

**Minutes of the Town of Johnsburg Regular Board Meeting June 1 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, June 1, 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, Frank Morehouse, Jr, Arnold Stevens, and Ronald Vanselow; Town Clerk/ William Rawson.

Guests: On attached list

BID OPENING:

The opening of bids to perform the service of collection of garbage in the Town of Johnsburg. The Town Clerk read the Legal Notice for the Garbage Collection Bid as it appeared in the May 22, 2010 edition of the North Creek News-Enterprise. The Town Clerk stated that four bid packets had been requested and that three bids had been received by the deadline at noon today. The three bids were from Mr. Robert Lavergne, Jr, Mr. James Jones and Springer Waste Management; the bids were opened in the order in which they were received. The bid from Robert Lavergne, Jr. was received on June 1, 2010 at 8:30am and the bid was in the amount of \$64,380.00. The bid from Mr. James Jones was received on June 1, 2010 at 11:14am and the bid was in the amount of \$73,500.00. The bid from Springer Waste Management was received on June 1, 2010 at 11:44am and the bid was in the amount of \$82,368.00. All bids contained all the appropriate forms when opened.

RESOLUTION NO. 109

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to accept the minutes of the May 18, 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 letter from Neil Shaw informing the Town Board that he is interested in purchasing from the Town a small strip of property to the north and west of the Town Hall parking lot which adjoins his property so as to make some improvements to the property.
2. A letter from Steven Ovitt offering support for the following cost cutting measures: stop the curbside collection of garbage, stop funding streetlights, do not restart curbside recycling collection and continue the use of tailings on the Town roads.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed explained that as the Garbage Collection Bid proposals had been opened it would be the proper time to discuss options relating to the curbside collection of garbage in the Town of Johnsburg and whether town government and taxpayer funds should continue to pay for the collection. Supv. Goodspeed noted that the Town is seeing a savings of about thirty thousand dollars from ending the curbside recycling collection. Mr. Vanselow said that it appeared that one of the private haulers seemed to cost about the same as the cost to taxpayers and a further

benefit would be the reduced use of the trash compactor at the transfer station. Supv. Goodspeed added that the "burn plant" contracts run out at the end of 2010 and that this may result in savings and allow possible less costly options for the removal of garbage county-wide. Mr. Arsenault asked if this meant that the Supervisor foresaw waste as a positive asset in budget terms; Supv. Goodspeed said he did not mean to go that far, however, there may be a lowering of costs associated with its removal. Mr. Arsenault asked how many Towns in Warren County are in similar circumstances; Supv. Goodspeed replied that there are a small number performing collection services. Mr. Stevens wished to have clarification that private haulers would not be delivering garbage to the Town transfer station; Supv. Goodspeed replied that this was correct. Accounts Clerk Candace Lomax asked if there would be any additional fees relating to a private hauler; Secretary Cherie Ferguson replied that the only additional costs would be taxes according to the company representative. Ms. Kelly Nessle asked if it was conceivable to do away with the transfer station; Supv. Goodspeed said that it could depend on the amount of usage. Supv. Goodspeed said that the Town board needs to take action soon; he added that he wanted to be sure that any action would not violate the county-wide trash delivery contracts. Mr. Vanselow said that flow control laws have been ruled unconstitutional and that other towns use private haulers. Mr. Stevens asked if there were any other municipalities using the private haulers; he did not want to do away with municipal collection and find out that the haulers upon which the decision had been made were disreputable. Sect. Ferguson said that the companies were in local areas and that she would follow up on references; she added that the transfer station was still be an asset as local contractors will not want to haul waste to Hudson Falls. Mr. Arsenault noted that the compactor is old and less use would extend its life. Mr. Paul Heid said that scrap metal will probably increase in price and that keeping the transfer station open will tend to keep trash out of the woods. Mr. Robert Nessle said that there should be savings from eliminating the cost of collection and lowering the tipping and hauling fees from the transfer station. Supv. Goodspeed said that there were obviously some questions and suggested a second extension to the current garbage collection contract; he added that he had discussed this with the Town Attorney and that it would be a legal option. Following some discussion it was decided that if the current contract were extended through July 31, 2010 it would allow time to review the bids, make a decision and publicize any change.

RESOLUTION NO. 110

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the extension of the current garbage collection contract due to expire on June 1, 2010 through July 31, 2010 to allow the Town Board time to study the bids and the options available to residents if the Town Board decides not to continue the municipal garbage collection. 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 at the May 4, Town Board meeting that the Ski Bowl Park Committee had presented future plans for the Ski Bowl Park entitled Vision 2020. Ms. Kelly Nessle, representing the Ski Bowl Park Committee, explained that the committee is seeking a conceptual approval of the plan from the Town Board as this will enable the search for grant funding to upgrade and improve the park. Mr. Arsenault expressed support of the plan, saying that it was good to see a single overall plan for the Ski Bowl Park and agreed that it will make it easier to access grant funds. Mr. Vanselow expressed concerns over the long term maintenance costs which will be created by the park upgrades. Ms. Nessle said that the Ski Bowl Park Committee expects to use investment returns on recreational fees to assist in the

maintenance costs. Mr. Robert Nettle added that in the Town of Wilton that a one thousand five hundred dollar recreation fee is charged for every unit constructed, while in the Town of Johnsbury recreation fees are generated only by subdivisions. Mr. Vanselow asked if this was to be an approval to spend funds; Supv. Goodspeed said that it was a vote to support the overall plan only. Supv. Goodspeed voiced support for the plan, designed by Mr. Jeff Anthony, which gives the Town shovel ready plans when needed. It was decided that the plan sets footprints for areas within the park and helps to organize construction in the park.

RESOLUTION NO. 111

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to the plan for the Ski Bowl Park, entitled Vision 2020, as the conceptual plan for that park. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays – 1 (Vanselow)

In a related issue, Ms. Kelly Nettle, representing the Ski Bowl Park Committee, gave the Town Board a list of work items in the Ski Bowl Park for 2010; some items are already approved and some require Town Board action. Supv. Goodspeed said that he Town board always retains the right to decide on individual items. Mr. Robert Nettle said that the Ski Bowl Park Committee plans to begin work on the water pipeline by next week; Mr. Stevens said that the pipeline project has been approved to move forward.

Supv. Goodspeed explained that a request had been received from Front Street Mountain Development asking that the Town Board approve an extension of the North Creek Water District to connect their development to the water district and also the approval of a holding tank and haul operation for their to be constructed duplex. Last week representatives from the Adirondack Park Agency (APA) met with members of the Town of Johnsbury Planning Board and the Town of Johnsbury Zoning Enforcement Officer to discuss the status of the Front Street Mountain Development project. Supv. Goodspeed said that following the meeting he received an amended copy of the Front Street Mountain Development project permit from the APA; Supv. Goodspeed added that he has spoken with the Town Attorney regarding this permit amendment and its affect on possible actions which the Town Board may consider tonight. From the reading of this permit by himself and the Town Attorney it appears that prior to any action by the Town Board that there are both a bonding requirement and a subdivision requirement which need to be performed by Front Street Mountain Development. Supv. Goodspeed added that the Town Attorney is not confident of the Town Board being able to move forward at this time. The Town Attorney is still reviewing the newly received permit; Mr. Thomas Suozzo from Delaware Operations, the engineering firm for the water district, said that his firm was still digesting the amended permit from the APA. Mr. David Crikelair of Front Street Mountain Development said that there are multiple parallel tracks with different regulations and that it was the belief of his company that the amendment referred to the homeowners' association and therefore, did not affect construction of roads; he added that his company is awaiting approvals from the Department of Environmental Conservation (DEC) and the Department of Health (DOH) on wastewater. Mr. Crikelair said that the position relating to the connection to the water district has not changed and that the APA is only restating the Town of Johnsbury regulations; he is seeking action from the Town on the connection to the water district and approval of the tank and haul system for townhouse number two so that townhouse number two can be built this year. Mr. Crikelair added that he is expecting Ms. Holly Kneeshaw of the APA to provide a further amendment to allow the construction of townhouse two without a subdivision. Supv. Goodspeed

replied that this is not how the amendment was understood by either himself or the Town Attorney; the amendment seems to call for bonding for all infrastructures in the ground and a subdivision needs to be taken care of to allow the requested Town Board actions to take place. Supv. Goodspeed said that he finds the amendment troubling. Supv. Goodspeed said that he had spoken with the DOH last week and was informed that there was not an alignment between the original and the current applications. Supv. Goodspeed said that the Town's technical specialists need to review the document and to discuss the situation with the technical people from Front Street Mountain Development; he added that he believes that Front Street Mountain Development must show bonding for the entire phase and have a subdivision acceptance for the Town Board to discuss a water district extension, an out of district use, and/or a hold and haul system. Mr. Vanselow had questions regarding the concept of building a second townhouse without a subdivision in place. Supv. Goodspeed said that he and the Town Board will continue to work on this after working through the amended permit.

Supv. Goodspeed reminded the Town Board and those present that there will be an informational and discussion session on June 15, at 7:00 pm at the start of the regular Town Board meeting, held at the Town Hall (Library), to discuss possible solutions to the loss of the bridge crossing Johnson Brook on Harrington Road.

Supv. Goodspeed informed the Town Board that an extra person had been hired for a short time to assist in moving; while all the cemeteries were not mowed prior to Memorial Day, Union and Bates Cemeteries, the two largest, were mowed and the remaining cemeteries are now being mowed.

Supv. Goodspeed updated the Town Board on discussions with SUNY Adirondack (formerly, Adirondack Community College). SUNY Adirondack will offer not-for-credit programming at the Tannery Pond Community Center in fall 2010 and plan to begin offering credit courses in 2011.

Supv. Goodspeed noted that the Town Board members had received copies of proposed amendments to the North Creek Water District regulations resulting from the elimination of references to obsolete positions and systems and the clearing up of some technical language and clarifying the rate schedule. Supv. Goodspeed asked the Town Board to set a date and time for the Public Hearing on the amendments.

RESOLUTION NO. 112

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Town Clerk to advertise for one week on in the North Creek News Enterprise that the Town Board will conduct a Public Hearing on proposed amendments to the North Creek Water District regulations resulting from the elimination of references to obsolete positions and systems and the clearing up of some technical language and clarifying the rate schedule; said Public Hearing to be held on June 15, at the Town Hall (Library), North Creek, NY, at 6:30 pm. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

NEW BUSINESS

Supv. Goodspeed explained that last year he had met with Mr. Neil Shaw to look over and examine the property discussed by Mr. Shaw in his letter which was read earlier in the meeting; he added that the land is not level or attractive and includes a sink hole. Supv. Goodspeed added that the next step if the Town Board wishes to move forward with Mr. Shaw's request is

to have the Town Attorney examine the proposal and provide guidance as to the proper steps to be followed.

RESOLUTION NO. 113

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Town Attorney to move forward with and present possible methods of dealing with the proposal from Neil Shaw in which he requests to be allowed to purchase from the Town a small strip of property to the north and west of the Town Hall parking lot which adjoins his property so as to make some improvements to the property. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that in the Town Board members' packets there was a request from the Business Alliance for \$1609.60 in Occupancy Tax funds for the purpose of producing advertising flyers, plaques and a banner for the "Cruise Night in North Creek" event which is to occur on Main Street in North Creek on Thursday nights from June 17 through September 23, 2010. Supv. Goodspeed asked the balance in the Occupancy Tax funds account; Secretary Cherie Ferguson replied that it was currently about nine thousand dollars in unallocated funds. Mr. Arsenault asked why the Town Board looks at mid year Occupancy Tax funds proposals for full funding when those submitted at the initial period frequently receive less than full funding. Supv. Goodspeed said that Warren County is looking into a change that allows only one time period per year to apply for Occupancy Tax funds and any additional funds are rolled over to the following year; Ms. Kelly Nettle added that the Occupancy Tax funds review committee would prefer no mid year applications. Supv. Goodspeed said that he would like the review committee to look over the application from the Business Alliance; Ms. Nettle said that the committee could look at the application; it would be easier in electronic form. Sect. Cherie Ferguson replied that the application could be scanned and e-mailed.

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

Supv. Goodspeed noted that there was no monthly report from Zoning Enforcement Officer, Christopher May, for the month of May 2010.

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

PRIVILEGE OF THE FLOOR

Secretary Cherie Ferguson informed the Town Board that there had been a request on the Town Facebook site for the collection of deposit bottles at the transfer station for collection by not for profit organizations in Town. Supv. Goodspeed suggested that Secretary Ferguson handle the set up of a collection bin and the Town Board agreed; Mr. Morehouse asked how the bottle bin would work. Sect. Ferguson said that she would set up the bin and draw names lottery style per month to allot the collected containers. Mr. Morehouse suggested taking the total bottles collected during the year and dividing it among the groups; Sect. Ferguson said that it was necessary to clean the bottles before redeeming them and that this work would need to be done by the organization.

Ms. Kelly Nettle asked about the placing of an ad for the position of the water training individual for the Summer Youth Program; Supv. Goodspeed said that Secretary Ferguson would

place the ad for the swimming instructor and added that all hires for the Summer Youth Program need to be ratified by the Town Board. Ms. Nettle said that she would have a list of suggested hires for councilors for the Town Board to review at the next Town Board meeting.

Mr. Peter Heid asked if the beach was a dog beach or a people beach; Ms. Kelly Nettle said that the Ski Bowl Park Committee is working to keep dogs off the beach and will be posting signs soon requesting that people not walk dogs on the beach. Mr. Pail Heid said that the fecal matter from the number of dogs which he sees on the beach will pollute the water.

Mr. Arsenault asked about the amount of the first quarter sales tax; Supv. Goodspeed replied that the amount was above that of the same period from last year, but it did not catch up to the level of two years ago. Supv. Goodspeed added that the Town sales tax collection seems to be up slightly against the budget planning and noted that Memorial Day weekend seemed to be a good start to the summer season.

Supv. Goodspeed noted that there had been several responses offering help to the Facebook and newspaper articles regarding cemeteries; he is going to ask Judy Brown and Jo Ann Smith to come to a meeting to discuss the cemeteries.

Mr. William Nickerson urged everyone to drive over Heath Road as an alternative to being able to use the bridge over Johnson Brook on Harrington Road and see the condition of Heath Road. Mr. Vanselow noted that Heath Road is closed for one half of the year. Supv. Goodspeed noted that the hills on each end are very steep.

RESOLUTION NO. 114

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Morehouse that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #10G/Claims #212-228; Highway Fund- Warrant #10H/Claims #120-128; North Creek Water Dist.- Warrant #10W/Claim#40. 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. Vanselow with a second from Mr. Arsenault at 8:45pm. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on June 15, 2010 at the Town Hall (Library), North Creek, NY. There will be a Public Hearing on the proposed amendments to the North Creek Water District regulations at 6:30 pm. and at the start of the regular Town Board meeting there will be a public information session regarding the bridge over Johnson Brook on Harrington Road.

Prepared by William Rawson, Town Clerk