

**Minutes of the Town of Johnsbury Regular Board Meeting July 15, 2008  
Held at the Town Hall (Library), North Creek, NY**

Minutes of the Executive Session of the Town Board of the Town of Johnsbury to held on Tuesday, July 15, 2008 at 6:30pm at the Town Hall (Library), North Creek, NY for the purpose of conducting interviews for a vacancy on the Planning Board. Supervisor Goodspeed called the meeting to order at 6:45pm.

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.

Also present was Joseph San Antonio, the candidate to be interviewed.

Mr. Vanselow made a motion, with a second from Mr. Morehouse to enter into executive session for the purpose of conducting interviews for a vacancy on the Planning Board at 6:45pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Stevens made a motion, with a second from Mr. Arsenault to adjourn the executive session at 6:55pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday July 15, 2008 at 7:00pm at the Town Library, North Creek, NY Supervisor Goodspeed called the meeting to order at 7:00pm; the pledge to the flag was led by Councilman Frank Morehouse, Jr.

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. 127**

Mr. Stevens presented the following resolution, with a second from Mr. Arsenault, to accept the minutes of the July 1, 2008 regular 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. Joseph San Antonio expressing his interest in being appointed to the Town of Johnsbury Planning Board.
2. A letter from Mr. Norman Petty requesting the Town Board provide continued health insurance and extended medical leave during his recovery period following his work related injury.
3. A letter from Town of Johnsbury Highway Superintendent Curtis C. Richards resigning his position as of July 10, 2008.

4. A letter from Daniel Hogan, an attorney representing T. & J. Pub, Inc., notifying the Town Board of his client's intention to file for a license to sell liquor on their premises at 302 Main Street, North Creek, New York.
5. A letter from Thermal Associates proposing a service contract for the annual cleaning and inspection of the air conditioning systems in the Town Hall at a cost of \$300.00 to the Town.
6. A letter from Joel Beaudin, President of Upper Hudson Festivals, Inc., requesting that the Town of Johnsbury contribute to their series of free to the public concerts entitled "Music by the River Series".

#### COMMITTEE REPORTS:

Mr. Vanselow reported that the Energy Committee (Vanselow, Morehouse) had discussed the N.Y.S.E.R.D.A. energy audit report and had included the Buildings Committee (Stevens, Vanselow) in discussions regarding the report. Mr. Morehouse will submit the report to a representative of the Siemens energy management firm for further review.

#### OLD BUSINESS:

Supv. Goodspeed reported to the Town Board that Town Attorney J. Anthony Jordan had not yet finished the Town of Johnsbury property tax exemption for Cold War veterans; this exemption has been passed by Warren County and is in the process of being passed by several of the towns in the county. Supv. Goodspeed expects to have the Local Law available to distribute to the Town Board at the next meeting and hopes that the Town Board will be able to set a Public Hearing on the local law at that time.

Supv. Goodspeed updated the Town Board on the process regarding the property owned by the Town of Johnsbury on Bateman Road in Bakers Mills (132.10-1-4); a legal notice will be published in the North Creek News-Enterprise and the Town Board may determine the method of sale; direct negotiations or sealed bids are suggested. Mr. Arsenault asked how to determine a fair market value. Supv. Goodspeed replied either by hiring a realty estimator or possibly by asking Town Assessor Ann Deppe for a recommendation; he added that he would discuss this with Assessor Deppe.

Supv. Goodspeed asked Mr. Nettle to explain to his letter from the meeting of July 1 regarding the reclamation of sand from property taken by New York State at the time of the building of the by-pass (State Route 28). Mr. Nettle estimates the property to be approximately nine acres of sand and according to Mr. Nettle the N.Y.S. Department of Transportation (D.O.T.) is willing to transfer ownership of this area for the cost of one dollar and the Town of Johnsbury providing a survey of the property. Mr. Nettle said that the Town would then be able to excavate the sand and this would allow for more room in the Ski Bowl Park for tennis courts, youth baseball fields and other such park uses. Mr. Nettle said that he would volunteer to negotiate with the D.O.T. to finalize the agreement. Mr. Nettle suggested removing the sand as soon as possible in any way to remove the unsightly berm; Supv. Goodspeed said that the sand could add several years to the period in which the Town Highway can supply the sand needed for roads without purchasing sand. Mr. Kenneth Mulvey said that he believed that the resource would be too expensive to dispense with, even by selling the sand to adjacent towns. Mr. Nettle said that the Town has to balance the gains of land and in visual improvement to the park against mere money. Mr. Vanselow said that he was reluctant to dispense with any resource which the Town would have to purchase a replacement for in the future. Mr. Arsenault suggested that the Town seek to acquire the property and then decide the use or disposal of the sand on the site; Mr.

Stevens agreed that the acquisition of the property and the disposition of the sand were two separate issues.

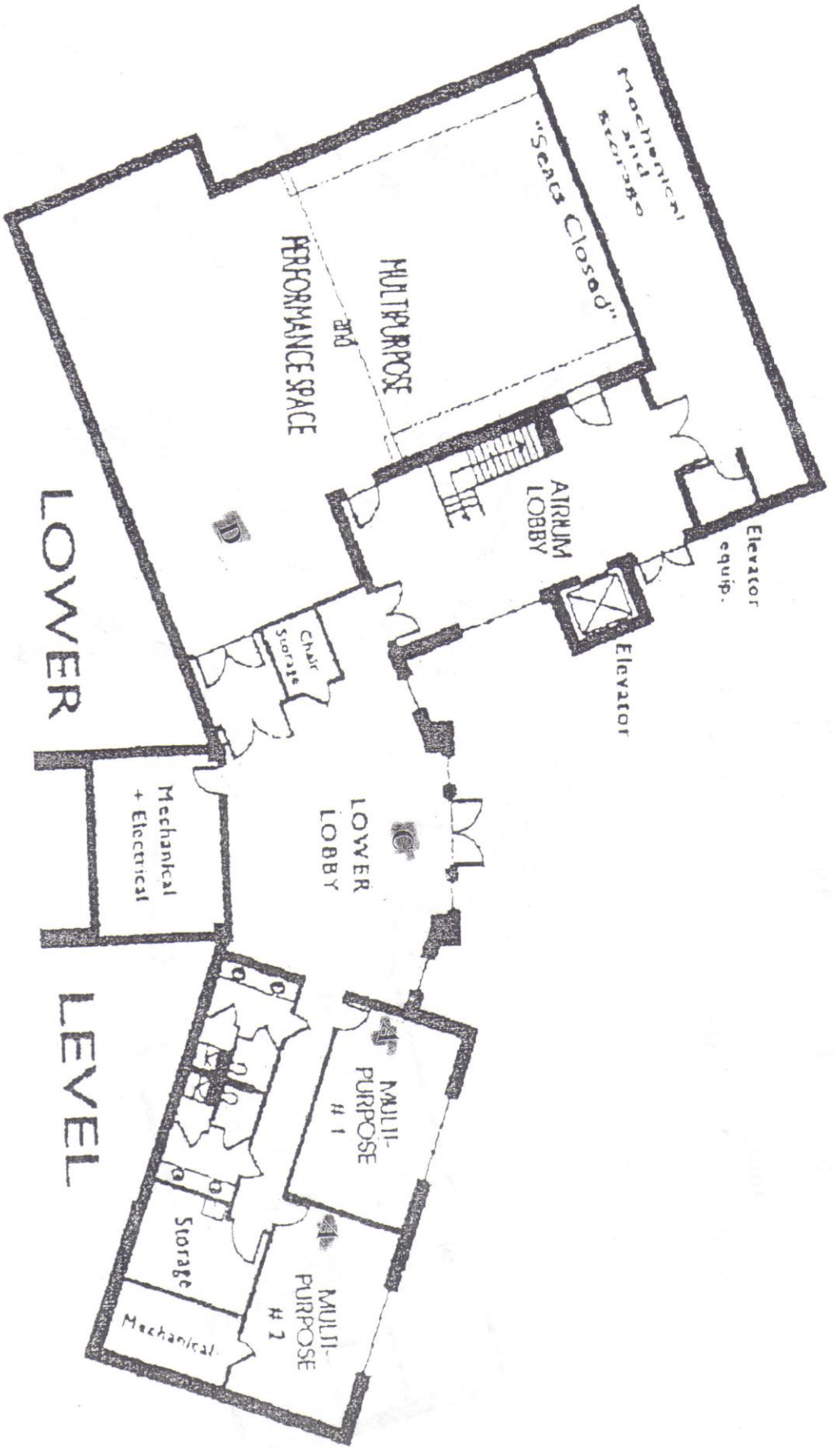
#### RESOLUTION NO. 128

Mr. Arsenault presented the following resolution, with a second from Mr. Morehouse that the Town Board of the Town of Johnsbury agrees to pursue the acquisition of the property described as sand bank adjacent to the western side of State Route 28 and between the property line of the Adirondack Tri-County Nursing and Rehabilitation Center, Inc. to the north and the North Creek to the south which is currently in the possession of the State of New York with the proposed costs to include that of a survey of said property and a one dollar exchange fee; and further that said Town Board authorizes Mr. Robert Nessel to act as liaison for the Town Board in this matter. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

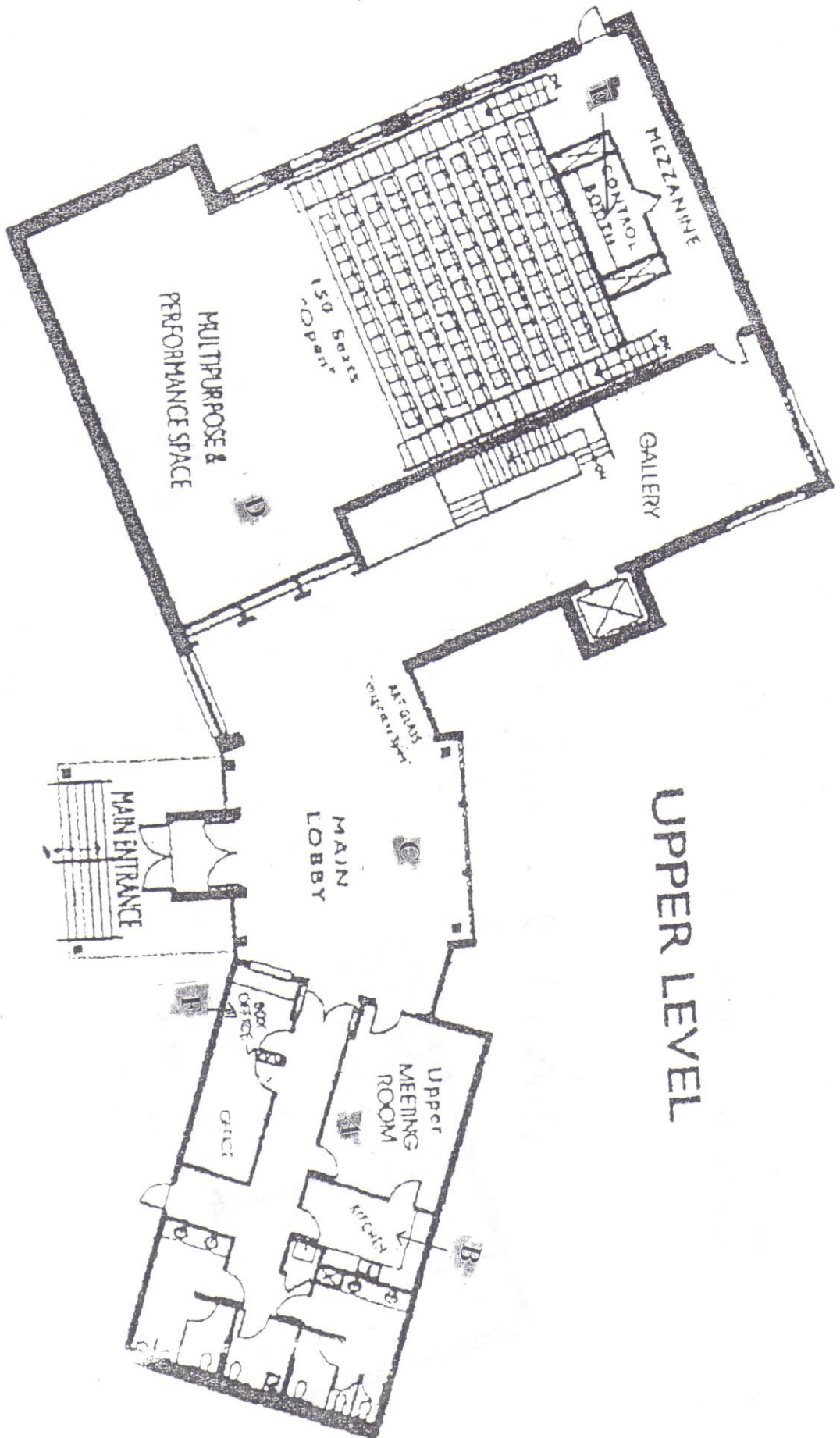
Supv. Goodspeed reminded the Town Board that at the July 1 meeting he had distributed to the Town Board floor plans and a proposed schedule of use fees for the Tannery Pond Community Center (T.P.C.C.). Supv. Goodspeed explained that he had negotiated use fees with the approximately one dozen long term user groups of the T.P.C.C.; the fees currently under discussion would be charged to all single event users whether resident or non-resident. Supv. Goodspeed noted that under current use patterns that this would still not recoup all of the ongoing costs associated with the operation of the building, but would possibly lower the cost to the taxpayer down to approximately twenty thousand dollars. Mr. Arsenault noted that allowing free use of the T.P.C.C. could possibly undercut local business and said that this set of fees seemed to be a good starting point to gauge the desire to use the building for events; Mr. Vanselow agreed. Mr. Robert Nessel said that the T.P.C.C. was a cultural center for the region and that it was not necessarily taxpayers who were using the building in for profit events. Mr. Morehouse asked that a log be kept of the those deciding not to use the building as a result of the fees.

#### RESOLUTION NO. 129

Mr. Stevens presented the following resolution, with a second from Mr. Arsenault to adopt the proposed fee schedule for the Tannery Pond Community Center as shown on pages 4 and 5 following; and further, these fees are to take effect beginning on January 1, 2009. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0



- |               |                            |             |              |
|---------------|----------------------------|-------------|--------------|
| A = \$20.00   | B = \$75.00                | C = \$55.00 | D = \$110.00 |
| Meeting Room  | Kitchen                    | Lobby       | Auditorium   |
| E = \$40.00   | Entire Building = \$500.00 | F = \$20.00 |              |
| Control Booth |                            | Box Office  |              |



# UPPER LEVEL

A = \$20.00  
Meeting Room

E = \$40.00  
Control Booth

B = \$75.00  
Kitchen

C = \$55.00  
Lobby

D = \$110.00  
Auditorium

Entire Building = \$500.00

F = \$20.00  
Box Office

Supv. Goodspeed updated the Town Board regarding the opening of the Town Beach and the failure of the weir (dam). Supv. Goodspeed explained that he had discussed the possibility of joining the rehabilitation of the weir (dam) to the Warren County Soil & Water Conservation District application to be made to the Department of Environmental Conservation and the U. S. Army Corps of Engineers. Mr. David Wick, director of Warren County Soil & Water, believed that there was a possibility of the application succeeding; it was noted that the U. S. Army Corps of Engineers moves very slowly on such applications. Supv. Goodspeed added that at current prices the cost of rehabilitating the weir (dam) would be approximately a minimum of thirty thousand dollars for materials and labor. Supv. Goodspeed noted that the cost of closing the beach is very expensive due to fencing requirements and therefore, advised continuing to keep the swimming area open even with the current low level of usage resulting from the lowered water level. Supv. Goodspeed asked that the Town Board authorize his signing the Warren County Soil & Water permit application to be made to the Department of Environmental Conservation for the Town portion of the project.

#### RESOLUTION NO. 130

Mr. Vanselow presented the following resolution, with a second from Mr. Stevens to authorize the Town Supervisor to sign the Warren County Soil & Water permit application to be made to the Department of Environmental Conservation for the rehabilitation of the weir (dam) to be done in conjunction with the Warren County Soil & Water Conservation District fish habitat rehabilitation. 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 repair and rehabilitation of Well #6 following the pump failure. As a result of the rehabilitation efforts, the capacity of Well #6 has now been returned to one hundred percent capacity from the prior capacity of forty percent.

Supv. Goodspeed asked if the Town Board wished to act upon the letter from Mr. Norman Petty, an employee of the Town of Johnsbury Highway Department, requesting the Town Board extend his health insurance and extended medical leave through his August 5, 2008 evaluation with his doctor at which time the doctor will hopefully allow his return to light duty work with the Highway Department.

#### RESOLUTION NO. 131

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board will grant an additional extension of the leave of absence to Mr. Norman Petty through August 5, 2008 as requested, per the Highway contract. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that the Town Board earlier had conducted an interview the only candidate for a vacancy on the Planning Board, Mr. Joseph San Antonio; the vacancy being the balance of the term through February 1, 2011 which was vacated by the resignation of Mr. James Morris IV due to the probability of numerous projects coming before the Planning Board which would require him to recuse himself over conflicts of interest. Supv. Goodspeed asked if the Town Board wished to move to fill the vacancy by appointing Mr. San Antonio.

## RESOLUTION NO. 132

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault to appoint Joseph San Antonio to fill the balance of a term on the Planning Board to expire on February 1, 2011. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays – 0 Recused-1 (Morehouse)

Supv. Goodspeed asked Mrs. Judy Brown to report on the new gardens at the Ski Bowl Park. Mrs. Brown reported that eleven gardens have been adopted; Youthworks volunteers will be in town for seven weeks total and have been in town for three weeks so far. The volunteers will be planting grass seed outside the garden and building an arbor. Mrs. Brown said that there was a question of fertilizing the flower beds due to their proximity to the water source in the park and that Charles Rawson the local representative of Delaware Systems, the contracted operator of the North Creek Water District said that the Department of Health regulations did not allow the use of manure within one hundred feet of a water source; Mrs. Brown had discussed the problem with the manufacturer and Cornell Cooperative Extension both of whom believed it to be a safe practice; Supv. Goodspeed said that he would discuss this with James Suozzo, the engineer of Delaware Systems for his opinion. Mrs. Brown said that without fertilizer that the flowers would not grow properly. Mrs. Brown explained that the 4-H club would like a red, white and blue garden area and then asked that the North Creek Rotary be allowed to purchase a flag for the garden area and a light for the flag as well.

## RESOLUTION NO. 133

Mr. Stevens presented the following resolution, with a second from Mr. Arsenault that the Town Board authorizes the installation of a flag in the Ski Bowl Park at the site of the flower garden with the cost to be borne by the North Creek Rotary Club; and further that the North Creek Rotary Club will pay for the installation of a light to keep the flag lit during the night and if possible that this light be of a solar powered type. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

## NEW BUSINESS

Supv. Goodspeed asked the Town Board members if they wished to act upon the letter from Town of Johnsbury Highway Superintendent Curtis C. Richards resigning his position as of July 10, 2008.

## RESOLUTION NO. 134

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow to accept the letter of resignation from Curtis Richards as Superintendent of Highways of the Town of Johnsbury, which was read earlier in this meeting, with the effective date of July 10, 2008. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that his view was that the position of Town of Johnsbury Highway Superintendent could remain vacant with Deputy Supt. Raymond (Rick) Sprague assuming the duties of the Highway Superintendent through the general election; he believes this to be the fairest way to conduct the election campaign. Mr. Arsenault agreed that it would be best to evaluate the situation for a few weeks and see how the situation progresses. Mr. Vanselow brought up the possibility of discussing a change from an elected to an appointed

Highway Superintendent and also agreed that it would be an unfair campaigning advantage to put someone in the Highway Superintendent office prior to an election. Mr. Arsenault asked if the Highway employees needed to be consulted; Supv. Goodspeed said that he plans to check closely with Deputy Supt. Sprague to monitor the situation. Mr. Arsenault said that he was worried about creating a leadership vacuum in the Highway Department; Mr. Vanselow said that he would be willing to appoint a superintendent in order to solve a problem. Mr. Stevens asked if there was an increase in compensation for the deputy when taking over; Accounts Clerk Candace Lomax replied that in the previous case following the resignation of then superintendent Fred Hitchcock the overtime increase almost equaled the superintendent pay. There was a discussion of the timing and whether petitions could be circulated for the position; Supv. Goodspeed said, following lengthy discussions with the Warren County Board of Elections, town committees of political parties can appoint a candidate following the primary election and it was his opinion independent petitions could be carried for ballot positions in the general election. Highway employee William Mosher asked about the right of Deputy Supt. Sprague to appoint an assistant or work group leader; Supv. Goodspeed replied that the deputy superintendent has that authority.

Supv. Goodspeed informed the Town Board that on Friday the Warren County Board of Supervisors will decide whether to build the Hadley and Thurman train stations or not to do so. Supv. Goodspeed said that the county budget is a disaster and the funding of good projects such as these are in question. Supv. Goodspeed added that the rail line could possibly be handling freight as well as passengers.

Supv. Goodspeed informed the Town Board that he has been designated to chair a Warren County Mass Transit Committee; he explained that he would be working with mass transit experts to determine if a daily bus line connecting the Towns of Johnsbury and Chester to the Glens Falls area is economically feasible.

Supv. Goodspeed recognized Secretary Cherie Ferguson for a report on the Independence Day Celebration; Ms. Ferguson explained that the 2008 celebration seemed to be very well received and that Mr. Richard Green, Mr. William Thomas and others had agreed to set up a committee to coordinate the 2009 celebration which it is expected will be held on July 4<sup>th</sup>.

Supv. Goodspeed asked Secretary Cherie Ferguson to update the Town Board on the ambulance ownership problem first discussed on June 17, 2008; she reminded the Town Board that according to state law emergency squad ambulances can no longer carry official license plates. Ms. Ferguson said that this issue is complicated by the fact that the Town of Johnsbury owns the ambulances which have a value and retain a useful working, and which are operated by the Johnsbury Emergency Squad; she explained that that the Department of Health has allowed the squad a grace period to establish ownership and Supv. Goodspeed is working with Town Attorney Jordan on a solution to this problem.

Supv. Goodspeed informed the Town Board that he had received notification from Front Street Mt. Development that during the late summer they will be removing the disused lift on their property only, not on State Land; some preparatory work may precede the removal.



Supv. Goodspeed asked if the Town Board wished to act upon the Thermal Associates offer of a service contract for the annual cleaning and inspection of the air conditioning systems in the Town Hall at an annual cost of \$300.00 to the Town.

#### RESOLUTION NO. 135

Mr. Arsenault presented the following resolution; with a second from Mr. Stevens authorize the Town Supervisor to execute an annual service contract with Thermal Associates for the annual cleaning and inspection of the air conditioning systems in the Town Hall at an annual cost of \$300.00 to the Town. 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 act upon the request from Upper Hudson Festivals, Inc. that the Town of Johnsbury contribute to their series of free to the public concerts entitled "Music by the River Series"; he added that on May 20, 2008 by Resolution Number 100 the Town Board had generally agreed to support the Upper Hudson Festivals, Inc. series of free to the public concerts since entitled the "Music by the River Series". Mr. Stevens asked if this was supported by a budget line or if it was out of budget; Supv. Goodspeed replied that this was supported by a budget line.

#### RESOLUTION NO. 136

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board will authorize funding in an amount not to exceed five hundred dollars (\$500.00) for the purpose of supporting the Upper Hudson Festivals, Inc. free concerts of the "Music by the River Series" and that this is to be recognized to be the funding conceptually approved in Resolution Number 100 of 2008. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the Town Justices had been informed of the availability of a Justice Court Assistance Program grant. This grant would require no Town match and would allow for necessary improvements to the Town Justice Court.

#### RESOLUTION NO. 137

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

Whereas, the Town of Johnsbury Justice Court currently needs several improvements, and

Whereas, the Justice Court Assistance Program grants will fund several of said improvements at no additional cost to the taxpayers of the Town of Johnsbury;

Therefore be it resolved, that the Town Board of the Town of Johnsbury is very supportive of the application for this grant to improve the Justice Court in the Town of Johnsbury; and

Be it further resolved, that the Town Board of the Town of Johnsbury authorizes the execution and submission of this grant by the appropriate Town Official.

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

#### PRIVILEGE OF THE FLOOR

#### RESOLUTION NO. 138

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 #14G/Claims #267-288; Highway Fund- Warrant #14H/Claims #134-144; North Creek Water Dist.- Warrant #14W/Claims#58-64; Capital Projects Fund- Warrant #2CPF/ Claim #2; Johnsbury Fire Protection District-Warrant #2JFPD/Claims # 2-8; Library Fund-Warrant #6L/Claims#48-52. 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. Stevens at 8:45pm. 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 5, 2008 at the Wevertown Community Center, Wevertown, NY.

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Prepared by William Rawson, Town Clerk