

**Minutes of the Town of Johnsbury Regular Board Meeting June 21, 2011
Held at 7:00pm at the Town of Johnsbury Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday June 21, 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 Eugene Arsenault.

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

Guests: On attached list

RESOLUTION NO. 109

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow, to accept the minutes of the June 7, 2011 regular Town Board meeting as written. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

CORRESPONDENCE:

1. A notification of renewal of liquor license from Mr. Richard Minucci of The Inn on Gore Mountain.
2. A request from Ms. Jane Peter of Basil & Wicks requesting that the Town Board authorize an off premise liquor license for July 3, 2011 at the Ski Bowl Park.
3. A letter from Mrs. Ann Dingman, Summer Youth Program Director, recommending personnel hires for the Summer Youth Program.
4. A letter from Superintendent of Highways Daniel Hitchcock, forwarding an opinion from Jeffrey P. Leonard from the Glens Falls Regional Office of the NYS Comptroller regarding the raised threshold of purchases prior to bid being required of \$20,000.00 as a result of a 2010 change to the General Municipal Law.
5. A request from Ms. Marion Eagan of The Black Mountain Motel requesting that the Town Board authorize an off premise liquor license for July 3, 2011 at the Ski Bowl Park.
6. A notice from the NYS Department of Environmental Conservation to remind New Yorkers of the upcoming free fishing weekend on June 25-26, 2011.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed informed the Town Board that a notice has been received from the NYS Department of Environmental Conservation (DEC) that due to the recent bad weather the DEC will exercise enforcement discretion regarding regulations prohibiting the burning of limbs and branches by municipalities; this will continue through June 30, 2012.

Supv. Goodspeed said that Mr. Vanselow had informed him that he was not ready to give a report on the Mill Creek Recreation Area at this time.

Supv. Goodspeed informed the Town Board that the discussion of the Town Beach will not be conducted tonight due to Engineer Kathleen Suozzo of Delaware Operations being unable to attend tonight's meeting; it is expected that Engineer Suozzo will be available for the July 5 Town Board meeting.

Supv. Goodspeed noted that there appears to be a great deal of movement with the Front Street Mountain Development project and that he expects that soon the project will be taken up again by the Town Board.

Supv. Goodspeed informed the Town Board that he had been asked by ORDA Manager Mike Pratt to write a letter of support for a \$3,600,000.00 Upstate Regional Blueprint funds application. Supv. Goodspeed asked that the Town Board authorize him to execute a letter of support for ORDA.

RESOLUTION NO. 110

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow, to authorize the Town Supervisor to execute a letter of support for the ORDA application for Upstate Regional Blueprint funds in the amount of \$3,600,000.00. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed informed the Town Board that he had recently met with Warren County Department of Public Works Superintendent Jeffery Tennyson to discuss the time frame for the resumption of work on Thirteenth Lake Road. As of last Friday Supt. Tennyson expected to be able to return to work on Thirteenth Lake Road in approximately one to two weeks.

Supv. Goodspeed updated the Town Board on the possibility of a Federal Emergency Management Agency (FEMA) funding award for the damage incurred by the Town during the April 2011 flooding event. Supv. Goodspeed explained that the flood event in the Town of Johnsbury fit well into the time frame which FEMA has established. The Town has supplied Warren County with information on the costs incurred by the Town as a result of the flooding. The FEMA announcement will be made at some time in the future.

Supv. Goodspeed explained that at the request of Ms. Kate Hartley, earlier this week he amended the Town insurance to cover Ms. Hartley and her workers involved in the Main Street mosaic project; he added that this was done at little cost to the Town. Supv. Goodspeed asked that the Town board ratify his actions regarding the insurance policy and the Main Street mosaic project.

RESOLUTION NO. 111

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow, to retroactively authorize the changes to the Town insurance policy to protect the Town and the workers working on the Main Street mosaic project. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked that the Town Board approve the proclamations for the newly

approve Eagle Scouts Liam Harrison and Jonathan Sears as requested by Boy Scout Troop 36 of North Creek.

RESOLUTION NO. 112

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

Whereas, Liam Harrison belongs to Boy Scout Troop 36 of North Creek, and

Whereas, Liam has traveled to Nicaragua with volunteers from his church and lead a project to repair a children's hospital in particular he led the painting, spackling and plumbing aspects of the project, and

Whereas, Liam worked on this project with the aid of volunteers from his church and the community, and

Whereas, Liam needed to plan, organize, find funding for, and complete this project in order to fulfill the final requirement for the Eagle Scout rank, and

Whereas, the Eagle Scout rank is the highest honor in scouting it is a true honor for Liam, his family and this community, for him to have earned the highest honor in Scouting, and

Now, therefore, be it resolved that the Town Board of the Town of Johnsbury recognizes the hard work and dedication Liam Harrison has shown in his years as a Boy Scout of Troop 36; and further, the Town Board wishes to express their pride in this area youth and wishes him the best of luck as he moves into the future.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

RESOLUTION NO. 113

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

Whereas, Jonathan Sears belongs to Boy Scout Troop 36 of North Creek, and

Whereas, Jonathan has constructed a six foot by four foot informational sign and a two foot by four foot decorative flower box for the Minerva Fire and rescue squad, and

Whereas, Jonathan worked on this project with the aid of volunteers from his troop and the community, and

Whereas, Jonathan needed to plan, organize, find funding for, and complete this project in order to fulfill the final requirement for the Eagle Scout rank, and

Whereas, the Eagle Scout rank is the highest honor in scouting it is a true honor for Jonathan, his family and this community, for him to have earned the highest honor in Scouting, and

Now, therefore, be it resolved that the Town Board of the Town of Johnsbury recognizes the hard work and dedication Jonathan Sears has shown in his years as a Boy Scout of Troop 36; and further, the Town Board wishes to express their pride in this area youth and wishes him the best of luck as he moves into the future.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed said that it was the belief of the Town Board that there was an agreement in place between the Town Board and the fire companies regarding the fire contract. North River Fire Chief John Donohue said that the Fire Chiefs were still not sure why the contract had grown from eight paragraphs to sixteen paragraphs. Fire Chief Donohue said that the Fire Chiefs were not able to come to an agreement on the changes to the contract; the Fire Chiefs say that according to the 2010 contract that changes should not be made after the Public Hearing on the Fire Protection Contracts. The suggestion of the Fire Chiefs was that the 2010 contract be used with the appropriate changes as to the year and the amounts to be paid to the Fire Companies. Mr. Arsenault asked what the concerns of the Fire Chiefs were; Fire Chief Donohue replied that the biggest concern was that the Town would seize all fire company assets if the fire company was closed. Mr. Arsenault replied that the Town wanted to have a way to protect the Town interest and that the Town should be able to discuss the disposition of fire company assets with the fire company in the event of its closing. Mr. Arsenault added that the Town hasn't interfered with the internal operation of any fire company; Fire Chief Donohue said that he agreed with that statement. Attorney Sellar Ryan replied that the contract approved by the Town Board contains items which New York State wants to be included; she added that the phrase "to the best of your ability" was added to soften the language. Fire Chief Donohue said that the Fire Protection Contracts should have been prepared by January. Mr. Vanselow said that there have been six months without a contract and asked if there was a clause which would continue the previous contract in effect until the next contract is completed and signed; Attorney Erika Sellar Ryan of Jordan and Kelly, replied that she was not sure if that language was in place. Mr. Vanselow asked what harm would result if the 2010 contract language was used for the 2011 contract in light of the fact that the year is one half over already; Attorney Sellar Ryan said that if the Town Board was comfortable with the contract that there was little difference.

Fire Chief Donohue said that the fire companies have always given the Town a budget of the Town funding; he added that the fire companies are private organizations and said that no other private company needs to present a record of all of its funding to the Town. Supv. Goodspeed said that the funds request was to help eliminate fraud and to protect the taxpayers interest; he added that a local fire chief had been recently indicted and that the Town needs to watch the use of the taxpayer funds. Mr. Arsenault said that by using the 2010 contract language and extending the time he hoped that the contract for 2012 could be worked out amicably. Supv. Goodspeed said that he would not want to use the 2010 language and then sit around until the end of the year with no discussions. Fire Chief Lewis Hitchcock of the Bakers Mills-Sodom Volunteer Fire Company asked if the Fire Chiefs could meet with the entire Town Board; Supv. Goodspeed said that he expected that the Fire Committee (Arsenault, Morehouse) and the Town Attorney, Erika Sellar Ryan of Jordan and Kelly, would meet with the Fire Chiefs due to the

open meetings law requirements. Mr. Arsenault said that meeting involving the Fire Chiefs, the Town Attorney and the Fire Committee should be able to move the language forward for the 2012 contract.

RESOLUTION NO. 114

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault, to agree to an extension of the 2010 Fire Protection Contract language for 2011; and further, that the dates and the funding amounts be modified those approved for 2011; and further, that within the month of July, 2011 that discussions on the 2012 Fire Protection Contract language will begin to allow the contract language to be in place by the end of 2011. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed, at the request of Councilman Stevens, updated the Town Board on the cell tower progress. As regards the cell tower sites in Wevertown and The Glen, Supv. Goodspeed explained that delays resulted from the rains; the trucks which carry the electronics in to the sites need a dry, stable road. The electronic equipment is now installed and the wait is for National Grid to connect electrical power to the towers. The site in North Creek is under review by the Adirondack Park Agency and it is at the public comment portion of the process; Supv. Goodspeed expects that the cell tower will become active at some time during the fall.

Supv. Goodspeed, at the request of Councilman Stevens, reminded the Town Board that at the previous meeting a letter from the residents of Riparius, New York regarding the proposed closure of the Riparius, New York Post Office by the United States Postal Service had been read. Supv. Goodspeed said that this was a shame for the hamlet of Riparius and asked if the Town Board wished to pass a resolution in support of the residents of Riparius to have their post office remain open. Mr. Vanselow added that the current plan to shift the postal boxes to Chestertown will have a negative impact economic impact on the Town of Johnsbury.

RESOLUTION NO. 115

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

A resolution in support of the continued operation of the Riparius, NY Post Office

Whereas, the Town of Johnsbury Town Board has been informed by residents of Riparius, New York that the United States Postal Service has served notice to the customers of the Riparius, New York Post Office that it is considering the closure of said post office, and

Whereas, the proposal of the United States Postal Service is to consolidate the Riparius, New York Post Office with the Chestertown Post Office, and

Whereas, the customers of the Riparius, New York Post Office protest the loss of their post office and community identity, and

Whereas, if the customers travel to Chestertown to conduct their postal business they will also conduct their other personal and financial business, and

Whereas, this travel will be a hardship for the aforesaid customers and also will have a negative economic impact on the businesses in the Town of Johnsbury which have been the recipients of their trade, and

Now, therefore, be it resolved that the Town Board of the Town of Johnsbury supports the residents of Riparius, New York in their protestation of the proposed closure of the Riparius, New York Post Office; and further, that the Town Clerk is ordered to forward a copy of this resolution to the appropriate office of the United States Postal Service.

With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays – 0 Absent – 2 (Morehouse, Stevens)

Supv. Goodspeed asked if the Town Board wished to act upon the Youth Committee personnel request read earlier in the meeting.

RESOLUTION NO. 116

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the hiring of the following individuals for the listed positions for the Johnsbury Summer Youth Program:

Ann Dingman	Director
Phil Goodman	Assistant Director
Cherie Hayes	Arts & Crafts Director
Anna Goodman	Bus Driver/Counselor

Counselors:

Samantha Cleveland
Noah Dingman
Hannah Jay
Haley West
Margaret Welz
Levi Kranick
Chelsea Bromley
Nichole Calvert
Taylor Ordway

Alternate: Lyndsey Comstock

Extra Bus Driver (as needed basis): Catherine Allen

With 5 members voting in favor, the resolution is declared carried. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

Mr. Vanselow asked about approval for the wages for the Summer Youth Program workers. Supv. Goodspeed said that there had been some discussion of the hourly wages for the leaders,

not the counselors, and asked that the Town Board wait until the next meeting to discuss this and to make a decision.

NEW BUSINESS

Supv. Goodspeed informed the Town Board that the Warren County Board of Supervisors has voted to begin the process to form an authority to control the railroad operation for Warren County and the Town of Corinth or Saratoga County. Supv. Goodspeed said that the creation of an authority would help insulate the municipalities from liability and would bridge the county lines. Mr. Arsenault asked what entity the authority would be accountable to; Supv. Goodspeed replied that the authority would be accountable to Warren County and either Saratoga County or the Town of Corinth. Supv. Goodspeed added that Warren County Board Chairman Fred Monroe (Chester) was concerned about the loss of control by the Warren County Board of Supervisors. Warren County has more rail, however, the Saratoga portion of the line has more freight operations.

Supv. Goodspeed said that the first dome car is now at the North Creek station and he is hopeful that runs by the railroad will begin July 1. Mr. Vanselow said that an entire train is behind the station building.

Supv. Goodspeed requested that the Town Board authorize him to execute an extension to the computer grant which will expire before it can be filled..

RESOLUTION NO. 117

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow, to authorize the Town Supervisor to execute an extension of contract number TM08966 with the State of New York; this is a grant to purchase a new computer and software. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays – 0

PRIVILEGE OF THE FLOOR

Mrs. Dianne Szlachtowski said that the cemeteries in the Town of Johnsbury were in a deplorable condition; she added that the mowing has not been done on time in years. Mrs. Szlachtowski asked that the residents and relatives of those in the cemeteries be assured that in 2012 there will not be a repeat of this failure. Supv. Goodspeed said that he has received dozens of comments on the condition of the cemeteries; he said that in the past, when he was a teenager, the mowing has been contracted out and in recent years assistance has been received from the Highway Department. This year the Highway Department had such a large amount of road damage from rains that manpower was not available from that department. Supv. Goodspeed said that it may be time to contract the mowing out. Mrs. Szlachtowski said that it was a poor representation for the Town. Supv. Goodspeed agreed that it was a bad situation and that he was very aware of it; he hopes that next year will be a better year. Mr. Fred Hitchcock said that the Highway Department used to mow on overtime.

Mr. Donald Filkins asked about the speed limit reduction on State Route 8 from the traffic light in the hamlet of Wevertown west to the hamlet of Johnsbury which he had requested in July of 2010. Supv. Goodspeed replied that it had not been approved by the NYS Department of Transportation (DOT). Mr. Filkins asked what the next step would be. Supv. Goodspeed replied

that a petition would help and any information on accidents on that section of road; he added that the DOT engineers plug the numbers into a formula, and if it doesn't fit then they deny the change. Mr. Lewis Hitchcock said that the engineers will run traffic studies at off-peak hours if they can. Mr. Vanselow said that the senate had passed a law to allow Towns to change speed limits on Town roads with the approval of a traffic engineer. Mr. Fred Hitchcock said that years ago there used to be a Town-wide speed limit; he said that the article which he had seen was dealing with individual roads. Mr. Fred Hitchcock added that speed limits, like any law, were only as good as the enforcement.

RESOLUTION NO. 118

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 #10G/Claims #221-242; Highway Fund- Warrant #10H/Claims #120-134; North Creek Water Dist.- Warrant #9W/Claims#45-48; Capital Projects Fund- Warrant #4CPF/Claim #5 With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the Town Board would now move into executive session to discuss an employment/personnel issue and a Zoning Enforcement issue with the Zoning Enforcement Officer Danae Tucker and discussion of a real estate negotiation with Superintendent of Highways Daniel Hitchcock. Supv. Goodspeed said that it was possible action would follow the executive session.

Mr. Arsenault presented the following motion, with a second from Mr. Vanselow to enter into executive session for the purpose of discussing an employment/personnel issue, a Zoning Enforcement issue with the Zoning Enforcement Officer Danae Tucker and discussion of a real estate negotiation with Superintendent of Highways Daniel Hitchcock at 8:05pm. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

Also present was Erika Sellar Ryan of Jordan and Kelly, LLC.

Mr. Vanselow presented the following motion, with a second from Mr. Arsenault to adjourn the executive session for the purpose of discussing an employment/personnel issue, a Zoning Enforcement issue discussion with the Zoning Enforcement Officer Danae Tucker and discussion of a real estate negotiation with Superintendent of Highways Daniel Hitchcock and to reenter the regular session at 9:12pm. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that there was no action resulting from the executive sessions involving the employment/personnel issue or the Zoning Enforcement issue during which the Town Board received a report from Zoning Enforcement Officer Danae Tucker; he asked if the Town Board wished to act upon the real estate discussion at this time.

RESOLUTION NO. 119

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

Mr. Vanselow that the Town Board authorizes the Town Supervisor to move forward with the testing and evaluation and the determination of use by the Adirondack Park Agency of a confidential site which may be purchased by the Town of Johnsburg, and further, the aforesaid testing and evaluation is to be conducted by the Delaware Operations and may include test bores at the site.. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

A motion to adjourn the meeting was presented by Mr. Vanselow with a second from Mr. Arsenault at 9:15pm. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on July 5, 2011 at the Wevertown Community Center, Wevertown, NY.

Prepared by William Rawson, Town