

**Minutes of the Town of Johnsburg Regular Board Meeting September 4, 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, September 4, 2008 at 7:00pm at the Wevertown Community Center, Wevertown, NY Supervisor Goodspeed called the meeting to order at 7:00pm and the pledge to the flag was led by Councilman Eugene Arsenault.

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

Guests: On attached list

The Public Hearing on proposed Local Law #2 of 2008 entitled Town of Johnsburg Cold War Veterans Exemption From Real Property Taxation Local Law was called to order by Supv. Goodspeed at 7:00pm. at the Wevertown Community Center, Wevertown, NY. The Town Clerk read the legal notice as it appeared in the North Creek New-Enterprise on August 23, 2008.

Supv. Goodspeed noted that most of the towns in Warren County as well as the County itself have passed similar legislation; he added that the town attorney has drafted this law. Supv. Goodspeed asked if there were any comments; hearing none he left the comment period open through the early stages of the regular Town Board meeting for any late arrivals.

A motion was presented by Mr. Morehouse with a second by Mr. Arsenault to adjourn the Public Hearing Meeting on proposed Local Law #2 of 2008 entitled Town of Johnsburg Cold War Veterans Exemption From Real Property Taxation Local Law. With 5 members voting in favor the motion is carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The Public Hearing portion of the meeting was adjourned at 7:30pm.

RESOLUTION NO. 157

Mr. Morehouse presented the following resolution, with a second from Mr. Vanselow, to accept the minutes of the August 19, 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. Bethanie Baker, Girl Scout Troop Manager, requesting that the Town Board allow her the use of the Wevertown Community Building for the purpose of conducting town wide Girl Scout meeting on the third Saturday of each month.
2. A letter from Mr. William Mosher asking that the Town Board discuss interviews of Highway Department personnel at this meeting.

COMMITTEE REPORTS:

Mr. Arsenault reported that the Town Board Fire Committee (Arsenault, Morehouse) had met with representatives of the Johnsburg Emergency Squad for a walk-through of the Sodom Scout Hall building. Following the walk-through the committee and the Emergency Squad members had a one to

one and one-half hour discussion of the building conditions and the financial needs of the Emergency Squad. Mr. Arsenault added that the committee would recommend convening an informational Town Board Meeting to discuss the space issue. Supv. Goodspeed said that he was to meet with representatives of the squad in about eight to ten days for discussions on these issues.

OLD BUSINESS:

Supv. Goodspeed wished to discuss the letter from Mr. William Mosher to begin the meeting. Supv. Goodspeed opened the discussion by noting that there were many issues and concerns relating to the Highway Department; he added that he had had discussions with an attorney specializing in labor issues, Lawrence Paltrowitz. Upon the advice of Attorney Paltrowitz he explained that it was not appropriate for the Town Board to enter into a dialogue on this subject at this time. Mr. William Mosher said that he wanted to know why only six of the twelve to fourteen employees of the department were being interviewed; who was to be present to do the interviewing; he added that he believed that the entire Town Board should be present. Supv. Goodspeed replied that he was following expert legal advice and understood that the process would probably cause some discomfort and that he and one other person would be conducting the interviews. Mr. William Mosher said that this was totally unacceptable and that Town Board members should be present. Mr. William Mosher said that there was no documentation, only hearsay, and that this is unfair to the Highway Department employees; he added that the issue should not have come to the hiring of a labor attorney and added that he was not coming to such a meeting. Supv. Goodspeed said that the Town Board has been briefed on the process and has received legal advice on how to conduct the process; he added that the Town Board has received direct information to necessitate such a process and that if the Town Board takes no action that the Town Board will be liable and not doing their jobs as a board. Mr. Kenneth Mulvey asked for details of the accusation; Supv. Goodspeed replied that no details will be released at present. Mr. William Mosher asked why not have the entire Town Board present for the interviews; Supv. Goodspeed replied that such personnel issues are normally discussed during an executive session and that the interviews would need to be conducted in an open general session if the entire Town board was present for the interviews and that this is the reason for not having the entire Town Board present. Mr. Roger Mosher said that such a meeting not held in public would be illegal. Mr. William Mosher said that he had a previous engagement at the time of the interview as he had noted in an earlier discussion with Supv. Goodspeed; Supv. Goodspeed replied that as he had mentioned earlier other times were acceptable for the interview. Mr. William Mosher again said that he would not appear for the interview. Mr. William Mosher then said that he believed that Supv. Goodspeed wanted to be both Town Supervisor and Highway Superintendent; Supv. Goodspeed said that the invitation to be interviewed was an attempt to be fair. Mr. Kenneth Mulvey said that he believed that all the Highway Department employees should be interviewed. Supv. Goodspeed said that he would invite Mr. Mulvey to an interview if he liked. Mrs. Sonja Sprague, noting that her husband Dep. Highway Supt. Rick Sprague could not be present, asked if the possibility of the Town Board appointing Dep. Highway Supt. Sprague as Highway Supt. was still a possibility; Supv. Goodspeed said that if Dep. Highway Supt. Sprague wanted that the issue can be revisited at the next Town Board meeting.

Supv. Goodspeed distributed copies of the Town Budget Calendar to the members of the Town Board and provided some additional copies for others present; he noted that additional copies could be obtained at the Town Hall. Supv. Goodspeed added that according to N.Y.S. law that the Tentative Budget is not for public issue; the Preliminary Budget can be released to the public.

Supv. Goodspeed noting that the Tentative Budget is to be presented to the Town Board by the Town Clerk by the 5th of October asked the Town Board to reschedule the first meeting in October from Tuesday October 7 to Thursday October 2 at the Wevertown Community Center.

RESOLUTION NO. 158

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsburg in order to comply with N.Y.S. Town Law requiring the presentation of the Tentative Budget to the Town Board rescheduled the October 7, 2008 Town Board meeting at the Wevertown Community Center at 7:00pm to October 2, 2008 at the same time and place, and further the Town Board instructs the Town Clerk to publish notice of the rescheduled meeting date in the North Creek News-Enterprise and about the Town. 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 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 which was discussed at the previous meeting. Supv. Goodspeed explained that his staff had researched the issues through the Association of Towns and Villages. Most towns have an elected Superintendent of Highways and most villages have an appointed Superintendent of Highways. There are not many towns with a Department of Public Works; locally the Town of Hadley in Saratoga has a Department of Public Works. The next step will be to discuss with the local towns their experiences with an appointed Superintendent of Highways and a Department of Public Works. Supv. Goodspeed said that he will try to find out more about the job descriptions for each position.

Supv. Goodspeed informed the Town Board that he had asked Ms. Candace Lomax to investigate the issues raised at the previous meeting about the Columbus Day Ski Sale held at the Ski Bowl Park. The out of town vendor, Schuss, paid \$200.00 per day for the sale days and paid sales tax in Warren County. Beaver Brook Outfitters paid \$100.00 per day for the sale days. Annually, Schuss does two shows and brings personnel to only one show, the Columbus Day Ski Sale. The estimated food and lodging costs of these personnel at the sale are approximately five thousand dollars for the weekend; Schuss pays for the advertising which costs approximately ten thousand dollars. The advertising refers to the area in general in addition to the ski sale. The event brings in many visitors to the area. Supv. Goodspeed asked if the Town Board was generally in agreement to keep the charges at the 2007 levels; the Town Board seemed to be comfortable with the charges.

Supv. Goodspeed introduced ORDA Manager Mike Pratt to discuss a possible ORDA and Town of Johnsburg joint venture to improve the old (red) pavilion building in the Ski Bowl Park. Mike Pratt announced that the National Grid grant will be in the amount of \$135,000.00 and that this will be a reimbursable grant. Supv. Goodspeed added that the money to be reimbursed had already been spent and so will be available as soon as the grant is finalized. While this is not enough money to fund a new Ski Hut building, it is enough to improve and expand the old (red) pavilion to fill an entry purpose. Mike Pratt had plans with him from Lincoln Logs for possible improvements and additions to the building; these plans can be funded by the grant. Mike Pratt said that if the Town Board agreed that ORDA would go forward with planning of the expansion and improvements. Mr. Arsenault asked about the timing for the work; Mike Pratt said that he expected that it would be the 2009 building season for the work to begin. Mr. Arsenault asked if the grant would be enough money to

pay for the improvements and expansion; Mike Pratt said that there appeared to be enough money for those. Supv. Goodspeed noted that the building would continue to be owned by the Town of Johnsbury and that the Town can possibly use this improvement to file for the insurance money which has been withheld which would help any with extra costs. Mr. Stevens asked about the source of capital or regular maintenance costs; Mike Pratt replied that there should be time to work out capital maintenance costs and Supv. Goodspeed suggested seasonal maintenance sharing for regular expenses. Mr. Stevens said that the Town already has enough buildings and expenses; Mike Pratt said that he was sure that the costs could be worked out. Supv. Goodspeed said that the plans would be available for public viewing at the Town Hall. Mr. Morehouse asked if the Town Board had not already made and approved this resolution; Supv. Goodspeed replied that the Town Board had agreed conceptually, but not fully as yet.

RESOLUTION NO. 159

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury agrees to move forward with the renovation project using plans supplied by ORDA and drawn by Lincoln Logs, Ltd. using the funding from the National Grid grant, anticipated by award, to be in the amount of \$135,000.00; and further the Town Board wishes to move forward to secure the approximately \$30,000.00 in funds withheld from the Ski Bowl settlement by the insurance carrier upon replacement of the Ski Hut building. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed noted that on August 19 2008, the Town Board received a letter of recommendation from Youth Committee Chairman Vince Schiavone to appoint Mrs. Mary Jo Keeler to fill the balance of a term on that committee. Supv. Goodspeed asked if the Town Board wished to move to fill the vacancy.

RESOLUTION NO. 160

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Morehouse to appoint Mary Jo Keeler to fill the balance of a term on the Youth Committee to expire on May 10, 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 to formalize, by resolution, the hiring of Attorney Lawrence Paltrowitz for the purpose of obtaining assistance in setting a protocol for the handling of personnel issues.

RESOLUTION NO. 161

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow to authorize the hiring of Attorney Lawrence Paltrowitz for the purpose of obtaining assistance in setting a protocol for the handling of personnel issues. 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 had met with the Warren County Department of Planning and Development regarding the recommendations on the Kellogg (Waddell) Property to be made by the Elan Group; the formal written recommendations will be made available within a few weeks.

Supv. Goodspeed informed the Town Board that documents received from Phoenix Environmental Laboratory regarding the laboratory testing of samples from the test wells at the closed landfill reflect levels that are in compliance with regulatory standards. Mr. Vanselow asked for a copy of the report; Supv. Goodspeed said that it would be available tomorrow for anyone.

Supv. Goodspeed noted that East Side Auto had arrived to collect the scrap metal at the transfer station. Mr. Vanselow asked if there would be time to put a notice in the North Creek News-Enterprise notifying residents of the opportunity to dispose of additional metal items; Mr. Brett Hagadorn, reporter for the North Creek News-Enterprise, replied that the notice would not appear in a timely fashion.

Supv. Goodspeed updated the Town Board on repairs to the dam at the Ski Bowl Park. During the previous discussions with the Department of Environmental Conservation (D.E.C.) the representative contended that the dam was to be removed; Supv. Goodspeed reported that the latest discussions with a higher level supervisor at the D.E.C. have resulted in an agreement by that official that the Town of Johnsbury and the Warren County Soil & Water position that the dam was intended to remain was the correct interpretation of the application. This official suggested that the repairs could be made under a permit issued earlier to Warren County by the D.E.C. Supv. Goodspeed noted that while this could allow the repairs, the U.S. Army Corps of Engineers may still not allow the repairs. Supv. Goodspeed said that he would discuss the repairs with Engineer James Hutchins. Supv. Goodspeed added that at 3:00pm he had received a call from Warren County Soil & Water explaining that the fish habitat project would not occur until 2009 as the department had expended all resources for the current year.

Supv. Goodspeed reported that the waiver agreement with Front Street Mt. Development regarding the transfer of property which the Town Board has been negotiating through Town Attorney Jordan over the past five or six months seems to be nearing completion. Mr. David Crikelair of Front Street Mt. Development had asserted that the transfer of land for ski trails to the Town of Johnsbury was conditional upon the Town agreeing to the movement of the Highway Garage at the same time; the Town Board disagreed. Front Street Mt. Development has dropped this contention and Town Attorney Jordan supports the waiver agreement with this contention removed. Supv. Goodspeed plans to discuss the agreement at the next Town Board meeting; Supv. Goodspeed said that he plans to discuss the agreement with Senator Little and ORDA manager Mike Pratt next week. Copies of the agreement will be sent to the Town Board members for review prior to the next Town Board meeting.

NEW BUSINESS

Supv. Goodspeed explained that due to a serious accident involving her daughter, Assessor Deppe would not be able to be present for the discussion on tax valuation and that this portion of the agenda would be rescheduled in the near future.

Supv. Goodspeed noted that there would be no Executive Session tonight although it was listed in the agenda.

Supv. Goodspeed read and distributed to the Town Board members the report on the 2008 Summer Youth Program by Director Ann Dingman; the report detailed the attendance of the Summer Youth Program and compared the results to the 2007 attendance. Supv. Goodspeed said that it would be available tomorrow for anyone.

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of August 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 August 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 Mrs. Bethanie Baker, Girl Scout Troop Manager, read earlier in the meeting, requesting that the Town Board allow the use of the Wevertown Community Building for the purpose of conducting a town wide Girl Scout meeting on the third Saturday of each month between the hours of 12:00pm through 3:30pm from September 2008 through June 2009. Ms. Cherie Ferguson, Secretary to the Supervisor, noted that the dates were available.

RESOLUTION NO. 162

Mr. Arsenault presented the following resolution and moved its passage with a second from Supv. Goodspeed to allow Mrs. Bethanie Baker, Girl Scout Troop Manager the use of the Wevertown Community Building for the purpose of conducting a town wide Girl Scout meeting on the third Saturday of each month between the hours of 12:00pm through 3:30pm from September 2008 through June 2009. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

PRIVILEGE OF THE FLOOR

Ms. Cherie Ferguson, Secretary to the Supervisor, asked for clarification on whether the new fee structure for the Tannery Pond Community Center was intended by the Town Board to incorporate the ten percent charge to groups or individuals charging an entry fee or collecting for sales into the fee schedule or to eliminate it. Mr. Stevens said to add the charge to the other user fees.

RESOLUTION NO. 163

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow that the Town Board of the Town of Johnsbury authorizes the continuation of the ten percent charge to groups or individuals charging an entry fee or collecting for sales while using the Tannery Pond Community Center, and that this fee is to be charged in addition to all other applicable fees in the fee schedule for the Tannery Pond Community Center adopted on July 15, 2008. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Mr. William Mosher asked if any determination had been reached on the use by the Highway Department of the grey material obtained from Barton Mines Corporation on the Town roads as to its suitability for the job. Mr. William Mosher added that it was a definite upgrade over the material previously used by the Highway Department; Mr. James Jones, a local contractor, said that he had used it on several private roads and it was holding up well. Supv. Goodspeed noted that there had been some complaints about its use and also some support for its use; he was hoping to receive an answer on the legality of the product from Warren County D.P.W. Superintendent William Lamy or the N.Y.S. Department of Transportation.

Mr. David Bulmer asked about cleaning the litter along the roadsides; he reported that he personally collected three bags of trash on the short portion of Peaceful Valley Road Extension where he resides. Supv. Goodspeed agreed that trash along the roadsides was a definite problem, but added that enforcement of the penalties was a problem as it was necessary to catch a person in the act or to

find a name in the trash itself. Mr. Bulmer suggested that the Town ask for a work crew of convicts from the Mt. McGregor facility; Mr. Vanselow suggested community service offenders.

Mr. Roger Mosher noted that the road inventory issued by the N.Y.S. Department of Transportation in 2006 lists the Town of Johnsbury as having 94.43 miles of Town roads; this is second in the state to the Town of Queensbury with slightly more than one hundred miles of Town roads. Mr. Roger Mosher suggested that the Town look into the use of stone and oil on Town roads; he had inquires about costs, but was informed that this combination is available only to municipalities.

Mr. William Mosher asked if the Town Board planned to do more or less blacktopping; Supv. Goodspeed replied that the Town Board planned to alternate annually between blacktopping and equipment replacement. Mr. William Mosher suggested replacing paved roads with dirt roads as it would be cheaper to do that than paving with the expensive prep work; he added that it was cheaper to maintain a dirt road than a paved road. Supv. Goodspeed said that the road issues required a great deal of work.

Supv. Goodspeed informed the Town Board that earlier today he had signed the contract for the Ski Bowl Park grant and that tennis court resurfacing would be the first project to be worked on.

RESOLUTION NO. 164

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 #17G/Claims #339-351; Highway Fund- Warrant #17H/Claims #171-180; North Creek Water Dist.- Warrant #17W/Claim #80; Capital Projects Fund- Warrant #5CPF/ Claims #5-6. 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. Vanselow with a second from Mr. Stevens at 8:25pm. 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 September 16, 2008 at the Town Hall (Library), North Creek, NY; prior to the regular meeting there will be an executive session for the purpose of interviewing candidates for the vacancy on the Board of Assessment Review.

Prepared by William Rawson, Town Clerk