

**Minutes of the Town of Johnsburg Regular Board Meeting October 18, 2011  
Held at 7:00pm at the Town of Johnsburg Library, North Creek, NY and a Public Hearing  
on a proposed Local Law of 2011 entitled To Regulate Parking Upon The Highways Within  
The Corporate Limits Of The Town Of Johnsburg**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, October 18, 2011 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 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

The Public Hearing on a proposed Local Law of 2011 entitled To Regulate Parking Upon The Highways Within The Corporate Limits Of The Town Of Johnsburg was called to order by Supv. Goodspeed at 7:05pm. at the Town Hall (Library), North Creek, NY. The Town Clerk read the legal notice as it appeared in the North Creek New-Enterprise on October 1, 2011.

Supv. Goodspeed opened the public hearing and asked for a brief comment from Mr. Vanselow. Mr. Vanselow proposed that the law be amended to clarify that the intersection of Harrington and Heath Roads referred to in section 5, part a of the local law is the southwestern intersection of the two roads which is near the Riverside Station Road intersection with Harrington Road.

**RESOLUTION NO. 191**

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Stevens, to amend the proposed Local Law entitled To Regulate Parking Upon The Highways Within The Corporate Limits Of The Town Of Johnsburg in section 5, part a to clarify that the intersection of Harrington and Heath Roads referred to is the southwestern intersection of the two roads which is near the Riverside Station Road intersection with Harrington Road. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Philip Sangster questioned the proportion of the law noting that it referred to the entire Town; Supv. Goodspeed and Mr. Vanselow said that only Harrington Road was being considered currently. Mr. Charles Martin noted that it allows the Highway Superintendent to remove vehicles along the roads throughout the Town. Mr. Robert Nettle said that while section 5 refers to Harrington Road that section 6 and 7 don't specify that road so it would appear to apply to all roads in the Town. Mr. Nettle added that the title should note Harrington Road if it was to only apply to that road; Mr. Martin agreed. Mr. Vanselow said that the regulations could apply to any road, but currently only aimed at Harrington Road. Supv. Goodspeed said that the point seems to be well taken and that possibly the proposed law should be returned to attorney Jordan for clarification that it is specifically for Harrington Road.

Mrs. Sandra Sangster asked if the law would prohibit parking on both sides of Harrington Road; Mr. Vanselow said that the restriction was based upon personal safety, road damage and bank erosion; parking will be available at the Dunkley Falls entrance. Mr. Robert Nettle said that he was in favor of control of access to the "Black Hole", but the law should be limited to only Harrington Road.

Mrs. Kelly Nettle asked how the owner of a towed vehicle is to find out where it has gone; Supv. Goodspeed said that the individual would probably call the police and they would know of the towing.

Supv. Goodspeed asked the Town Board if the proposed law should be returned to Attorney Jordan for changes and clarification; the Town Board agreed.

A motion was presented by Mr. Vanselow with a second by Mr. Arsenaault to adjourn the Public Hearing Meeting on the proposed Local Law entitled To Regulate Parking Upon The Highways Within The Corporate Limits Of The Town Of Johnsbury. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenaault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The Public Hearing Meeting was adjourned at 7:20pm.

#### RESOLUTION NO. 192

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenaault, to accept the minutes of the October 4, 2011 regular Town Board meeting as written. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenaault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

#### CORRESPONDENCE:

1. A letter from Ms. Janet Konis resigning from the Zoning Board of Appeals due to her appointment to the Planning Board.
2. A letter from Ms. Kimberly Smith requesting that the Town Board allow her to use the Tannery Pond Community Center to give Zumba lessons at no charge beyond the ten percent of payments received.
3. A letter from the Johnsbury Historical Society notifying the Town Board members of the unveiling of a historical marker celebrating Matthew Brady on November 10, at 2:00pm.
4. A letter from Leita Howe requesting the use of the Wevertown Community Center from mid October 2011 through mid June 2012 for meetings of the local Juniors Girl Scout troop.
5. A letter from Mrs. Judith Brown requesting permission from the Town Board to place a large garnet rock at the Main Street entrance to the Tannery Pond Community Center.
6. A letter from the Johnsbury Historical Society requesting permission to place a historical marker sign near the Wevertown Community Center noting the birthplace of Matthew Brady near this site as there is no site with sufficient safe parking on Pasco Road.

Supv. Goodspeed suggested that he meet with Mrs. Kelly Nettle, the president of the Johnsbury Emergency Squad on Thursday at 1:00pm at the Town Hall to discuss the Emergency Squad requests.

Supv. Goodspeed asked if the Town Board wished to act on the request from the Johnsbury Historical Society requesting permission to place a historical marker sign noting the birthplace of Matthew Brady next to the Wevertown Community.

#### RESOLUTION NO. 193

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow to authorize the placement by the Johnsbury Historical Society of a historical marker sign noting the nearby birthplace of Matthew Brady next to 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 asked if the Town Board wished to act on the request from Mrs. Judith Brown, garden coordinator, requesting permission to place a large garnet stone donated by the Barton Mines Corporation next to the Main Street entrance to the Tannery Pond Community Center; Secretary Cherie Ferguson added that the Tannery Pond Community Center Association has approved of the suggestion. Mrs. Brown noted in her letter that there would be no cost to the Town in moving or placing the stone.

#### RESOLUTION NO. 194

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to authorize the placement of a large garnet stone donated by the Barton Mines Corporation next to the Main Street entrance to the Tannery Pond Community Center; it is noted that the Tannery Pond Community Center Association has approved of the suggestion; and there is to be no cost to the Town in moving or placing the stone. 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 on the request from Ms. Leita Howe to use the Wevertown Community Center from mid-October 2011 through mid-June 2012 for meetings of the local Juniors Girl Scout troop; Secretary Cherie Ferguson added that there were no scheduling conflicts.

#### RESOLUTION NO. 195

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse to authorize the use of the Wevertown Community Center by Ms. Leita Howe from mid-October 2011 through mid-June 2012 to conduct meetings of the local Juniors Girl Scout troop. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed noted that the Town Board had received a request from Ms. Kimberly Smith to use the Tannery Pond Community Center to give Zumba dance fitness lessons at no charge beyond the ten percent of payments received as the lessons are a for profit activity. Supv. Goodspeed asked the cost for use by the fee structure; Secretary Cherie Ferguson said that it would be \$110.00 per use plus 10% of the proceeds. Ms. Smith said that the class attendance was variable and would not allow justify the expense of the fees; she added that the location was

centrally located and had a very good dance floor. Secretary Ferguson said that Ms. Smith's use would qualify as a priority user and allow for a negotiated fee. Supv. Goodspeed suggested that the Town Board allow him to negotiate a fee and bring back a recommendation to the Town Board at the next meeting; the Town Board agreed to this suggestion.

Supv. Goodspeed noted that he had received a letter from Town Attorney Tony Jordan regarding the fire companies' negotiations; Supv. Goodspeed asked that the Fire Committee (Arsenault, Morehouse) discuss this and contact Town Attorney Jordan regarding the letter.

#### COMMITTEE REPORTS:

#### OLD BUSINESS:

Supv. Goodspeed reminded the Town Board that they had received proposals from the Kellogg Property Committee for engineering services on the Kellogg Property from the following firms: Haanen Engineering (\$4850.00), Siracuse Engineers (\$4950.00), and Schoder River Associates (\$9800.00). Supv. Goodspeed asked Ms. Kate Nightingale for a report from the Committee on the proposals. Ms. Nightingale asked if the Town Board members had read the proposals; Supv. Goodspeed said that he had and Mr. Arsenault said that he had attended the Committee meetings and was familiar with the proposals. Ms. Nightingale said that the Committee was recommending Schoder River Associates because the response was the most detailed even though it was the most expensive. Mr. Arsenault said that the Committee has worked very hard on this recommendation; Mr. Vanselow said that he was willing to accept the recommendation of the Committee.

#### RESOLUTION NO. 196

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault to hire Schoder River Associates at the quote of \$9800.00 as specified in their proposal to perform a structural engineering review of the buildings at the Kellogg Property and present a report of their findings and recommendations. 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 Kellogg Property Committee had a recommendation to rename the property; Ms. Kate Nightingale said that the Committee had decided that the name for the property should be Riverfront Park at Railroad Place and asked that the Town Board approve the name for the property.

#### RESOLUTION NO. 197

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow to approve the following as the name of the Kellogg Property: Riverfront Park at Railroad Place. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked Secretary Cherie Ferguson to update the Town Board on the reasons for changing the water rent status of the Sweet property off Main Street which used to be used for manufacturing purposes and now is used as office space and the request is to reduce the water

rent to a residential rate. Mr. Arsenault asked if the rate could be revisited if the use returned to commercial manufacturing; it can be if the use changes. Mr. Arsenault said that as the Town Board had created the difficulty by taking two weeks to make the decision that if the rent has been billed and paid at the commercial rate that the difference to the residential rate can be refunded.

#### RESOLUTION NO. 198

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow to authorize the reduction of the water rent rate billed by the North Creek Water District to the North Creek Woodworking property at 320 Main Street (66.6-2-1) from a commercial/manufacturing rate to a residential rate; and further, if the rent has been paid at the commercial/manufacturing rate that a credit is to be issued. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked Secretary Cherie Ferguson to update the Town Board on the heating fuels situation with Warren County. Sect. Ferguson explained that Warren County has not yet formally awarded the bids for heating fuels; Warren County is recommending that the State Contract be used for #2 fuel oil with a differential of \$.1029 per gal over the base price; Warren County is planning to award the 50/50mix and kerosene bid with a differential of \$.1835 per gal over the base price. Supv. Goodspeed asked that the Town Board approve the Town of Johnsbury being included in the Warren County contracts for the year beginning November 1, 2011 through October 31, 2012 and authorize him to execute the necessary documents to participate in the Warren County pricing.

#### RESOLUTION NO. 199

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board elects to be included under the 2012 Warren County bid pricing for kerosene and 50/50mix; the County bid price differential for these products is \$.1835 per gallon over the base price and that the Town Board elects to follow the Warren County recommendation regarding the No. 2 Fuel Oil and use the state contract price at \$.1029 per gal over the base price; and further that the Town Board authorizes the Supervisor to execute the necessary documents to participate in the Warren County pricing. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked Engineer Kathleen Suozzo, Cedarwood Engineering, for a report on the transfer station following her contact with the Town Attorney and the insurance provider. Engineer Suozzo explained that there were two ways of dealing with the bid process; the Town could purchase a compactor or the contractor could purchase the compactor to replace the one destroyed in the fire. Engineer Suozzo recommended that the Town have the contractor purchase the compactor thus eliminating any question of the compactor being installed by the contractor; she further suggested a used compactor. Mr. Arsenault asked why a used compactor; Engineer Suozzo replied that the cost of a used compactor had been used in compiling the estimates for the insurance company. Engineer Suozzo added that there were new safety

regulations since the building was constructed and that the cost of these had to be figured in as well. Mr. Arsenault asked if the insurance company was required to fund the upgrades; Engineer Suozzo said that she did not believe so. Mr. Arsenault asked that this be looked into. Engineer Suozzo said that the weather was a consideration regarding construction if the construction is to take place during the winter; she added that the earliest period for availability of bid specifications would be December and an expected contract by February, 2012. Mr. Morehouse asked the lead time on installing a compactor; it was expected to take about six weeks. Mr. Vanselow said that the prior compactor was obsolete and that the Town Board doesn't want to get equipment which will become obsolete as well; Engineer Suozzo said that the bid specifications would be written to allow for either a new or used compactor and the Town Board can pick the best option. Mr. Arsenault asked if prevailing wage will apply to this project; Supv. Goodspeed replied that it would.

Mr. Vanselow asked about shelter for the employees during the winter; Engineer Suozzo suggested renting a job trailer for temporary use or purchasing a prefabricated building to replace the operator's office. Supv. Goodspeed asked for estimates of the costs of the trailer and building; Engineer Suozzo said that she was unsure of the rental cost and that a small (12x14) garden shed type building without insurance or amenities would probably cost about \$7000.00 to \$8000.00 installed and usable. Mr. Charles Martin suggested renting a job trailer as it could be quickly installed onsite. Mr. Philip Sangster said that he believed that the trailer for the Harrington Road bridge crew may be available. Mr. James Jones said that he had an insulated and heated trailer with no bathroom facilities which would cost one hundred dollars per month rental. Mr. Arsenault asked if these added costs are to be paid by the Town; Secretary Cherie Ferguson said that there is still no formal settlement on the question of protecting the employees or how long the insurance provider will pay for added costs. Supv. Goodspeed said that shelter will be needed soon.

#### RESOLUTION NO. 200

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to hire Mr. James Jones insulated and heated trailer with no bathroom facilities at a cost of one hundred dollars per month rental. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

Engineer Kathleen Suozzo, Cedarwood Engineering, informed the Town Board that the latest discussions have led to finding that Paul Smith's College has a land use planning class which will provide recommendations on the beach closure and the use of the area at no cost to the Town; the class will be overseen by a professor. Engineer Suozzo said that the class would work with the Ski Bowl Committee. Supv. Goodspeed and Mr. Arsenault said that this was a great idea.

#### RESOLUTION NO. 201

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to approve of accepting the assistance of a land use planning class from Paul Smiths College in planning the use of the closed beach area at the Ski Bowl Park; a professor would assist the class and there would be no cost to the Town of Johnsbury for this assistance.

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

Supv. Goodspeed explained to the Town Board that there was an opportunity for savings in the costs for hauling and dumping trash by joining the Warren County consortium. The current cost for hauling is \$186.00 per haul and the tipping fee for dumping at the Hudson Falls plant is \$69.00 per ton; the cost for hauling available by joining the consortium is \$166.80 per haul and \$58.00 to \$56.00 per ton for tipping fees. Supv. Goodspeed asked that the Town Board approve participation by the Town of Johnsbury in the Warren County consortium plan.

#### RESOLUTION NO. 202

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Morehouse to approve participation by the Town of Johnsbury in the Warren County consortium plan as regards the costs for hauling trash to the Hudson Falls plant and dumping trash at that site at the anticipated costs of \$166.80 per haul and between \$58.00 and \$56.00 per ton for tipping fees. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

(Mr. Arsenault left the meeting at 7:56pm)

Mr. Robert Nettle asked why is the Hudson Falls plant being sold for only one or two million dollars when Washington and Warren Counties have paid many more millions for it; Mr. Vanselow said that at least it was not being given away. Supv. Goodspeed said that the original plans had called for the plant to be given to the operator at the end of the contract. Mr. Nettle asked the remaining useful life of the plant; Mr. Charles Martin said that he had worked on the construction of the plant and its useful life would have been about twenty years and so it must be close to being worn out.

Supv. Goodspeed informed the Town Board that train ridership on some days is 200 or more and that over the Columbus Day weekend that the daily ridership was 700 or more individuals.

#### NEW BUSINESS

Supv. Goodspeed informed the Town Board that he had two proposed changes to the 2012 Town Budget to be made as it moves from tentative to preliminary budget. There was a reduction of funding for the Hudson Headwaters Health Network in the tentative budget and Supv. Goodspeed suggested restoring \$5,000.00 in funding to that organization and an increase in sales tax revenue appropriations of \$5,000.00 and also an increase of \$1,000.00 to the Johnsbury Fire Protection District to be divided among the fire companies. The changes should allow the budget to remain below the 2% tax cap.

Supv. Goodspeed asked for comments from the Town Board. Mr. Vanselow said that the fire companies have made a funding request which he is unsure as to whether it is being addressed. Supv. Goodspeed said that there were two parts to the request the addition of the \$10,000.00 of funding from the North Creek Fire District to the Johnsbury Fire Protection District and a funding increase request of 2%. Mr. Vanselow said that the \$10,000.00 change had been made last year for this year.

Mr. Vanselow suggested passing a local law to override the tax cap; he noted that otherwise

the Town Board would be tying its own hands. Supv. Goodspeed said that Town Attorney Jordan should be notified immediately; he added that he fully expected to be below the 2% tax cap. Supv. Goodspeed said that his budget has lowered services and made increases to the Highway Department and also in a small way to the Johnsbury Emergency Squad.

Supv. Goodspeed said that there was substantial budget pressure with health insurance increases of 21% and workers compensation increase of 100%; he added that small Towns will need a fundamental change to occur in the state government. Mr. Vanselow said that asking for public input with the maximum increase already having been reached will keep the Town Board from being able to add any worthwhile item; Supv. Goodspeed replied that in order to fund any new item something in the budget will need to be cut. Mr. Vanselow said that while he is not advocating busting the tax cap that he is looking to allow the Town Board to keep its options open. Mr. Arsenault asked when the budget will become public; Supv. Goodspeed replied that it should be available by the end of the week. Supv. Goodspeed said that he could make a presentation at this time.

Supv. Goodspeed explained that he informed several organizations supported by the Town that there would be budget cuts; these organizations include the library and Hudson Headwaters Health Network and generally are at about the 25% level. There are some projected revenues, some shifting of health insurance. The insurance company will no longer allow the Town to pay the entire amount of the deductible. \$5,000.00 was added to the summer and winter Highway budgets and there is an increase of \$30,000.00 to the Highway equipment budget line. There will also be a slight increase in the cemetery budget line and a slight increase to the buildings budget line. Supv. Goodspeed noted that the Town board will have to make some decisions about cemetery mowing. With a great amount of difficulty the budget increase is up 1.98%. Mr. Arsenault asked if the Town road sign replacement was included in the budget; Supv. Goodspeed said that he had planned it for two years. Mr. Arsenault suggested planning it over three years as it is an unrealistic mandate.

Mr. Arsenault offered congratulations to Supv. Goodspeed over building the budget; he added that over the last three to four years that services are being cut and that the Town hasn't been able to move forward with reasonable maintenance. Building conditions are concerning and will not go away; repair issues should not be pushed down the road year after year. The Town has three grants and at least two will sunset soon and there are no funds for the match. There is the current opportunity of building the Town's business district through the train ridership; if this is not supported then the opportunity will be lost. Mr. Arsenault said that he is happy that the Town currently has no debt and has not raised the taxes over the last couple of years. Mr. Arsenault said that the Town Board needs to set priorities in agreement with the public; however, without funding in the budget there will be nothing that the Town Board can do.

Mr. Arsenault suggested that the Town Board plan a bond anticipatory note of \$100,000.00 for one year; he believes that there will be some changes in Albany to ease the mandate pressure on the municipalities. Mr. Arsenault said that he would suggest that \$35,000.00 be used as a building reserve fund, \$10,000.00 for cemetery upkeep, \$30,000.00 for grant matches, \$10,000.00 for Town-wide sidewalk repairs, \$10,000.00 for a revaluation support and \$5000.00 to address the issue of no raises for the General Fund employees. Mr. Arsenault said that this would send a statement that the community was looking forward; it would allow money to

provide the match for the Ski Bowl Park grant and some funding for the Kellogg Property. Mr. Arsenault suggested that some FEMA funds could be used to repay the note; he said that the bulk of the FEMA projects have been completed and are expensed to the Highway Department and as that money becomes available to use it to pay the note. Mr. Arsenault added that there is \$92,000.00 in capital funds and suggests making it available to assist in funding repairs; he said that it is time to step forward. Mr. Vanselow said that he concurred with most of Mr. Arsenault's comments. Significant repairs need to be done as well as the little ones; this would require either a significant increase to the Buildings budget line or possibly a Capital Funds Account. Mr. Arsenault said that there is no requirement for repayment in one year and the note could be rolled forward at the cost of interest which he estimated to be between \$4000.00 and \$4500.00 per year; he said that this would allow a reworking of the budget while remaining below the tax cap.

Highway Superintendent Daniel Hitchcock questioned the legality of moving money from the Highway Department to the General Fund. Mr. Arsenault said that it was possible to lower the sales tax revenue which was to go to the Highway Department and use the FEMA funds as replacement. Mr. Vanselow asked why remove money from the Highway Fund; Mr. Arsenault said that \$100,000.00 was a lot for the General Fund to absorb. Mr. Charles Martin asked if FEMA money wasn't supposed to go to the Highway Fund by law; Supv. Goodspeed said that with minor exceptions that was so. Mr. Stevens said that either moving forward with the hands of the Town Board tied or by trick was not a good idea; it would be better to go to the cap removal law. Mr. Morehouse asked what the effect of borrowing was on the budget; he added that he was willing to move on the track to offset the budget cap. Mr. Arsenault asked how much 1% of the budget is.

Mr. Vanselow said that if the Town Board has its financial hands tied that it doesn't even matter to have public input. Mr. Vanselow presented a local law entitled "A local law to override the tax levy limit established in General Municipal Law 3-c"; he asked that the Town Board move forward with the passage of this local law by scheduling a public hearing on the local law so that the hands of the Town Board will not be tied.

Supv. Goodspeed asked that the Town Board members speak to the finance department (Don, Candace, and Supv. Goodspeed) to get answers regarding the budget. Supv. Goodspeed said that he respects the problems that the Town Board faces, but requested that the members remember that the budget is other people's money. Supv. Goodspeed noted that he stopped raising taxes and had paid off a borrowing line; he is not in favor of borrowing. Supv. Goodspeed said that the Town is financially healthy and the reductions hurt organizations not individuals. Supv. Goodspeed said that these are difficult financial times and that the Town cannot afford to borrow two or three hundred thousand dollars; the Town can't eat 8% or 9% interest over years. Supv. Goodspeed said that he does not believe in either setting aside the tax cap or raising taxes; he would be happy to try to piecemeal projects. Supv. Goodspeed said that this creates the chance to have a philosophical discussion on the budget; Supv. Goodspeed said that he would rather eliminate funding for the library, the Hudson Headwaters Health Network and the North Creek Railroad Depot Preservation Association before borrowing money. Mr. Arsenault said that he had tried to meet with Candace and Don five times, but the office was closed each time. Mr. Arsenault said that he understands the burden on the taxpayer, but added that no progress is being made and by the time things get better the Town buildings could all have fallen down. Mr.

Arsenault said that absent good information he disagrees. Mr. Arsenault said that he did not suggest two hundred thousand dollars of borrowing and that he mentioned only one hundred thousand and with very specific areas of funding. Supv. Goodspeed asked that Mr. Arsenault call him to discuss the issue. Mr. Arsenault said that the entire Town Board votes to say yes or no; we are tasked with making informed decisions. Mr. Vanselow said that he wanted to address the tax cap by holding a public hearing on a proposed local law. Supv. Goodspeed said that he was not in favor of overriding the tax cap and asked that the Town Board members meet with the financial department to discuss the numbers. Mr. Charles Martin asked if such a meeting would not violate the open meetings law; Supv. Goodspeed said that there would not be a quorum at any meeting and he said that Mr. Martin was welcome to be present at any such meeting.

#### RESOLUTION NO. 203

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Stevens as follows:

Whereas Proposed Local Law of 2011 entitled “**A local law to override the tax levy limit established in General Municipal Law 3-c**” was presented to the Town Board at its regular meeting held on October 18, 2011, I move that a public hearing on said Proposed Local Law of 2011, as follows, be held on November 3, 2011 at 7:30 p.m. at the Wevertown Community Center, Wevertown, New York, in accordance with Municipal Home Rule Law and direct that the Town Clerk publish the required notice in the Town’s Official Newspaper at least one time at least 5 days in advance of said public hearing.

Local Law No \_\_\_\_\_ of the year 2011

Town of Johnsbury, County of Warren

A local law to override the tax levy limit established in General Municipal Law 3-c

#### Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Johnsbury, County of Warren pursuant to General Municipal Law § 3-c, and to allow the Town of Johnsbury, County of Warren to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

#### Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

#### Section 3. Tax Levy Limit Override

The Town Board of the Town of Johnsbury, County of Warren is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

#### Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Vanselow) Nays - 1 (Goodspeed)

Supv. Goodspeed asked that the Town Board change the date of the November 1, 2011 Town Board meeting to November 3, 2011 at the same time and location (7:00pm at the Wevertown Community Center) to allow for the legally required notice for the public hearing on the budget.

#### RESOLUTION NO. 204

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to change the date of the November 1, 2011 Town Board meeting to November 3, 2011 at the same time and location (7:00pm at the Wevertown Community Center) to allow for the legally required notice for the public hearing on the 2012 Town Budget. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supervisor Goodspeed then asked the Town Board to move the 2012 tentative budget to preliminary budget with the following amendments to the budget: \$5,000.00 to be restored to the Hudson Headwaters Health Network, \$1,000.00 to be added to the Johnsbury Fire Protection District, and \$5,000.00 increase in revenue to be added to the Sales Tax.

#### RESOLUTION NO. 205

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Stevens as follows:

WHEREAS, the Budget Officer's Tentative Budget for the fiscal year of 2012 was filed with the Town Clerk on September 29, 2011 as mandated by law, and

WHEREAS, at a meeting conducted on October 18, 2010, the Tentative Budget was presented, and

NOW THEREFORE, BE IT RESOLVED, that the Budget Officer's Tentative Budget for 2012 be adopted as a Preliminary Budget for 2012,

BE IT FURTHER RESOLVED, to amend the budget by the following changes \$5,000.00 to be restored to the Hudson Headwaters Health Network, \$1,000.00 to be added to the Johnsbury Fire Protection District, and \$5,000.00 increase in revenue to be added to the Sales Tax. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supervisor Goodspeed then asked the Town Board to set a time for a public hearing on the proposed Town of Johnsbury 2012 Preliminary Town Budget.

RESOLUTION NO. 206

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault as follows:

NOTICE of a Public Hearing on the Preliminary Budget for the Town of Johnsbury, Warren County, New York for the year of 2012,

NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Johnsbury, Warren County, New York for the fiscal year beginning January 1, 2012 has been completed and filed in the Town Clerk's office in the hamlet of North Creek in said Town, where it is available for inspection by any interested person at all reasonable hours;

FURTHER NOTICE IS HEREBY GIVEN that the Town Board will meet and review said Preliminary Budget and hold a Public Hearing thereon at 7:00pm on Thursday, November 3, 2011 at the Wevertown Community Center, Wevertown, New York and that at such time and place any person may be heard in favor of or against any item or items therein contained. After closing the Public Hearing, the regular Town Board meeting will continue,

AND FURTHER NOTICE IS HEREBY GIVEN, Pursuant to Section 108 of the Town Law, that the following are the proposed yearly salaries of the Town Officers:

Supervisor -----	\$23,225.00
Justice of the Peace -----	\$12,720.00
Councilpersons (4) -----	\$ 4,147.00
Town Clerk/Tax Collector -----	\$21,465.00
Highway Superintendent -----	\$42,961.00

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 annual contract for Senior Citizens Transportation will need to be bid for 2012 and asked that the Town Board authorize the Town Clerk to advertise the bid for one week in the North Creek News-Enterprise and to set the date and time for the bid opening; he suggested the November 15, 2011 meeting at 7:00pm and there were no objections.

RESOLUTION NO. 207

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to authorize the Town Clerk to advertise the 2012 Senior Citizens Transportation

bid for one week in the North Creek News-Enterprise; and further, to set the date and time for the bid opening at 7:00pm at the November 15, 2011 Town Board meeting at the Town Hall, North Creek, New York. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed noted that the Zoning Enforcement Officer report for the month of September 2011 was in the Town Board members' packets.

Supv. Goodspeed asked if the Town Board wished to accept the letter of resignation from the Zoning Board of Appeals received from Ms. Janet Konis as a result of her appointment to the Planning Board at the October 4, 2011 Town Board meeting. Supv. Goodspeed noted that this will leave the Zoning Board of Appeals with only three members out of a full membership of five and asked that the Town Board authorize the placement of an advertisement for interested individuals to be interviewed for appointment to the Zoning Board of Appeals.

#### RESOLUTION NO. 208

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse to accept the resignation of Ms. Janet Konis from the Zoning Board of Appeals as a result of her appointment to the Planning Board at the October 4, 2011 Town Board meeting. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

#### RESOLUTION NO. 209

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to authorize the Town Clerk to advertise for one week in box advertising in the North Creek News-Enterprise for interested individuals to be interviewed for appointment to the Zoning Board of Appeals to fill the two vacancies currently on that board. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

#### PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle informed the Town Board that she had attended the Capital District workshop on the consolidated funding opportunities; whereas several agencies have in the past awarded grants the process has been centralized with one application and one awarding body. Mrs. Nettle said that in her personal opinion that the move was a political one to attempt to demonstrate that something has been done. Mrs. Nettle said that the application date is October 31 which shows that they are looking for "shovel ready" projects and stressing job retention or development.

(Mr. Vanselow left the meeting at 9:18pm)

Mrs. Nettle said that getting a foot in the door was important and that the application is not that difficult; she added that she would not write an application for the Town, however, a grant would be a way to support the shuttle and the advent of the train passengers. Mrs. Nettle said that she had spoken with the new regional director of the NYS Parks and Restoration Department about modification of the Ski Bowl Park grant; he does not seem to be as receptive about modifications as the prior director was.

(Mr. Vanselow returned to the meeting at 9:21pm)

Supv. Goodspeed said that it was likely that an extension of the grant would be granted; some components do not fit the park currently.

Secretary Cherie Ferguson updated the Town Board on the Harrington Bridge project; if there are no additional weather issues the project is expected to be completed in about two weeks.

Supv. Goodspeed said that a special Town Board meeting may need to be scheduled to discuss the 2012 Town Budget; notice to the Glens Falls Post Star and the North Creek News-Enterprise will be provided and other notices as possible.

Mr. Donald Filkins asked if there was any movement on revising “junk car” provisions of the Local Land Use Plan. Supv. Goodspeed explained that any changes would have to be defined as either Town wide or specific to all hamlets; he added that he would look at some zoning changes. Mrs. Kelly Nettle said that one car is not too bad if obscured in some way. Mr. Charles Martin asked if a car is able to be registered, but not licensed is it considered to be junk; Supv. Goodspeed said that the Local Land Use Plan has guidelines to determine if a vehicle is to be considered “junk”.

#### RESOLUTION NO. 210

Mr. Arsenault 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 #118G/Claims #379-400; Highway Fund- Warrant #18H/Claims #213-232; North Creek Water Dist.- Warrant #17W/Claims#73-80; Library Fund-Warrant #10L/Claims#52-57. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the Town Board would now move into executive session to discuss a personnel issue and a discussion of negotiating positions for a possible land acquisition. Supv. Goodspeed said that it was possible action would follow the executive session. Mr. Robert Nettle asked if the land acquisition discussion was to result in an action; Supv. Goodspeed said that there would be no action on this issue tonight.

Mr. Stevens presented the following motion, with a second from Mr. Arsenault to enter into executive session for the purpose of discussing a personnel issue and a discussion of negotiating positions for a possible land acquisition with this discussion to include Highway Superintendent Daniel Hitchcock, at 9:30pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Vanselow presented the following motion, with a second from Mr. Arsenault to adjourn the executive session for the purpose of discussing a personnel issue and a discussion of negotiating positions for a possible land acquisition and further, to reenter the regular session at 10:00pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the Town Board had discussed the payment of Mrs. Candace Lomax for her time at her former bookkeeping rate and for a reasonable period while involved in

work to correct mistakes by the trainee bookkeeper. Supv. Goodspeed asked if the Town Board wished to act upon this matter.

RESOLUTION NO. 211

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the payment of Mrs. Candace Lomax for her time at her former bookkeeping rate and for a reasonable period while involved in work to correct mistakes by the trainee bookkeeper. 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 at this time to officially act upon the hiring of Mrs. Sherrie Williams to fill the position of bookkeeper.

RESOLUTION NO. 212

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 hire Mrs. Sherrie Williams as a part time position of bookkeeper for the Town Of Johnsbury. 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. Morehouse with a second from Mr. Stevens at 10:02pm. 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 Thursday, November 3, 2011 at the Wevertown Community Center, Wevertown, NY; a public hearing on the 2012 Town Budget will be held at 7:00pm and a public hearing on a local law to override the budget tax cap for the year 2012 will be held at 7:30pm.

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Prepared by William Rawson, Town Clerk

# MEETING ATTENDANCE SIGN-IN

Meeting Date: October 18, 2011

Committee/Board: Regular Town Board Meeting @ Town Hall  
(Town Library), North Creek, NY

Please PRINT your name and address clearly to assure the correct spelling in the minutes of this meeting.

1. CHARLES D MARTIN
2. Don Filkins
3. Sam Fletcher
4. Bill Neekerson
5. Don Alexander
6. Valleen Suozzi
7. Joe LaRocca
8. Dan DeAngelis
9. Phil Sapi
10. Steve Ferguson North Creek
11. John Goybos News Enterprise
12. Cathy Boyd
13. John Munn
14. Jim Jones
15. KARE NIGHTINGALE
16. R. NESTLE JOHNISBURG
17. Barbara Thomas
18. Kelly Nease Johnsburg
19. Kim Smith Johnsburg
20. \_\_\_\_\_