

**Minutes of the Town of Johnsbury Regular Board Meeting March 1, 2011
Held at the Wevertown Community Center, Wevertown, NY; also Executive Session to
Interview Candidates for the Advertised Personnel Positions**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday March 1, 2011 at 6:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Goodspeed called the meeting to order at 6:08pm and the pledge to the flag was led by Councilman Frank Morehouse, Jr.

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

Guests: On attached list

Mr. Stevens presented the following motion, with a second from Mr. Morehouse to enter into executive session for the purpose of conducting interviews for personnel positions at 6:09pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Also present were Melissa Scott, Rose Marie Torborg, Kathleen Donnelly, Stephanie Leonard the candidates to be interviewed.

Mr. Arsenault presented the following motion, with a second from Mr. Vanselow to adjourn the executive session for the purpose of conducting interviews for personnel positions at 7:20pm. 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 enter into executive session for the purpose of discussing real property tax litigation involving the Copperfield Inn Resorts, LLC. at 7:21pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Stevens presented the following motion, with a second from Mr. Morehouse to adjourn the executive session for the purpose of discussing real property tax litigation involving the Copperfield Inn Resorts, LLC. at 7:23pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

(The public session resumed at 7:25pm following the reopening of the meeting to the public)

RESOLUTION NO. 47

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow, to accept the minutes of the February 15, 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. Douglas Cole suggesting the use of multiple fountains in the swimming area of the Ski Bowl Park to obtain water clarity.

COMMITTEE REPORTS:

Fire Committee Report (Councilmen Arsenault and Morehouse):

Mr. Arsenault reported that the Fire Committee had met with the North Creek Fire District commissioners and toured the North Creek fire house. The commissioners and the committee then discussed the ten thousand dollar payment to the North Creek Fire District and its proposed movement to the fire companies of the Johnsbury Fire Protection District. The fire commissioners explained the services provided to the other fire companies by the North Creek Fire District; the councilmen explained the discussion at the public hearing and that the money had been left in place for the 2010 budget year as the North Creek Fire District budget was already in place. The following night the Fire Committee members met with the chiefs of the fire companies and Warren County fire coordinator Brian LaFlure. A serious discussion of this issue took place; the chiefs spoke about funding and the possibility of funding the companies at different levels based upon each companies needs. The Fire Committee will meet with the chiefs again in about two months and this topic will likely come up again.

Planning and Zoning Committee Report (Councilmen Arsenault and Vanselow)

Mr. Vanselow reported that at the Planning Board meeting last night the Front Street Mountain Development subdivision was moved to a public hearing on March 28; he added that there were some concerns about the timing of the transfer. Mr. Vanselow added that there are currently multiple vacancies, a full board position and an alternate position, on the Planning Board.

Supv. Goodspeed said that he had spoken with Delaware Operations about the wastewater application for the Front Street Mountain Development project; he explained that the Department of Environmental Conservation has issued a query letter regarding the wastewater plan. Mr. Vanselow noted that there only three months remain on the approval of the temporary systems.

OLD BUSINESS:

Supv. Goodspeed asked that a press release be placed in the News-Enterprise and on the Town's Facebook site and that he was placing a notice in the newsletter that an extended discussion of the Town beach would be placed on the agenda for the April 5, 2011 Town Board meeting.

Supv. Goodspeed reminded the Town Board that the Summit Homeowners Association has made a request that the Town take over the road in the Summit development. Supv. Goodspeed informed the Town Board that one of the homeowner association members, Mr. LaBarbera has been a client in his legal practice. Supv. Goodspeed reported that Superintendent of Highways Dan Hitchcock has concerns regarding the taking the road over, these include questions about the road construction. Supv. Goodspeed said that in one of the letters the Summit Homeowners Association has asserted that they receive little service for their tax payments which were in the amount of two hundred thousand dollars annually; he added that he had spoken to Town

Assessor Ann Deppe about the tax issue. Assessor Deppe said that the Town received about eleven percent of the total taxes, twenty-nine thousand dollars; the balance going to Warren County, Johnsbury Central School and fire protection. Supv. Goodspeed said that he was very troubled at the suggestion of taking over additional roads in the Town; Mr. Stevens and Mr. Vanselow noted the problems of plowing and snow removal from roads in the development. Supv. Goodspeed asked that the Town Board authorize him to write a letter to the Summit Homeowners Association explaining that the Town was disinclined to take on any additional roads at this time.

RESOLUTION NO. 48

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow to authorize the Town Supervisor to write a letter to the Summit Homeowners Association explaining that the Town was disinclined to take on any additional roads at this time. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

Supv. Goodspeed reported to the Town Board that he had sent two items related to the purchasing policy to the Town Attorney for review and clarification. The first item was a clarification of whether the Deputy Town Supervisor could sign vouchers for purchase authorization if the Town Supervisor was out of town; Town Attorney J. Anthony Jordan had responded that the Deputy Town Supervisor could sign vouchers for purchase authorization if the Town Supervisor was out of town. Mr. Stevens asked if any action was necessary to allow this procedure; Supv. Goodspeed replied that no additional action was needed. The second item was to determine if the amount which the Superintendent of Highways can sign for would need a public hearing to amend or a Town Board resolution and no public hearing. Town Attorney J. Anthony Jordan had responded that the amount which the Superintendent of Highways could be authorized to sign for could be changed by Town Board action alone. Supv. Goodspeed asked that the Town Board authorize by resolution the Superintendent of Highways to be allowed to individually sign for a larger amount of purchase; Secretary Cherie Ferguson asked if this would apply only to the Superintendent of Highways and Supv. Goodspeed replied that it would be specific to that office.

RESOLUTION NO. 49

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Superintendent of Highways to individually sign vouchers for purchases up to the amount of seven hundred and fifty dollars (\$750.00) if the funds exist in the budget. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays -0

Supv. Goodspeed reminded the Town Board that at the January 4, 2011 Town Board meeting a letter from Waste Management informing the Town Board that effective February 1, 2011 the price per haul for trash from the transfer station will be \$186.00; and also informing the Town Board that Waste Management would like to negotiate a contract for this service. Supv.

Goodspeed asked that the Town Board authorize him to execute a contract with Waste Management for the cost of \$186.00 per haul for trash from the transfer station.

RESOLUTION NO. 50

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Stevens to authorize the Town Supervisor to execute a contract to haul containers with Waste Management for a price per haul from the transfer station of \$186.00. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays –0

NEW BUSINESS

Supv. Goodspeed noted that the Fire Committee (Councilmen Arsenault and Morehouse) had reported on discussions regarding the payment of ten thousand dollars to the North Creek Fire District; he explained that at the time of the last budget it was impossible to change the payment and that at that time the Town Board planned to remove the funding from the North Creek Fire District and distribute it to other fire companies. Mr. Arsenault said that North Creek has some justification for the funding and that there seemed to be some uncertainty or disagreement at the fire district or the fire company over the funding. Supv. Goodspeed said that in the memo which he wrote during the last budget cycle and with the approval of the Town Board it was noted that the Town Board intended to remove the ten thousand dollars from the North Creek Fire District and divide it among the fire companies of the Johnsbury Fire Protection District; he asked if the Town Board wished to act to formalize the change.

RESOLUTION NO. 51

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that it is the intention of the Town Board to remove the ten thousand dollar payment from the North Creek Fire District and to distribute it among the fire companies of the Johnsbury Fire Protection District; and further, that it is anticipated that in the 2012 budget cycle that the money will be divided equally among the fire companies of the Johnsbury Fire Protection District and that it will become a part of the base funding for said companies. 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 copies of proposed 2011 Budget amendments in their packets; these to increase appropriated funds balances. Supv. Goodspeed asked that the Town Board approve these amendments to the 2011 Town Budget.

RESOLUTION NO. 52

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Arsenault to amend the 2011 Town budget with the following amendments:

Budget Amendments March 1, 2011						
General Fund						

Increase Appropriated Fund Balance			Increase Appropriations		
	A599			A960	
Depot Museum	A7450.4		10,000.00		
Occupancy Tax	A641 0.42		54,640.39		
Engineering Deposits					
FSMD	A2115.2	3,491.83			
FSMD Wastewater	A2115.2	8,950.00			
Tall Timbers	A2115.4	432.12			
The Ledges	A2115.5	21.50			
			12,895.45		
Highway Fund					
Increase Appropriated Fund Balance			Increase Appropriations		
	DA599			DA960	
FEMA	DA8760.2				
North Creek Fire	479.13				
Wevertown Fire	342.23				
Riverside Fire	308.00		1,129.36		
Cap Proj Fund					
Increase Appropriated Fund Balance			Increase Appropriations		
	H599			H960	
Kellogg Building	H1920.24		1644.85		

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 monthly report of the Animal Control Officer, William Mosher, for the month of February 2011, was in the Town Board members' packets.

Supv. Goodspeed noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of February 2011, was in the Town Board members' packets. Mr. Vanselow said that he had spoken with Zoning Enforcement Officer Danae Tucker and that she had some questions; Supv. Goodspeed replied that he had spoken with Zoning Enforcement Officer Danae Tucker and had suggested that she contact the Planning Board attorney on two issues and had agreed that she could attend the training in Schroon Lake as there was no cost to the Town.

On a related matter Mr. Arsenault asked about an executive session conducted by the Planning Board at its February 28, meeting; Mr. Vanselow replied that the Planning Board attorney was present and agreed with the executive session which was to discuss methods of handling statutes and the subdivision laws with their counsel.

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

Mr. Vanselow said that there appeared to be some confusion over the authorization to allow the members of the Town Board, the Planning Board, the Zoning Board of Appeals and the Zoning Enforcement Officer to attend the Adirondack Park Agency Local Government Days conference to be held on March 22 and 23, 2011 at Saranac Lake.

RESOLUTION NO. 53

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Morehouse that the Town Board authorizes the payment of registration and mileage for attendance of the Adirondack Park Agency Local Government Days conference to be held on March 22 and 23, 2011 at Saranac Lake for the members of the Town Board, the Planning Board, the Zoning Board of Appeals and the Zoning Enforcement Officer. 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 had been involved in ongoing real property litigation with the Copperfield Inn Resorts, L.L.C. for the past eight to ten weeks. The Town Board has received information on a possible settlement from the Town attorney and it was discussed in an executive session earlier during the meeting; both the Town Assessor and Town Attorney were supportive of the settlement. Supv. Goodspeed asked if the Town Board wished to authorize him to enter into the agreement to settle this litigation with the advisement of the Town Attorney and the Town Assessor.

RESOLUTION NO. 54

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize the Town Supervisor to enter into an agreement under the advisement of the Town Attorney and the Town Assessor to end the ongoing real property litigation with the Copperfield Inn Resorts, L.L.C. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

PRIVILEGE OF THE FLOOR

Mr. Robert Nettle questioned the necessity of the roads being made to Town specifications and the Town taking over the road in the Summit development; Mr. Arsenault replied that the question of taking over the road has come up from the Summit Homeowners before. Mr. Arsenault said that accepting a road not built to Town specifications can increase maintenance costs and make snowplowing very difficult. Mr. Nettle asked if there could be a Town policy that a private developer cannot ask the Town Board to take over a road several years after it has been constructed; Supv. Goodspeed said that he doesn't believe that the Town Board could act to not allow a request to be made and that it is dangerous to tie the Town Board's hands. Mr. David Bulmer suggested that the acceptance of a road in a development should be a part of the original negotiations with the Town or Planning Board.

Mr. James (Cork) Nester questioned if there was a new sign ordinance for billboards; Mr.

Vanselow replied that the owner of the billboard in question seems to be looking toward the banner regulations according to the Zoning Enforcement Officer.

Mr. David Bulmer raised the subject of the Occupancy Tax funding reimbursement and brought a copy of the Warren County requirements and asked that the Town use the same requirements. Supv. Goodspeed said that Warren County handles the reimbursement in a different way than the Town and that he would forward the Warren County guidelines to the Town Attorney for review and reconciliation.

Mr. David Bulmer asked that the committee to discuss uses for the Kellogg (Waddell) property meet during March; he added that he had spoken to Mr. Paul Butler of the Warren County Department of Parks and Recreation, who had informed him that there were one or two events scheduled for the property. Supv. Goodspeed wants to have the committee for the Kellogg property to meet as well and that he believes that there is one event scheduled under the auspices of the Johnsbury Historical Society; Secretary Cherie Ferguson said that the event in question may move to the Ski Bowl Park with the approval of the Town Board. Mr. Bulmer said that Warren County is still looking for insurance from users of the Kellogg property; Supv. Goodspeed said that this was not an issue and that the Warren County employees were not correctly informed about the transfer of ownership. Supv. Goodspeed said that Warren County owns the parking area and the pavilion; Mr. Arsenault asked if Warren County wants to keep those items. Supv. Goodspeed said that those items were involved in the negotiations for rail operation and that he did not want to get into difficulties with Warren County involving the negotiations.

Mr. David Bulmer informed the Town Board that the Gore Mountain Region Chamber of Commerce is becoming an affiliate to the Plattsburgh Chamber of Commerce and is working to create a series of business oriented educational programs.

Mr. Robert Nettle asked if the Town Board in the next budget cycle would dedicate a portion of Occupancy Tax funding to hire an event organizer to assist in publicizing and organizing the White Water Derby and the 4th of July. Secretary Cherie Ferguson said that the Occupancy Tax funds can't be used to pay salaries and that the Town contracts with the chamber of commerce to publicize the Town. Supv. Goodspeed said that a position attached to 1st Wilderness Heritage Corridor grant was created at the Warren County level and not yet filled to hire a coordinator to try to keep events from being scheduled in conflict with each other throughout the county; both Supv. Goodspeed and Mr. David Bulmer believed that the position was funded in the Warren County budget. Sect. Ferguson said that a questionnaire had been received from Ms. Kate Johnson at Warren County Tourism, on the need to subcontract out the promotional needs of the towns in Warren County.

RESOLUTION NO. 55

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #5G/Claims #89-103; Highway Fund- Warrant #5H/Claims #43-44; North Creek Water Dist.- Warrant #4W/Claims#16-19. 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. Arsenault with a second from Mr. Morehouse at 8:30pm. 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 6:00pm on March 15, 2011 at the Ski Bowl Lodge, Ski Bowl Park, North Creek, NY.

Prepared by William Rawson, Town