

**Minutes of the Town of Johnsburg Regular Board Meeting October 21, 2008
Held at the Town Hall (Library) North Creek, New York, and an Executive Session
to Discuss Highway Personnel.**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held On Tuesday October 21, 2008 at 7:00 PM at the Town Library, North Creek, New York Supervisor Goodspeed called the meeting to order at 7:00 P.M.; the pledge was led by Eugene Arsenault, Councilman.

Roll call showed the following persons present: Supervisor. Sterling Goodspeed: Town Councilmen/ Eugene Arsenault, Frank Morehouse, Jr., Arnold Stevens, and Ronald Vanselow/ Town Clerk William Rawson was absent. Candace Lomax, Account Clerk sat in for William Rawson.

Guests: On attached list.

RESOLUTION NO. 180

Mr. Arsenault presented the following resolution, with a second from Mr. Morehouse, to accept the minutes of the October 2, 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 Elisa Widlund
2. A letter from Vince Schiavone, Chairman of the Town of Johnsburg Youth Committee.
3. A letter from Highway employee, Norm Petty, updating the board on the progress of his knee injury and requesting an extension of his medical leave and benefits.

COMMITTEE REPORTS:

Mr. Vanselow reported the Planning Board has approved Laura's expansion and FSMD plans. The Planning Board requests the appointment of Mr. Tim Record as Vice Chair of the Board.

Supervisor Goodspeed noted that much discussion has taken place between Mr. Vanselow, Mr. Arsenault and himself regarding the possible reorganization of a DPW.

OLD BUSINESS:

Supervisor. Goodspeed introduced Ms. Hannah Jay, a 12th grade Johnsburg School student. Hanna proposes to construct an addition to the existing Water Department shed, this would create storage space garden tools used at the Memorial garden. She distributed plans for a 4 ft by 12 ft extension noting this project is to complete her Girl Scout Gold Award. She is excepting donations including lumber and windows for the project and would like to start as soon as possible. Mr. Stevens commented that is a beautiful project and very worthwhile.

RESOLUTION NO. 181

Mr. Stevens presented the following resolution, with a second from Mr. Vanselow to support the project and allow Hanna to begin work as soon as possible. With 5 members voting in favor, the resolution is declared passed. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Next was a presentation from Mr. John Stake, Real Property Analyst from the State of New York. Mr. Stack gave a presentation on the effect of a reval, and going to full valuation. The goal is to address inequities and be fair to all. The longer you wait the more the inequities grow, the market indicates now is the time. John noted Johnsbury has not had a reassessment in 50 yrs, 9 of 11 Warren County Towns have been through a reassessment and are at full market value. Mr. Vanselow asked what a reassessment involved. Mr. Stack explained the key is to educate the public, communication; public relations are monumental, in addition to field work. Mr. Arsenault asked if there was state aid available. John replied some may be available, but not sure how much, his estimate to accomplish this is 58 to 68 thousand. John also noted the state will oversee the procedures to ensure they are in compliance and on time. Mike Swan from Warren County Real Property stated the County maybe able to assist the Town for a figure between 38 and 40 thousand. When asked if there was a possibility of the County consolidating these services Mike commented that he made a consolidation presentation to the Board of Supervisors, it will be years away if it happens. Supervisor Goodspeed explained there are three options- 1- stay where we are, 2-the extreme, a full reval, or 3-CAPS, i.e. two towns share one assessor, this is a hard one, and it is complicated. The process would take approximately 18 months. Anne Deppe, Town Assessor will get more information on the cost and report back to the Board at a later date.

Supervisor Goodspeed addressed the continuing problem with the cleanup on Goodman Road. He explained the town attorney sent a letter to the property owners, no further improvements had been made therefore, the town attorney will be instructed to take the next step.

Supervisor Goodspeed informed the board the Front Street Mountain Development waiver has been rejected 6 or 7 times and is not prepared for a motion at this time.

Under Health Insurance Supervisor Goodspeed had Cherie Ferguson; Secretary informed the Board of the coverage and cost options for renewing the employee's health benefits package. It was noted that Empire has a November 15th deadline for changes.

Supervisor Goodspeed gave a briefing on the Town insurance with NYMIR. NYMIR would like a copy of the budget within 48 hours to proceed with a quote. The Supervisor is hopeful of a 10% saving due to good risk, and the number of claims filed.

Supervisor Goodspeed next talked about an ad hoc committee that was formed with Mr. Vanselow and Mr. Arsenault to research the potential gains of a DPW. Mr. Vanselow stated it would be hard press to not go forward with exploration for the following reasons: pay equity, potential efficiencies with manpower and resources. The idea is not to make one big highway department but to have the ability to draw from each other when manpower and equipment is needed, a more efficiently run operation. Both Mr. Vanselow and Mr. Arsenault would like to work with the next Highway

Superintendent to see if it could be possible to utilize resources more effectively. Supervisor Goodspeed stated he didn't want to dive into this idea, but it certainly worth pursuing and he appreciates councilmen's Arsenault and Vanselow for their efforts. If the town can get the same or better service and save dollars it is worth investigating by creating different models and scenarios.

Next Supervisor Goodspeed stated the proposed 2009 Town Budget, with a detailed narrative would be available to the public on Thursday.

Supervisor Goodspeed then asked to amend the 2009 tentative budget for the North Creek Water District Contract SW8320.4 from 107,037 to 106,637 and Medical SW9060.8 from 4,000. to 4,400.

RESOLUTION NO. 182

Mr. Stevens presented the following resolution, with a second from Mr. Morehouse, to amend the North Creek Water District tentative budget to read as follows: Contract SW8320.4 from 107,037 to 106,637 and Medical SW9060.8 from 4,000. to 4,400. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supervisor Goodspeed then asked to amend the 2009 North Creek Fire budget as follows: appropriation from 122,112 to 134,970 amount to be raised by taxes from 78,312 to 91,170

RESOLUTION NO. 183

Mr. Arsenault presented the following resolution, with a second from Mr. Stevens, to amend the North Creek fire budget with the following inserted: appropriation from 122,112 to 134970 amount to be raised by taxes from 78,312 to 91,170. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supervisor Goodspeed then conveyed some of the highlights of the narrative to the budget, and stating the General Fund is down 8.13%, Highway has increased 5.35%, Library decreased 1.43% for an overall negative .08%.

RESOLUTION NO. 184

Mr. Stevens presented the following resolution, with a second from Mr. Vanselow, to move the 2009 tentative budget to a preliminary budget including the changes noted in Resolution Number 182 (to amend the North Creek Water District tentative budget to read as follows: Contract SW8320.4 from 107,037 to 106,637 and Medical SW9060.8 from 4,000. to 4,400) and Resolution Number 183 (to amend the North Creek fire budget with the following inserted: appropriation from 122,112 to 134970 amount to be raised by taxes from 78,312 to 91,170). With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Mr. Arsenault asked how you predict revenues. Supervisor Goodspeed and Candace Lomax responded; by tracking previous years patterns and the current year to date numbers, in addition to current market values.

Next Supervisor Goodspeed asked the board to set a time for a public hearing on the proposed Johnsbury Fire Protection District 2009 Budget.

RESOLUTION NO. 185

Mr. Morehouse presented the following resolution, with a second from Mr. Arsenault, to set a public hearing on the proposed Johnsbury Fire Protection District 2009 Budget for November 6, 2008 @ 6P.M. to be held in the Wevertown Community Center, Wevertown, New York. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supervisor Goodspeed then asked the board to set a time for a public hearing on the proposed Town of Johnsbury 2009 Town Budget.

RESOLUTION NO. 186

Mr. Arsenault presented the following resolution, with a second from Mr. Morehouse, to set a public hearing on the Town of Johnsbury 2009 Town Budget for November 6, 2008 @ 6:30 P.M. to be held in the Wevertown Community Center, Wevertown, New York. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

The next item on the agenda is the DOT water hook-up. At the last meeting, DOT asked the board to waive the \$2,000.00 connection fee in lieu of the installation of a flushing hydrant. The board requested more information on this matter. Candace Lomax contacted Jim Souzzo, Water District Engineer, who informed her the value of the flushing hydrant is approximately \$2,700 and it would provide an additional flush point, which the district needs to keep CL2 residual in the system. The Board would like to invite Mr. Souzzo to a future meeting for further discussion.

Bob Nettle, local resident has been in contact with the State regarding the Highway sand pit and the State owned adjoining property. Bob thinks the state would transfer the (approximately) 2 acre parcel to the Town for \$1.00. He feels the advantages for the Town would be an increased supply of sand for the highway, which would level the area giving way to a better view of the Ski Bowl Park. Bob advised the board to compromise with DOT so the cost of the land doesn't increase. Bob also would like a letter of support from the board so that he may continue working out an agreement with the State. Mr. Stevens stated before any agreement is sent out, he wants the Town Board to see a copy. Bob stated he needs a good faith letter to proceed forward.

Supervisor Goodspeed explained Durant's, formerly Casey's North restaurant, requested a waiver for the liquor board. Due to the timing of the waiver, the Town Board members were poled by phone for permission to write a letter.

RESOLUTION NO. 187

Mr. Arsenault presented the following resolution, with a second from Mr. Vanselow, to confirm the previous phone pole and affirm the issuance of a letter to waive the time period for a license for Durants. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Next Supervisor Goodspeed informed the board the requirements for the Ski Hut hold back insurance monies. A building permit is needed as well as a set of signed plans, contractor's name, a copy of the contract and date construction is to begin.

Candace Lomax asked if the board would consider waiving Zoning fees for the application- for a Zoning Compliance form.

RESOLUTION NO. 188

Mr. Arsenault presented the following resolution, with a second from Mr. Morehouse, to waive any local application fees associated with obtaining a building permit for the reconstruction of the Ski Hut. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supervisor Goodspeed noted each board member has a copy of the Youth Program by laws in their packets. Next the Supervisor informed the board of the turmoil within the EMS squad. The operations manager has been terminated, a board member has resigned and Mark Bergman is acting interim chairman. Supervisor Goodspeed asked the board if would like for him to confirm their stability and ability to fulfill the contract. Mr. Stevens said yes, it would show our interest.

Supervisor Goodspeed then brought to the attention of the board a memo addressed to all employees regarding Town Budget Constraints. The memo list several measures that can be taken to conserve energy, and reduce, reuse and recycle.

Next Supervisor Goodspeed addressed the committee report given by Mr. Vanselow expressing the planning board's request to appoint a Vice Chair.

RESOLUTION NO. 189

Mr. Vanselow presented the following resolution, with a second from Mr. Stevens, to appoint Mr. Tim Record as Vice Chair for the Planning Board. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

NEW BUSINESS:

Supervisor Goodspeed then stated the budget amendments from the previous October 2nd meeting were acknowledged however, a resolution was not passed to approve them.

RESOLUTION NO. 190

Mr. Stevens presented the following resolution, with a second from Mr. Arsenault, to approve the budget amendments as follow:

Budget Amendments October 2, 2008

GENERAL

Transfer between accounts

FROM:

TO:

Insurance A1910.4 199.00

Contingent A1990.4 2000.00

Cemeteries A8810.1	950.00
A8810.2	625.00
A8810.4	569.00
Medicare A9062.8	522.00

200.00	Personnel 1430.4
500.00	Streetlighting A5182.4
665.00	Zoning A8010.4
2000.00	Parks A7110.4
1500.00	Recycs A8090.1

Transfer within accounts

Town Clerk A1410.1 (other)	150.00	A1410.4
Youth A7310.4	2230.00	A7310.1

HIGHWAY

Transfer within accounts

General Repairs DA5110.1	23000.00	Gen. Repairs. DA5110.4
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Transfer between accounts

Medical DA9060.8	17000.00	10000.00 Cap Outlays DA5112.2
		7000.00 General Repairs DA5110.4

Increase estimated revenues(DA510)

Back to Sodom Road paving

Donations DA2705	8,626.16
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Increase appropriations (DA960)

Cap Outlays DA5112.2

WATER DISTRICT

Transfer within accounts

Pers Service SW8320.1	2384.00	Supply, Pump & Power SW8320.4
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Transfer between accounts

Medical SW9060.8	9616.00	Supply, Pump & Power SW8320.4
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With 5 members voting in favor, the resolution is declared carried. Ayes -5
(Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

In reference to the letter from Elise Widlund, Supervisor Goodspeed stated he would like exempt fees for 4 dates per year for the Widlunds use of Tannery Pond Community Center.

RESOLUTION NO. 191

Mr. Stevens presented the following resolution, with a second from Mr.Arsenault, allowing the Widlunds use of Tannery Pond Community Center with all user fees waived

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

Item number 3 under new Business has to do with the Court Justice Funds. Supervisor Goodspeed asked the Account clerk to explain the changes. Candace stated up until now the local Justice Department would send all monies collected to the State Comptrollers office with a monthly report, once a quarter the Comptrollers Office would mail a check to the Town for its share of the collected fees. New procedures now dictates the local Justice Department file a monthly report with the Comptroller, and turn all fees collected over to the Town Supervisor. After the State reviews the monthly report, an invoice for fees due to other entities will be sent to the Town. This procedure gives the Town access to the funds immediately. Candace then asked the board to pass a resolution approving the establishment of procedures and accounts to transfer money to cover the cost of the monthly invoices when due.

RESOLUTION NO. 192

Mr. Arsenault presented the following resolution, with a second from Mr.Stevens, The Town of Johnsbury Town Board authorizes the Town Supervisor and the Account Clerk to establish office procedures, approve payment and transfer funds to be distributed to the appropriate entities as stated in the monthly “Invoice Billing and Distribution Statement” received from the Office of the State Comptroller with respect to administration of the Town Justice Officer and particularly with distribution of funds respecting court fees, costs and surcharges. This is in accordance with legislation requested by the State Comptroller (Chapter 465, Laws of 1998). With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

In regards to the driver reclassification topic, Supervisor Goodspeed explained Highway crew employee Mike Dunkley is a laborer. Mike also has a CDL is has in the past filled the duties of a driver. The Supervisor asked the board to consider moving Mike up to a driver position effective 10-13-2008.

RESOLUTION NO. 193

Mr. Vanselow presented the following resolution, with a second from Mr.Morehouse, to promote Highway employee Mike Dunkley from a laborers position to a MEO-L effective October 13, 2008. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supervisor Goodspeed then informed the board he met with Matt Olden, Building Superintendent, in regards to the trash compactor. The compactor has a fracture in a steel bracket and is need of repair. Supervisor Goodspeed asked if someone in the highway department could look at it, Dan Prouty, highway employee responded they could. Mr. Morehouse also suggested Waste Management or Springer.

Supervisor Goodspeed next explained the building next to the Town Hall, Shaw’s Apartment building, has a northerly side hill that tapers quickly. The Town owns the entire tapered portion, the westerly side. In one area fill is needed, if the Parks department filled in the area it would give them a chance to check on a major sink hole

that had been repaired in the past. Mr. Shaw would like the Town to take care of the situation.

RESOLUTION NO. 194

Mr. Arsenault presented the following resolution, with a second from Mr. Vanselow, to allow the Parks Department, when their schedule permits time, to repair the area needing fill and to check on the stability of the previous sink hole repair. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supervisor Goodspeed stated in previous years the Town would BID the purchase of propane and fuel for use in Town Buildings. Last year the Town went with the County BID. The Supervisor asked the Board for input for this year. Mr. Stevens felt it work last year why not go with the County this year, the County has more leverage for bidding. Mr. Arsenault agreed.

RESOLUTION NO. 195

Mr. Arsenault presented the following resolution, with a second from Mr. Stevens, to forego the BID process for propane and fuel oil and allow the Town to utilize the County Bids for propane and fuel oil. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Then Supervisor Goodspeed asked the board if they would like to apply for Youth Funding for 2009.

RESOLUTION NO. 196

Supervisor Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize and direct the Supervisor to apply for New York State division of Youth Development /Delinquency Prevention (YD/DP) matching funds for 2009 and additionally that he be authorized and directed to submit a Youth Program Budget for 2009 with the understanding that it is contingent on the passage and final adoption of the town budget; and that eligibility for aid expenditures must be at least twice the amount of said New York State Aid. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays – 1(Stevens)

Privilege of the Floor

Lois Montfort commented she would like the clean up work done this year [sic on Goodman Road property]. Supervisor Goodspeed stated he thought what we are looking at is suing him-a prolonged process.

RESOLUTION NO. 197

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the following certified bill which have been reviewed by the Board members be paid: General Fund -Warrant #20G/Claims #383-406; Highway Fund-Warrant #20H/Claims #200-205; North Creek Water District #20W/Claim #93-98; Library Fund Warrant #10L/Claims #71-74. With 5 members voting in favor the resolution is declared carried. Ayes -5(Arsenault, Stevens, Morehouse, Vanselow, Goodspeed) Nays -0.

Supervisor Goodspeed announced the Board would be going into executive session to discuss four highway issues.

Mr. Stevens presented the following motion and moved its passage with a second from Mr. Vanselow that the Town Board enters an executive session for the purpose of discussing highway employee issues at 9:18 P.M. With 5 members voting in favor the motion is carried. Ayes -5 (Arsenault, Stevens, Morehouse Vanselow, Goodspeed) Nays -0.

Supervisor Goodspeed presented the following motion and moved its passage with a second from Mr. Vanselow that the Town Board adjourns the executive session on highway employee issues to return to the regular meeting at 9:53 P.M. With 5 members voting the motion is carried. Ayes-5(Stevens, Arsenault, Morehouse, Vanselow, Goodspeed.) Nays -0.

Supervisor Goodspeed stated that no action would be taken on two matters.

RESOLUTION NO. 198

Supervisor Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens to provide Supervisor Goodspeed authorization to execute a severance agreement with William Mosher subject to approval from the Town's labor attorney, Mr. Larry Paltrowitz. With 5 members voting in favor the motion is carried. Ayes -5 (Arsenault, Stevens, Morehouse Vanselow, Goodspeed) Nays -0.

RESOLUTION NO. 199

Supervisor Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to terminate health insurance benefits for Norman Petty as of October 31, 2008, and to continue holding his position in anticipation of his return to work. With 4 members voting in favor the motion is carried. Ayes -5 (Arsenault, Stevens, Vanselow, Goodspeed) Nays -1 (Morehouse)

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Morehouse at 9:55 PM. With 5 members voting in favor the resolution is declared carried. Ayes- 5 (Arsenault, Stevens, Goodspeed, Vanselow, Morehouse) Nays – 0.

There will be a public hearing on Thursday, November 6, 2008 on the proposed Johnsbury Fire Protection District 2009 Budget at 6:00P.M., at the Wevertown Community Center, Wevertown, New York.

There will be a public hearing on the Town of Johnsbury 2009 proposed budget at 6:30PM Thursday, November 6, 2008 at the Wevertown Community Center, Wevertown New York.

The next regular Town Board meeting will be held at 7:00PM on November 6, 2008 at the Wevertown Community Center, Wevertown, New York.

Prepared By Candace Lomax, Account Clerk