

**Minutes of the Town of Johnsbury Regular Board Meeting September 16, 2008  
Held at the Town Hall (Library), North Creek, NY and an Executive Session to  
Interview Candidates for a Vacancy on the Board of Assessment Review**

An Executive Session of the Town Board of the Town of Johnsbury was to be held on Tuesday, September 16, 2008 at 6:30pm at the Town Hall (Library), North Creek, NY for the purpose of conducting interviews for a vacancy on the Board of Assessment Reviews; the session was cancelled as there were no candidates to interview.

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday September 16, 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. 165**

Mr. Morehouse presented the following resolution, with a second from Mr. Stevens, to accept the minutes of the September 4, 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 the legal firm of Linnan & Fallon notifying the Town Board that MAKI, Inc., d/b/a Durant's was seeking a liquor license for their property at 3195 State Route 28, North Creek, NY (site formerly known as Casey's North).

**COMMITTEE REPORTS:**

Mr. Arsenault informed the Town Board that the Fire Committee (Arsenault, Morehouse) had met with the fire chiefs from the Town of Johnsbury fire companies to discuss budget items. Mr. Arsenault said that the fire chiefs would like to meet with Supv. Goodspeed to discuss fire safety and ways to ease budget issues for the fire companies.

**OLD BUSINESS:**

Supv. Goodspeed explained that the Town Board had received copies of the waiver agreement between the Town of Johnsbury and Front Street Mountain Development for the conveyance of the ski lift parcel from Front Street Mountain Development to the Town of Johnsbury. The transfer is to take place no later than thirty days following the approval of the Gore Unit Management Plan by the Department of Environmental Conservation (DEC). The Town of Johnsbury or ORDA is to order the lift for the parcel no later than sixty days following the DEC approval and the lift construction is to begin no later than June 1, 2009; if either of these events does not occur the property will revert to Front Street Mountain Development. Supv. Goodspeed noted that the DEC is expected to approve the Gore Unit Management Plan within the next one to two weeks and possibly as early as tomorrow. Mr. Arsenault asked if there was any problem with the ordering of the lift. Supv. Goodspeed replied that the lift will be

ordered within a week; due to financial concerns the type of lift will be changed from a detachable quad to a triple chair. Supv. Goodspeed explained that he had spent much of the day at an ORDA meeting which included a discussion of the five and one-half million dollar grant arranged by Senator Little. As a result of executive orders from Governor Patterson's office ORDA has had to cut its budget by three percent and then by seven percent. Due to these cutbacks ORDA proposed to use some of the funding for capital repairs at the main Gore Mt. facility. Supv. Goodspeed said that Senator Little was very reluctant to agree to this; however at length she did allow approximately one million four hundred thousand dollars to be used for capital outlay in the manner requested by ORDA. The balance of the grant will be used to purchase and install the lift. Supv. Goodspeed said that he had been led to believe that the lift may be ordered as early as next week and Front Street Mountain Development is expected to cut the trail prior to its being conveyed. ORDA Manager Mike Pratt indicated that he can work within this budget. ORDA made the approval under the condition that they be able to find the money to operate the lift during the season of 2009-2010. Mr. Arsenault asked if this would have occurred at Whiteface; Supv. Goodspeed said that he is unsure if Whiteface would have fared any better and added that ORDA is very concerned about 2009-2010 funding, if 2008-2009 is a poor season.

Supv. Goodspeed informed the Town Board that one or two budget lines will require careful managing through the rest of the year and that these lines will be watched carefully.

Supv. Goodspeed informed the Town Board that he had received a letter from the Town of Johnsbury insurance carrier regarding the possibility of the Town being able to receive the Ski Hut insurance funds which were previously withheld. The carrier is asking for information on the scope of the work and will review the information to see if the funds may be released.

#### NEW BUSINESS

Supv. Goodspeed informed the Town Board that the Columbus Day Winter Sports Sale Committee had requested a blanket vending permit for their sale at the Ski Bowl Park on the weekend of October 11<sup>th</sup> and October 12<sup>th</sup> of 2008. Supv. Goodspeed asked if the Town Board wished to act upon the Columbus Day Winter Sports Sale Committee request.

#### RESOLUTION NO. 167

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Morehouse that as the vendors who sell their products at the Columbus Day Winter Sports Sale attract many tourists to the Town of Johnsbury; and the Town Board wishes to have the Columbus Day Winter Sports Sale event continue; and to that end the Town Board will allow the Town Clerk to issue a blanket vendor's permit to the Columbus Day Winter Sports Sale for October 11<sup>th</sup> and October 12<sup>th</sup> of 2008. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed informed the Town Board that Ms. Barbara Thomas of the Community Economic Coalition was working on plans to have a farmers' market in town for next summer; Supv. Goodspeed expects to have more information on this project soon.

Supv. Goodspeed informed the Town Board that Mr. Peter Burns, owner of Beaver Brook Outfitters, and a member of the Columbus Day Winter Sports Sale Committee had requested that the Town Board allow them entry to the transfer station on Monday, October 13, following the

sale at the Ski Bowl Park. This is in response to the confusion over cleanup created last year when Mr. Burns was injured and unable to remove the waste in a timely fashion. Supv. Goodspeed believed that with a minor adjustment in scheduling that this request could be granted. The Town Board was in conceptual agreement.

Supv. Goodspeed informed the Town Board that the workers at the community garden in the Ski Bowl Park want to put an addition onto the building at Well #6 for the purpose of storing their tools; he had been informed that the Ski Bowl Park Committee was not in favor of this request. Mrs. Kelly Nessel, Ski Bowl Park Committee member, answered that the committee was not in favor of placing a new building in the park; however, the committee had no objections to a small addition to the well building.

#### RESOLUTION NO. 168

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board authorizes a small addition, not to exceed four feet, to the building at Well #6 adjacent to the Community Garden at Ski Bowl Park. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed)

Supv. Goodspeed reminded the Town Board that North Creek Water District would be flushing hydrants in the water district on October 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>.

Supv. Goodspeed informed the Town Board that Mr. Lloyd Burch, a current member of the Board of Assessment Review would be willing to continue serving on that Board. Supv. Goodspeed asked if the Town Board wished to reappoint Mr. Burch as he had performed the job well.

#### RESOLUTION NO. 169

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that Mr. Lloyd Burch be appointed to fill the vacancy on the Board of Assessment Review for a term to end on September 30, 2013. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed)

Supv. Goodspeed informed the Town Board that he had been discussing the possibility of adding morning hours at the transfer station on weekends. He is looking into arranging workers' schedules to allow for the additional hours with no budget increases.

Mr. Vanselow noted that the Planning Board is looking to have a vice-chairman appointed to assist the chairwoman; there appears to be a disagreement between a majority of the Planning Board and the chairwoman as to the choice. The Town Board would like the Planning Board to reach a consensus prior to an appointment being made.

#### PRIVILEGE OF THE FLOOR

Mrs. Kelly Nessel thanked Mr. Joseph LaRocque for building flower beds at the Ski Bowl Park. Mrs. Nessel said that the Youth Committee was looking for more year-round programming and adult volunteers; she added that two articles have appeared in the North Creek News-Enterprise seeking volunteers.

Mr. Robert Nessel questioned the hiring of an attorney without a resolution from the Town Board; Supv. Goodspeed replied that the Town Board passed Resolution Number 161 at the

September 4 regular Town Board meeting, at which Mr. Nettle was not present, to authorize the hiring of Attorney Lawrence Paltrowitz. Mr. Nettle objected to the use of the phrase “personnel issues” for an executive session as not being specific enough as he understands Mr. Robert Freeman’s comments on the Open Meeting Law. Supv. Goodspeed explained that the motion which he would present was from the labor attorney and was intended to be in compliance with the Open Meeting Law and with the protection of an individual’s personal privacy. Supv. Goodspeed added that the subject has been discussed in open meetings, including that of September 4, in terms bordering on becoming too specific. Mr. Nettle said that there are many rumors regarding the Highway Department and only little public discussion of the topic; Supv. Goodspeed replied that there had been a very lengthy discussion of this topic at the September 4, meeting. Mr. Nettle said that the State Offices in Albany were making consolidation of town governments easier to eliminate duplication and that consolidating the various departments in the Town of Johnsburg such as Highway and Parks would save money. Mr. Nettle said that there is a need to end this mode of government created after time of the Revolution. Supv. Goodspeed noted that he has done some survey work regarding elected versus appointed Superintendent of Highways and had reported on this at the previous meeting; he added that he is in favor of reasonable consolidation, for example the proposal to reduce from two Justice of the Peace positions to a single position.

#### RESOLUTION NO. 170

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 #18G/Claims #352-366; Highway Fund- Warrant #18H/Claims #181-191; North Creek Water Dist.- Warrant #18W/Claims#81-85; Capital Projects Fund- Warrant #6CPF/ Claim #7; Library Fund-Warrant #9L/Claims#62-70. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed 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 a personnel issue involving an individual in the Highway Department at 7:50pm. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Morehouse presented the following motion and moved its passage with a second from Mr. Stevens that the Town Board adjourns the executive session on a personnel issue involving an individual in the Highway Department to return to the regular meeting at 9:10pm. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked if there were any resolutions or actions proceeding from the executive session.

#### RESOLUTION NO. 171

Mr. Vanselow presented the following resolution and moved its passage with a second from Supv. Goodspeed that the Town Board orders the termination of Highway Department employee William H. Mosher effective immediately. With 3 members voting in favor the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 2 (Morehouse, Stevens)

A motion to adjourn the meeting was presented by Mr. Vanselow with a second from Mr. Morehouse at 9:12pm. 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 October 2, 2008 at the Wevertown Community Center, Wevertown, NY.

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Prepared by William Rawson, Town Clerk