

**Minutes of the Town of Johnsbury Regular Board Meeting April 21, 2009  
Held at 7:00pm at the Town of Johnsbury Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, April 21, 2009 at 7:00pm at the Town Library, North Creek, NY Supervisor Goodspeed called the meeting to order at 7:00pm and 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. 87**

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the April 7, 2009 regular Town Board 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 New York State Department of Transportation Engineer, Frank Komoroske, requesting that the Town of Johnsbury waive the application and hook up fees to connect to the North Creek Water District as the flushing hydrant would benefit the water district.
2. A letter from Mr. Edward Tuttle announcing his resignation as Zoning Enforcement Officer effective April 30, 2009.
3. A letter from Highway Supt. Daniel Hitchcock asking the Town Board to authorize the placement of Bill Mosher into the vacancy which had been created by the Town Board denying the most recent request of Mr. Norman Petty to continue holding his position open while he is recovering from his knee injury.
5. A letter from the Town of Johnsbury Library Board of Trustees thanking the Town Board for their support in the current budget.
6. A letter from Mrs. Lori Smith, Owner of Marsha's Family Restaurant, notifying the town Board of her liquor license application.

**COMMITTEE REPORTS:**

**OLD BUSINESS:**

Supv. Goodspeed explained that he had asked Accounts Clerk Candace Lomax to research the request to be paid for his accumulated sick leave from Mr. Eugene Dunkley, in his letter read at the meeting of April 7, 2009. Accounts Clerk Lomax explained that the Town had paid for 50 percent of accumulated sick leave for those retiring. Mr. Dunkley had only worked for the town for about four years which is short of the ten years of service required to retire; due to the lack of years of service this would be deemed a resignation. The Town of Johnsbury has not historically, paid for accumulated sick leave for employees resigning, but not retiring.

**RESOLUTION NO. 88**

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to follow past practice and regretfully, to refuse to pay Mr. Eugene Dunkley for

his accumulated sick leave as he had not worked enough years for the town to be able to retire and the town has not, historically, paid for the sick leave of those resigning. 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 the new cell tower group seemed to be progressing satisfactorily in assessing sites in the town. Supv. Goodspeed explained that this company has erected numerous cell towers in the Adirondack Park; this company handles the entire process from siting through permitting and construction. Supv. Goodspeed expects a presentation to the Town Board at one of the meetings in May.

Supv. Goodspeed informed the Town Board that he had attended the ORDA meeting in Lake Placid earlier in the day and that as a result of that meeting that action on Waiver Agreement #2 to the Master Agreement between the Town of Johnsburg and Front Street Mountain Development was currently irrelevant. At the meeting the ORDA Board refused to approve the funding for the Interconnect Lift; the ORDA Board plans to ask Front Street Mountain Development for funding assistance toward installation of the lift or snow making or a shuttle system as has been done in Vail, Colorado. The item was tabled until the June meeting of the ORDA Board. Supv. Goodspeed explained that Mr. David Crikelair was expected to be invited to the June meeting of the ORDA Board. Supv. Goodspeed addressed the ORDA Board explaining that the Interconnect and the Front Street Mountain Development were separate items and should not be linked together; he pointed out that the lift had been approved nine years ago; and that the lift would not service Front Street Mountain Development. Mr. Robert Nettle who also attended the meeting with his wife, Kelly, said that it was apparent that Gore Mt. is not seen as important by the ORDA Board; he added that he believed that the Vail, Colorado reference was a misrepresentation of that model. Mr. Nettle added that this seemed to be extortion by the ORDA Board; he asked where the local representative, Robert Flacke, was. Supv. Goodspeed replied that Mr. Flacke was to have been available by teleconference and that he was unsure why he was not in contact. Mrs. Kelly Nettle said that Supv. Goodspeed spoke well in explaining the project; she suggested that the main presentation should have had more supporting data. Mr. Arsenault said that he was unhappy to hear of the funding request and called it pandering; he asked if Mr. Crikelair had any prior knowledge of the request. Supv. Goodspeed replied that he had advised Mr. Crikelair of the probability of the request being made and that Mr. Crikelair had replied that the company would not make any such contribution. Mr. Stevens asked if this was a one time or an ongoing payment; Supv. Goodspeed replied that he was not sure. Supv. Goodspeed said that he would keep the Town board updated on this important issue.

#### NEW BUSINESS

Supv. Goodspeed informed the Town Board that there was a problem with the furnace at the Wevertown Community Center. Buildings Supt. Matt Olden has hired Barilli Heating Service to affect repairs. Steve Barilli believes that the current repairs should solve the problem with the power vent for five to ten years. Mr. Robert Nettle suggested replacing the current furnace with a propane furnace which would allow for easier venting. Supv. Goodspeed agreed to look into replacement costs and possible grants.

#### RESOLUTION NO. 89

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize necessary repairs to the furnace and power vent at the Wevertown

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

Supv. Goodspeed recognized Mr. Jeff Fosdick of the Town of Johnsbury Library Board of Trustees to make a presentation to the Town Board on the plans to improve the rear entrance to the library. Mr. Fosdick explained that partial funding is available through a grant received from New York State and the Library Board of Trustees are seeking additional grant funds to cover the balance of the costs. The rear parking area has wireless access and can be made more attractive; the plans call for a disability access ramp and a vestibule to encourage use of the rear parking area and therefore, alleviate some of the parking problems currently experienced by patrons of the library. The total cost is expected to be approximately thirty six-thousand dollars. The ramp is to include a heating option which can be connected later. Mr. Robert Nettle suggested going green by trimming the trees that overhang or to power the heating with a solar electric supply possibly with an NYSEDA grant; Mr. Vanselow agreed and planned to look into the possibility of an NYSEDA grant. Supv. Goodspeed asked the Town Board to pass a resolution in support of the project.

#### RESOLUTION NO. 90

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Morehouse in support of the project planned by the Town of Johnsbury Library Board of Trustees to improve the rear entrance to the library through the installation of a disability access ramp and a vestibule to encourage use of the rear parking area and therefore, alleviate some of the parking problems currently experienced by patrons of the library. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that he had received a letter from the North Creek Business Alliance requesting additional cross walks be established in the hamlet of North Creek. Areas in which the North Creek Business Alliance has requested cross walks include Tannery Pond and Town Hall, Community Bank and the churches, Grand Union grocery and Rite Aid Pharmacy, and Bar Vino and Capri Pizza. Mr. Vanselow explained that the process used in determining the locations of the proposed cross walks involved parking on one side of the street and an activity on the other side. Mrs. Nettle suggested a cross walk in the Ski Bowl Park between the baseball field and the pavilion. Supv. Goodspeed said that he would discuss the cross walks with New York State Department of Public Works.

Supv. Goodspeed said that the Town Board cannot act on the request from Highway Supt. Daniel Hitchcock asking the Town Board to authorize the placement of Bill Mosher into the vacancy which had been created by the Town Board refusing to extend the leave for recovery from knee injury of Mr. Norman Petty. Supv. Goodspeed explained that by law there is a thirty day notice period and that no action may be taken regarding that position prior to the expiration of that period; technically, no vacancy will exist for thirty days. Supv. Goodspeed added that the Town Board would again be acting under the Town Ethics policy.

Supv. Goodspeed noted that earlier in the meeting the Town Clerk had read a letter of resignation from Mr. Edward Tuttle as Zoning Enforcement Officer effective April 30, 2009. Supv. Goodspeed explained that there had been some stressful confrontations as well as improper calls to his residence. Supv. Goodspeed asked if the Town Board wished to act upon

the letter of resignation. Mr. Vanselow asked that Supv. Goodspeed find out what official or combination of officials could act in the absence of a Zoning Enforcement Officer; he also asked that the job description be revised to more accurately reflect the duties of the position.

#### RESOLUTION NO. 91

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse that the Town Board accepts the resignation of Mr. Edward Tuttle as Zoning Enforcement Officer effective April 30, 2009 with thanks for his work; and further, that the Town Board authorizes the Town Clerk to advertise for two weeks on May 2 and May 14, 2009, in the North Creek News Enterprise for letters of interest in filling the position of Zoning Enforcement Officer, with interviews to be scheduled for May 19, 2009, beginning at 6:00pm. 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 Adrian Veldman, the lifeguard for the summer of 2008 was willing to return for this summer; he added that he wished the Town Board to authorize advertising for a second life guard to allow for coverage on all seven days each week. Supv. Goodspeed said that last year the insurance company had wanted to see a sturdy fence and signage noting a closed beach if the beach was not opened with a lifeguard. Mrs. Kelly Nettle said that, according to the sanitary code, "no swimming" signage would be sufficient to stop town liability.

#### RESOLUTION NO. 92

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the Town Supervisor to advertise for two weeks on April 18 and April 25, 2009, in the North Creek News Enterprise for lifeguards for the summer at the Town Beach at the Ski Bowl Park; and further, the Town Board authorizes Parks Supt. Matthew Olden to conduct the interviews and hire. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

#### PRIVILEGE OF THE FLOOR

Accounts Clerk Lomax asked if the Town Board wished to take any action in regard to the letter from New York State Department of Transportation Engineer, Frank Komoroske. Supv. Goodspeed, Mr. Stevens and Mr. Vanselow all agreed that the Town Board had previously voted not to waive the fees as the letter had requested. Mr. Vanselow asked what the benefit to the Town would be; Secretary Cherie Ferguson replied that it would allow for chlorine dissipation. Supv. Goodspeed said that the Town board would be willing to meet with Engineer Komoroske and James Suozzo of Delaware Engineering to discuss the benefits of the by installation New York State Department of Transportation.

Mrs. Kelly Nettle informed the Town Board that Ms. K. Jessup, who is overseeing the Ski Bowl Park Grant will be in Town near the end of April and would like to meet those individuals involved with the grant. Supv. Goodspeed said that he would be happy to meet with her.

Mr. Robert Nettle reminded the Town Board that there have been at least two or three new streetlights added at the bridge at Glen Creek and asked if the Town taxpayers are paying for this service. Secretary Cherie Ferguson said that she does not believe that there have been any changes to the Town agreement with National Grid in the number of streetlights.

Mr. Robert Nettle noted that the monthly cost for waste hauling seems to be about three

thousand dollars and an additional four thousand four hundred dollars for dumping (tipping) fees. Mr. Nettle suggested that the Town purchase a truck and haul the trash and offer services to other nearby Towns. Mr. Robert Johnston asked if the Town owned the containers to be transported; Supv. Goodspeed said that his office will look into this.

Mr. Edward Milner said that the Gore Mountain Region Town of Johnsbury Chamber of Commerce visitor appreciation cards worked very well during ski season; he added that changes were being made to the cards for spring distribution.

#### RESOLUTION NO. 93

Mr. Arsenault presented the following resolution and moved its passage with a second from Supv. Goodspeed that the following certified bills which have been reviewed by the Town Board members be paid: General Fund- Warrant #8G/Claims #161-173; Highway Fund- Warrant #8H/Claims #76-82; North Creek Water Dist.- Warrant #8W/Claims#30-34. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

A motion to adjourn the meeting was presented by Mr. Vanselow with a second from Supv. Goodspeed at 8:15pm. 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 May 5, 2009 at the Wevertown Community Center, Wevertown, New York.

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Prepared by William Rawson, Town Clerk