

**Minutes of the Town of Johnsburg Regular Board Meeting December 16, 2008
Held at the Town Hall (Library), North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday December 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 Arnold Stevens

Roll call showed the following persons present: Supv. Sterling Goodspeed; Town Councilmen/ Eugene Arsenault, Arnold Stevens, and Ronald Vanselow; Town Clerk/ William Rawson. Councilman Frank Morehouse, Jr. was absent

Guests: On attached list

BID OPENING:

The Town Clerk read the Legal Notice for the Senior Citizen Transportation Bid as it appeared on November 29, 2008 in the North Creek News-Enterprise. The Clerk noted that three copies of the bid had been requested and sent out. There were two bids received from Gore Mt. Taxi Service on December 15, 2008 and Warren Hamilton Counties ACEO, Inc. on December 16, 2008; the bids were opened and contained all appropriate forms. Gore Mt. Taxi Service bid \$175.00 per trip for a total of \$8,925.00; Warren Hamilton Counties ACEO, Inc. bid \$190.00 per trip for a total of \$9,500.00 for 51 trips during the calendar year of 2009.

Supv. Goodspeed asked if the Town Board wished to award the bid.

RESOLUTION NO. 228

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault to award the bid for Senior Citizens Transportation to Glens Falls and return one day per week for the year of 2009, to Gore Mt. Taxi Service, P.O. Box 231, Johnsburg, N.Y. 12843 in the amount of \$8,925.00 per year at \$175.00 per trip @ 51 trips during 2009. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

RESOLUTION NO. 229

Mr. Stevens presented the following resolution, with a second from Mr. Arsenault, to accept the minutes of the December 2, 2008 regular meeting as written. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

CORRESPONDENCE:

1. A letter from the Town of Johnsburg Library Board of Trustees requesting that the Town Board approve the appointment of Ms. Kate Nightingale as a member of that board.
2. A letter from Mr. Peter Olesheski of the Ski Bowl Park Committee asking that the Town Board asking the Town Board for further reassurance, by resolution, that the funding for the Ski Bowl Park grant does and will exist.

COMMITTEE REPORTS:

Mr. Vanselow informed the Town Board that the Planning Board had decided that the Copperfield Inn did not need a site plan as the Local Land Use Plan has no discontinuance

clause; the Planning Board requested that the Town Board change the Local Land Use Plan to include such a clause. Supv. Goodspeed noted at the recent meeting between several town boards and the Adirondack Park Agency (A.P.A.) to discuss possible changes to the Local Land Use Plan and that this could be added to that list for discussion.

OLD BUSINESS:

Supv. Goodspeed reminded the Town Board of the notice from Warren County regarding the loss of sidewalk cleanup service. Warren County acknowledges an obligation to plow Main Street and Circle Avenue; the county does not acknowledge responsibility for sidewalk clearing. The Town of Johnsburg has argued that this service is in return for the use of the property on Ski Bowl Road where the county has a garage; the property is owned by the Town of Johnsburg. Warren County has agreed to remove snow piles from Main Street as time permits, but not using any overtime. In order to keep Main Street safely passable for the upcoming holiday, Supv. Goodspeed, put out an emergency bid for snow removal at the request of the supervisor. Supv. Goodspeed asked the Town Board to retroactively, approve his action in bidding for this service.

RESOLUTION NO. 230

Mr. Stevens presented the following resolution, with a second from Mr. Arsenault, to affirm the action of the Town Supervisor in offering a bid for Intermittent Snow Removal and Beautification Bid for Main Street, North Creek, to be opened on December 16, 2008 at a Town Board meeting and to be advertised for one week on December 13 in the North Creek News-Enterprise. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed added that new events had occurred on this topic. The Town Assessor's office has produced paperwork showing that the Warren County D.P.W. building is on town land. The sidewalk work was rent for this property; there are some discussions in the works for the county to convey the bobcat used for sidewalk clearing to the town in consideration for continued use. Supv. Goodspeed has discussed the sidewalk clearing issue with Highway Supt. Hitchcock as a priority after clearing town roads. Mr. Robert Nessle noted that the property use by Warren County would be ongoing, however, the bobcat would wear out. Supv. Goodspeed replied that this was still under discussion; he added that the town ownership of the property could be important regarding the Front Street negotiations regarding that property and its possible transfer.

Supv. Goodspeed noted that upon discussions with Town Attorney J. Anthony Jordan that the Parks Employee resolution would be discussed in an executive session; he expected to have a resolution resulting from the executive session discussions.

Supv. Goodspeed explained that the N.Y.S. Department of Environmental Conservation plans to end outdoor burning on or near April 1, 2009; this issue will be discussed in the future as the town currently accepts brush for burning.

Supv. Goodspeed noted that a cell tower lease is now in hand from C.A. Smith, LLC and is being reviewed by Town Attorney Jordan. Another company would like to make a presentation to the Town board at the second January meeting. Supv. Goodspeed added that there is a lengthy process in line to place a cell tower at the transfer station site.

Supv. Goodspeed noted that a meeting of Mr. Arsenault, Mr. Vanselow and Highway Supt. Hitchcock, was scheduled for next week prior to Christmas to discuss possible restructuring of the Highway and Parks Departments. Supv. Goodspeed noted that currently a laborer position is vacant in the Highway Department. The vacancy exists due to the termination of William Mosher by the Town Board, under advice of consul and without a highway superintendent in place, and the subsequent filling of that driver position through the upgrading of a current employee who was a laborer. The employee possess a C.D.L. driving licence to allow the upgrade. Now that the highway superintendent position is filled; the highway superintendent has the authority to hire and fire personnel according to Section 140 of NYS Highway Law. Supv. Goodspeed added that if a town official wishes to hire a relative that the Town Board would need to be informed and approve the hiring under the Town Ethics Code. Secretary Cherie Ferguson added that according to the Highway Contract all hires must be advertised to the current workforce for two weeks prior to advertising publicly. Supv. Goodspeed noted that he would like to attempt to move forward with the position left vacant. Highway Supt. Hitchcock noted that he is spending his time as a wing man and this is a poor use of his time; additionally, this leaves only one mechanic in the garage for periods of time and that is a safety issue. Highway Supt. Hitchcock added that Fred Comstock is filling in for a driver, Norman Petty, who is currently disabled and that he does not have a C.D.L. driving license and is not qualified as a driver and that he is short a driver. Following a lengthy discussion of how to best structure a hire in the department, possible ongoing discipline issues, and a lack of on-call drivers, Highway Supt. Hitchcock said that he wants to rehire William Mosher as a driver and that he, Highway Supt. Hitchcock, can handle the discipline issues. Mr. Stevens asked Highway Supt. Hitchcock if he wished to hire William Mosher, his brother-in-law, as a temporary driver in the Highway Department; Highway Supt. Hitchcock replied that he did.

RESOLUTION NO. 231

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board will allow, under the Town Ethics Code, Highway Supt. Hitchcock to hire his brother-in-law as a relief driver. With 2 members voting in favor and 2 member voting against, the resolution is declared failed. Ayes-2 (Arsenault, Stevens) Nays - 2 (Vanselow, Goodspeed)

Supv. Goodspeed suggested advertising for a full time laborer and temporary relief drivers and asked that North Creek News-Enterprise reporter, Brett Hagadorn, to insert an article in that paper; he added that he would have his staff ask other nearby towns for possible relief drivers.

Supv. Goodspeed reminded the Town Board that he had earlier discussed rearrangement of the offices in the town hall, probably in April, to reconfigure the workspace in a more effective way. He informed the Town Board that some good employees, Assessor Ann Deppe, Accounts Clerk Candace Lomax, and Secretary Cherie Ferguson have opportunities to go to other municipalities due to the low pay rate and/or loss of hours. Supv. Goodspeed proposed increasing pay rates for both Ann Deppe and Candace Lomax and increasing Cherie Ferguson hours with the added time to be used in assisting the assessor; he proposed paying for these changes by eliminating the position of assistant to the assessor which had remained unfilled and approximately \$2200.00 of the liability insurance savings which was \$4700.00 in total; there would be no additional budget impact. He added that the loss of Ann Deppe as the town was moving toward an assessment revaluation would be a major detriment and that Candace Lomax

has a great deal of knowledge about the town budget. Mr. Arsenault asked why this was not brought up during the discussion of the budget; Supv. Goodspeed replied that he believed that it was important to complete the budget process and that this could wait as it would have little budget impact. Mrs. Kelly Nettle praised the idea; she added that the expansion of the town hall would allow for improved services and suggested the town look into grants and bonds. Supv. Goodspeed replied that he could not see the town taking on a capital building project at this time due to increased state taxes, the loss or lowering of some state funding and no lessening of mandates. Highway Supt. Hitchcock suggested moving some operations to other buildings in the town; Supv. Goodspeed said that while this was worth looking at, he was unsure if it would work.

RESOLUTION NO. 232

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault that as the Town Board authorizes the elimination of the position of assistant to the Town assessor and the movement of funds from the insurance line funding in the amount of \$2200.00 to payroll lines for the Town Assessor, Accounts Clerk, and Secretary to the Town Supervisor. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked Secretary Cherie Ferguson to report on the next topic. Ms. Ferguson explained that Joanne Smith, the T.P.C.C. building cleaner, reported to her that the elevator in the Tannery Pond Community Center had been moving and its doors opening when there was no one in the building besides herself. Ms. Ferguson added that when she contacted the elevator maintenance company that they said that the elevator is scheduled to move slightly after an interval of inactivity and that this may be the answer; the elevator should not change floors or the door open however. There may be an electrical problem and that is to be followed up.

Supv. Goodspeed informed the Town Board he had received notification on December 3 that the O.R.D.A. State Environmental Quality Review (SEQR) findings were finished and approved for the Gore interconnect to exist.

Supv. Goodspeed also reported the law firm of Caffery & Flowers had filed on behalf of the Residents Committee to Protect the Adirondacks against the A.P.A. and the DEC to halt the interconnect; he added that it is possible that the Town of Johnsbury will be named as well.

Supv. Goodspeed noted that the Zoning Board of Appeals term of Mr. James Jones was due to end on December 31; Mr. Jones has indicated that he is willing to return for another term on the board. He asked if the Town Board wished to advertise the position.

RESOLUTION NO. 233

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow that as the Town Board authorizes the Town Clerk to advertise the position on the Zoning Board of Appeals in the North Creek News-Enterprise and that interviews would be scheduled for January 20 at the Town Hall at 6:30pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked the Town Clerk to explain the next issue. Town Clerk William Rawson wished to inform the Town Board that he wishes to destroy the following documents in

accordance with the NYS Records Retention Schedule: Town Board Warrants covering the years of 1992 through 1999 and Tax Collection Receipts covering the years of 1994 through 1999. The destruction of the records will free up space in the Town Records Room.

RESOLUTION NO. 234

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 destroy the following documents in accordance with the NYS Records Retention Schedule: Town Board Warrants covering the years of 1992 through 1999 and Tax Collection Receipts covering the years of 1994 through 1999 in order to free up space in the Town Records Room. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

NEW BUSINESS

Supv. Goodspeed noted that Mrs. Doris Patton, the Town Historian, was retiring after twenty years of outstanding service; he asked that the Town Board approve the following resolution of appreciation for work which Mrs. Patton has done on behalf of the town of Johnsbury.

RESOLUTION NO. 235

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

IN APPRECIATION

WHEREAS, our good friend and official of the Town of Johnsbury,

Doris H. Patton

has for twenty years rendered exceptional and outstanding service to the town in her official capacity as Town Historian since January 1988, and

WHEREAS, Doris spent many countless hours with Lewis Waddell, the previous Town Historian, drawing from his prodigious knowledge of the history of the Town of Johnsbury, and

WHEREAS, Doris has herself spent many hours in research to increase the store of collected history of the Town of Johnsbury, and with the technological aid of her husband, Robert Patton, Doris has advanced the filing of these records into the computer, and

NOW THEREFORE, at a regular meeting of the Town Board of the Town of Johnsbury, it is

RESOLVED, that the Town Board, on behalf of all the residents of the Town of Johnsbury, express its appreciation for the many years of service rendered by Doris H. Patton and hereby express its sincere best wishes to her in the future, and it is

FURTHER RESOLVED, that a copy of this resolution, as inscribed in the minutes of this meeting, be submitted in appreciation to Doris H. Patton in suitable form executed by the Supervisor of the Town of Johnsbury.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked Mrs. Patton to come forward and receive a presentation copy of the proclamation and personally thanked her for her service. There was a round of applause for Mrs. Patton.

Supv. Goodspeed asked Secretary Cherie Ferguson to place an advertisement noting the vacancy resulting from Mrs. Patton's retirement.

Supv. Goodspeed recognized Mr. Doug Needham of the Thurman Connection Snowmobile Club to make a request of the Town Board. Mr. Needham asked that the Town Board allow the entirety of Glen Creek Road to be used as a snowmobile road; this would allow the trail system to be accessed from the Warren County railroad track. Highway Supt. Hitchcock said that he had discussed the request with DEC Officer Steve Ovitt; he suggested grooming one side of the road and allowing vehicle traffic on the other. Mrs. Kelly Nettle asked if the Snowmobile Club had looked into accessing in other areas; Mr. Cork Nestor replied that this was blocked by private landowners. Mrs. Nettle asked about possible All Terrain Vehicle use; Mr. Nestor replied that these vehicles were totally excluded from the snowmobile trail system. Supv. Goodspeed noted that there could be possible legal ramifications and suggested that the question be referred to the town attorney; the Town Board agreed with this suggestion.

Supv. Goodspeed asked that the Town Board authorize an application for the use of 2008 Occupancy Tax funds to pay for snow removal under the Snow Removal and Beautification Bid, if a bid is accepted.

RESOLUTION NO. 236

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board of the Town of Johnsbury authorizes the Town Supervisor to execute an application from the Town of Johnsbury for the use of Occupancy Tax funding, from 2008 funds, for the purpose of paying for anticipated snow removal under the Snow Removal and Beautification Bid, and further, the Town Board authorizes the extension of the contract date through April 2009, and additionally, the Town Board approves the aforesaid application. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed said that the town should do more to honor Martin Luther King Day; possibly working with the school. To that end, he asked for ideas to promote the holiday; Supv. Goodspeed suggested a story on twentieth century safe houses. Mrs. Kelly Nettle noted that the Ski Bowl Park Committee will not be holding an extravaganza on that day; O.R.D.A. would not approve that date as a free tubing day. Mr. Vanselow said that he would be willing to act as a channel for suggestions on this issue.

Supv. Goodspeed asked the Town Board members if they wished to act upon the request by the Town of Johnsbury Library Board of Trustees that the Town Board approve the appointment of Ms. Kate Nightingale to the Town of Johnsbury Library Board of Trustees.

RESOLUTION NO. 237

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury approve the appointment of Ms. Kate Nightingale to the Town of Johnsbury Library Board of Trustees as requested by that Board. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that the Town Board had received copies of proposed 2008 Budget amendments in their packets; the amendments include the previously mentioned funding increases to the Highway budget, as well as transfers between accounts in the General Fund budget. Supv. Goodspeed asked that the Town Board approve these amendments to the 2008 Town Budget.

RESOLUTION NO. 238

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury authorizes the following amendments to the 2008 Town Budget:

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the Town Hall will be closed on December 25 and 26 and also on January 1 and 2 for the holidays.

Supv. Goodspeed asked that the Town Board set a date for the 2009 Organizational Meeting; he suggested January 6, the first Tuesday in January at the Wevertown Community Center, at 7:00pm.

RESOLUTION NO. 239

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board sets the date of the 2009 Organizational Meeting of the Town Board of the Town of Johnsbury as follows: January 6, 2009 at the Wevertown Community Center, Wevertown, NY at 7:00pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

In reference to the letter from Mr. Peter Olesheski, of the Ski Bowl Park Committee, read earlier in the meeting asking the Town Board for further reassurance, by resolution, that the funding for the Ski Bowl Park grant does and will exist, Supv. Goodspeed replied that it is not the intention of the Town Board to not fund the match for the Ski Bowl Park Grant. Accounts Clerk Candace Lomax explained that there were funds in Capital Projects and possibly additional Recreation fees from developers will soon be available; Mr. Vanselow added that there was a draft approval, by the Planning Board, for a subdivision which will produce substantial Recreation Fees in the near future. Supv. Goodspeed that the Town will fund the

match and that there are still some portions of the grant regarding the beach area which are still under discussion with the Department of Environmental Conservation.

BID OPENING:

The Town Clerk read the Legal Notice for the Intermittent Snow Removal and Beautification Bid as it appeared on December 13, 2008 in the North Creek News-Enterprise. The Clerk noted that three copies of the bid had been requested and sent out. There were two bids received from James Jones on December 16, 2008 and J.H. Schrade Ent., Inc. on December 16, 2008; the bids were opened and contained all appropriate forms. James Jones bid a charge of \$26.50 per load; J.H. Schrade Ent, Inc. bid a charge of \$78.72 per load. Supv. Goodspeed asked if the Town Board wished to award the bid.

RESOLUTION NO. 228

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow to award the bid for Intermittent Snow Removal and Beautification, to James Jones, 2617 Garnet Lake Road N, Johnsburg, N.Y. 12843 in the amount of \$26.50 per load of removed snow. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

PRIVILEGE OF THE FLOOR

Mr. David Bulmer noted that as the Resident Committee to Protect the Adirondacks has filed suit to halt the interconnect, he suggests that the Town Board not allow that Committee the use of Town property (Ski Bowl Park and Pavilion and Tannery Pond Community Center) for its fund raising activities. Supv. Goodspeed replied that the Town has always had an open door policy for requests and that the refusal of service might strengthen their, in his opinion, weak suit. Mr. Robert Nettle asked if the Town Board anticipated any action following the executive session; Supv. Goodspeed answered that he did expect a resolution to be put forward.

RESOLUTION NO. 241

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 #24G/Claims #465-492; Highway Fund- Warrant #24H/Claims #226-234; North Creek Water Dist.- Warrant #24W/Claims#109-114; Library Fund-Warrant #12L/Claims#81-89. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked that the Town Board go into executive session for the purpose of discussing an employee personnel issue.

Mr. Arsenault left the meeting at 9:10pm

Mr. Stevens presented the following motion with a second from Mr. Vanselow that the Town Board enter into an executive session for the purpose of discussing an employee personnel issue at 9:11pm. With 3 members voting in favor the resolution is declared carried. Ayes-3 (Stevens, Vanselow, Goodspeed) Nays - 0 (Mr. Arsenault absent)

Mr. Arsenault returned to the meeting at 9:12pm

Mr. Stevens presented the following motion with a second from Mr. Vanselow that the Town Board close the executive session and return to regular meeting at 9:22pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that as a result of the inappropriate language used by Parks Supt. Matt Olden at the December 2, 2008 regular Town Board meeting and other outbursts, he had discussed the issue with Mr. Olden. As a result of that discussion Supv. Goodspeed asks that the Town Board authorize him to discipline Mr. Olden in the event of further inappropriate outbursts.

RESOLUTION NO. 242

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Supervisor is authorized to discipline Parks Supt. Matt Olden and order him to control his violent outbursts, including profanity and/or racial slurs; the failure to control said outbursts by Parks Supt. Matt Olden would result in his firing by the Town Supervisor. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

A motion to adjourn the meeting was presented by Mr. Vanselow with a second from Mr. Arsenault at 9:27pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on January 6, 2009 at the Wevertown Community Center, Wevertown, NY.

Prepared by William Rawson, Town Clerk

