

**Minutes of the Town of Johnsburg Regular Board Meeting December 2, 2008
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Thursday, December 2, 2008 at 7:00pm at the Wevertown Community Center, Wevertown, NY Supervisor Goodspeed called the meeting to order at 7:01pm 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

RESOLUTION NO. 221

Mr. Arsenault presented the following resolution, with a second from Mr. Vanselow, to accept the minutes of the November 18, 2008 regular meeting and the minutes of the November 6, 2008 Public Hearing on the 2009 Town of Johnsburg Budget 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. Joel Beaudin, Co-Chairman of the Upper Hudson Festivals Inc., requesting that the Town Board allow the Upper Hudson Bluegrass Festival the use of the Ski Bowl Park August 19th through 24th for the 2009 festival; as well as a blanket vending permit and to be able to display their event banner.
2. A letter from Steven L. Osterhout resigning his position as alternate member on the Town of Johnsburg Planning Board due to his acceptance of a position which will prevent him from being present at numerous meetings.

Supv. Goodspeed explained to the Town Board that he wants to keep the Town neutral regarding the Johnsburg Emergency Squad dissention; he added that he planned to become involved only if there was an interruption of contracted service.

COMMITTEE REPORTS:

Supv. Goodspeed informed the Town Board that a zoning meeting between representatives of the Planning and Zoning Boards; the Zoning Enforcement Officer; the Town Attorney; and himself for the Town with representatives of the Adirondack Park Agency (APA). The meeting lasted from 3:30pm to 5:30pm and an additional meeting will be held in the future. Supv. Goodspeed added that he has asked the Town Attorney to schedule another meeting to follow up with the representatives of the APA; he is hoping to develop flow charts to show landowners the steps required to pursue their requests.

OLD BUSINESS:

Supv. Goodspeed informed the Town Board members that he planned to treat the first two items on the agenda as one; these would be formation of a Department of Public Works and the Highway/Personnel Committees discussion of personnel operations. Supv. Goodspeed noted that he had asked Mr. Vanselow and Mr. Arsenault to discuss the possibility of consolidating and/or reorganizing the Solid Waste, Buildings and Highway departments with Highway Supt. Dan Hitchcock. Supv. Goodspeed had also asked Town Attorney Jordan to look into the legal possibilities

of such a change; he also noted that there could be pay scale issues involved. Town Attorney Jordan explained that the reporting of the Solid Waste and Buildings departments to the Town Supervisor could be changed to reporting to the Highway Superintendent by the passage of a local law; employees would then transition into the new department with possible salary adjustments. Mr. Vanselow asked if this could be done without a local law; Supv. Goodspeed added that the departments were originally created under the Highway Department. Supv. Goodspeed noted that with an increase in responsibility to the Highway Superintendent there should be an increase in his salary; he added that he hoped to be able to save payroll through the elimination of seasonal hires. Supv. Goodspeed believed that the Highway Superintendent would be able to shift manpower to the most important items including the buildings personnel. Buildings/Parks Supt. Matthew Olden asked if the Town Board was not satisfied with the job being done by the Buildings/Parks department; Supv. Goodspeed replied that he; himself was probably not the best person to make decisions on personnel use during a snow/ice emergency. Mr. Arsenaault noted that the Personnel Committee planned to include Victor Dunkley and Matt Olden, as well as Highway Supt. Hitchcock in the discussions. Buildings/Parks Supt. Olden said that he would be unwilling to remain in a salaried position under the proposed changes and would want an hourly pay rate. Mr. Arsenaault added that the Town Board was trying to make the system function better; it is not about increasing the work load and hours of Buildings/Parks Supt. Olden; Supv. Goodspeed added that Buildings/Parks Supt. Olden was to be included in the planned discussions on how to best handle the manpower of the Town employees. Buildings/Parks Supt. Olden left the meeting at this point. Mr. Stevens asked if the local law would require a Town Board action or a permissive referendum as well. Town Attorney Jordan replied that the passage of a local law by the Town Board would allow the creation of a Department of Public Works with the Highway Superintendent at its head; he was unsure if a permissive referendum would be required. Mr. Morehouse asked how the pay for "out of title" work would be resolved; Mr. Vanselow suggested working this out in future negotiations. Mr. Stevens asked if there was a time frame and if this would have to implemented at the start of the term of a Highway Superintendent; Mr. Vanselow suggested creating the department and then putting the Highway Superintendent in charge of it. Mr. Hank Allen asked what would be done if there were only enough employees for the buildings work; Supv. Goodspeed replied that it would become a question of priorities and deciding what the most important jobs were at the time. Mr. William Mosher noted that the Parks equipment was not able to move large amounts of snow following a storm; Mr. Vanselow replied that the Buildings/Parks department would then have access to the Highway equipment. Supv. Goodspeed asked Highway Supt. Hitchcock for his ideas; he replied that he was currently unsure of how it would work; however, he was willing to discuss the issue. Mr. William Mosher said that the Town Board plans to put the Parks men into the Highway for the winter and the Highway men into the Parks for mowing for the summer. Mr. Hank Allen how the Highway will be able to spare the manpower during the summer; Supv. Goodspeed replied that he doesn't expect that the Highway Department is as busy during the summer it is during as the winter.

Supv. Goodspeed informed the Town Board that he had received a number of complaints about snow removal and sidewalk sanding on Main Street in North Creek. Supv. Goodspeed explained that Warren County DPW had cleared Main Street and the sidewalks; the Warren County DPW is over budget and the Warren County DPW committee is no longer willing to clean the sidewalks. Supv. Goodspeed noted that he had proposed that the Town enter into a use agreement with the County for the Bobcat to clear the sidewalks; the County would not agree to this. Warren County will continue to plow the street. Mr. Vanselow noted that some merchants clear the sidewalks at their businesses and

some do not have access to an area to remove the snow onto. Mr. Joel Beaudin suggested that the merchants could clear their sidewalks, but snow removal is the serious issue. Mr. Vanselow asked if the Town can legally clear snow from County roads; Supv. Goodspeed believes that a use agreement on that point will be agreed to by the County. Mr. Morehouse asked if the Town Highway has equipment to clear the sidewalks; Supv. Goodspeed replied that the Town does not. Mr. Stevens said that the major issue is removal of the snow piles to ease driving congestion. Mr. Joel Beaudin asked if the Town has the manpower to remove the snow; Highway Supt. Hitchcock replied that at present the Town Highway Department doesn't have the manpower or the equipment for the job, possibly by next year. Supv. Goodspeed asked Mr. James Jones, a local excavating contractor, about the cost of snow removal; Mr. Jones replied that it would be expensive. Supv. Goodspeed asked Town Attorney Jordan the threshold requiring a bid for snow removal; Attorney Jordan replied that the limit would be twenty thousand dollars (\$20,000.00). Mr. Morehouse asked how the snow removal would be priced; Mr. Jones replied possibly by an hourly rate. Another suggestion was by yardage of snow removed. Mr. Vanselow said that he would not like the County to believe that the Town would take over this job. Mr. Stevens suggested using Occupancy Tax funding for the removal, as this would improve the appearance of Main Street by removing the piles of snow. Supv. Goodspeed noted that the Warren County Attorney had recently allowed the use of Occupancy Tax funding for the payment of fringe benefits to tourism employees and that this would be worth looking into.

Supv. Goodspeed asked Town Attorney Jordan if there were any recent developments, since November 13, regarding the cell tower issue; Attorney Jordan replied that there had been no new discussions and suggested looking for a new partner. Supv. Goodspeed asked Secretary Cherie Ferguson to attempt to contact C.A. Smith, L.L.C. and also asked Town Attorney Jordan to search for another interested party.

Supv. Goodspeed informed the Town Board that he had attended a lengthy meeting yesterday with representatives the Miriam Agency and NYMIR to discuss the Town insurance coverage package. As a result of this meeting, Supv. Goodspeed said that the Miriam Agency and NYMIR had produced similar proposals and costs. Supv. Goodspeed suggested that the Town Board continue with the Miriam Agency since the costs are almost equivalent and the Miriam Agency has a local representative. The quote includes an increase in liability coverage for the Town and the Johnsbury Emergency Squad; the premium will be reduced from \$47,000.00 to \$42,000.00 and over the next three years NYMIR will rebate \$11,000.00 in fees. Mr. William Heidrich asked if the Johnsbury Emergency Squad directors asked for the additional coverage and why they did so; Supv. Goodspeed explained that this coverage would keep them from losing homes, savings, and vehicles if the squad was sued at a minimal cost increase of approximately \$1,000.00 to \$1,100.00. Supv. Goodspeed asked that the Town Board authorize him to execute the contract with the Miriam Agency.

RESOLUTION NO. 222

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board of the Town of Johnsbury authorizes the Town Supervisor to execute the contract with the Miriam Agency for liability insurance for 2009 with the Town. 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 Town Attorney Jordan had informed him that Local Law #2 of 2008 entitled Town of Johnsbury Cold War Veterans Exemption From Real Property

Taxation Local Law approved by Resolution Number 174 had been labeled as Local Law #2 of 2008 in error. Actually, the Town of Johnsbury Cold War Veterans Exemption From Real Property Taxation Local Law should have been labeled as Local Law #1 of 2008; the change in the map of the Local Land Use Plan should not have been labeled as a local law. Supv. Goodspeed asked that the Town Board re-name Local Law #2 of 2008 entitled Town of Johnsbury Cold War Veterans Exemption From Real Property Taxation Local Law as Local Law #1 of 2008 entitled Town of Johnsbury Cold War Veterans Exemption From Real Property Taxation Local Law to correct the error.

RESOLUTION NO. 223

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board of the Town of Johnsbury authorizes the Town Clerk to rename Local Law #2 of 2008 entitled Town of Johnsbury Cold War Veterans Exemption From Real Property Taxation Local Law; which was implemented by Resolution Number 174 of 2008 as Local Law #1 of 2008 entitled Town of Johnsbury Cold War Veterans Exemption From Real Property Taxation Local Law to correct the error in labeling the aforesaid law as Local Law #2 of 2008 instead of Local Law#1 of 2008. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

NEW BUSINESS

Supv. Goodspeed informed the Town Board that the Gore Mt. Region Chamber of Commerce wished to request that the Town Board allow the Chamber of Commerce to place their sign outside the building at the Tannery Pond Community Center site which the Town Board has contracted with them to occupy for their office. Mrs. Barbara Thomas, representing the Chamber of Commerce, explained to the Town Board that the sign is currently displayed inside a window at their office in the Tannery Pond Community Center. The sign is not easily seen by travelers and tourists; as these are the very people whom the Chamber of Commerce is attempting to assist, the sign location is a problem. Mrs. Thomas added that the sign, which is currently painted white, will be repainted with colors which will match those of the Tannery Pond Community Center, if the Town Board will allow the outside placement of the sign.

RESOLUTION NO. 224

Mr. Stevens presented the following resolution and moved its passage with a second from Supv. Goodspeed that the Town Board of the Town of Johnsbury will allow the Gore Mt. Region Chamber of Commerce to place their organization sign on Town property outside of the Tannery Pond Community Center in anticipation of its increased visibility attracting more travelers to the site; this permission does not supersede any site plan determination by the Planning Board as to the appropriateness or location of said sign. 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 read earlier in the meeting from Mr. Joel Beaudin, Co-Chairman of the Upper Hudson Festivals Inc., requesting that the Town Board allow the Upper Hudson Bluegrass Festival the use of the Ski Bowl Park August 19th through 24th for the 2009 festival; as well as a blanket vending permit and to be able to display their event banner.

RESOLUTION NO. 225

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board of the Town of Johnsbury will allow further that the Town Board of the Town of Johnsbury will allow the Upper Hudson River Bluegrass Festival Committee to use the Ski Bowl Park for the period from August 19th through 24th of 2009 for the purpose of conducting the Upper Hudson River Bluegrass Festival and including setup and cleanup operations and, further that the Town Board of the Town of Johnsbury will allow the Town Clerk to issue a blanket vendor's permit to the Upper Hudson River Bluegrass Festival Committee for August 19th through 24th of 2009 and to exempt them from the annual fee and, further that the Town Board of the Town of Johnsbury will allow the Upper Hudson River Bluegrass Festival Committee to display its banner at the Ski Bowl Park during the Upper Hudson River Bluegrass Festival and operations With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed distributed amendments to the 2008 Town of Johnsbury Budget; he noted that the amendments would transfer fund allowances from some budget lines to more challenged budget lines. Supv. Goodspeed requested that the Town Board approve these amendments.

RESOLUTION NO. 226

Mr. Stevens presented the following resolution, with a second from Mr. Morehouse, to approve the budget amendments as follow:

Budget Amendments 12/02/2008

General Fund

from:	amount	to:	
transfer within accounts			
Town Clerk			
A1410.4	350.00	A1410.1	350.00
transfer between accounts			
Hosp, medical insurance			
A9060.8	23,064.00	Personnel A1430.1	40.00
		A1430.4	200.00
		Buildings A1620.1 (super)	50.00
		A1620.4	6000.00
		Parks A7110.1 (super)	120.00
		(other)5000.00	
		Planning A8020.1	2.00
		Recycs A8090.1	1000.00
		A8090.4	
		Refuse A8160.1	1000.00
		A8160.4	8000.00
		Cemeteries A8810.1	132.00
		Unemployment A9050.8	1520.00

23064.00

Occupancy Tax A6410.42 1525.22
decrease appropriated fund balance (A599)

Tourism A6410.42
Decrease Appropriations (A960)

Highway Fund

from:

to:

transfer between accounts

Machinery DA5130.2 14,407.00

General Repairs DA5110.4 21,407.00

Cap Outlays DA5112.2 7,000.00

Water District

Increase estimated revenues (SW510)

Increase appropriations (SW960)

Connection charges SW2144 30,000.00

Supply Power & Pump SW8320.4

Cap Proj.

Increase estimated Revenues (H510)

Increase appropriations (H960)

Butterfly/Memorial Garden H2770 505.00

H7110.21

Library Fund

Increase appropriated fund balance (L599)

Increase Appropriations (L960)

10,022.00

Pers Service L7410.4 6660.00

Contract L7410.4 2600.00

SS L9030.8 200.00

Medical Ins L9060.8 562.00

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

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of November 2008, to the members of the Town of Johnsburg Town Board.

Supv. Goodspeed distributed the monthly report of the Zoning Enforcement Officer Mr. Edward Tuttle, for the month of November 2008, to the members of the Town of Johnsburg Town Board.

Supv. Goodspeed informed the Town Board that Thermal Associates had been called in to check up on the heating system at the Tannery Pond Community Center which was not functioning properly. Thermal Associates has determined that of the six compressors in the building that one is not working and one is failing; the company suggested that repairs be made as soon as possible. The estimated cost of the replacement of each compressor is \$2,000.00 to \$2,400.00 per compressor for the parts and installation. Ms. Candace Lomax, Accounts Clerk, suggested that the Town Board use some of the savings from the health insurance change this year to pay for the compressors.

RESOLUTION NO. 226

Mr. Stevens presented the following resolution, with a second from Mr. Arsenault to authorize the replacement of the two compressors which are currently not functioning or failing at the cost estimated by Thermal Associates to be between \$2,000.00 and \$2,400.00 per compressor for the parts and installation. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed encouraged all present to attend either or both of the following events of the holiday season: the "Lights On" tree lighting ceremony on Friday, December 5th at 5:00pm across from the Copperfield Inn and the holiday parade down Main Street in North Creek, on Saturday, December 6th at 12:00 noon.

Supv. Goodspeed informed the Town Board that as a result of four recent actions taken by the Adirondack Park Agency (APA) that several counties in the APA jurisdiction were instituting a lawsuit against the agency. The actions, which the APA had requested the NYS legislature to pass, were not passed by the legislature and the APA, summarily, and in the belief of the Adirondack Association of Towns, illegally instituted the regulations. The regulations in question deal with the ability of landowners to enlarge buildings near waterfront; all the actions which the agency had ruled against had previously been allowable.

PRIVILEGE OF THE FLOOR

RESOLUTION NO. 227

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 #23G/Claims #447-464; Highway Fund- Warrant #23H/Claims #223-225; North Creek Water Dist.- Warrant #23W/Claim #108; Capital Projects Fund- Warrant #9CPF/ Claim #10. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Stevens 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 highway employee issue; a Zoning personnel issue; and attorney-client matters at 8:46pm. With 5 members voting in favor the motion is carried. Ayes -5 (Arsenault, Stevens, Morehouse Vanselow, Goodspeed) Nays -0.

Present at the request of the Town Board were: Town Attorney Jordan, Highway Supt. Daniel Hitchcock, and Planning Board members: Dorothy Osterhout, William Heidrich, and Nate Pelton.

Mr. Stevens presented the following motion and moved its passage with a second from Mr. Morehouse that the Town Board adjourns the executive session on a highway employee issue; a Zoning personnel issue; and attorney-client matters to return to the regular meeting at 10:23 P.M. With 5 members voting the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed stated that no action would be taken matters discussed in the executive session.

A motion to adjourn the meeting was presented by Supv. Goodspeed with a second from Mr. Vanselow to close the executive session at 10:23pm. 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 December16, 2008 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk