

**Minutes of the Town of Johnsbury Regular Board Meeting March 17, 2009  
Held at 7:00pm at the Town of Johnsbury Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday March 17, 2009 at 7:00pm at the Town Library, North Creek, NY Supervisor Goodspeed called the meeting to order at 7:00pm and the pledge to the flag was led by Councilman Arnold Stevens.

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

Supv. Goodspeed announced that Councilman Arsenault has contacted him to let him know that he would arrive later in the meeting; he added that there was a very important Warren County meeting in Lake George involving Councilman Morehouse's position at the county and that he might have attended that meeting.

Guests: On attached list

**RESOLUTION NO. 71**

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Vanselow, to accept the minutes of the February 24, 2009 regular Town Board meeting as written. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Stevens, Vanselow, Goodspeed) Nays – 0

**RESOLUTION NO. 72**

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Stevens, to accept the minutes of the March 3, 2009 regular Town Board meeting as written. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Stevens, Vanselow, Goodspeed) Nays – 0

**CORRESPONDENCE:**

1. A letter from Member of the Assembly Dede Scozzafava, acknowledging receipt of Resolution Number 32, regarding the proposed rate freeze on forest preserve tax payments and expressing her support of the resolution and noting that she will take the views expressed therein under advisement.
2. A letter from Mr. Donald Walp questioning who is responsible for the payment of expenses incurred by the Town in clearing snow on Cleveland Road as result of the actions of a resident following the original clearing of the road by the Town Highway Department.
4. A letter from Mr. Peter Olesheski, Acting Chairman of the Ski Bowl Park Committee, asking the Town Board to assist in the search for members as the committee now has seven active members out of a maximum of ten.
5. A response to the NYS Division of Human Rights from Mr. Peter Olesheski, Chairman of Johnsbury Youth Athletics, detailing the response of Johnsbury Youth Athletics to a formal complaint regarding their baseball/softball programs.
6. A letter from Mr. Douglas Needham, President of the Thurman Connection Snowmobile Club, thanking landowners for allowing the club to utilize their property in the trail system.

Supv. Goodspeed said that he planned to refer the letter from Mr. Donald Walp to the Town Attorney for study.

Supv. Goodspeed asked if the Town Board wished to advertise for members for the vacant positions on the Ski Bowl Park Committee.

#### RESOLUTION NO. 73

Supv. Goodspeed presented the following resolution, and moved its passage with a second from Mr. Stevens, to authorize Secretary Cherie Ferguson to place an advertisement in the north Creek News-Enterprise for two weeks to seek three additional members of the Ski Bowl Park Committee. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Stevens, Vanselow, Goodspeed) Nays – 0

#### COMMITTEE REPORTS:

#### OLD BUSINESS:

Supv. Goodspeed explained that while he wished to have an open discussion on the expansion into the community portion of the Sodom Community Center by the Johnsbury Emergency Squad, he had placed a request for input on this issue in the monthly Johnsbury Central School newsletter, and therefore did not plan to request a decision from the Town Board tonight, but, at the April 7 meeting. The Johnsbury Emergency Squad had requested permission to expand their portion of the building twelve feet into the community portion of the Sodom Community Center. Supv. Goodspeed asked for comments from the public. Mrs. Amy Cleveland said that the loss of space could cause the loss of the building as an emergency shelter; asked if the Emergency Squad could not use the space without the addition; noted that the taxpayers pay for the heat, electricity and snowplowing for the building adding that this is not done for the fire companies; she added that if the space request is granted that the Emergency Squad should pay for the utilities. Mr. Paul Heid asked about the ceiling height differences in the two areas of the building; questioned the ramifications of having the electrical panel servicing the public portion of the building on the Emergency Squad side of the partition; and complained about the loss of the facility to the public. Mrs. Tara Sears said that the door to the electrical panel was not locked when she was on the board of the Emergency Squad. Mr. Peter Heid said that he believed that the current amount of space was reasonable. Mrs. Cherie Hayes noted the effective loss of the building for public use. Mr. Joseph Miller agreed that the loss of space will create a great deal of inconvenience to many family groups. Mr. Craig Watson asked who will pay for the installation and planned removal of the temporary wall. Mr. Paul Sears added that if the temporary wall is built to code that it will not be temporary, but permanent. Mrs. Sears said that one or two years ago in discussions, during which she represented the Emergency Squad, Mr. Arsenault and Mr. Stevens said that the basic expansion plan was too expensive for a temporary solution. Mr. Mark Bergman, Chairman of the Board of the Johnsbury Emergency Squad, replied that the entire building would be operated as an emergency shelter; the generator moving with the Emergency Squad when a new building is obtained; he added that the Emergency Squad is not trying to compete with other groups in Town, the squad is simply trying to provide a service. Mr. Bergman added that the paid staff is required to remain at the Sodom Community Center during their shifts. Mrs. Kelly Nettle added that during the winter she often needed to remain at the building due to weather conditions. Mr. Peter Heid asked what will happen, if the expansion request is not granted; Mr. Bergman replied that the squad will remain until other quarters are found. Mrs. Nettle added that Town residents will need to

support fund raising efforts for the three hundred thousand dollars needed to purchase property and erect a suitable squad building; she expected the process to take about ten years. Mr. Vanselow noted that in the original proposal that Mr. Bergman had suggested a two or three year period that had now expanded to ten years. (*Councilman Eugene Arsenault entered the meeting at 7:30 pm.*) Mr. Stevens asked if there was room for compromise; Mr. Bergman replied that there would probably not be a cost effective compromise. Supv. Goodspeed noted that the community and the Town Board were supportive of the service provided by the Emergency Squad.

Supv. Goodspeed informed the Town Board that earlier this evening a discussion between property owners Donna Trautwein-Welch and Peter Welch and Thurman Connection Snowmobile Club officers, Mr. Douglas Needham and Mr. Cork Nester had apparently settled confusion over the use of Dankers Road by the snowmobile club. Supv. Goodspeed said that some confusion had arisen over the actual names of the roads to be used; in some instances Dankers Road was referred to as Old Armstrong Road. Snowmobile access is unchanged on Dankers Road; the use portion begins one thousand feet in from South Johnsbury Road.

Supv. Goodspeed informed the Town Board that he met with Mr. Peter Goutos, of C.A. Smith, LLC to discuss cell tower siting and the permitting process. Supv. Goodspeed said that it appears that the Town can sign a lease, begin de-mapping from the park and begin the Adirondack Park Agency permitting concurrently. Supv. Goodspeed informed the Town Board that a separate provider is working with a Gore Mountain site. Mr. Peter Heid asked if there would be a stipend to the Town if the tower were to be placed on a site belonging to the Town; Supv. Goodspeed replied yes the Town would receive payments.

Supv. Goodspeed informed the Town Board that the stair chair in the Wevertown Community Center between the first floor and the basement was now operational. Mr. Stevens asked that a letter of thanks from the Town be sent to the donor.

Supv. Goodspeed informed the Town Board that the cost of materials for the resurfacing of the basement floor at the Wevertown Community Center would be four hundred dollars or less. Supv. Goodspeed said that Mr. Paul Lo Guerico had been doing some preliminary work at the site and had noted that the work would need to wait until the water table had dropped as it does in the summer months. Mr. Paul Lo Guerico has refinished the table in the upper meeting room at the Tannery Pond Community Center.

#### RESOLUTION NO. 74

Mr. Vanselow presented the following resolution, and moved its passage with a second from Mr. Stevens to authorize purchase of materials for the refinishing of the basement floor at the Wevertown Community Center at a cost not to exceed four hundred dollars and to thank Mr. Paul Lo Guerico for volunteering to perform the work at no cost to the Town. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed noted that the problem outlined in the letter responding to the NYS Division of Human Rights from Mr. Peter Olesheski, Chairman of Johnsbury Youth Athletics, detailing the response of Johnsbury Youth Athletics to a formal complaint regarding their baseball/softball programs seemed to be solved through a compromise acceptable to all parties.

Supv. Goodspeed asked that North Creek News-Enterprise reporter John Alexander place an article in the newspaper to publicize the policy change. Mr. Peter Olesheski explained that the board of Johnsburg Youth Athletics had addressed the concerns of one family; Johnsburg Youth Athletics is an incorporated not for profit entity and the issue need not involve the Town. He asked that the issue not be publicized. Mr. Arsenault asked for the reasoning behind this request. Mr. Olesheski explained that if more girls switched from softball to baseball that the softball program may be lost. Supv. Goodspeed congratulated Mr. Olesheski on the efforts to resolve the issue and added that more than one family was involved. Supv. Goodspeed noted that the Town is involved as Johnsburg Youth Athletics is insured under the Town insurance program and as a result it is the responsibility of the Town to be sure that all state and federal requirements are met. Mr. Olesheski replied that Johnsburg Youth Athletics functions as a committee and that those involved have known of the policy for a year and he does not want to have girls committed to the softball program to have second thoughts; he added that the Town's involvement with Johnsburg Youth Athletics is limited to being included under the Town insurance and use of the Town playing fields. Supv. Goodspeed said that he was not suggesting the removal of Johnsburg Youth Athletics from the town insurance or playing fields; he added that this is a liability issue for the Town. Mr. Olesheski said that Johnsburg Youth Athletics has paid for the distribution of flyers for sign up and does not want public discussion of the topic; he added that Title 9 applies only to schools and federally funded organizations and is not applicable to Johnsburg Youth Athletics in this case. Mr. Peter Heid said that it is almost impossible to get boys to play softball and he did not advocate baseball for girls; Mrs. Tara Sears said that girl's softball would benefit the school and the Town; Mrs. Amy Cleveland said that a volunteer committee worked for three weeks to put up flyers and to conduct signups; Mrs. Cherie Hayes thanked Mr. Olesheski for interesting her daughter in playing softball. Mr. Donald Ellsworth said that he works out of town and was only notified by Johnsburg Youth Athletics if they wanted help in fund raising events. Supv. Goodspeed said that Johnsburg Youth Athletics is a great organization providing a good service to the residents of the Town. Mr. Olesheski reiterated that while the program had signed up one hundred and thirty children to play organized ball that Johnsburg Youth Athletics did not wish to have published.

Supv. Goodspeed recognized Mr. Thomas Stoddard, owner of the Ski Bowl Café, to discuss sign issues. Mr. Stoddard explained that he had not asked for the meeting with the Town Board and had only been informed of the agenda item after the last meeting. Mr. Stoddard further explained that the Planning Board had instructed Zoning Enforcement Officer Edward Tuttle issue him a Notice of Violation regarding his advertising banner. Mr. Stoddard said that he believes that he is being singled out for enforcement of the sign portion of the Local Land Use Plan. Mr. Peter Heid asked if the Town Board had not lessened enforcement of the sign portion of the law. Supv. Goodspeed replied that the Notice of Violation was related to a site plan and was not issued under the ordinance. Mr. Vanselow added that site plan process allows for discussion between the Planning Board and the applicant; the applicant receives an authorization to place signs and a violation occurs when additional signs are displayed prior to the applicant going back to the Planning Board for additional approvals. Mr. Stoddard said that a banner was different from a sign; Mr. Vanselow replied that an event banner could go up for a short time and not be in violation; an entire season is a long time, especially if replaced with a sign for the following season. Supv. Goodspeed suggested that Mr. Stoddard make a list of properties with questionable signage and give it to Mr. Tuttle or himself; he added that the Town Board would not overrule the Planning Board. Supv. Goodspeed urged Mr. Stoddard to go to the next

Planning Board meeting for a discussion of the site plan violation. Mr. Stoddard said that he was not aware of the requirement to notify the Planning Board of changes and added that several changes were required by the Department of Health.

Supv. Goodspeed informed the Town Board that Accounts Payable Clerk Candace Lomax has reviewed expenses related to the Interconnect and submitted the title insurance search costs and attorney fees for grant reimbursement.

Supv. Goodspeed noted that the Town Board had in their packets a notice from the Town Clerk that the 2009 Transfer Station Clean-Up Cards will be available at the Town Clerk's office during regular business hours.

Supv. Goodspeed informed the Town Board that as some of the Stimulus Package funds are becoming available for shovel ready projects. Supv. Goodspeed asked that the Town Board retroactively approve his submission of the plans for the upgrading of the playing fields at the Ski Bowl Park which he has sent to Warren County.

#### RESOLUTION NO. 75

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Vanselow to retroactively authorize the Town Supervisor to submit the plans for the upgrading of the playing fields at the Ski Bowl Park to Warren County in an attempt to secure funding for the project through Stimulus Package funds. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed noted that he had received a letter from Ms. Amber Dasaro offering to clean the Tannery Pond Community Center at a pay rate of \$8.15 per hour and not exceeding 10 hours per week or as building cleanliness dictates. Supv. Goodspeed noted that he was distantly related to Ms. Dasaro and would not vote on this issue. Secretary Cherie Ferguson explained that this was the first letter of interest in the cleaning position for that building since the vacancy was advertised in January.

#### RESOLUTION NO. 76

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens to appoint Ms. Amber Dasaro as building cleaner for the Tannery Pond Community Center at a pay rate of \$8.15 per hour and an anticipated 10 hours per week maximum except for extraordinary circumstances. With 3 members voting in favor, the resolution is declared carried. Ayes-3 (Arsenault, Stevens, Vanselow) Nays – 0 Abstained – 1 (Goodspeed)

#### NEW BUSINESS

Supv. Goodspeed informed the Town Board that the Trash collection Contract expires on May 13, 2009; the contract may be automatically renewed by the Town for another year or bid again for 2009 through 2010. Mr. Vanselow suggested the addition of hauling to the trash plant as a portion of the contract. Mr. Robert Nettle said that moving the containers costs about \$50,000.00 annually. Supv. Goodspeed asked the Solid Waste Management Committee (Arsenault, Stevens) regarding this issue.

Supv. Goodspeed noted that the seat on the Youth Committee currently held by Mrs. Mary J. Keeler would expire on May 10, 2009; he noted that Mrs. Keeler had been appointed to the position to fill a vacancy on the committee on September 4, 2008. Supv. Goodspeed asked the

Town Board if the members wished to advertise and interview or reappoint Mrs. Keeler to the position.

#### RESOLUTION NO. 77

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to appoint Mary Jo Keeler to fill a term on the Youth Committee to expire on May 10, 2015. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed noted that there have been several complaints regarding signs put on telephone poles relating to a highway issue. Three of the complaints were from businesses in the town. Mr. Paul Heid said that when putting up signs that he will stay away from businesses and will change the tone of the signs.

Supv. Goodspeed the Town Board had received in their packets Waiver Agreement #2 to the Master Agreement between the Town of Johnsbury and Front Street Mountain Development. Waiver Agreement #2 involves the ski trail parcels. Supv. Goodspeed explained that Front Street Mountain Development is requesting quick action on Waiver Agreement #2; he added that he has faxed a copy of Waiver Agreement #2 to the Town Attorney for review and urged that the Town Board move with extreme caution regarding the waiver request.

In a related matter, Supv. Goodspeed explained that the Town of Johnsbury did not pay out any money for the ski lift parcel, ownership of which was transferred to the Town of Johnsbury recently. The value of the parcel listed for the transaction was determined by lawyers for the Town and Front Street Mountain Development and allowed a tax to be charged to Front Street Mountain Development on the transaction. Mr. Joseph LaRocque if there was or would be a transfer of land between the Town and New York State. Supv. Goodspeed answered that a transfer was not needed, although the lift would end above the old landing area, ORDA can operate the lift on State Land.

Supv. Goodspeed informed the Town Board that Town justice French has secured a small grant for minor changes at the Town Court. The changes include recording devices, new state and federal flags for both the Wevertown Community Center and the Tannery Pond Community Center and a Town Court sign for the Wevertown Community Center.

#### PRIVILEGE OF THE FLOOR

Mr. Robert Nettle reminded the Town Board of the problem of snow piled by Warren County near the Town Beach. Mr. Nettle said that the runoff from the melting snow will probably go into the swimming area at the beach and suggested that a citizens group should sue the Town Board for allowing Warren County to dump snow at the site. Supv. Goodspeed replied that he has spoken with Warren County DPW about the problem and will discuss it with them again. Mr. Paul Heid said that the site was a poor choice for the dumping of salt laden snow.

Mr. Paul Heid informed the Town board that the Highway Superintendent is raking Town Roads without proper signage and marking which could result in a liability issue for the Town; he added that the Highway Supt. should be overseeing the department and not performing labor. Mr. Bruce Cleveland a Highway Dept. employee said that the raking was only in one direction through the road; Supv. Goodspeed added that the Highway Department is a separate department.

Secretary Cherie Ferguson informed the Town Board that the minutes of the Planning Board, Zoning Board of Appeals and Youth Committee are now online at the Town website and the non functioning links have been corrected

Mr. Peter Heid asked why the Highway Committee (Arsenault, Stevens) told previous Highway Supt. Curtis Richards that it was inappropriate to hire his son; Mr. Arsenault replied that the committee had cautioned then Supt. Richards that he should think the hiring through and Mr. Stevens agreed that it was not a refusal but advice. Supv. Goodspeed said that he did not believe that the request ever came to the full Town Board. Mr. Peter Heid asked if the Town Board followed up on the letter of resignation; Supv. Goodspeed replied that there was an explanation in the letter. Mr. Peter Heid asked why the Highway Dept. continues to get worse. Supv. Goodspeed replied that the statement was subjective and some people were happier with the department. Mr. Peter Heid said that the statement was from the employees. Mr. Paul Heid asked if the Highway Committee has been in close contact with the Highway Dept. Mr. Arsenault answered that he has spoken with Highway Supt. Hitchcock several times, but had not spoken with the employees. Mr. Joel Beaudin said that the position of Highway Supt. should be appointed not elected and that the Highway and Parks departments should be merged. Supv. Goodspeed answered that the Highway Committee would discuss this with Highway Supt. Hitchcock. Mr. Vanselow noted that the issue of consolidation and elected versus appointed were separate; Mr. Stevens said that the consolidation should be worked out first. Mr. Beaudin assured the Town Board that this would be a ballot issue in the future. Mr. Beaudin added that he had no problem with Highway Supt. Hitchcock; he believes that the electorate is poor at choosing Highway Superintendents.

Supv. Goodspeed noted that at a recent meeting Chairman of the Board of Supervisors Fred Monroe reported that it is expected that full Chip's funding will be restored. Supv. Goodspeed added that it was being planned to alternate yearly between equipment purchases and road work. Mrs. Amy Cleveland said that the large plow trucks are too big for some of the dirt roads.

Mr. Edward Milner said that the New York Times recently had a very positive article on the Town of Johnsbury; Supv. Goodspeed agreed, having read the article. Mr. Milner said that more than three hundred families from Canada were in town, this is up fifteen percent from last year.

Mr. Joseph LaRocque asked if Peaceful Valley Road was maintained by the Town or by Warren County saying that it was in poor condition; Supv. Goodspeed replied that Warren County maintained that road. Mr. Paul Heid said that every Town road is in poor shape.

Mr. Robert Nettle said that he had witnessed the delivery yesterday at Gore Mountain Ski area of a portion of the ski lift for the Ski Bowl.

#### RESOLUTION NO. 78

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 #6G/Claims #109-128; Highway Fund- Warrant #6H/Claims #41-52; North Creek Water Dist.- Warrant #6W/Claims#19-24; Library Fund-Warrant 32L/Claims#15-21. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays – 0

A motion to adjourn the meeting was presented by Mr. Arsenault with a second from Mr. Vanselow at 9:20pm. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Stevens, Vanselow, Goodspeed) Nays – 0

The next regular Town Board meeting will be held at 7:00pm on April 7, 2009 at the Wevertown Community Center, Wevertown, New York.

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Prepared by William Rawson, Town Clerk