

**Minutes of the Town of Johnsburg Regular Board Meeting August 5, 2008
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday, August 5, 2008 at 7:00pm at the Wevertown Community Center, Wevertown, NY Supervisor Goodspeed called the meeting to order at 6:58pm and the pledge to the flag was led by Councilman Eugene Arsenault.

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

Guests: On attached list

RESOLUTION NO. 139

Mr. Morehouse presented the following resolution, with a second from Mr. Vanselow, to accept the minutes of the July 15, 2008 regular 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 Mrs. Mary Jo Keeler expressing her interest in being appointed to the Town of Johnsburg Youth Committee.
2. A letter from Mr. Paul Fracchia, requesting that the Town Board allow him the use of the Wevertown Community Building for the purpose of conducting a karate class on Monday and Wednesday afternoons between 3:00pm and 5:00pm through April 6, 2009.
3. A letter from Town Justice Ralph Dubay resigning his position effective August 31, 2008.
4. A letter from Mr. Joseph Connelly, President of the Johnsburg Emergency Squad noting building inadequacies at their Sodom Scout Hall Location and shock at the possibility of the Town Board suggesting that the ambulances be sold to the Emergency Squad as a result of the new licensing regulations.
5. A letter from Ms. Jill Broderick, Chairperson of the Ski Bowl Park Committee, requesting that the Town Board approve Mrs. Kelly Nettle for membership on the committee.
6. A letter from Ms. Jill Broderick, Chairperson of the Ski Bowl Park Committee requesting that the Town of Johnsburg and O.R.D.A. work to adjust a run-off issue prior to landscaping and seeding near the pavilion at the park.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed introduced members of the Elan Group (Lisa Nagle and Ashley Gardner) for a presentation to the Town Board regarding the Kellogg (Waddell) Property R.F.P. The Elan Group presentation, which lasted approximately thirty minutes, covered the current draft suggestions of uses for the property within the public use requirements of the Open Space Institute which currently owns the property. Following the presentation Ms. Nagle and Mr. Wayne LaMothe of Warren County Planning and Development answered questions regarding the property and its management. Mr. Arsenault asked how grant expenditure choices will be made; Mr. LaMothe explained that the grant funding will be used to stabilize the buildings and to upgrade the buildings to allow for the uses

determined through the work of the Elan Group. Mr. Morehouse asked about the process to amend property uses in the future; Ms. Nagle and Mr. LaMothe replied that an amendment procedure will be placed in the deed agreement to allow for minor use amendments through written notifications between the Open Space Institute and Warren County. Mr. Vanselow, noting that the suggested uses all seemed to refer to North Creek, asked if the references did indeed actually refer to the entire Town of Johnsbury; Ms. Nagle answered that the references did indeed actually mean that the uses would be available to the entire town and said that she would adjust the references. Mrs. Nancy Beaudin and Mr. Lyle Dye asked what entity would be responsible for bookings. Mr. LaMothe answered that this was still being discussed; he added that long term users would be responsible for some maintenance of the building. Mr. Joel Beaudin asked about the renovation schedule; Mr. LaMothe suggested either late 2009 or Spring of 2010 would be a reasonable assumption. Mr. Beaudin also asked about any pre-conceived Warren County uses; Supv. Goodspeed replied that this was the first he had heard of this rumor. Mrs. Sharalee Falzerano asked if the organizations using the buildings would be responsible for heating and maintenance; Supv. Goodspeed replied that while there were no detailed plans yet, he did not believe that the Town of Johnsbury planned to heat any additional buildings. Mrs. Joann Smith said that she believed that the property should include some type of attraction to draw and hold visitors.

Supv. Goodspeed reminded the Town Board members that he had been working to make the Department of Social Services more easily available to residents of the upper portion of the county by bringing a satellite office to the North Country Outreach Center. Representatives from the county department will soon be meeting with Anita Abrams to determine if the location would be suitable for such an office.

Supv. Goodspeed updated the Town Board on the Ski Bowl Park Grant Project (EPF-407083). Mr. John Albert, NYS grant administrator has retired and since that time there has been little progress. No contract has been generated by the state offices and no money can be spent on the project until the contract has been signed for the funding. Supv. Goodspeed said that he and members of his staff have attempted to contact the office responsible for producing the contract to no avail. Mr. Arsenault suggested asking Sen. Little for assistance in expediting the process.

Supv. Goodspeed informed the Town Board that Mr. Robert Nettle had completed the construction of steps to the storage area in the new pavilion and they are ready for use; Supv. Goodspeed thanked Mr. Nettle for his work.

Supv. Goodspeed updated the Town Board on the plan to attach the permit for repairs to the dam at the Ski Bowl Park to the Warren County Soil & Water permit from the Department of Environmental Conservation (D.E.C.) for the improvement of the fish habitat. Supv. Goodspeed said that Engineer James Hutchins had contacted him to report that the D.E.C. was opposed to any reconstruction of the dam; Supv. Goodspeed said that he was attempting to contact the D.E.C. and while hoping for the best, he did not expect the Town to be able effect any repairs during this construction season.

Supv. Goodspeed opened a discussion on the possibility of appointing a Highway Supt. to fill the office through the General Election or possibly through the end of the year of 2008. Supv. Goodspeed praised the work of Deputy Highway Supt. Rick Sprague; he noted that there have been complaints about the road conditions and questions about the work conditions in the Highway Department. Supv. Goodspeed asked the Town Board to discuss the possibility of making either or both of the following

two changes to the Highway Department: the merger of the Highway Department with the Parks Department to create a Department of Public Works (D.P.W.) and the replacement of an elected Highway Supt. with an appointed Highway Supt. Mr. Arsenaault said that he believed that the most important issue is that of an elected versus an appointed Highway Supt.; he noted the problems of lack of continuity in the leadership of the department, as well as the issues of dealing with budget, personnel and the public in road and equipment update. Mr. Vanselow noted that each choice has its problems. Mr. Stevens said that there was too little time to in regard to interviewing and appointing a Highway Supt. to fill the office through the General Election; unless the appointment came from within the department; Mr. Vanselow was not in favor of appointing a Highway Supt. prior to the General Election; Mr. William Mosher encouraged the Town Board to appoint from within the department. Deputy Highway Supt. Rick Sprague, when asked, replied that he would prefer not to be appointed Highway Superintendent. A lengthy discussion ensued regarding the Highway Department; Mrs. Kelly Nettle, Mr. Mark Bergman, Ms. Laurie Arnheiter and Mr. Joel Beaudin spoke in favor of an appointed Highway Supt. Mr. Robert Nettle and Mr. Roger Mosher expressed support for a D.P.W.

RESOLUTION NO. 140

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenaault that the Town of Johnsbury Town Board, at the current time, does not wish to appoint a Superintendent of Highways to fill the vacant position. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Arsenaault, Morehouse, Vanselow, Goodspeed) Nays – 1 (Stevens)

Supv. Goodspeed asked if the Town Board wished to pursue the issue of a change from an appointed to an elected Superintendent of Highways at this time; he noted that to include this proposition on the General Election ballot, it would be necessary to draft and deliver the proposition to the Board of Elections by September 29, 2008. Mr. Morehouse, Mr. Stevens and Mr. Vanselow all agreed that this was a very short period in which to carry out a discussion and implementation of this project. Supv. Goodspeed suggested the continuation of this discussion in the future and not placing such a proposition on the ballot this year; the Town Board was in general agreement.

Supv. Goodspeed read the Town Board a letter to the Adirondack Park Agency which he drafted regarding the sign issue previously discussed at several Town Board meetings. In his letter to Mr. Brian Grisi of the A.P.A., Supv. Goodspeed noted the following issues regarding the signage portion of the Local Land Use Plan: the ordinance failed to grandfather existing, non-complying signs or anticipate the time required to enforce the sign issues. Enforcement of sign issues appears to be using up all of the Z.E.O.'s time. Supv. Goodspeed notified the Town Board that if they did not overrule his decision that he was notifying Z.E.O. Edward Tuttle to cease sign enforcement until a meeting between the A.P.A. and the Town Board on this issue. Mr. Vanselow added that there is a need for clarification on this issue; a Board consensus

Supv. Goodspeed updated the Town Board on the value placed by Town Assessor Ann Deppe on the property owned by the Town of Johnsbury on Bateman Road in Bakers Mills (132.10-1-4). Assessor Deppe valued the property between nine and eleven thousand dollars. Supv. Goodspeed asked if the Town Board wished to negotiate with an adjoining landowner or accept sealed bids for the sale of this excess property.

RESOLUTION NO. 141

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

Vanselow:

**RESOLUTION AUTHORIZING TRANSFER OF SURPLUS PROPERTY
SUBJECT TO PERMISSIVE REFERENDUM**

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

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

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

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Town Board of the Town of Johnsbury in regular session duly convened does hereby authorize and direct the Town Supervisor of said Town to execute and deliver to said purchaser a bargain and sale deed conveying the former Town of Johnsbury property described as follows an approximate 0.60 acre parcel of land located on a Town Road known as Bateman Road and identified on the tax roles as tax map number 132.10-1-4 in exchange for payment in certified funds of the amount contracted or bid, subject to a permissive referendum as permitted by law.

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

Supv. Goodspeed informed the Town Board that he was working with Town Attorney J. Anthony Jordan to find a way to deliver the title of the ambulances to the Johnsbury Emergency Squad with no payment from the Emergency Squad.

Supv. Goodspeed noted that the Department of Health had replied that the water tests on the new well at the Wevertown Community Center showed very good results; the D.O.H. suggested monthly testing of the well to insure continued safety. In the event of the Town Board not objecting Supv. Goodspeed was ordering the removal of the water cooler from the Wevertown Community Center.

Supv. Goodspeed distributed to the Town Board copies of Proposed Local Law #2 of 2008 entitled “Town of Johnsbury Cold War Veterans Exemption From Real Property Taxation Local Law”; Supv. Goodspeed noted that this exemption has been passed by Warren County and that the Town of Johnsbury has usually followed the county in such exemptions. Supv. Goodspeed requested that the Town Board schedule the Public Hearing for Proposed Local Law #2 of 2008.

RESOLUTION NO. 142

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

Whereas Proposed Local Law #2 of 2008 entitled “Town of Johnsbury Cold War Veterans Exemption From Real Property Taxation Local Law” was presented to the Town Board at its regular meeting held on August 5, 2008, I move that a public hearing on said Proposed Local Law #2 of 2008 be held on September 4, 2008 at 7:00 p.m. at the Wevertown Community Center in accordance with Municipal Home Rule Law and direct that the Town Clerk publish the required notice in the Town’s Official Newspaper at least one time at least 5 days in advance of said public hearing. The purpose of

the local law is to authorize an exemption from Real Property Taxation to veterans of the Cold War; said veterans erroneously not being covered previously. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

NEW BUSINESS

Supv. Goodspeed referring to the letter from the Johnsbury Emergency Squad regarding building inadequacies at their Sodom Scout Hall Location requested that the Fire Committee (Arsenault and Morehouse) meet with the Johnsbury Emergency Squad to discuss possible remedies for the building problems.

Supv. Goodspeed asked the Town Board members if they wished to act upon the letter, read earlier in the meeting, from Town of Johnsbury Justice Ralph Dubay resigning his position as of August 31, 2008.

RESOLUTION NO. 143

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow to accept the letter of resignation from Ralph Dubay as Town Justice of the Town of Johnsbury, which was read earlier in this meeting, with the effective date of August 31, 2008. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that some Towns, such as Warrensburg and Chester, in Warren County have only one justice. Supv. Goodspeed suggested that the Town Board move to a single justice position; he added that Town Justice James French was willing to consider this with a salary increase.

RESOLUTION NO. 144

Mr. Vanselow presented the following resolution; with a second from Mr. Arsenault
 WHEREAS, the Town Board of the Town of Johnsbury has passed a resolution to accept the resignation of Town Justice Ralph E. Dubay, and
 WHEREAS, by the aforesaid action the Town Board has created a vacancy in the position of Town Justice, and
 THEREFORE, the Town Board of the Town of Johnsbury authorizes the placement of the following proposition on the ballot of the general election to be held on November 4, 2008:

Shall one of the elected offices of Town of Johnsbury Town Justice be eliminated effective January 1, 2009.

With 5 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Regarding the enclosed (red) pavilion Supv. Goodspeed informed the Town Board that he expects to have a timetable on the National Grid grant in the near future; he suggested that a good summer use for that pavilion would be the “Teens Only” program.

Supv. Goodspeed reminded the Town Board of the Warren County Public Works Committee project to add a right hand turning lane for those heading south onto State Route 28 at the intersection of Peaceful Valley Road and State Route 28. In order to complete the project a streetlight at this

intersection needs to be moved and reset; National Grid requires a letter from the Town of Johnsbury approving the movement and resetting of that streetlight. There was some question as to whether there would be a charge for the moving of the streetlight. National Grid routinely does not charge New York State for such a move; whether this would extend to Warren County and the Town of Johnsbury was unclear. Mr. Stevens was opposed to moving the streetlight if there was a cost to the Town.

RESOLUTION NO. 144

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the Town of Johnsbury Town Board approves of the movement and resetting of streetlight 98-2A at the intersection of Peaceful Valley Road and State Route 28 to facilitate the Warren County project of adding a right hand turning lane for those heading south onto State Route 28 from Peaceful Valley Road; this approval to be conditional upon there being no charge or cost to the Town of Johnsbury for the aforesaid action. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked Secretary Cherie Ferguson to update the Town Board on the contract with Alonzo Fireworks Display, Inc. for the Independence Day fireworks. Ms. Ferguson explained that the company has put in place a raise in the cost of the fireworks display of five hundred dollars. Ms. Ferguson explained that this price is the current charge and is subject to increase; she urged the Town Board to approve this 2009 expense.

RESOLUTION NO. 145

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board of the Town of Johnsbury authorizes the Town Supervisor to execute the Independence Day fireworks contract with Alonzo Fireworks Display, Inc. for the 2009 Budget cycle and with an increase of \$500.00 over 2008. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed updated the Town Board on the negotiations to finalize a scrap metal contract; the contract amount for scrap metal for 2007 was \$65.00 per ton with Northern Car Crushers. Supv. Goodspeed noted that prices for scrap metal had increased over the year and that the quotes for 2008 were considerably higher than 2007; he explained that he had received quotes from two companies and would have a contract for Town Board approval at the next meeting. Mr. Stevens said that he believed that the current scrap metal hauler had done a good job.

RESOLUTION NO. 146

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that to authorize the following amendments to the 2008 Town of Johnsbury Budget:
BUDGET AMENDMENTS August 5, 2008

GENERAL FUND

Increase Estimated Revenues (A510)		Increase Appropriations (A960)	
Gifts to the Butterfly Garden A2705	\$425.00	Parks A7110.4	
Front Street Mountain Development Planning A2115.2	\$10,502.50	Planning A8020.41	

HIGHWAY FUND

Transfer within accounts

From:		To:
Medical DA9060.8	\$267.00	Disability DA9055.8

Transfer between Accounts

From:		To:
Bridges DA5120.4	\$10,000.00	Cap Outlays DA5112.2
Machinery DA5130.2	26,324.03	Cap Outlays DA5112.2

Increase Estimated Revenues (DA510)	Increase Appropriations (DA960)
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State Aid Consolidated DA3501	\$34,488.29	Cap Outlays DA5112.2
To record an increase in CHIPS funding.		

WATER DISTRICT

Transfer within accounts

From:		To;
Medical SW9060.8	\$502.00	Unemployment SW9050.8

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

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of July 2008, to the members of the Town of Johnsbury Town Board.

Supv. Goodspeed distributed the monthly report of the Zoning Enforcement Officer Mr. Edward Tuttle, for the month of July 2008, to the members of the Town of Johnsbury Town Board.

Supv. Goodspeed asked the Town Board if they wished to act upon the request from Mr. Paul Fracchia, read earlier in the meeting, requesting that the Town Board allow him the use of the Wevertown Community Building for the purpose of conducting a karate class on Monday and Wednesday afternoons between 3:00pm and 5:00pm through April 6, 2009. Ms. Cherie Ferguson, Secretary to the Supervisor, noted that the dates were available.

RESOLUTION NO. 147

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to allow Mr. Paul Fracchia the use of the Wevertown Community Building for the purpose of conducting a karate class on Monday and Wednesday afternoons between 3:00pm and 5:00pm through April 6, 2009. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked the Town Board if they wished to act upon the request from the Ski Bowl Park Committee, read earlier in the meeting, requesting that the Town Board approve the appointment of Mrs. Kelly Nettle for membership on the committee.

RESOLUTION NO. 148

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

Vanselow, to appoint Mrs. Kelly Nettle a member of the Ski Bowl Park Committee upon her recommendation by the Ski Bowl Park Committee. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed asked the Town Board if they wished to schedule an interview for Mrs. Mary Jo Keeler whose letter of interest in being appointed to the Town of Johnsbury Youth Committee; Mr. Stevens suggested that the Youth Committee be asked to interview Mrs. Keeler and report back to the Town Board.

RESOLUTION NO. 149

Mr. Stevens presented the following resolution with a second from Mr. Vanselow that the Town Board requests that the Town of Johnsbury Youth Committee members interview Mrs. Mary Jo Keeler for appointment to that committee and report back to the Town Board with a recommendation for action. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked the Town Board how they would prefer to move on the run-off issue in the Ski Bowl Park which was referenced in the letter from the Ski Bowl Park Committee read earlier in the meeting. Mr. Arsenault suggested discussing the problem with O.R.D.A. as it relates to the run-off from skiing and tubing; it was decided that Supv. Goodspeed would refer the issue to Deputy Highway Supt. Rick Sprague and Parks Supt. Matt Olden for review.

Mr. Vanselow reported that Planning Board Chairperson Dorothy Osterhout had requested that the Town Board appoint a vice-chairman to assist her in her duties.

PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle asked that the Town Board expand the Town of Johnsbury Youth Committee as the committee has difficulties obtaining a quorum at some meetings; Mr. Stevens suggested the addition of an alternate as a regular member would make filling a quorum more difficult.

RESOLUTION NO. 150

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 #15G/Claims #289-316; Highway Fund- Warrant #15H/Claims #145-159; North Creek Water Dist.- Warrant #15W/Claims #65-74; Capital Projects Fund- Warrant #3CPF/Claim #3. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Vanselow presented a motion and moved its passage with a second from Mr. Arsenault that the Town Board enters executive session for the purpose of discussing Personnel issues and Front Street Mountain Development contract negotiations strategies at 10:00pm. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Mr. Arsenault presented a motion and moved its passage with a second from Mr. Vanselow that the Town Board adjourns the executive session on Personnel issues and a discussion of Front Street Mountain Development contract negotiations strategies having taken no actions and reenters the regular meeting at 10:27. With 5 members voting in favor the motion is 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. Vanselow at 10:27pm. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on August 19, 2008 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk