

**Minutes of the Town of Johnsburg Regular Board Meeting October 2, 2008
Held at the Wevertown Community Center, Wevertown, New York, and an
Executive Session to Discuss Highway Personnel.**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Thursday October 2, 2008 at 7:00 PM at Wevertown Community Center, Wevertown, New York. Supervisor Goodspeed called the meeting to order at 7:00 P.M.; the pledge was led by Candace Lomax, Account Clerk.

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 was absent; Candace Lomax, Account Clerk sat in for William Rawson.

Guests: On attached list.

RESOLUTION NO. 172

Mr. Vanselow presented the following resolution, with a second from Mr. Arsenault, to accept the minutes of the September 16, 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 Vonda Beattie requesting to be considered for the Assessment Review board vacancy.
2. A letter from Highway employee, Norm Petty, updating the board on the progress of his knee injury and requesting an extension of his medical leave and health insurance.
3. A letter from William Mosher requesting the board to make a decision on compensation for his unused vacation, personal, and sick time.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed recommended the Board to act on Mrs. Beattie's request.

RESOLUTION NO. 173

Mr. Arsenault presented the following resolution, with a second from Mr. Morehouse to appoint Vonda Beattie to fill the vacancy on the Board of Assessment Review. With 5 members voting in favor, the resolution is declared passed. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

RESOLUTION NO. 174

Mr. Stevens presented the following resolution, with a second from Mr. Vanselow, to implement Local Law #2 of 2008 entitled Town of Johnsbury Cold War Veterans Exemption From Real Property Taxation Local Law. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supervisor Goodspeed updated the Board on Front Street Mountain Development and the waiver agreement which permits the conveyance of the Ski Trail parcel from FSMMD to the Town. Supervisor explained the new agreement was different than the previously approved agreement, and he consulted J Anthony Jordan, Town Attorney. Mr. Jordan also felt the document was different, and sent Mr. David Crikelair a letter expressing concerns with the reworded waiver. Supervisor Goodspeed had further talks with David Crikelair today; the Supervisor will modify the agreement and will discuss this issue further at the next Town Board meeting.

Supervisor Goodspeed stated in previous meetings the Board has touched on the subject of a merger with Highway, Parks and Waste management into a DPW department. The Supervisor has learned the Town of Lake George has gone to this method. The Supervisor would like to discuss it further; noting an elected or appointed superintendent is less important at this point. We need to continue to look at it, not necessarily to decide now, but look at widening the Highway umbrella to include Parks, Waste and Recycling. Mr. Vanselow stated he has wanted to look for sometime at the potential savings and efficiency of a closer relationship. He is willing to spend some time to look at this, at least see if it is worth putting time into. Supervisor Goodspeed noted the budget would need to be restructured, and soon. Mr. Arsenault stated he would like to work with Mr. Vanselow on this issue.

Supervisor Goodspeed informed the Board that the Peaceful Valley intersection with Rt 28 is under construction as an additional turning lane is being constructed. Mr. Lamy has indicated to Supervisor Goodspeed the work will be completed next week.

For an information item, Supervisor Goodspeed reported the Town Buildings use approximately 50 rolls of toilet paper and 100 rolls of paper towels on a monthly basis. Some budget lines are teetering on overspending, in an effort to control spending and possible theft we are keeping less in stock. Mr. Steven asked which budget codes are over spent. Supervisor Goodspeed responded Highway general repairs, and Parks.

Next Supervisor Goodspeed noted Lois Montfort and Rose Lamy in attendance. They have some issues regarding their parents' property and the condition of a neighbor's property. Town Attn Jordan has been contacted in the past, and advised the Town to push the adjoining land owner as hard as we can in an effort to get him to clean up his property. Lois and Rose indicated nothing going on now to improve the situation. Mr. Stevens asked what the next step is. The Supervisor stated if there is not any cooperation then we could contact the Attorney again, take them to court and let the chips fall where they may. Lois Montfort wants the clean up before winter and asked if Tony was going

to be able to do this now? Supervisor Goodspeed noted Tony's plate is full. Lois asked if a letter could go from Sterling. Supervisor Goodspeed agreed with this if the Town Board approves. Mr. Vanselow suggested Ed Tuttle ZEO send a letter. Supervisor Goodspeed suggested Ed and Tony both.

Supervisor Goodspeed informed the board there is some turbulence within the Johnsbury EMS. It does not involve the Town Board as long as they continue to provide service to the Town.

Supervisor Goodspeed explained the Town received an insurance renewal application from Merriam. He also noted the service from the agent has been off balance. At the beginning of the year a detailed policy was delivered to the town, followed by a phone call requesting a signature or cancellation. Supervisor Goodspeed didn't feel he was given sufficient time to review the document before the signature request. The town had also received three notices of cancellation for nonpayment of a \$130.00 for a terrorism policy that the Town did not want to purchase. Knowing that insurance is at a bargain right now, an e-mail was sent to the agent asking for 10% reduction in the premium. This prompted a call from NYMIR followed by a lengthy conversation revealing the potential of a 10 to 20 % savings. NYMIR will come here for a visit. Mr. Arsenault asked when the premium is due. Supervisor Goodspeed stated 1/1/09, coverage is good, service is so-so; I think we need to keep looking at it.

Next Supervisor Goodspeed talked about the Halloween patrol. Cherie Ferguson stated the budget line is not enough pay 5 crews to work, only 4.

RESOLUTION NO. 175

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to limit the Halloween Patrol to four (4) crews of two (2) members each per night (Cabbage Night and Halloween Night). With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Stevens, Morehouse, Vanselow Goodspeed) Nay -0.

Supervisor Goodspeed then asked Cherie Ferguson, Secretary, to update the Town Board on progress of cell towers discussions. Cherie explained there has been an employee turn over in the cell tower company, and a break down of communications between the Town attorney and the cell tower company. Cherie contacted Peter Goutos, who stated that his company is still interested in the project and will speak to her again in the morning. Other companies have expressed an interest also- Message Center Management is one.

NEW BUSINESS

Supervisor Goodspeed then explain a memo to the payroll department regarding highway men who worked overtime without compensation.

RESOLUTION NO 176

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to pay Donald Moore \$75.69 for work performed on January 2, 2007, and Mr. John Moore \$14.50 for work on February 4, 2008. With 5 members voting in favor, the resolution is declared carried. Ayes- 5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed.) Nays – 0

Supervisor informed the Board the Tentative 2009 Budget has been delivered to the Town Clerk. Candace Lomax, sitting in for the Town Clerk, distributed tentative budgets to all Town Board members.

Supervisor Goodspeed noted the annual beach report is in all board member packets. The beach was open a total of 43 days with 702 visitors.

Next on the agenda Supervisor Goodspeed asked Candace to report on a State DOT request to install water at their Peaceful Valley salt shed. Candace explained, the state will pay for all materials including a flushing hydrant, and is willing to provide equipment and manpower to do all work under the supervision of Chuck Rawson, Delaware Operations employee. The installation of a flushing hydrant would be advantageous for the Water District; presently the district is unable to flush that end of the system. The State is prepared to pay an annual water fee of \$200.00; however, they would like the Board to waive the \$2,000.00 connection fee. Mr. Stevens asked how long the system would be extended; Mr. Vanselow asked if the Water Engineer could give us an idea of the value of the flushing hydrant. Supervisor Goodspeed implied he would be reluctant to open that door. Candace will follow up with Delaware Operations for more information.

Next on the agenda was Justice pay. Supervisor Goodspeed reminded the Town Board that, since the resignation of Justice Ralph Dubay, Judge French has had twice the case load. Justice French does all his own paper work without the assistance of a clerk, and he is dealing with significant issues regarding incomplete reports. The Supervisor asked how the Board felt about amending his pay for compensation. It was noted that this is an elected position that requires further research.

RESOLUTION NO. 177

Supervisor Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault subject to legal approval Judge French's pay will double. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 1(Stevens)

Supervisor Goodspeed noted each Board member's packet contained: Budget Amendments, Supervisor's monthly statement, and the Zoning Enforcement Monthly Report.

PRIVILEGE OF THE FLOOR

Gordon Oehser questioned the need for an agent-with the communication devices we have access to now it seems archaic to pay an insurance agent.

RESOLUTION NO. 178

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens that the following certified bills which have been reviewed by the Board members be paid: General Fund -Warrant #19G/Claims #367-382; Highway Fund-Warrant #19H/Claims #192-199; North Creek Water District #19W/Claim #86-92; Capital Projects Fund Warrant #7CPF/Claim #8; Johnsbury Fire Protection District Warrant #3JFPD/Claim#9. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Stevens, Morehouse, Vanselow, Goodspeed) Nays -0.

Supervisor Goodspeed announced the Board would be going into executive session to discuss three highway issues.

Mr. Morehouse presented the following motion and moved its passage with a second from Mr. Arsenault that the Town Board enters an executive session for the purpose of discussing highway employee issues at 7:40 P.M. with 5 members voting in favor the motion is carried. Ayes -5 (Arsenault, Stevens, Morehouse Vanselow, Goodspeed) Nays -0.

Mr. Stevens presented the following motion and moved its passage with a second from Mr. Vanselow that the Town Board adjourns the executive session on highway employee issues to return to the regular meeting at 8:25 P.M. With 5 members voting the motion is carried. Ayes-5 (Stevens, Arsenault, Morehouse, Vanselow, Goodspeed) Nays -0.

Supervisor Goodspeed stated that no action would be taken on two matters. The third matter addresses compensation for sick, vacation and personal time for William Mosher.

RESOLUTION NO. 179

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens that William Mosher receives pay for 60 hours vacation, 5 hours personal and one half the amount of sick time. With 5 members voting in favor the resolution is declared carried. Ayes- 5 (Arsenault, Stevens, Goodspeed, Vanselow, Morehouse) Nays – 0.

A motion to adjourn the meeting was presented by Mr. Arsenault with a second from Mr. Stevens at 8:45 PM. With 5 members voting in favor the resolution is declared carried. Ayes- 5 (Arsenault, Stevens, Goodspeed, Vanselow, Morehouse) Nays – 0.

They next regular Town Board meeting will be held at 7:00PM on October 21, 2008 at the Library, North Creek, New York.

Prepared By Candace Lomax, Account Clerk