141

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the quote from John Helms & Sons Lawn Care in the amount of \$1900.00 for a one time mowing of thirteen cemeteries in the Town of Johnsbury as follows: Bates, Hack, Isaac Morehouse, Jarius Wescott, Johnsbury Methodist Church, Kenwall, Mill Creek, North River, Morehouse-Dunklee, Pasco, Union, Wakely, and Wevertown; and further, that John Helms & Sons states that the company is fully insured with insurance available upon request. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

NEW BUSINESS

Supervisor Goodspeed informed the Town Board that he had received the annual Employee's Physical contract from the Hudson Headwaters Health Network. The current cost to the Town for an employee physical is \$99.40; the cost for an employee physical under the proposed contract will be \$100.00. The cost for a NYS Department of Transportation physical is \$137.00 and will remain unchanged. It was noted that the employee physical is a pre-employment or an event physical.

RESOLUTION NO. 142

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Vanselow to authorize the Town Supervisor to sign the Employee's Physical contract with the Hudson Headwaters Health Network effective from September 1, 2011 through December 31, 2012, at a cost to the Town of \$100.00 per standard employee examination and \$137.00 per NYS Department of Transportation physical. 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 on June 21, 2011 Resolution Number 115 in support of keeping the Riparius Post Office open was passed; he added that it now appears that the list of Town of Johnsbury post offices which are under consideration for closure include the following: Bakers Mills, North River and Wevertown. Supv. Goodspeed noted that several residents have spoken to him about worries over the cost of mileage and accessibility in winter and other poor weather periods. Supv. Goodspeed said that he believes that the costs at the administrative level are a larger problem than those at the local level. Supv. Goodspeed asked if the Town Board wished to pass a similar resolution in support of the continued operation of the above named post offices.

RESOLUTION NO. 143

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

A resolution in support of the continued operation of the Post Offices of Bakers Mills, North

River, and Wevertown.

Whereas, the Town of Johnsbury Town Board has been informed that the United States Postal Service is considering the closure of the post offices of Bakers Mills, North River and Wevertown, and

Whereas, the customers of the Bakers Mills, North River and Wevertown, New York, Post Offices protest the loss of their post office and community identity, and

Whereas, if the customers travel outside the Town of Johnsbury to conduct their postal business they will also conduct their other personal and financial business, and

Whereas, this travel will be a hardship for the aforesaid customers and also will have a negative economic impact on the businesses in the Town of Johnsbury which have been the recipients of their trade, and

Now, therefore, be it resolved that the Town Board of the Town of Johnsbury supports the residents of the Town of Johnsbury, New York, Post Offices in their protestation of the proposed closure of the Bakers Mills, North River and Wevertown, New York, Post Offices; and further, that the Town Clerk is ordered to forward a copy of this resolution to the appropriate office of the United States Postal Service.

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 Zoning Enforcement Officer, Danae Tucker, for the month of July 2011, was in the Town Board members' packets

Supv. Goodspeed noted that the monthly report of the Animal Control Officer, William Mosher, for the month of July 2011, was in the Town Board members' packets.

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of July 2011, to the members of the Town of Johnsbury Town Board.

Supv. Goodspeed informed the Town Board that in a discussion with ORDA manager Mike Pratt on the ninety day lease for property from Front Street Mountain Development to allow ORDA to work on Town property to open a part of the Hudson Trail around the headwall which made the trail safer for users. As the lease has expired Mike Pratt asked that the Town Board obtain a lease that would allow ORDA workers to work on the property to prepare it for next year's use. Supv. Goodspeed said that in his conversation with Mike Pratt that he was assured that Front Street Mountain Development was agreeable to the lease extension. Supv. Goodspeed asked if the Town Board wished to authorize a lease extension.

RESOLUTION NO. 144

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow:

WHEREAS, it is the desire of the Town of Johnsbury, ORDA and Front Street Mountain Development allow access to old and new ski terrain in Ski Bowl Park , and

WHEREAS, it is understood that the ski trails will be part of a future subdivision and transfer from Front Street to the Town, and

WHEREAS, at this time it is important to obtain access to a portion of the property still owned by Front Street Mountain Development during the 2011-12 ski season in order to realize the full economic benefit from the Interconnect between Gore Mountain and Little Gore at the Ski Bowl owned by the Town, and

NOW, THEREFORE BE IT RESOLVED that the Town of Johnsbury be authorized to enter into a lease agreement with Front Street Mountain Development for these lands for the purpose of enhancing the ski experience at the North Creek Ski Bowl, and

FURTHER, BE IT RESOLVED that the Town Supervisor be authorized to sign any other appropriate documents related thereto with Front Street and/or ORDA, and

FURTHER, BE IT RESOLVED amendments to any other agreements between the Town, ORDA and Front Street are authorized as necessary as a result of this action.

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 ridership of the Saratoga & North Creek Railway. As of Sunday July 31, six hundred and forty-eight riders had arrived in North Creek; on Monday there were one hundred and five riders. Comments on the staff seem to be positive and there have been some early discussions about ski trains which would be done in conjunction with ORDA and the North Creek Business Alliance. Supv. Goodspeed said that there will probably need to be some more discussions on the shuttle service as they are expecting nine hundred riders.

PRIVILEGE OF THE FLOOR

None

RESOLUTION NO. 145

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 #13G/Claims #284-298; Highway Fund- Warrant #13H/Claims #159-170; North Creek Water Dist.- Warrant #12W/Claim#56. 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 8:35pm. 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 August 16, 2011 at the Town
Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk