

**Minutes of the Town of Johnsburg Regular Board Meeting August 19, 2008  
Held at the Town Hall (Library), North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday August 19, 2008 at 7:00pm at the Town Library, North Creek, NY Supervisor Goodspeed called the meeting to order at 7:00pm; 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. 151**

Mr. Stevens presented the following resolution, with a second from Mr. Morehouse, to accept the minutes of the August 5, 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 Ms. Mary Beth Casey, Warren County Elections Commissioner, informing the Town Board that there will be no 2008 primary election in the Town of Johnsburg.
2. A letter from Mr. Mark Kennedy acknowledging the receipt of a speed limit request for Hudson Street from the Town Board.
3. A letter from Mr. Vince Schiavone, Chairman of the Town of Johnsburg Youth Committee recommending the appointment of Mary Jo Keeler to that committee.
4. A letter from Mr. Norman Petty requesting the Town Board provide continued health insurance and extended medical leave during his recovery period following his work related injury.
5. A letter from Mr. Robert Nettle enclosing memorandum from 17 Town of Johnsburg residents requesting that the Town Board place a proposal to create a combined Department of Public Works and eliminate the elected Superintendent of Highways on the general election ballot. An additional 5 memorandum were also received.

**COMMITTEE REPORTS:**

Supv. Goodspeed noted that he was trying to arrange a meeting between representatives of the Adirondack Park Agency and the committee chaired by Mr. Vanselow to look into changes in the Local Land Use Plan regarding inclusionary zoning as well as sign and enforcement issues. Supv. Goodspeed reported that he has received a reply from Mr. Brian Grisi, A.P.A. Local Planning Assistance Specialist, and a meeting time is under discussion.

**OLD BUSINESS:**

Supv. Goodspeed, noting the memorandums received and read during the correspondence portion of the meeting, elected to discuss this issue at the start of the meeting. Supv. Goodspeed explained that the Town Board had conducted a full discussion of highway issues at the previous meeting and had decided not to fill the vacant Superintendent of Highways position at this time. Supv. Goodspeed added that at the previous meeting the creation of a Department of Public Works and the removal of the elected position of Superintendent of Highways and replacement

with a Town Board appointed Superintendent of Highways had both been discussed as well. Mr. Arsenault asked what would be required to make the changes; Supv. Goodspeed replied that a Town Board resolution would be required. Mr. Vanselow said that the two were separate issues. Mr. Vanselow said that it was his belief that professional expertise was needed in the office and that he leaned toward making both changes; he added that he was unsure if there was time enough to properly inform the voters prior to the election in November. Supv. Goodspeed said that he has wavered to both sides of these issues with the positive being increased Town Board control and the negatives being cronyism and politics possibly being further injected into the selection and a larger salary for an appointed Superintendent of Highways with more expertise. Mr. Arsenault suggested that increased efficiency from a professional may create savings in the highway portion of the budget to offset the increased salary. Mr. Vanselow said that the Town Board should recognize that an appointed Superintendent of Highways would require additional oversight; Supv. Goodspeed noted that an appointed Superintendent of Highways would require that the Town Board would become much more involved in the operation of the Highway Department. Mr. Arsenault said that the Supervisor and the Town Board should not become involved in managing minor issues. Mr. Stevens presented the view that if the Town Board hurries to make the Superintendent of Highways change for the current election that the proposition will be defeated and will not be seen as a positive move; Supv. Goodspeed predicted the measure would fail by at least a two to one margin. Highway employee Mr. James French agreed with Mr. Stevens' view and added that the taxpayers would see this as a loss of voting control and become much more critical of any perceived fault; he added that budgeted money seems to be the issue. Mr. Mark Bergman, one of the memorandum presenters, said that he was encouraged by depth of the discussion on this issue and is concerned that a ballot measure might fail at the present time; he suggested a non-binding resolution. Supv. Goodspeed doubted the legality of a non-binding ballot measure in New York State. Mr. Robert Nettle complained of the lack of care of the Town parks and buildings by the Town Board and added that the Highway Department is in limbo as a result of the Town Board inaction. Mr. Nettle said that an appointed Superintendent of Highways may be a civil service position and there is a need for an administrator to oversee the budget; he said that the voters should put their trust in the Town Board to find the right person for the job. Mr. Nettle noted that he did not believe that someone is opposed to the removal of the elected position of Superintendent of Highways and replacement with a Town Board appointed Superintendent of Highways barring evidence to the contrary. Mr. Nettle asked the Town Board for a resolution guaranteeing that this issue will be brought forward prior to the 2009 general election. Mr. Stevens said that tonight was not the proper time to attempt to schedule such an issue; possibly at the next Town Board meeting. Supv. Goodspeed responded to Mr. Nettle that simply because the debate surrounding the Ski Bowl Park issues did not end in the manner desired by Mr. Nettle, that it did not mean that the Town Board was inactive on the issues. Mr. Arsenault said that substantial change develops fear in many people and that a serious effort should be made to move this proposition forward; he added that it was not just a personnel issue, but also a financial issue. Mr. Joel Beaudin said that he had done a similar job of management at Loon Mountain for a salary of fifty-five thousand dollars. Mr. Vanselow said that action will be taken. Mr. Morehouse suggested that the change should be studied in order to be fully understood and that this would not be possible prior to the general election in the current year. Mrs. Kelly Nettle suggested seeking a grant for technical assistance in researching the issue. Mr. Arsenault said that the idea deserves study. Mr. Stevens suggested really broken in the Highway Department; is it the particular Superintendent of Highways or the

administration issues of the position. Supv. Goodspeed said that he would accept input from Highway Department employees on the issue. Mr. Arsenault said that he was not in favor of setting a timeline, but he agreed continued research into the issue was necessary. Supv. Goodspeed said that he would use his staff to do research into the questions of creating a Department of Public Works and the removal of the elected position of Superintendent of Highways and replacement with a Town Board appointed Superintendent of Highways. Supv. Goodspeed said that he would look for a job description as well.

Supv. Goodspeed asked if the Town Board wished to act upon the letter from Mr. Norman Petty, an employee of the Town of Johnsbury Highway Department, requesting the Town Board extend his health insurance and extended medical leave through his September 23, 2008 evaluation with his doctor at which time the doctor will hopefully allow his return to full duty work with the Highway Department. Mr. Petty informed the Town Board that following his August 5, 2008 meeting with his doctor that he was cleared to return to light duty; he added that Deputy Highway Supt. Sprague has informed him that there are no light duty positions at the Highway Department. Supv. Goodspeed added that it was his opinion that Mr. Petty should continue his physical therapy and work toward being cleared for a full return to work.

#### RESOLUTION NO. 152

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board will grant an additional extension of the leave of absence to Mr. Norman Petty through September 23, 2008 as requested, per the Highway contract. 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 the meeting with Town Assessor Ann Deppe and representatives from the N.Y.S. Office of Real Property Services regarding full valuation for property in the town was being planned for September 4, 2008. Assessor Deppe reported that one of the representatives from the Office of Real Property Services not able to make this meeting should be available on that date.

Supv. Goodspeed reminded the Town Board of the ambulance ownership problem first discussed on June 17, 2008; he noted that, according to state law, emergency squad ambulances can no longer carry official license plates Supv. Goodspeed reported that working with Town Attorney Jordan a solution to this problem has been found. Supv. Goodspeed explained that the title will be transferred to the Johnsbury Emergency Squad through the 2009 service contract; there will be no cash consideration to the Town of Johnsbury from the Johnsbury Emergency Squad.

Supv. Goodspeed informed the Town Board that he and Mr. Arsenault had met with members of the Johnsbury Emergency Squad to discuss the building inadequacies at their Sodom Scout Hall Location which were reported to the Town Board, at the August 5, 2008 meeting, in a letter from Mr. Joseph Connelly President of the Johnsbury Emergency Squad. Supv. Goodspeed explained that there were significant building limitations; possible safety violations and solutions were being discussed.

Supv. Goodspeed informed the Town Board that in attempting to obtain the best price for the scrap metal at the transfer station he had received the following quotes: Northern Car Crushers-

\$165.00 per ton; East Side Auto-\$200.00 per ton. Supv. Goodspeed encouraged the Town Board to accept the quote from East Side Auto at \$200.00 per ton.

#### RESOLUTION NO. 153

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board accepts the quote from East Side Auto and authorizes the Town Supervisor to enter into a contract to run from through August 1, 2008 in the amount of \$200.00 per ton to be paid to the Town of Johnsbury by East Side Auto for the purchase and removal of scrap metal from the Town of Johnsbury Transfer Station. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Mr. Vanselow asked representatives of East Side Auto if there was a possibility of having automobiles collected and removed; he further asked if the company would pay the owners for the vehicles. Mr. Vanselow explained that he was asking this in regard to attempts to clean up some local properties and he believed that a payment for the vehicles would increase the incentive for the owners to have the vehicles removed. Representatives of East Side Auto replied that it was possible and they would discuss an arrangement.

Supv. Goodspeed updated the Town Board regarding the cell tower siting at the transfer station. On April 22, 2008, Mr. Brian Palmer of C.A. Smith, LLC presented a project plan to the Town Board. At that meeting the Town Board authorized a letter of intent good with C.A. Smith, LLC for the project; as the time frame of that letter of intent has expired Supv. Goodspeed has asked Town Attorney Jordan to contact Mr. Brian Palmer or C.A. Smith, LLC to ascertain the status of the project. Attorney Jordan has reported to Supv. Goodspeed that he is having difficulty contacting either the individual or the company. Supv. Goodspeed hopes to have a further report for the next Town Board meeting.

#### NEW BUSINESS

Supv. Goodspeed reminded the Town Board members that there was a vacancy on the Board of Assessment Review, resulting from the resignation of Mr. Thomas Forrest, and asked if they wished to advertise for letters of interest in filling the vacancy and set a time for conducting interviews. Supv. Goodspeed noted that the term of Board of Assessment Review member Mr. Lloyd Burch is nearing expiration and added that he believes that Mr. Burch is willing to remain on that board for an additional term.

#### RESOLUTION NO. 154

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board set the date, time and place for interviews for a vacancy on the Board of Assessment Review which terminates on Sept. 30, 2011; interviews will be held on Tuesday September 16, 2008 at the Town Hall (Library) at 6:30pm and further authorizes the Town Clerk to advertise the vacancy in the North Creek News-Enterprise. 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 status of the Ski Bowl Park Grant Project (EPF-407083). As a result of intervention on behalf of the Town by State Senator Elizabeth O'C. Little, the contract for the grant has been received by the Supervisor's office. Supv.

Goodspeed added that as a result of the dam (weir) failure those portions of the grant relating to the beach may require additional discussions. Following telephone conversations with the Department of Environmental Conservation it is apparent that it is their understanding that the Warren County Soil and Water Department grant application includes the removal of the dam. Supv. Goodspeed has discussed this issue with Mr. David Wick of the Warren County Soil and Water Department; Mr. Wick said that his perception and that of the D.E.C. are in complete disagreement on this point and that Warren County would be agreeable to relinquishing the grant over this issue.

Supv. Goodspeed reminded the Town Board that on July 15, 2008 they had established fees for building use at the Tannery Pond Community Center (T.P.C.C.) by single event users whether resident or non-resident; these fees were set to take effect on January 1, 2009. Supv. Goodspeed suggested that the fees be put in effect immediately; Mr. Vanselow asked about charging for space already booked; it was suggested that all new bookings following September 30, 2008 be charged according to the fee schedules approved in Resolution Number 129 passed at the July 15, 2008 meeting. Mr. Morehouse reiterated his request that a log be kept of those deciding not to use the building as a result of the fees.

#### RESOLUTION NO. 155

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board authorizes the fee schedule approved in Resolution Number 129 for the Tannery Pond Community Center to be enacted as of September 30, 2008 for all new requests. 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 following a telephone consensus of the Town Board he has hired a labor attorney for the Town of Johnsburg; the purpose of hiring the labor law attorney is to obtain assistance in setting a protocol for the handling of personnel issues.

Supv. Goodspeed distributed amendments to the 2008 Town of Johnsburg Budget and requested that the Town Board approve these amendments.

#### RESOLUTION NO. 156

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that to authorize the following amendments to the 2008 Town of Johnsburg Budget: Budget Amendments August 19, 2008

#### **GENERAL FUND**

Increase estimated revenues (A510)	Increase appropriations (A960)
Front Street Mountain Development	
Planning A2115.2	2,500.00 Planning A8020.41
To record revenues and expenses associated with planning and development fees.	

#### **WATER DISTRICT**

Transfer within accounts	
From:	To:
SW8320.1      20,000.00	SW8320.4
To transfer payroll to contract.	



Ski Bowl Rec Grant	H3891	
Parks, Rec, Hist. Pres.		57,910.00
Glen Falls Foundation		1000.00
Betty Little Grant		12000.00
Theresa Sayward Grant		12000.00
In Kind & Volunteer		17900.00
Recreation Fees	H7180.2	15010.00
		57,910.00

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

#### PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle informed the Town Board that the North Country Outreach has received more grants for funding for the generator which is being purchased with an award in the amount of \$13,000.00 which was received with the assistance of Senator Elizabeth O’C. Little. Mrs. Nettle said that she had attended the grants workshop offered by Congresswoman Gillibrand and found out that the Main Street Grant was being reopened for applications. Supv. Goodspeed noted that the preferred projects were for water, sewer, or museums to produce local history programming. Mrs. Nettle also asked for a cost analysis for the difference in cost of piping water into the swimming area versus repairing the weir (dam). Supv. Goodspeed noted that the Department of Environmental Conservation had said that the process to obtain a permit to take water from the North Creek would take approximately two to three years. Mrs. Kelly Nettle reminded the Town Board of the Ski Bowl Park Committee’s interest in the drainage problem around the pavilion area of the park and the committee wanted to know the status of the investigation into the problem. Supv. Goodspeed explained that Parks Supt. Matt Olden and Dep. Highway Rick Sprague had looked the area over and that he would have an answer from them soon.

Mr. Bruce Cleveland asked about a discussion between Supv. Goodspeed and the Highway Department employees regarding the Highway Department issues; Supv. Goodspeed replied that either he, or the Highway Committee (Arsenault, Stevens), would be willing to speak to any of the Highway Department employees, but he was not going to arrange a meeting.

Mr. Robert Nettle said that Frank Planty of Warrensburg will purchase and collect vehicles as scrap metal. Mr. Nettle asked about the charges to the group using the Ski Bowl Park for the October Ski Sale (Beaver Brook Outfitters, Schuss); Supv. Goodspeed replied that he had recently discussed this with Mr. Peter Burns of Beaver Brook Outfitters. Supv. Goodspeed said that in 2007 the Town had charged \$100.00 per day for town resident businesses and \$200.00 per day for non- town resident businesses for the sale days (not to include set-up or cleanup days unless they are also sale days), which totaled \$200.00 for Beaver Brook Outfitters and \$400.00 for Schuss. Supv. Goodspeed said that while the Town should receive compensation, that the Town does not want to lose the event. Mr. Joseph LaRocque suggested using the Kellogg (Waddell) Property for the ski sale; Supv. Goodspeed said that the vendors want to be at the base of Little Gore. Mr. Robert Nettle also asked what comprised the Fire Fuel portion of the fuel

bill payment to the Warren County Treasurer; the Town Clerk replied that it includes fuel for Garnet Lake Fire Department, Johnsbury Fire Department, North Creek Fire Department, North River Fire Department, Riparius Fire Department, Wevertown Fire Department, the Tri County Nursing Home, and the Emergency Squad; all of these costs are re-billed by the Town to the individual entities so that the taxpayers are not bearing the cost.

Mr. Joel Beaudin said that starting at dawn the set up for the Bluegrass Festival would begin; he thanked the Town Board for their support of the project.

#### RESOLUTION NO. 156

Mr. Vanselow 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 #16G/Claims #317-338; Highway Fund- Warrant #16H/Claims #160-170; North Creek Water Dist.- Warrant #16W/Claims#75-79; Capital Projects Fund- Warrant #4CPF/ Claim #4; Library Fund-Warrant #8L/Claims#53-61. 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. Stevens with a second from Mr. Arsenault at 9:00pm. 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 4, 2008 at the Wevertown Community Center, Wevertown, NY; there will be a Public Hearing on Proposed Local Law #2 of 2008 entitled Town of Johnsbury Cold War Veterans Exemption From Real Property Taxation Local Law at 7:00pm prior to the regular Town Board meeting.

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Prepared by William Rawson, Town Clerk