

**Minutes of the Town of Johnsbury Regular Board Meeting August 16, 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 August 16, 2011 at 7:00pm at the Town Library, North Creek, NY Supervisor Goodspeed called the meeting to order at 6:58pm 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

**RESOLUTION NO. 146**

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to accept the minutes of the August 2, 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 notification from the Adirondack Park Agency of conditional approval for the construction of rafting take-out parking in Indian Lake, near North River.
2. A letter of resignation from the Town of Johnsbury Planning Board from Mr. Matthew Klippel.
3. A notification of the annual meeting of the Adirondack North Country Association which is to be held on October 3, at the Lake Placid Conference Center.
4. A Municipal Shelter Inspection Report from the Department of Agriculture and Markets indicating a "satisfactory" rating for the Town dog shelter.
5. A notification from the New York State Office of the Comptroller of a meeting to be held August 25, at SUNY Plattsburg, on the new 2 % property tax cap and how to comply.
6. A letter from Mrs. Evelyn Greene asking that the Town Board to allow her to seek funding to remove the invasive species of Japanese knotweed and Japanese Barberry.
7. A letter from Mr. Donald Greene informing the Town Board of numerous problems at Tannery Pond Community Center and asking that the Town Board take steps to correct the problems and to increase revenue and use of the building.
8. A letter from Mrs. Jill Broderick expressing disappointment with the decision to vote on the closing of the swimming area at the Ski Bowl Park.

Supv. Goodspeed noted that the parking for rafting take out which will allow the pickup of rafts without the necessity of crossing the highway is now edging forward after three years in the planning and regulatory stages. The parking area is under the regulatory oversight of the following three agencies: Department of Environmental Conservation, the NYS Department of Transportation and the Adirondack Park Agency.

Supv. Goodspeed informed the Town Board that Assessor Ann Deppe had volunteered to attend the training on the new 2 % property tax cap legislation and how to comply with it which will be held on August 25 at SUNY Plattsburgh if none of the Town Board members wished to attend.

#### RESOLUTION NO. 147

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize Assessor Ann Deppe to attend the training on the new 2 % property tax cap legislation and how to comply with it which will be held on August 25 at SUNY Plattsburgh provided the cost is not more than seventy-five dollars. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed responded to the letter from Mr. Donald Greene regarding the Tannery Pond Community Center by saying that there was now a revenue line to offset about one third of the cost to operate the building; he added that he was not sure that there was anyone or an organization with solid answers. Mr. Vanselow asked about the unlocked door and lights left on as a problem; Supv. Goodspeed replied that there are daily building checks and that problems can occur from time to time between the checks. Mr. David Bulmer noted that the railroad had received letters from some people that the gallery was not open on weekends. Mr. Vanselow asked if the Chamber of Commerce didn't have weekend hours; Mr. Bulmer replied that there was little walk in traffic on weekends and therefore, the weekend hours had been curtailed; he added that the Chamber of Commerce was seeking volunteers to open the gallery on weekends. Mr. Morehouse asked if the Tannery Pond Community Center Association was still active; Supv. Goodspeed replied that he believed that the association was still active.

Supv. Goodspeed said that regarding the letter from Mrs. Jill Broderick expressing disappointment with the decision to vote on the closing of the swimming area at the Ski Bowl Park that there was a factual error; he said that the Town Board had conducted a well advertised public forum which had produced less than ten people to speak in favor of retaining swimming at the beach. Supv. Goodspeed added that Secretary Cherie Ferguson had conducted a poll on Facebook with the results being forty-five in favor of spending money to continue swimming, eighty-five opposed to further expenditures at the beach, forty- two in favor of further expenditures and ten undecided.

Mr. Donald Filkins asked if this meant that the beach could never be reopened again; Supv. Goodspeed said that swimming at the beach at Ski Bowl Park could be revisited in the future. Supv. Goodspeed said that the current plan was to create a non swimming park with fishing and boats or canoes. Mr. Filkins asked if this was an Adirondack Park Agency issue; Supv. Goodspeed said that it was a regulatory issue involving the Department of Health, the Department of Environmental Conservation (DEC) and possibly the Army Corps of Engineers. Mr. Filkins asked about a full size dam and possible hydropower production; Supv. Goodspeed replied that the DEC was trying to end water retention. Mr. Stevens noted that following the last dam failure that the only way to obtain a permit was with the weir which has recently failed as well. Supv. Goodspeed said that both Engineer James Hutchins and Delaware Engineering have

said that applications can be made, but they would not predict approvals. Mr. Filkins said that this sounded like regression not progress. Supv. Goodspeed replied that there have been open meetings and people were encouraged to attend and that he was shocked at the lack of attendance for the discussions of the beach.

#### COMMITTEE REPORTS:

#### OLD BUSINESS:

Supv. Goodspeed noted that there was no one present from the Brant Lake Taxi company to accept the proclamation and that he would attempt to present it at a later date.

Supv. Goodspeed reminded the Town Board the eighth annual Upper Hudson Bluegrass Festival will begin Thursday at the Ski Bowl Park; he added that he has been working with Mr. Lloyd Burch about park readiness. Supv. Goodspeed informed the Town Board that he has put Parks and Buildings Superintendent Matt Olden on to working at the park to ready it for the event and he had asked the Highway Department to repair a culvert near the park. Supv. Goodspeed said that he had spoken to Mr. Burch just before the meeting and the Bluegrass Festival Committee was now satisfied with the appearance of the park. Supv. Goodspeed added that he has arranged to have maintenance people on site for the weekend.

Supv. Goodspeed reminded the Town Board that a letter of resignation from Planning Board member Mr. Matthew Klippel; he asked if the Town Board wished to act upon the letter of resignation.

#### RESOLUTION NO. 148

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board accepts the resignation of Mr. Matthew Klippel from the Planning Board. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked that the Town Board authorize the Town Clerk to advertise for candidates to fill the resulting vacancy on the Planning Board; Mr. Vanselow noted that there is no alternate due to Mr. Peter Olesheski not accepting that position when it was offered. Supv. Goodspeed asked that the Town Board authorize the advertisement of both full member and the alternate vacancies on the Planning Board; he added that the interviews should be scheduled when candidates have applied. Mr. David Bulmer asked that the advertisement be forwarded to the Chamber of Commerce for the notice of their membership.

#### RESOLUTION NO. 149

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse that the Town Board authorizes the Town Clerk to advertise for one week in the North Creek News Enterprise for candidates to fill both a full member vacancy on the Planning Board for a term to expire on February 1, 2015 and also an alternate member vacancy for the Planning Board. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed informed the Town Board that there are several different options regarding the Town payroll. Two options are to outsource the payroll with the following annual costs: Paychex-\$8122.04 and ADP-\$4706.57. There are two in-house options with the following onetime costs: a Quickbooks based payroll system-\$230.00 and an accounting package from Enhanced Business Systems-\$8287.15. The two in-house options would also have additional annual costs of approximately \$2300.00 in additional hours for the bookkeeper. Supv. Goodspeed said that he had asked Mrs. Candace Lomax previous Accounts Clerk to assist Assessor Ann Deppe to prepare for a revaluation and this would necessitate a change in the accounts office. Secretary Cherie Ferguson pointed out that the costs of an out sourced payroll system would be annual and ongoing, while the cost for an updated accounting package would be a onetime investment. Mr. Vanselow said that the Town was trying to lower costs by outsourcing the payroll and wondered if the savings of labor would counter the annual costs of the outsourcing; Supv. Goodspeed replied that he was not sure. Supv. Goodspeed said that he had worked with both Paychex and ADP; he added that Paychex works better with larger work forces. Mr. Arsenault asked if there was anyone from a consulting area to advise the Town Board; Supv. Goodspeed said that either hiring a consultant or contacting a Town with a similar system. Mr. Arsenault said that he hoped to save hours and suggested seeking grants for equipment upgrades for Town equipment. The Town Clerk added that the accounting package would probably save time in other Town accounting areas, such as the warrants.

Supv. Goodspeed noted that there was a question of Front Street Mountain Development either leasing or conveying to the Town the parcel which had been leased by the Town in February 2011 to allow the Forty Sixer trail to be opened around the headwall for Presidents' week. Supv. Goodspeed said that Front Street Mountain Development and the Town Attorney had been working on a conveyance of the property, but the agreement was not yet ready for Town Board action and that he expected it to be ready for the next Town Board meeting. Mr. Vanselow asked if Front Street Mountain Development was willing to go with either the lease or a conveyance; Supv. Goodspeed said that he believed so.

Supv. Goodspeed informed the Town Board that the Town Clerk has found an error in the minutes of July 18, 2011, in Resolution Number 129 and in General Fund Warrant Number 13G (August 2, 2011), voucher number 291 payable to Cedarwood Engineering Services. The Town Clerk said that there was a typographical error in the resolution designating the budget line as DA510.2 and it should have been DA5130.2. The Town Clerk explained that he had made a typographical error in Warrant 13G, voucher 291, on the subsidiary budget line for professional services for the transfer station; the budget line was typed as A8020.41 and should have been A8160.4. The amount of the check and the subsidiary line were correct. The Town Clerk requests that the Town Board authorize a correction of the minutes of July 19, and General Fund Warrant Number 13G, voucher number 291 from the typed line of A8020.41 to A8160.4. The Town Clerk added that these mistakes were made 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.

RESOLUTION NO. 150

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Arsenault, to authorize the correction of the typographical error in the minutes of July 19, 2011, Resolution Number 129 of the budget line typed as DA510.2 which should be DA5130.2. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

#### RESOLUTION NO. 151

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Stevens, to authorize the correction of the typographical error in General Fund Warrant Number 13G, voucher number 291 from the typed budget line of A8020.41 to A8160.4. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed informed the Town Board that Mr. John Helms (John Helms & Sons Lawn Care) is expected to start mowing cemeteries soon; the rain has interfered and it is expected that he will begin later this week.

Supv. Goodspeed informed the Town Board that the two cell towers (Wevertown and The Glen) are up but not yet operational; the North Creek Tower is still in the permitting stage.

Supv. Goodspeed updated the Town Board on the Saratoga & North Creek Railway; the train is doing well. The railway company is working on a ski train idea. A public/private funding alliance may occur to provide transportation from the depot to the mountain and to lodging in North Creek. Supv. Goodspeed said that he has spoken with ORDA manager Mike Pratt and they do not believe that the shuttle will not be able to move the expected numbers of people from the train; they are trying to put together a better idea. Mr. David Bulmer said that it was a very complicated issue; the Friday night train riders will need to get people to many different lodging points and from there to the mountain or to downtown. Mr. Bulmer said that the Town will have to have a good product this season. Mr. Morehouse suggested the rafting company buses; Supv. Goodspeed replied that they were considered too rustic. Mr. Vanselow asked if the shuttle operator from the previous seasons was interested in continuing that service; Mr. Bulmer replied that he is. Supv. Goodspeed said that this may become a summer issue as well; there were one hundred people at the Farmers' Market last Thursday. Supv. Goodspeed said that the operator was very committed to the operation. Mr. Bulmer said that there was a meeting tomorrow morning at the Copperfield Inn to brainstorm for ideas to help train riders get a good experience in North Creek.

#### NEW BUSINESS

Supv. Goodspeed informed the Town Board that there is an opportunity to enhance the Rotary walking trail in North Creek near the railroad lines and depot. The Nature Conservancy owns a small parcel which would upon its being turned over to the Town would allow the trail to be continuous and also away from the train tracks lessening liability of injury. Supv. Goodspeed said that he is discussing this with the Nature Conservancy.

Supv. Goodspeed noted that the Town Board had received copies of a proposed 2011 Budget

amendments in their packets; the amendment involves Youth Program revenues from a grant and transfers between funds involving the contingency fund. Supv. Goodspeed asked that the Town Board approve these amendments to the 2011 Town Budget.

**RESOLUTION NO. 152**

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

Budget Amendments August 10, 2011

**General Fund**

|   |       |        |                |         |
|---|-------|--------|----------------|---------|
| Increase Estimated Revenues                 |       |        | Increase       |         |
| A510  |       |        | Appropriations |         |
|   |       |        | A960           |         |
| Youth Programs                              | A3820 | 300.00 | Youth          | A7310.4 |
| LARAC Grant for the Johnsburg Youth Program |       |        |                |         |

Transfer between  
Accts

|             |         |           |            |         |           |
|-------------|---------|-----------|------------|---------|-----------|
| From:       |         |           | To:        |         |           |
| Supervisors | A1220.4 | 200.00    | Town Board | A1010.4 | 200.00    |
| Contingency | A1910.4 | 19,400.00 | Attorney   | A1420.4 | 15,000.00 |
|             |         |           | Cemeteries | A8810.4 | 1900.00   |
|             |         |           | Cemeteries | A8810.2 | 2500.00   |
|             |         | 19,600.00 |            |         | 19600.00  |

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. David Bulmer said that there would be a meeting of the Kellogg Property committee on Wednesday, August 17, at 5:30pm at the pavilion; Mr. Vanselow and Mr. Arsenault said that they believed the meeting to be at 6:30pm according to their notifications.

Mr. Michael Dzieniszewski, Sr. of State Route 28 in Wevertown informed the Town Board of difficulties which they are having regarding their driveway. Mr. Dzieniszewski said that he is attempting to begin a firewood business and that people keep driving up his driveway and stealing his wood and for this reason he wants to put a gate across the driveway. Mr. Dzieniszewski added that several individuals with four wheelers have driven up the road and damaged it in areas which he has struggled to repair it and also that the individuals have come

near to injuring his wife with their erratic driving. Mr. Dzieniszewski said that it is very expensive to keep the driveway open and that he wants to put a gate across the driveway; he acknowledged that several property owners have an easement allowing access across his property and that he is willing to give them keys to the gate to allow them access. Some of the landowners claim that the driveway is a Town Road and therefore, it cannot be closed. Mr. Dzieniszewski said that he has researched the driveway and he cannot find any reference of it being a Town Road; he would like a statement from the Town Board that "Old Stratton Road" is not an open Town Road for public use and also, a sign to that effect. Supv. Goodspeed said that the Town Attorney could research the road and give a determination on whether or not it is a Town Road; Supv. Goodspeed added that he would get the information to the Town attorney tomorrow.

Mr. Michael Dzieniszewski explained that he had a problem with numerous people driving down his driveway searching for the cell tower; the cell tower is not on his property. Supv. Goodspeed said that the companies constructing the cell towers try not to have them be too visible; he expects that once the towers are activated that this problem will go away. Supv. Goodspeed said the he would keep Mr. Dzieniszewski updated on the progress of activating the cell towers.

Mr. Michael Dzieniszewski asked if the Town will pursue a brush burning permit under the new Department of Environmental Conservation policy. Supv. Goodspeed said that the problem is one of the placement of containers and the lift building following the fire at the transfer station; he said that he will ask Parks and Buildings Superintendent Matt Olden if there is another site suitable for burning at the transfer station. Mr. Dzieniszewski asked about the Town acquiring a wood chipper; Supv. Goodspeed said that there could be significant safety issues with Town workers using a wood chipper at the site.

Mrs. Dianne Szlachtowski asked for an update on the cemetery mowing. Supv. Goodspeed said that for a short term solution John Helms & Sons Lawn Care from Newcomb has been hired to provide one mowing of the cemeteries; the difference in cost of the two quotes was due to prevailing wage issues. A long term solution is planned involving putting the cemetery mowing out to bid. The plan is to have three mowings per year; one mowing before Memorial Day and one in July and a third later in the summer. This plan would free up Parks and Buildings Superintendent Matt Olden to work on other sites; he added that a purchase of a rider mower is expected to be made soon and this will speed up the mowing of the ball fields and other larger areas. Mrs. Szlachtowski said that the cemeteries are a disgrace when compared to other Towns in the area; she thanked Supv. Goodspeed for his e-mail. Supv. Goodspeed said that he is trying to work in this issue.

Mrs. Dianne Szlachtowski asked if the Town pays for the grey material used on the roads; Supv. Goodspeed replied that it was free to municipalities. Mrs. Szlachtowski said that Harrington Road upon which she resides is treacherous due to the material especially when it has been rained on. Supv. Goodspeed replied that some people believe that the grey material is a part of the solution and others believe that it is a part of the problem and don't like it. Mrs. Szlachtowski said that Highway Superintendent Daniel Hitchcock has been very helpful; she

added that the grey material makes a mess over the blacktop.

Secretary Cherie Ferguson noted that a Warren County Health Services rabies clinic will be held on Saturday, August 27, from 10:00am to Noon at the North Creek Fire House. The clinic requests a ten dollar donation per vaccination; however, no one is turned away due to financial hardship.

Mr. Donald Filkins noted that the Wevertown Volunteer Fire Company has a fire truck parked in front of the fire house with a for sale sign on it; he asked if the intended sale could be handled in a better way. Supv. Goodspeed said that the Town Board wants more accountability from the fire companies as the major source of their funding is from taxpayer monies, however, the Town cannot force the fire companies to operate in specific ways. Supv. Goodspeed added that there had been a great deal of contention with the fire companies resulting from the Town Attorney using a different contract from previous years.

Mr. David Bulmer asked where the fire contract discussion stands; Supv. Goodspeed replied that the contract for the current season was handled by extending the contract from 2010 with modifications to the funding levels. Mr. Bulmer asked when the separate fire companies will be consolidated into a single one; he added that he can't see why they are separate as this is more expensive. Supv. Goodspeed said that New York State is trying to force mergers through their requirements for equipment and training levels. Supv. Goodspeed said that the fire companies and the post offices define the hamlets. Mr. Vanselow said that the time may come for a paid municipal fire company in place of volunteer organizations.

Mr. Tim Record asked for an update on the transfer station; Supv. Goodspeed replied that a letter from the Delaware Operations outlining expected replacement costs was sent to the insurance carrier for review. As the policy was a replacement policy the insurance carrier would not discuss numbers until amounts were available; the replacement is being worked on.

#### RESOLUTION NO. 153

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #14G/Claims #292-318; Highway Fund- Warrant #14H/Claims #168-180; North Creek Water Dist.- Warrant #13W/Claims#57-65; Library Fund- Warrant #8L/Claims#40-48. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the Town Board would now move into executive session to discuss a personnel issue. Supv. Goodspeed said that it was possible action would follow the executive session.

Mr. Morehouse presented the following motion, with a second from Mr. Arsenault to enter into executive session for the purpose of discussing a personnel issue at 8:38pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Morehouse presented the following motion, with a second from Mr. Stevens to adjourn the executive session for the purpose of discussing a personnel issue and to reenter the regular session at 9:08pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the Town Board had discussed the possibility of hiring Mrs. Candace Lomax to assist Assessor Ann Deppe for two day per week. Supv. Goodspeed asked if the Town Board wished to act upon the personnel discussion at this time.

RESOLUTION NO. 154

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board authorizes the Town Supervisor to hire Mrs. Candace Lomax to work two days per week assisting Assessor Ann Deppe; and further, that the start date of this hiring is to be determined by the Town Supervisor. 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. Arsenault at 9:12pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on September 6, 2011 at the Wevertown Community Center, Wevertown, NY.

-----  
Prepared by William Rawson, Town