

**Minutes of the Town of Johnsbury Regular Board Meeting September 6, 2011
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, September 6, 2011 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Goodspeed called the meeting to order at 7:00pm and the pledge to the flag was led by Councilman Eugene Arsenault.

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. 155

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the August 16, 2011 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 Mr. Donald Greene informing the Town Board that the Chamber of Commerce employees and officials routinely ignore the conditions of that organization's lease for office space in the Tannery Pond Community Center asking that the Town Board think about not renewing the lease for 2013.
2. A letter of resignation as Town of Johnsbury book keeper from Ms. Stephanie Leonard.
3. A report on the attendance at the Summer Youth Program from Director Ann Dingman.
4. A notification of a symposium on rural broadband to be hosted by Congressman Chris Gibson on September 29, 2011.
5. A notification of the conditional approval of a cell tower for the North Creek corridor.
6. A letter from Town of Johnsbury Superintendent of Highways Daniel Hitchcock informing the Town Board that three of six major wash outs occurring during the August 29, 2011, storm were caused by improper drainage on private property and asking that the Town Board explore ways to work with property owners to remedy this problem; he also requests that the Town Board transfer twenty thousand dollars from unexpended balance to fund line DA5110.4 to purchase materials for road repair as a result of the storm damage.

Supv. Goodspeed suggested that the letter from Mr. Donald Greene be forwarded to David Bulmer, president of the Chamber of Commerce, for response.

Supv. Goodspeed asked if the Town Board wished to accept the letter of resignation from Ms. Stephanie Leonard as book keeper for the Town of Johnsbury.

RESOLUTION NO. 156

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to accept the resignation with a two week notice of Ms. Stephanie Leonard as book keeper 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

Supv. Goodspeed said that he had polled the town Board members and they had authorized him

to meet with a candidate for the position from the March interviews for the position; Supv. Goodspeed said that he will meet with the candidate later this week.

Supv. Goodspeed asked if the Town Board wished to approve the request submitted by Highway Superintendent Daniel Hitchcock for funds to be transferred from unexpended balance to budget funding line DA5110.4 for the purpose of using purchasing materials to repair storm damage to Town roads.

RESOLUTION NO. 157

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to amend the 2011 Town budget with the following amendment as requested by Superintendent of Highways Daniel Hitchcock for the purpose of using purchasing materials to repair storm damage to Town roads, conditional upon review of the budget by the Supervisor (Budget Officer):

2011 Budget Amendments --- 9/06/2011

Increase Appropriations and Appropriated Balance

| | |
|--|---------------------------------------|
| 960 – Increase Appropriations | 599 – Increase Appropriations Balance |
| General Repairs DA5110.4 <u>\$20,000</u> | (Highway Fund) <u>\$20,000</u> |

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

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed invited Pam Morin of Warren County Planning and Development to speak to the Town Board on the First Wilderness Heritage Corridor program. Ms. Morin asked that the Town Board decide if they are interested in participating in the First Wilderness Heritage Corridor promotion. The idea would be to create or enhance two events in the Town of Johnsbury; in furthering this plan the Town would be asked to put together a team to attend countywide meetings to set up a schedule of events so that all events are not scheduled for the same time. Mr. Vanselow asked the time frame for the agreement; Ms. Morin replied that they were currently trying to plan for the 2013 Warren County bicentennial. Ms. Morin also informed the Town Board that she was working on the promotion of the rail corridor and she is happy to see the rail use as it is now occurring; Supv. Goodspeed said that he believed that the railroad operator was surprised at the ridership from New York City. Supv. Goodspeed said that there was the expected arrival of skiers, number up to nine hundred have been projected, by train and the upcoming challenge of moving the skiers from the depot to the mountain and lodging. Supv. Goodspeed said that he has discussed this issue with representatives of Iowa Pacific and also with Greater Glens Falls Transit and these two entities are now in communication. Supv. Goodspeed said that there is a possibility of some transport vehicle being based in the North Creek area. Ms. Morin said that there needs to be a strong showing from day one as regards the moving of the skiers. Mr. Donald Butler of Brant Lake Taxi said that he was using contacts with Yankee Trails to work on the availability of a fifty four passenger bus for the weekends and putting them in contact with the train operators. Mr. Vanselow volunteered to be the Town Board liaison to the First Wilderness Heritage Corridor promotions.

RESOLUTION NO. 158

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Vanselow, to support a continuing role with the events promotion of the First Wilderness Heritage Corridor and to accept Mr. Vanselow as the Town Board liaison to the First Wilderness Heritage Corridor promotions. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed recognized Attorney Daniel Smith representing Front Street Mountain Development for requests of the Town Board. Attorney Smith on behalf of Front Street Mountain Development asked that the Town Board accept ownership of the Hudson Trail Parcel and accept the deed and that this be incorporated into the Master Agreement between the Town and Front Street Mountain Development; Supv. Goodspeed added that Town Attorney Jordan has reviewed the amendment to the Master Agreement and the deed and approved of them.

RESOLUTION NO. 159

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board accepts ownership of the Hudson Trail Parcel and agrees to the amendment of the Master Agreement between the Town of Johnsbury and Front Street Mountain Development. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Attorney Daniel Smith then requested that the Town Board authorize the leasing by the Town from Front Street Mountain Development of the Hudson Bypass Trail Parcel for the 2011-2012 ski season. Supv. Goodspeed asked that the Town Board authorize him to sign the lease agreement; he noted that Town Attorney Jordan has reviewed the lease agreement and approved of the language included.

RESOLUTION NO. 160

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault, to approve of the lease for the Hudson Bypass Trail Parcel for the 2011-2012 ski season and further, to authorize the Town Supervisor to execute all necessary lease documents with the consent of the Town Attorney. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Attorney Daniel Smith then requested that the Town Board approve the bonding for the incomplete infrastructure at the Front Street Mountain Development Phase 1A Residential project. Supv. Goodspeed asked Engineer Thomas Suozzo, representing Cedarwood Engineering Services (formerly Delaware Operations), the Town engineer on the project for a report on the bonding; Engineer Suozzo replied that his firm has performed a review and a site inspection and believes that the bond should be set in the amount of \$75,816.00. Attorney Smith said that work is progressing and that there may be additional infrastructure additions prior to the filing of the bond. Supv. Goodspeed suggested that the Town Board approve the amount of \$75,816.00 subject to modification by the Town Engineer if further work is completed and paid for prior to filing of the bond.

RESOLUTION NO. 161

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to approve the bond for the Front Street Mountain Development Phase 1A Residential project in the amount of \$75,816.00 as recommended by the Town Engineer,

Cedarwood Engineering Services (formerly Delaware Operations), subject to modification by the Town Engineer. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Attorney Daniel Smith then requested that the Town Board approve a National Grid easement for Front Street Mountain Development from the pole on parcel number 66.5-1-2 on Ski Bowl Road across State Route 28 to allow permanent power to the Front Street Mountain Development Phase 1A Residential project. Supv. Goodspeed asked that the Town Board authorize him to execute the easement with the approval of the Town Engineer, Cedarwood Engineering Services (formerly Delaware Operations).

RESOLUTION NO. 162

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the Town Supervisor to execute, with the approval of the Town Engineer, Cedarwood Engineering Services (formerly Delaware Operations), an easement to allow National Grid to run a power line for Front Street Mountain Development Phase 1A Residential project from a pole on Town property (66.5-1-2) across State Route 28 to the Front Street project. 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 Front Street Mountain Development project has moved forward quickly lately and that the progress of Front Street to develop the base of the mountain will create jobs in Town; he added the opening of the interconnect trail, the train arrival and the progress of Front Street is good for the Town and that he expects that the hardest moments with Front Street Mountain Development are behind us. Attorney Dan Smith added that Iowa Pacific seems to be here to stay which should help the area a great deal.

Supv. Goodspeed presented a proclamation of thanks, Resolution Number 67 of 2011, to Brant Lake Taxi to Mr. Donald Butler of that company. The Town Board members added their thanks and applause as well.

Supv. Goodspeed explained that the Town Board had previously discussed the possibility of selling a small parcel described as being .05 acre parcel of land located on a Town Road known as Maiden Lane and identified on the tax roles as tax map number 66.10-2-34 in exchange for payment in certified funds of the amount contracted or bid, subject to a permissive referendum as permitted by law. An adjacent landowner wishes to obtain the property for erosion control on his property. As a first step in this process the Town Board would have to declare the property surplus by a resolution subject to a permissive referendum. Supv. Goodspeed asked if the Town Board wished to pass a resolution to begin the process. Supv. Goodspeed noted that he would pass the result of the resolution vote on to the adjacent landowner.

RESOLUTION NO. 163

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

RESOLUTION AUTHORIZING TRANSFER OF SURPLUS PROPERTY SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, the Town of Johnsburg acquired a parcel of land located in said town for Town purposes and town uses, and

WHEREAS, it is no longer necessary for the Town to retain said property, and

WHEREAS, the Town has determined, after public hearing, that it is in the best interest of the Town to sell this parcel either subject to direct negotiations with a potential buyer or to the highest bidder pursuant to sealed bids.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Town Board of the Town of Johnsbury in regular session duly convened does hereby authorize and direct the Town Supervisor of said Town to execute and deliver to said purchaser or highest bidder a bargain and sale deed conveying the former Town of Johnsbury property described as follows an approximate .05 acre parcel of land located on a Town Road known as Maiden Lane and identified on the tax roles as tax map number 66.10-2-34 in exchange for payment in certified funds of the amount contracted or bid, subject to a permissive referendum as permitted by law.

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

Supv. Goodspeed explained that he had polled the Town Board and received authorization for the purchase of a riding lawn mower and a trailer to move if the price was \$2500.00 or less. Parks and Buildings Superintendent Matt Olden got quotes and found a rider mower to purchase at a cost of \$1699.00 and also, a trailer at a cost of \$699.99 and a jack for the trailer at a cost of \$29.99 for a total of \$2428.98 which were on a sale ending last Friday. Supv. Goodspeed asked that the Town Board members pass a resolution ratifying the purchase of the rider lawn mower.

RESOLUTION NO. 164

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to retroactively authorize the purchase of a rider lawn mower at a cost of \$1699.00 and also, a trailer at a cost of \$699.99 and jack for the trailer at a cost of \$29.99 for a total cost of \$2428.98. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Mr. Peter Heid said that he believed that this was a good choice and also showed an attempt to help with the cemeteries. Supv. Goodspeed noted that the private operator hired to mow the cemeteries had been working on several of the Town cemeteries and that he too had been slowed by the rainy weather. Supv. Goodspeed added that he was trying to create a budget line to cover the cost of mowing the cemeteries.

Supv. Goodspeed explained that the Town Engineer, Cedarwood Engineering Services (formerly Delaware Operations), had worked up an estimate for the rebuilding of the transfer station control room and the trash compactor with an estimated cost between \$67,900.00 and \$76,900.00 based upon the current building codes and prevailing wage laws. An estimate of award from NYMIR, the insurance carrier was \$55,125.00; Cedarwood Engineering Services believes that the award would be a workable amount to rebuild the facility. Supv. Goodspeed added that the Town Board had asked Town Attorney Tony Jordan to look at the baseline language in the landfill closure contract regarding operations. Supv. Goodspeed said that he would like to leave this item for action at the next Town Board meeting. Mr. Vanselow asked if the operator building will be ready for winter use. Secretary Cherie Ferguson said that the bidding, demolition and construction would likely mean at least six weeks prior to the start. Supv. Goodspeed said that

there was a question of which budget cycle to be used and also to be sure that the number from NYMIR was firm. Mr. Arsenault asked if the Town would be due any further funds from the insurance company; Sect. Ferguson replied that she has submitted for additional expenses of \$5000.00 from May through July of the added expenses incurred as a result of the fire damage. Supv. Goodspeed asked if there had been a reply to this filing as of yet; Sect. Ferguson replied that the filing was still under review. Mr. Morehouse asked if the electrical allowance is only for the operator building and if this is the entire electrical money. Sect. Ferguson replied that the operator's building houses the controls and all of the electrical connections are there. Mr. Morehouse asked if this included grounding; Sect. Ferguson said that she was not sure and would have to check with Cedarwood Engineering Services. Supv. Goodspeed said that it probably did not as it was a replacement policy, but adding it may be a good idea. Mr. Tim Record asked if an additional shelter for the operator to allow speaking with customers while remaining under cover; Supv. Goodspeed said that he believed that this could be done.

Supv. Goodspeed distributed to the Town Board copies of Proposed Local Law #1 of 2011 entitled "A Local Law Prohibiting Entry Into and Remaining in Town Buildings by Persons in Physical Possession of a Deadly Weapon"; Supv. Goodspeed noted that this Local Law is a portion of the "Workplace Violence Policy" and has been reviewed by Town Attorney Tony Jordan. Supv. Goodspeed requested that the Town Board schedule the Public Hearing for Proposed Local Law #1 of 2011.

RESOLUTION NO. 165

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

Whereas Proposed Local Law #1 of 2011 entitled "A Local Law Prohibiting Entry Into and Remaining in Town Buildings by Persons in Physical Possession of a Deadly Weapon" was presented to the Town Board at its regular meeting held on September 6, 2011, I move that a public hearing on said Proposed Local Law #1 of 2011, as follows, be held on October 4, 2011 at 7:00 p.m. at the Wevertown Community Center 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. The purpose of this Proposed Local Law is intended to preserve public peace and good order in the Town of Johnsburg and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the possession of deadly weapons in Town buildings to remove the threat of deadly violence being inflicted on Town officials and employees and to facilitate the rights and privileges of other citizens of the Town of Johnsburg.

**TOWN OF JOHNSBURG
LOCAL LAW NO. ____ OF 2011
A LOCAL LAW PROHIBITING ENTRY INTO AND REMAINING IN TOWN
BUILDINGS BY PERSONS IN PHYSICAL POSSESSION OF A DEADLY WEAPON
BE IT ENACTED**, by the Town Board of the Town of Johnsburg as follows:

SECTION 1. Title and Authority. This Local Law shall be known as "A Local Law Prohibiting Entry into and Remaining in Town Buildings By Persons in Physical Possession of A Deadly Weapon".

SECTION 2. Purpose. The governing board of the Town of Johnsburg finds that: (1)deadly weapons often cause accidental deaths and injuries and are frequently used in

the commission of crimes, particularly homicides and assaults; (2) physical possession of deadly weapons in Town buildings by persons other than those on official business with authorization to carry such weapons poses a serious threat to the health, safety and general welfare of Town public servants and other persons lawfully in Town buildings; and (3) the presence of deadly weapons in Town buildings, except by certain authorized officials, may seriously impair the performance of essential government functions by way of threat or intimidation to Town public servants or others. Therefore, as owner or lessee of buildings in Warren Town and in its proprietary capacity, the Town desires to prohibit deadly weapons in Town buildings, except by officials with authorization engaged in official business.

SECTION 3. Definitions. "Deadly Weapon" shall be defined as set forth in paragraph 12 of Section 10 of the New York State Penal Law and means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilium ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles. "Town Building" means a building owned or leased by the Town. Town Building shall include but not be limited to: (1) Town Hall; (2) Tannery Pond Community Center; (3) Wevertown Community Center; (4) Sodom Scout Hall/Johnsburg EMS Squad Building; (5) Johnsburg Highway Garage ; (6) Senior Meal Site; (7) Ski Bowl Lodge; and (8) Kellogg/Waddell Complex.

SECTION 4. Physical Possession of Deadly Weapons in Town Buildings Prohibited. No person shall enter into and/or remain in a Town building while in physical possession of a deadly weapon either openly or concealed unless such person is a person described in Section 5 hereof.

SECTION 5. Exceptions. Prohibition of physical possession of deadly weapons in Town buildings shall not apply to: (1) a police officer or peace officer authorized to use the same while acting within the scope of employment; (2) a government employee or licensed security guard authorized or required by employment or office to possess the same while acting within the scope of such employment or office; (3) a person in the military service of the State of New York or the United States when duly authorized to possess the same and acting within the scope of such military service; and (4) a Town official or Town employee, specifically authorized by the Sheriff, as defined by Resolution No. 583 of 2005, to possess a deadly weapon in Town buildings, according to any and all restrictions or limitations which the governing board of the Town may place upon such authorization.

SECTION 6. Signs . The Town Superintendent of Buildings and Grounds shall post, on walls, windows or other locations as the Superintendent shall deem most visible to members of the general public entering the building, a sign with a red background and white lettering in no less than 9/16" size type reading as follows:

NOTICE:

**CARRYING OR PHYSICALLY POSSESSING A FIREARM OR OTHER
DEADLY WEAPON WHILE IN BUILDING
PROHIBITED BY LOCAL LAW**

SECTION 7. Penalties. Unless excepted from application of this local law, any person who, in disobedience of a sign or directive from a Town official, shall carry or otherwise be in physical possession of a deadly weapon in a Town Building shall be guilty of a trespass, as an unclassified misdemeanor, and subject to punishment by a fine not to exceed Five Hundred Dollars (\$500) or by imprisonment for a term not to exceed ninety

(90) days, or by both such fine and imprisonment. Each day or part of a day which a violation continues shall constitute a separate violation. Notwithstanding anything to the contrary set forth herein, the Town Board at its option may also maintain a civil trespass action and/or seek civil injunctions.

SECTION 7. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged 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, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 8. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State.

With 4 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 1 (Stevens)

Supv. Goodspeed noted that copies of a new "Workplace Violence Policy", a scaled down replacement for the "Workplace Violence Program" passed by the Town Board on February 2, 2010 (Resolution 40 of 2010) which has been reviewed by Town Attorney Tony Jordan. Supv. Goodspeed informed the Town Board that the "Workplace Violence Policy" could be enacted by the passage of a resolution and asked that the Town Board so do.

RESOLUTION NO. 166

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

Be it Resolved that the Town Board of the Town of Johnsbury (hereinafter "Town") hereby approves and authorizes the implementation of the "Workplace Violence Policy" for the Town, annexed to this resolution, as follows, and presented at this meeting and further, Resolved, that said Program shall take effect immediately and will be available for review by any Town employee at each Department and the Town Hall.

Town of Johnsbury Workplace Violence Prevention Policy

The safety and security of the Town of Johnsbury' employees, contractors, visitors and clients is very important. Threats, threatening behavior, acts of violence, or any related conduct that disrupts the work of an individual, or the Department's ability to execute its mission, will not be tolerated.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts in the workplace, may be removed from the premises pending the outcome of an investigation. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve.

For the purpose of this policy, "workplace" means any location, either permanent or temporary, where an employee or contractor appointed by the town, visitor, temporary or contract employee, performs any work-related duty. This includes, but is not limited to, the buildings and surrounding perimeters including the parking lots, alternate work locations, and travel to and from work assignments.

For the purpose of this policy, “workplace violence” and “threat of violence” or “actual violence” includes any physical assault, threatening behavior, or verbal abuse occurring in the workplace by employees or third parties. It includes, but is not limited to, beating, stabbing, shooting, rape, psychological trauma such as threats, obscene phone calls, an intimidating presence, and harassment of any nature such as stalking, shouting or swearing.

Prohibited Conduct

Prohibited conduct includes, but is not limited to:

- Injuring another person physically.
- Engaging in behavior that creates a reasonable fear of injury to another person.
- Engaging in behavior that subjects another individual to extreme emotional distress.
- Possessing, brandishing, or using a weapon that is not required by the individual’s position while in the workplace or engaged in Town business.
- Intentionally damaging property.
- Threatening to injure an individual or to damage property.
- Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.
- Retaliating against any employee who, in good faith, reports a violation of this policy.

Violent acts of employees occurring outside the workplace also may be grounds for disciplinary action in accordance with negotiated labor contracts, up to and including termination.

Weapons

Employees may not carry a weapon covered by this policy while performing any task on the town’s behalf unless the employee has been given specific written consent by the town to carry a weapon while performing specific tasks on the town’s behalf. Employees, other than trained security personnel, are not expected to handle potential situations or incidents of violence.

Prohibited weapons include any form of weapon or explosive restricted under local, state, or federal regulation. This includes all firearms, illegal knives, or other weapons covered by law. Legal, chemical dispensing devices such as pepper sprays that are sold commercially for personal protection are permitted. If you have a question about whether an item is covered by this policy, please contact your Town Safety Officer.

Domestic Violence

Victims of domestic violence who believe that the violence may extend into the workplace or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace are encouraged to notify their supervisor. Confidentiality will be maintained to the extent possible.

Reporting of Incidents

All threats of violence or actual violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management, and/or the police during a legitimate emergency by calling 911.

Any employee, visitor, temporary or contract employee, or contractor engaged by the Town who witnesses an incident of workplace violence or the potential for violence also has a duty to report the incident to management. When reporting a threat of violence, you should be as specific and detailed as possible. You may be required to put your statement in writing.

Investigation of Complaints

Allegations of workplace violence are treated seriously by the town and all reports of threats of violence, actual violence and suspicious activities will be promptly and thoroughly investigated. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

In the event that they are asked, employees and management are expected to cooperate fully with any ongoing investigation. Where possible, investigations will be conducted by the Town Safety Officer and/or the Warren County Sheriff's Department, as appropriate.

Retaliation

Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

Disciplinary Action

If the Town determines that unacceptable conduct has been committed by an employee, the Town will take such action as is appropriate ranging from counseling up to and including termination of employment. In addition, any manager or supervisor who knows about a threat of violence, or actual violence, and takes no action to stop it, or who fails to report an incident of workplace violence may also be subject to corrective action up to and including termination of employment.

THIS POLICY SHALL NOT BE CONSTRUED TO CREATE A DUTY OR OBLIGATION ON THE PART OF THE TOWN TO TAKE ANY ACTIONS BEYOND THOSE REQUIRED OF AN EMPLOYER BY EXISTING LAW.

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

Secretary Cherie Ferguson asked if the Town Board would appoint a Safety Officer at this time; Supv. Goodspeed said that he would prefer to fill that position later as some issues will need to be worked out. Sect. Ferguson asked if the Town Board would implement a resolution to restrict the use of firearms in Town Buildings; Supv. Goodspeed replied that the resolution would have no teeth for enforcement. Mr. Vanselow said that the resolution would appear to be an ineffective redundancy.

Supv. Goodspeed announced that the NYMIR insurance board voted in August 2011 to decrease rates for 2012; the decrease is about five percent if no policy changes are requested. Some accounts will not see a reduction if their rates are currently at a minimum level; a refund check has been received from the insurance company.

Supv. Goodspeed updated the Town Board on the cell towers; the cell tower in Wevertown appears to be activated. There is now cell phone reception in Wevertown. There is an Adirondack Park Agency approval of the North Creek cell tower, although it is possible that the tower will not be activated this fall. The cell tower at the Glen may or may not be activated at this time. The North Creek cell tower is expected to cover much of the State Route corridor to Wevertown to North River.

NEW BUSINESS

Supv. Goodspeed said that he had invited Highway Superintendent Daniel Hitchcock to speak at this meeting; Highway Supt. Hitchcock had been too busy with road repairs to be present

tonight. Supv. Goodspeed said that the Town was involved with Federal Emergency Management Agency (FEMA) on three funding awards. First was the bridge over Johnson Brook on Harrington Road which is almost completed. The second is the award application for the April flooding event which is in process. The third is for the damage from Hurricane Irene. Secretary Cherie Ferguson said that the projected costs from Hurricane Irene are \$400,000.00 for repairs and mitigation. Two 42" culverts just placed in Hudson Street were lost and Crane Mountain Road was severely damaged and the Dippikill Road area as well. Mr. Peter Heid said that the gravel which Highway Supt. Hitchcock had put in the roads had held up well; he added that Hudson Street was in perfect condition for paving prior to the storm. Mr. Vanselow said that he had spoken with Highway Supt. Hitchcock about the private ponds which had contributed to the flooding; he said that Highway Supt. Hitchcock would like to try to force the landowners to correct the issue. Supv. Goodspeed said that the Town may be able to take legal action to force a change; he will discuss it with Town Attorney Jordan. Secretary Cherie Ferguson said that Warren County Emergency Services has low interest loans for businesses and FEMA has funding for private landowners. Supv. Goodspeed said that Warren County Emergency Services has worked very hard to help municipalities. Mr. Morehouse added that the Warren County Emergency Services operations have attracted the notice of New York State and the state chose to set up a command post in Warren County due to their good work.

Supv. Goodspeed informed the Town Board that the North Creek Railway Depot is seeking an extension of their Occupancy Tax contract for promotion in order to allow some paperwork to be completed.

RESOLUTION NO. 167

Mr. Arsenaault presented the following resolution, and moved its passage with a second from Mr. Vanselow, to authorize the extension of the end date of the Occupancy Tax funds contract between the North Creek Railway Depot Preservation Association and the Town of Johnsbury regarding the promotion of the Railway Depot be extended through October 31, 2011. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenaault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed noted that the new decking has been installed at the North Creek depot; it was paid for by Iowa Pacific, Warren County and donations received by the North Creek Railway Depot Preservation Association.

Secretary Cherie Ferguson noted that the deadline for filing applications for Occupancy Tax funding is October 1, 2011. Mr. Vanselow said that his one-time, one-year volunteering to serve as chairman of the Occupancy Tax Committee was near expiration and he added that he would be responsive to a request to remain as the chairman of the committee if it could be reconstituted with the previous members.

RESOLUTION NO. 168

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenaault, to authorize a one year extension of Mr. Ronald Vanselow as chairman of the Occupancy Tax Committee, and further, that the Occupancy Tax Committee be reconstituted with the members from the previous year. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenaault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Ski Train Transportation Issues were discussed in "Old Business" under the First Wilderness Heritage Corridor program.

Supv. Goodspeed informed the Town Board that the Town Clerk has found an error in General Fund Warrant Number 14G (August 16, 2011), vouchers number 292 through 318 were numbered incorrectly and should be corrected to Vouchers number 299 through 325. The Town Clerk explained that he had made the error in Warrant 14G, during the time that the computer was away and the information was being transferred from the old tower to the new one and the Town Clerk was working on his computer at his home and the second page of Warrant 13G was missed in numbering Warrant 14G.

RESOLUTION NO. 169

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the correction of vouchers numbered 292 through 318 to numbers 299 through 325 on General Fund Warrant Number 14G (August 16, 2011). With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that he had been informed that the refrigerator in this building (Wevertown Community Center) has ceased to function; there is a dinner scheduled to be held on Election Day (November 8) and a replacement needs to be in place by then. Secretary Cherie Ferguson said that the cost of a replacement would be between \$400.00 and \$500.00. Supv. Goodspeed asked that the Town Board approve the purchase of a replacement refrigerator for this building (Wevertown Community Center).

RESOLUTION NO. 170

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens, to authorize the purchase of a refrigerator for the Wevertown Community Center to replace the current refrigerator which is no longer working to allow for it to be replaced prior to its use for the Election Day Dinner at a cost not to exceed \$500.00. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed invited Town Clerk William Rawson to explain his request for guidance regarding the collection of a second notice of \$2.00 per parcel which was instituted by the sitting Town Board in January of 1995. Town Clerk Rawson explained that he had spoken with an upset taxpayer whose tax payment had been returned for the lack of the \$2.00 second notice fee; he had explained to the taxpayer that the fee was allowed by the New York State Real Property Tax Law section 987 which mandates that owners of parcels with property taxes which are unpaid as of eighty-five days after the last date to pay without interest must be mailed a second notice and that the Town Board may charge a \$2.00 second notice fee to cover the costs of this mailing. As a result of court decisions it has been established that a tax collector may not accept less than the complete tax due. Town Clerk Rawson asked if the Town Board wished to remove the \$2.00 second notice fee; Supv. Goodspeed asked if there was any interest in passing a resolution to end the charging of the \$2.00 second notice fee. No resolution was presented so the fee will continue to be charged.

Supv. Goodspeed noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of August 2011, was in the Town Board members' packets

Supv. Goodspeed noted that the monthly report of the Animal Control Officer, William Mosher, for the month of August 2011, was in the Town Board members' packets.

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of August 2011, to the members of the Town of Johnsbury Town Board.

PRIVILEGE OF THE FLOOR

Secretary Cherie Ferguson noted that signage was required by the Local Law Prohibiting Entry Into and Remaining in Town Buildings by Persons in Physical Possession of a Deadly Weapon and asked if Mr. Morehouse had any information regarding the cost of the signs for the entrances to Town buildings informing the public of the local law. Mr. Morehouse replied that the County would charge for materials only, but had no cost estimates.

Mr. Peter Olesheski expressed sincere disappointment about the removal and tampering with of some of his campaign signs; he added that he hopes that it does not continue. Supv. Goodspeed asked if Mr. Olesheski had reported the tampering to the Warren County Sheriff; Mr. Olesheski replied that he had not. Supv. Goodspeed urged him to make a report and get an incident report.

Mr. Lloyd Burch, speaking on behalf of the Upper Hudson Bluegrass Festival, thanked the Town Board for the use of the Ski Bowl Park for the Bluegrass Festival. Mr. Burch especially thanked Supv. Goodspeed, Highway Superintendent Daniel Hitchcock, Mr. Vanselow and Parks and Buildings Supt. Matt Olden for their assistance to correct problems prior to the start of the Bluegrass Festival. Supv. Goodspeed replied that he was amazed at the size of the attendance; he added that he had taken Matt Olden off other jobs and also authorized a full day of overtime to keep the park clean over the weekend. Mr. Burch said that the attendance was down slightly from the previous year; he said that there were about 170 units in site and added that this seemed very good compared to other festivals. Mr. Burch said that certainly more could be done to improve the park; the area between the pavilion and the lodge was described as an accident waiting to happen. Mr. Vanselow said that the area appeared to look pretty good after the festival. Supv. Goodspeed asked if the Department of Health had conducted an inspection; Mr. Burch replied that there were really no problems from the inspection.

Mr. Lloyd Burch explained that as a member of the Board of Assessment Review, he is tempted to resign from that board if the Town Board does not move forward with a Town wide revaluation. Mr. Burch said that the current state of assessment is unfair to both the Assessor, the Board of Assessment Review members and to the taxpayers. Supv. Goodspeed said that the Town Board has been working on this and was close to conducting a reval when Warren County cut backs led to a loss of assistance from the county and New York State withdrew funding assistance. Supv. Goodspeed added that the problem is two-fold; he noted a lack of funding and also noted that Assessor Ann Deppe is a bit behind getting values on the book. Supv. Goodspeed said that the Town board has approved the hiring of Mrs. Candace Lomax to assist Assessor Deppe and he is hopeful that a reval can be undertaken next year, funding permitting. Supv. Goodspeed said that a reval will be fair to property owners, but will treat some people harshly. Mr. Vanselow said that the issue seems to be coming to a head as there are more successful challenges and the possible loss of sales tax revenue from the county are problems. Mr. Burch said that Assessor Ann Deppe is invaluable and that a reval will result in more tax money and some of those over assessed will be happier. Mr. Vanselow said that Assessor Deppe had looked at five random properties and some small properties are paying more than their fair share of taxes. Mr. Burch said that the Board of Assessment Review has no basis for making any decisions. Supv. Goodspeed said that the real estate crisis has made this situation worse. Mr. Robert Nettle said that two revals have been done and that the Town Board has not accepted them; he said that the Town Board needs to agree to accept the results. Supv. Goodspeed said that the question of finding funding for the reval is a serious one.

Mr. Lloyd Burch said that the Town Beach should be improved and that cutting taxes is not

always the correct answer; he added that the Town Beach could be a real asset and asked where will people swim now? Mr. Burch suggested a referendum to decide on the beach issue. Mr. Peter Olesheski said that he had told the Town Board that there were more people in favor of retaining the beach for swimming and also asked for a referendum on the swimming issue. Mr. Stevens asked how much longer that this issue will have to be discussed; he added that it has been on meeting agendas for years. Supv. Goodspeed said that there have been well advertised public meetings on the issue and still only three or four people show up to speak in favor of retaining the beach for swimming. Supv. Goodspeed said that the consensus seems to be that people do not want an additional tax burden for a swimming beach. Mr. Donald and Mrs. Patricia Filkins said that the current state of the beach area is a horrible eyesore and needs improvement. Mr. Arsenault said that the Town is near the beginning of a budget cycle and there is a need to get the budget ready to go; priorities need to be set so that the revenue side can be focused on. Supv. Goodspeed said that he envisions a report from Engineer Kathleen Suozzo (Cedarwood Engineering) at a public meeting with ideas on how to redirect the grant funding to make the beach area more attractive. Supv. Goodspeed asked Mr. Robert Nettle and Mr. Peter Olesheski if the Ski Bowl Park Committee would work with Engineer Suozzo to deliver ideas on the beach area. Mr. Olesheski asked why the Town Board would listen to the Ski Bowl Park Committee when the committee wanted to keep the swimming area at the beach; he said that the Town Board doesn't listen to its advisory committees.

Mr. Donald Filkins asked for an update on the Black Hole (Mill Creek Recreation Area). Supv. Goodspeed replied that he has heard that there was major damage there from the last storm; Mr. Vanselow said that he and Mr. Stevens have been working on controlling parking and erosion damage to the area as a result of the current access to the area.

Mr. Donald Filkins said that the primitive camping area needs work; Secretary Cherie Ferguson replied that this is a private property and has been locked for much of the past year. Mr. Filkins asked about opening the Sullivan's Island area for camping; Supv. Goodspeed said that the Open Space Institute owned Sullivan's Island, but the Town Board might look favorably toward such a proposal.

Mr. Donald Filkins asked if there was any local tax break for new businesses; Supv. Goodspeed replied not typically, although there are some Empire Zone classifications and other state incentives.

Mr. Donald Filkins questioned the state of the Town buildings; there are problems with the front doors of the Wevertown Community Center, the Town Hall and other buildings. Supv. Goodspeed said that it was a fair comment and added that the parks have become increasingly more important over the years. Supv. Goodspeed said that he hopes with the cemeteries being privatized that it will give Parks and Buildings Superintendent Matt Olden more time to work on the buildings.

Mr. Donald Filkins suggested that the Town Board offer thanks to the local firefighters for their work during the last storm; he added that he believes that the Warren County Sherriff department is shirking its duties during emergencies. Mr. Filkins related an incident involving a downed tree which he had watched and then a deputy had arrived and left only to call the fire company to oversee the downed tree until National Grid arrived. Supv. Goodspeed said that as a result of the budget crisis that more and more items are being pushed onto the firefighters and local municipalities; services are getting distressed and citizens may have to come to expect less services. The current combination of property tax caps and no mandate relief are hurting local municipalities.

Mr. Tim Record said that it appears that Purple Loosestrife is in the area of the beach at the Ski

Bowl Park and he believes that it will fill in the area quickly; Mr. Vanselow said that there was only a small amount of the plant at this time.

Mr. Arsenault informed the Town Board that the North Creek Business Alliance was trying to widen the walking trail to its original parameters and that they hope to have this done by Columbus Day weekend. The Alliance is planning to do the work themselves. Supv. Goodspeed said that the Nature Conservancy was supportive of this action.

Mr. Morehouse mentioned that Ms. Kate Hartley has accomplished a great amount of work on the Main Street wall project; Mr. Vanselow added that some tourists have stopped and helped as well.

RESOLUTION NO. 171

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #15G/Claims #326-340; Highway Fund- Warrant #15H/Claims #181-188; North Creek Water Dist.- Warrant #14W/Claim#66. 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 9:45pm. 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 September 20, 2011 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk

MEETING ATTENDANCE SIGN-IN

Meeting Date: September 6, 2011

Committee/Board: Regular Town Board Meeting @ Wevertown Community Center, Wevertown, NY

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

1. JOHN GARBO NEWS ENTERPRISE
2. ROBERT NESSLE JOHNSBURG
3. Jim Jones Johnsburg
4. Chew Ferguson N. Creek
5. DON FALKNER Waverloren
6. STEVEN HAYES NO. CREEK
7. DON BUTLER BRANT LAKE
8. Cork Nestor NORTH CREEK
9. Pete Gleid Bakers Mills
10. Peter Olesheski Johnsburg
11. Mary K. Burch North Creek
12. Sam Martin Warren County Planning/Health Dept
13. Chris D. Prueh Bakers Mills
14. Tom Gerard NC
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____