

**Minutes of the Town of Johnsburg Regular Board Meeting October 2, 2007  
Held at 7:00pm at the Wevertown Community Center, Wevertown, NY and an Executive  
Session to Interview Candidates for the Vacancy on the Board of Assessment Review at  
6:30pm**

Minutes of the Executive Session of the Town Board of the Town of Johnsburg held on Tuesday October 2, 2007 at 6:30pm at the Wevertown Community Center, Wevertown, NY. Supervisor Thomas called the meeting to order at 6:30pm for the purpose of conducting interviews for the position of Member of the Board of Assessment Review.

Roll call showed the following persons present: Supv. William H. Thomas; Town Councilpersons/ Eugene Arsenault, Sterling Goodspeed, Arnold Stevens and Alyce VanKeuren; Town Clerk/ William Rawson.

Also present was the following interviewee: Karen Dunkley

Mr. Stevens made a motion, with a second from Mr. Arsenault to enter into executive session for the purpose of conducting interviews for the vacant position of Member of the Board of Assessment Review at 6:30pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

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

**Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, October 2, 2007 at 7:00pm at the Wevertown Community Center, Wevertown, NY.** Supervisor Thomas called the meeting to order at 7:00pm and the pledge to the flag was led by Councilwoman Alyce VanKeuren.

Roll call showed the following persons present: Supv. William H. Thomas; Town Councilpersons/ Eugene Arsenault, Sterling Goodspeed, and Arnold Stevens and Alyce VanKeuren; Town Clerk/ William Rawson.

Guests: On attached list

**RESOLUTION NO. 268**

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the minutes of the September 20, 2007, Regular Town Board Meeting and Public Hearing on the "Schlie Property"; and the September 26, 2007, Public Hearing on the Restore New York Grant Application as written. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

**CORRESPONDENCE:**

A letter from Mrs. Karen Dunkley informing the Town Board of her interest in being considered as an applicant for the vacant position on the Board of Assessment Review.

## COMMITTEE REPORTS

Supv. Thomas distributed copies of the Town of Johnsbury Library Board of Trustees meeting of October 3, 2007 to the Town Board members.

Town Clerk William Rawson distributed the 2008 tentative budget to the Town Board. Copies will be made available to the public after the Town Board moves the budget to the preliminary stage; changes may be made to the budget by the Town Board at any time prior to the budget being adopted as final.

## OLD BUSINESS:

Supv. Thomas recognized Mr. Vincent Schiavone, Chairman of the Johnsbury Youth Committee, to present a request for increased funding for the Youth Committee to the Town Board. Mr. Schiavone explained that over the last two years the Summer Youth Program has been impacted by increases in salaries and the cost of fuel which has forced a reduction in other programs; due to the receipt of two grants and fund raising other events have been continued. Also since 2005 the Youth Committee budget has been reduced by \$2,000.00. Mr. Schiavone urged the Town Board to restore all or at least a portion of the reduced funding in the interest of looking out for the kids in the Town. Supv. Thomas noted that the Town Board will be reviewing the budget over the next two weeks and will return with recommendations.

Supv. Thomas informed the Town Board that once again there is a shortage of water in the well at the Wevertown Community Center. Engineer James Hutchins has determined a location for drilling a well on the property. The location is 15' from the state right of way and 15' from the northern property boundary. Engineer Hutchins has written a letter to the N.Y.S. Department of Health explaining the situation. Supv. Thomas asked Town Attorney Jordan if this could be deemed an emergency due to the need for water at this site for the General Election to be held on November 6, 2007. Attorney Jordan asked for the estimated cost of drilling the well and was informed that the estimates were from \$3,000.00 to \$5,000.00. Attorney Jordan noted that according to the Town of Johnsbury procurement policy that this would require 3 written quotes, but no bid. It was noted that the Town Board had planned to use money from the logging operation on the Town owned parcel near The Glen to pay for a drilled well for the Wevertown Community Center.

## RESOLUTION NO. 269

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town of Johnsbury Town Board authorizes the Supervisor of the Town of Johnsbury to obtain written quotes in accordance with the Town of Johnsbury Procurement Policy for the cost of drilling a well at the site recommended by Engineer James Hutchins at the Wevertown Community Center and move forward with the well drilling project using the most responsible bidder. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas reminded the Town Board that Mrs. Judy Brown has been working on setting up planting stations near the pump house adjacent to the Ski Bowl Park; Supv. Thomas then distributed copies of a site map of these planting stations showing both the stations and the planned lighting and irrigation for the sites to the Town Board..

Supv. Thomas explained that the Warren County Planning Department asked that each of the

Towns pass a resolution of support regarding Warren County ownership and operation of the rail line in Warren County through a board consisting of members from Corinth which owns a portion of the line currently as well as members from Warren County and a member from Congresswoman Gillibrand's office. Supv. Thomas noted that as the property is already tax exempt as it is owned by either Warren County or Corinth and that there would be little financial impact on the Town. Mr. Arsenault asked if there was any concern over the makeup of the board. Supv. Thomas explained that the makeup of the board would be four members from Warren County, four from Corinth and one from Congresswoman Gillibrand's office for a total of nine; he noted that the board would obviously have a local flavor.

#### RESOLUTION NO. 270

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

#### RESOLUTION SUPPORTING WARREN COUNTY'S REQUEST TO CREATE A PUBLIC AUTHORITY TO OVERSEE, MANAGE AND LEASE OR OWN THOSE PORTIONS OF THE RAIL LINE CURRENTLY OWNED BY WARREN COUNTY AND TOWN OF CORINTH

WHEREAS, Warren County owns approximately forty (40) miles of rail, together with certain real property and improvements running from North Creek in the Town of Johnsbury through the Towns of Stony Creek and Thurman into the Town of Corinth in Saratoga County, and

WHEREAS, the Town of Corinth has acquired certain rail and property in the Town of Corinth, and

WHEREAS, the rail and property in Warren County is currently being used for the operation of a tourist train and it is anticipated that the acquisition of rail line by the Town of Corinth will cause further development and use of the rail line, and

WHEREAS, such use brings with it concerns of liability as well as a need for coordinated oversight and management, and

WHEREAS, the Warren County Board of Supervisors has requested, by Resolution No. 200 of 2007, that the State Legislature enact a Public Authority to oversee and manage the rail line, together with a lease or transfer of ownership of real property constituting the rail line, as the County and Town of Corinth may agree, and

WHEREAS, the Legislative proposal for such Public Authority would make its facilities and property of the Authority, its income and operations exempt from taxation, assessments, specific assessments and Ad valorem levy and generally tax exempt, and

WHEREAS, there should not be of much impact, with regard to taxes, since the Railroad property has been owned by Warren County and hence, has been exempt from County, Town, School and special district taxes, now, therefore, be it

RESOLVED, that the Town of Johnsbury supports Warren County's request to create a public authority to oversee, manage and lease or own those portions of the rail line currently owned by Warren County and Town of Corinth, and be it further

RESOLVED, that the Johnsbury Town Clerk be, and hereby is, authorized and directed to forward certified copies of this resolution to Senator Elizabeth Little and Assemblywoman Teresa Sayward.

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

## NEW BUSINESS

Supv. Thomas asked Town Attorney Jordan to explain the request by North Creek Water District Supt. Charles Rawson to have the Town Board implement a cross connection control policy. Attorney Jordan explained that the policy was submitted to the North Creek Water District by the Department of Health, is not a rush item and has not yet been reviewed by Engineer James Hutchins. The reason for installing cross connection controls on a water system is to prevent a backflow from a large user into the water supply which could contaminate the water supply. The water customers who would be required to install the cross connection controls would typically be the larger commercial users. Mr. Goodspeed suggested an approval conditional upon the review and approval by Engineer James Hutchins.

## RESOLUTION NO. 271

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board of the Town of Johnsbury will approve conditionally the North Creek Water District Cross Connection Control Policy as written with full approval upon a satisfactory review from Engineer James Hutchins (Attached 4a through 4g). With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas reminded the Town Board that North Creek Water District Supt. Charles Rawson would be flushing hydrants in the water district on October 10<sup>th</sup> and 11<sup>th</sup>.

Supv. Thomas distributed the Johnsbury Youth Committee meeting minutes for their meeting of June 12, 2007 to the Town Board for their review.

Supv. Thomas read a letter from N.Y.S. Senator Elizabeth "Betty" O'C. Little on recently announced grant opportunities. The two opportunities are a grant to defray costs associated with developing a local agricultural and farmland protection plan in counties with an agricultural and farmland protection board and from the N.Y.S. Office of Real Property Services a maximum grant of \$50,000.00 to study county-wide assessing. Supv. Thomas noted that Warren County plans to apply for the second grant opportunity to study county-wide assessment options.

Each year the space available to store records is becoming smaller and it will be necessary to destroy records in compliance with the N.Y.S. Record Retention and Disposal Schedule. Supv. Thomas asked Secretary Cherie Ferguson to explain options relating to the disposal of Town records through shredding by the Schapp Records Management, Co. Ms. Ferguson explained that a small amount of records can be disposed of at a flat rate of \$60.00 and larger amounts could be disposed of at a rate of 16 cents per pound. The use of either option would result in certified destroyed records.

## RESOLUTION NO. 272

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board will authorize the Supervisor to enter into an agreement with Schapp Records Management, Co. for disposal of large quantities of scrap paper resulting from an annual purge of Town records in compliance with the N.Y.S. Record Retention and Disposal

Schedule at a cost of 16 cents per pound of material discarded. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas)  
Nays - 0

Supv. Thomas announced that Mike Pratt, O.R.D.A. manager for Gore Mt., had agreed that there should be no problem with the arrival of Santa at the Ski Bowl on either December 16<sup>th</sup> or the 23<sup>rd</sup>; he even suggested making this one of the Town full day events to allow for more flexibility in planning and organizing this for the children of the area.

Supv. Thomas asked the Town Board members if they preferred to advertise for heating fuel, kerosene and propane; or if they wished to proceed with the county bid for heating fuel and kerosene and solicit bids for propane which the county does not bid. Supv. Thomas noted that the county bid was substantially lower than any bid which the Town received for heating fuel and kerosene. Mr. Stevens suggested advertising only for propane. After a short discussion the date for opening the bids was set for November 20, 2007, at 7:00pm, at the regular Town Board meeting at the Johnsburg Library, North Creek, NY; the Town Clerk was authorized to advertise for two weeks in the North Creek News Enterprise.

#### RESOLUTION NO. 273

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens to authorize the Town Clerk to advertise for two weeks on October 20 and October 27, 2007 in the North Creek New Enterprise for the purchase and delivery of Propane to the Town of Johnsburg Buildings with the contract to run from Dec. 1, 2007 to Nov. 30, 2008, with the bids to be opened at 7:00pm at a regular meeting of the Town Board to be held at the Town Hall, North Creek, N.Y. on Tuesday, November 20, 2007. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas)  
Nays - 0

Supv. Thomas informed the Town Board that the Town Board had received in their packets an Occupancy Tax funding request from the Gore Mt. Region-Town of Johnsburg Chamber of Commerce, in the amount of \$2960.00 for radio advertising for the Harvest Festival/Ski Bowl Sale of October 5<sup>th</sup> through 8<sup>th</sup> of 2007. Supv. Thomas noted that currently there is money available and asked if, having received the Occupancy Tax request, the Town Board wished to act upon this request.

#### RESOLUTION NO. 274

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board approves the following Occupancy Tax funding request from the Gore Mt. Region-Town of Johnsburg Chamber of Commerce, in the amount of \$2960.00 for radio advertising for the Harvest Festival/Ski Bowl Sale of October 5<sup>th</sup> through 8<sup>th</sup> of 2007. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas noted that Mr. Victor Sasse, the current member of the Board of Assessment Review who would like to continue serving had not been able to appear and that Mrs. Karen Dunkley had been a good applicant as well. Supv. Thomas asked the Town Board due to the

problem of finding members for this board how they wished to act on the appointment of a member to the Board of Assessment Review. Mr. Arsenault suggested the possibility of reappointing Mr. Sasse and appointing Mrs. Dunkley as an alternate to the board.

#### RESOLUTION NO. 275

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that Mr. Victor Sasse be appointed to fill the vacancy on the Board of Assessment Review for a term to end on September 30, 2012; and that Mrs. Karen Dunkley be appointed as an alternate to the Board of Assessment Review if this was allowable under N.Y.S. law and if she is agreeable, and further, requested that Town Attorney Jordan research the issue of an alternate to the Board of Assessment Review. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Supv. Thomas distributed the Supervisor's Monthly Report, for the month of September 2007, to the members of the Town of Johnsbury Town Board.

#### PRIVILEGE OF THE FLOOR

Mr. Robert Nettle suggested the addition of lighting with automatic (motion detector) switches for the Wevertown Community Center parking area and limiting the amount of black top work. Mr. Nettle explained that this would make the parking area improvements even more useful for the handicapped and elderly. Supv. Thomas responded that this suggestion needed clearance from the Warren County Board of Elections as the grant was secured by that office.

Mr. James Jones asked how much money was received by the Highway Department from the auction conducted on September 22<sup>nd</sup>. Supv. Thomas answered that the auction receipts were \$27,600.00 and that some of the money was for equipment from the North Creek Water District.

#### RESOLUTION NO. 276

Mr. Goodspeed 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 #19G/Claims #402-419; Highway Fund- Warrant #19H/Claims #207-218; North Creek Water Dist.- Warrant #18W/Claim # 82. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mr. Arsenault made a motion, with a second from Mr. Goodspeed to enter into executive session for the purpose of discussing contract negotiations regarding "Parcel C" and Front Street with the Town Attorney at 8:00pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mrs. VanKeuren made a motion, with a second from Mr. Stevens to adjourn the executive session at 9:00pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

A motion to adjourn the meeting was presented by Mr. Goodspeed with a second from Mrs. VanKeuren at 9:00pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0. Meeting Closed.

The next Regular Town Board meeting will be held at 7:00pm on October 16, 2007 at the Town Hall Library, North Creek, NY.

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Prepared by William Rawson, Town Clerk