

**Minutes of the Town of Johnsbury Regular Board Meeting January 15, 2008  
Held at 7:00pm at the Town of Johnsbury Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday January 15, 2008 at 7:00pm at the Town Library, North Creek, NY Supervisor Goodspeed called the meeting to order at 7:15pm 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. 18**

Mr. Stevens presented the following resolution, with a second from Mr. Vanselow, to accept the minutes of the January 3, 2008 Organizational Town Board meeting as written. With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

**CORRESPONDENCE:**

1. A letter from Ms. Anne Morse expressing her interest in being considered to fill a vacancy on the Planning Board if one becomes open.

**COMMITTEE REPORTS:**

**OLD BUSINESS:**

Supv. Goodspeed suggested several possible methods of handling awarding of the Occupancy Tax funding: the Town Board could allocate the balance of the funding to the Chamber of Commerce and charge that organization with the support of the various projects requesting funding; creating a committee to present recommendations to the Town Board; making an award to all groups by a percentage of the funding available divided by the requests, or the Town Board reviewing the requests at one or more meetings. Mr. Arsenault asked for the Chamber of Commerce thoughts on this issue. Mr. Edward Milner, president of the Chamber of Commerce, responded for the organization; he suggested a small stakeholder committee composed of interested parties to make recommendations to the Town Board. Mr. Vanselow noted a concern with the uses of the funds requested and asked that Mr. Milner prioritize the Chamber of Commerce requests; Mr. Milner replied that he needed to see all the requests in order to do that. Mr. Arsenault stated that a stakeholder committee would need criteria as a basis for making recommendations to the Town Board; Mr. Goodspeed noted that the county criteria were available, but that they were skewed toward larger projects as well as new proposals. Mrs. Kelda Nessel reiterated the conflict of interest question which would still exist with a stakeholder committee. Mr. Milner answered that the stakeholders and chamber members have experience regarding the attracting of tourists for business purposes. Mr. Vanselow noted that as the funding is public that all taxpayers are stakeholders. Mr. Morehouse asked who would chair the committee to insure it stayed on task; Mr. Goodspeed suggested that the Town Board appoint the chairperson and charge the committee with a tight time line. Mr. Vanselow added that a

committee of stakeholders would contain a significant block of members from the Chamber of Commerce considering the organizations making funding requests. Supv. Goodspeed asked for a resolution to create a committee to make recommendations to the Town Board.

#### RESOLUTION NO. 19

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenaault to create a blended committee and name a chairman for the purpose of being an advisory board to make recommendations to the Town Board regarding Occupancy Tax funding requests; and further that the supervisor will prepare a list of prospective members to be ready for the next regular Town Board meeting. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenaault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed reported to the Town Board on the possible health insurance changes discussed at the previous meeting regarding changes for those Medicare eligible in the Town system. Supv. Goodspeed stated that this seemed to be a win-win situation; the municipalities (Lake George Village and the Town of Lake George) which have been using the Medicare-P.P.O. plan seem to have experienced huge savings and the participants seem happy with the coverage. Supv. Goodspeed suggested contacting the participants who would be affected under the Town health care to explain the possible changes and to have the Town Board be prepared to make the change at the next regular Town Board meeting; Supv. Goodspeed noted that the Town has a responsibility to those who retired from the Town's employ with the promise and expectation of this benefit.

Supv. Goodspeed next updated the Town Board on pending grant applications. The Town of Johnsbury has five pending grant applications. Three are Smart Growth grants: one is in conjunction with Warren County in the amount of \$50,000.00 for the purpose of studying economic opportunities associated with opening the rail line north of the North Creek hamlet, the second in the amount of \$50,000.00 is for the purpose of conducting a hamlet growth analysis and revisiting the issue of inclusionary zoning with professional assistance in the recently enacted Local Land Use Plan, the third in the amount of \$50,000.00 for the purpose of conducting an evaluation of the town's economic strengths and weaknesses through the use of the Northeastern University "Economic Development Partnership" program. The largest grant pending is a Restore New York grant in conjunction with Warren County in an amount ranging from \$250,000.00 to \$300,000.00 and the awards of this grant have been made with none being awarded in Warren County. The fifth grant was recently awarded to the Town of Johnsbury for improvements to the Ski Bowl Park in the amount of \$114,000.00 and the grant contract is being awaited for specifications.

Supv. Goodspeed noted that the Ski Bowl Park grant from Congresswoman Gillibrand was rejected; however, the Congresswoman's staff has strongly urged that the grant application be renewed this year.

Supv. Goodspeed noted that the Town Board members have the initial Town newsletter in their packets and he expects that it will be available online tomorrow and that it will be included in the Jaguar Jottings next issue; he particularly noted that there is a section on assessment issues written by Ann Deppe, the Town Assessor.

Supv. Goodspeed informed the Town Board and the public that he, along with Town Attorney Jordan, would be meeting on Wednesday, January 30, with the Chiefs and Officers of the Johnsbury Fire Protection District to explain changes in the Fire Protection Contract. Supv. Goodspeed said that he wanted to explain some wording changes in the contract which were found to be objectionable by the Chiefs and Officers; the wording was meant to be construed in a narrow fashion to allow for fire protection for the Town as well as to protect the Town's financial interests in light of the recent problems involving one of the fire companies.

Supv. Goodspeed informed the Town Board that as a result of a recent N.Y.S. Supreme Court decision. This decision has raised a significant concern about New York State not having to make tax payments on New York State Forest Preserve Land in the Adirondacks; additionally, last year the state decreased payments on New York State Forest Preserve Land last year at a time when it appeared that the Town might be able to avoid a property tax increase. Senator Little and Assemblywoman Sayward are working on the tax payment issue; the decision has been stayed. Supv. Goodspeed assured the Town Board that this situation will be closely monitored.

Supv. Goodspeed made an announcement to remind those present that the Winter Extravaganza will be held at the Ski Bowl Park on Monday, January 17<sup>th</sup> between 2:30pm and 6:30pm. Ski Bowl Park Committee Chairperson Jill Broderick explained that weather permitting, the following events would be available: snow tubing, snow shoeing, skiing, ski contests, ice skating, an N.Y.S.E.F. race, snow sculptures and a soup and salad bar. Last year there were 150 to 200 attendees and the committee was hoping for a larger attendance this year.

Supv. Goodspeed explained to the Town Board that according to the Employee Handbook the Town of Johnsbury needs to have a Town Board standing Personnel Committee in place to review personnel and discipline issues. To that end he asked for two volunteers from the Town Board to fill the positions; Mr. Vanselow and Mr. Arsenault volunteered to accept positions on the Personnel Committee of the Town Board and they were appointed by Supv. Goodspeed.

Supv. Goodspeed also noted that while the Town Board had begun work on a Workplace Violence Policy that the policy had never been completed and formally adopted; he noted that the Town Board needed to revisit this policy.

#### NEW BUSINESS

Supv. Goodspeed noted that as a result of growth and economic expansion an escalation in the price of homes in the Town of Johnsbury has occurred; due to this Supv. Goodspeed would like the permission of the Town Board to form a committee for the purpose of studying, with a view toward implementing amendments to the Town of Johnsbury Land Use Plan regarding inclusionary zoning. Supv. Goodspeed would also like to charge this committee with exploring both a relationship with the Adirondack Land Trust and any affordable housing options available through Federal, State, and Local entities; he would appoint Mr. Vanselow to chair this committee because of his experience on the Planning Board. Supv. Goodspeed would ask that Mr. Vanselow form the committee and report back to the Town Board with all possible speed.

RESOLUTION NO. 20

Supv. Goodspeed presented the following resolution and moved its passage with a second from Mr. Morehouse:

WHEREAS, economic growth and particularly expansion at Gore Mountain Ski Center and related proposed developments have caused continuing escalation in the price of homes within the Town of Johnsbury and

WHEREAS, the Town of Johnsbury Town Board is desirous of exploring and implementing various mechanisms to enhance the ability of persons to secure adequate and affordable housing with the Town, and

WHEREAS, the Town of Johnsbury recently adopted a Master plan and zoning ordinance that has been approved by the Adirondack Park agency and

WHEREAS, the Town of Johnsbury is interested in exploring use of amendments to said ordinance to facilitate the availability of affordable housing including but not limited to inclusionary zoning and

WHEREAS the Town of Johnsbury further wishes that the new ordinance be reviewed in detail to be certain the town is prepared for the challenges of growth and development in all hamlets and other land classifications and

WHEREAS the Town of Johnsbury Town Board is supportive of the reactivation of a certain zoning advisory Board under the leadership of Town Board Member Ronald Vanselow to explore these issues, report back the board and particularly to draft a proposed zoning ordinance amendment to begin implementation of inclusionary zoning and

WHEREAS the Town Board of the Town of Johnsbury further is interested in exploration of a potential relationship at the Adirondack Land Trust Organization in terms of implementation of such zoning amendments which may require developers to devote a portion of or percentage of development to affordable housing or to said fund for purpose of managed affordable housing projects in the town

NOW BE IT RESOLVED the Town Board of the Town of Johnsbury hereby appoints Town Board member Ronald Vanselow to chair a zoning advisory committee to consist of between 6 and 8 members, charged with the following:

1. Exploration and implementation of a zoning ordinance amendment in conjunction with the Adirondack Park Agency to add an inclusionary zoning provision to the Town of Johnsbury zoning ordinance for the purpose of assisting with affordable housing
2. Make review of the new ordinance generally to be sure the Town is prepared for the challenges of growth and economic development giving due consideration to the

impact of growth on all hamlets and other zoning classifications as well as the potential implications of architectural standards.

3. Explore and potentially define a relationship with the Adirondack Land Trust Organization for purposes of assistance with potential administration of an affordable housing initiative.
4. Further explore other options associated with the affordable housing issue in conjunction with appropriate Federal, State and Local officials and entities.

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

Supv. Goodspeed announced that he is looking to cut costs and create new revenue streams; to this end he requests the approval of the Town Board to hold meetings of a Budget Advisory group on February 1<sup>st</sup> at the Tannery Pond Community Center at 4:00pm and February 15<sup>th</sup> at the Wevertown Community Center at 4:00pm. There would be no limit to the size of the group and all Town Board members are welcome to attend; for this reason Supv. Goodspeed asks that the Town Board designate these as special Town Board meetings, although he doesn't expect any resolutions to result from the meetings. Supv. Goodspeed expects the meetings to last approximately 40 minutes each with the February 15<sup>th</sup> meeting possibly being longer. Supv. Goodspeed asked that North Creek News-Enterprise reporter, Bret Hagadorn please report these meetings in his newspaper article.

#### RESOLUTION NO. 21

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens to authorize two (2) Special Town Board meetings for the purpose of discussing Town Budget issues and strategies to increase revenue to the Town to be held on February 1<sup>st</sup> at the Tannery Pond Community Center at 4:00pm and February 15<sup>th</sup> at the Wevertown Community Center at 4:00pm with the expectation that no Town Board resolutions would result at either meeting, and further authorizes the Town Clerk to publish a notice of these meetings in the North Creek News-Enterprise on January 26<sup>th</sup>. 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 will be having a meeting with Frontier in the near future to work on upgrading the Town Hall telephone system to make the system more responsive.

Supv. Goodspeed informed the Town Board that he has reached out to a new cell phone service provider, Verizon, in an attempt to improve cell phone service in the Town. The main problem seems to be to find acceptable sites; sites need to have a minimum height of 100' and a clear line of sight around them. Mr. Joseph LaRocque asked if the Landfill and the fire houses are still areas under discussion and Supv. Goodspeed answered that they were as well as other sites and added that if the sites for use were Town owned that this would constitute a new revenue stream. Mr. Stevens noted that while he supported the plan that the Town had begun discussions before only to have interest wane.

Supv. Goodspeed noted that many of the Town offices were drastically in need of computer upgrading. He stated that he was looking for funding sources, such as grants or member items for assistance as well as putting in a request to Adirondack Community College for used computers. Mrs. Kelda Nessel noted that the Hewlett-Packard company had a program to provide municipalities and not for profits with computers. Supv. Goodspeed also noted that the current computer for producing the Town Budget is very old, but functional, and that he and Accounts Clerk, Candace Lomax are exploring new bookkeeping programs, for example, the Town of Warrensburg has recently purchased a new system and is pleased with, although the changeover was difficult.

Supv. Goodspeed noted that there was currently one and soon would be two vacancies on the Planning Board. The resignation of Mr. Vanselow to accept the position on the Town Board created one vacancy and the term of Mr. Mark Bergman will expire on February 1, 2008. Supv. Goodspeed asked that the Town Board set a date and time for conducting interviews for the vacancies.

#### RESOLUTION NO. 22

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow to set the date, time and place for interviews for the vacancies on the Planning Board as follows: Tuesday, February 19, at the Town Hall (Library) at 6:00pm and further authorizes the Town Clerk to advertise the vacancies in the North Creek News-Enterprise on February 2. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed noted that the red barn building in which some Town materials and supplies are stored and in which Matt Olden, Parks and Buildings Supt. has his office is being looked over by Jim Hutchins (Engineer) as there are grave concerns about the safety of the building. Supv. Goodspeed informed the Town Board that Highway Supt. Curt Richards is making space for Matt Olden's office in the Highway Garage. Town Attorney Jordan suggested that in light of liability issues that the Town Board may want to consider relocating Matt Olden's office out of the red barn building as soon as possible; Supv. Goodspeed requests that the Town Board authorize the removal of Parks and Buildings Supt. Matt Olden's office from the red barn as soon as possible. In further discussion Supv. Goodspeed informed the Town Board that Town personnel may be able to dismantle the building later this year.

#### RESOLUTION NO. 23

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow that Parks and Buildings Supt. Matt Olden's office be removed from the Town Building known as the red barn tomorrow due to the liability and safety issues, but that the building continue to be used as storage until the items stored there can be reasonably moved to more suitable areas. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed announced that following discussions with O.R.D.A. Manager Mike Pratt, that O.R.D.A. will groom a sliding hill on Town property near the base of the big pine tree at the Ski Bowl Park for free sliding.

Supv. Goodspeed thanked Highway Supt. Curt Richards and his deputy Rick Sprague for coming up with a plan for plowing the Ski Bowl Park area in a different manner which allows for the creation of additional parking , possibly as many as forty parking spaces, at the Ski Bowl Park. Supv. Goodspeed noted that the additional parking was needed due to the usage of the area during the holiday week.

Supv. Goodspeed asked that the Town Board Energy Committee (Mr. Morehouse and Mr. Vanselow) meet to plan for an energy audit of the Town Buildings; Mr. Vanselow noted that the current energy cost to the Town is approximately \$200,000.00 and hopes that an N.Y.S.E.R.T.A. audit can result in a substantial savings. Mr. Stevens asked that he be involved as a member of the Buildings Committee.

Supv. Goodspeed made note of the fact that the Town of Johnsbury does have a Sexual Harassment Policy in place and it is contained in the Employee Handbook.

Supv. Goodspeed recognized Highway Supt. Curt Richards to discuss Highway Department financial planning issues. Highway Supt. Richards noted that his department's costs go up as a result of severe storms occur this will add to costs; in an attempt to cut costs Highway Supt. Richards is trying to cut the time required to clear a plow beat. Highway Supt. Richards explained that he is trying to find the most cost efficient manner in which to purchase a new tandem plow truck; if another truck is not purchased there will be no functional spare trucks in the Highway fleet. Highway Supt. Richards noted that in 2007 the Town purchased a backhoe and a six passenger plow truck with C.H.I.P.S. funds as well as repairing fifteen to twenty culverts. Highway Supt. Richards explained that while he understood that Hudson Street and other roads need paving work that the paving is expensive and only a short distance could be paved. The last estimate that Highway Supt. Richards had for the Hudson Street resurfacing was \$120,000.00 and due to the length of time passed that the cost would now be between one-third and half again as much. Because of this he would like to spend the C.H.I.P.S. funding on a new tandem. Mr. Arsenault noted that the Highway Department budget was a critical area in budget planning; he saw a need for the creation of a three or five year plan with discussions between the Town board and Highway Supt. Richards to deal with the replacement of the fleet and road repair. Mr. Arsenault also suggested a capital account to fund these items. Mr. Richard Armstrong said that the Town Board should have either kept up the paving or the Highway vehicle fleet and did neither. Mr. Ronald Vanselow asked about the cost effectiveness of reducing the amount of paved town roads; Highway Supt. Richards replied that such a reduction may not be legal. Supv. Goodspeed asked that the Highway Committee (Mr. Arsenault and Mr. Stevens) meet with Highway Supt. Richards over the next two weeks to begin working on a long term plan for Highway costs. Highway Supt. Curt Richards presented the Town Board with the annual Agreement to Expend Highway Funds with \$75,000.00 in general repairs to the roads and \$75,000.00 for culvert repair; the Town Board signed the Agreement.

Supv. Goodspeed made appointments of a Town Board liaison to the following organizations: Mr. Vanselow as Town Board liaison to the Planning Board; Mr. Morehouse as Town Board liaison to the Ski Bowl Park Committee; Mr. Stevens as Town Board liaison to the Tannery Pond Community Center.

Supv. Goodspeed noted that the 2007 Cash Books of the Town Clerk, the Town Justices, and the Town Accounts Clerk were available for review and would be reviewed by the Town Board

at the end of the meeting. Mr. Richard Armstrong asked about costs associated with the Tannery Pond Community Center and was given copies of the energy costs by Supv. Goodspeed. Mr. Robert Nettle said that the Tannery Pond Community Center offers a huge service to the community regardless of the cost; Supv. Goodspeed noted that the building was both useful and expensive to operate. Mr. Edward Milner noted that the Chamber of Commerce had registered well above 1600 visitors during the days which in which its office operated during the past year.

Supv. Goodspeed informed the Town Board that Zoning Enforcement Officer, Edward Tuttle had inquired as to how to proceed with Land Use Plan violation issues. Town Attorney Jordan explained that there were civil or criminal options available depending upon the perceived level of the violation. Attorney Jordan added that the Zoning Enforcement Officer could work with the Justice Court for a solution, including the issuance of "stop work" orders by the County Building Code Department, or the Town Board could ask the Town Attorney to prosecute cases. The Town Board asked that Attorney Jordan to discuss the options with the Zoning Enforcement Officer

Supv. Goodspeed noted that the next regularly scheduled Town Board Meeting would be February 5<sup>th</sup> at the Wevertown Community Center at 7:00pm; he further noted that this was the date of the N.Y.S. Presidential Primary and requested that the Town Board change the date of this meeting to February 7<sup>th</sup> at the same time and location.

#### RESOLUTION NO. 24

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board Meeting currently scheduled for Tuesday, February 5, 2008 at 7:00pm at the Wevertown Community Center be rescheduled for Thursday, February 7, 2008 at 7:00pm at the Wevertown Community Center and further that the Town Clerk is authorized to notice this change in the North Creek News-Enterprise and by posting in various locations 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 noted that in an oversight that there had been no appointment of a Petty Cash Officer for the Town of Johnsbury Petty Cash Officer for the year of 2008; he requested that the Town Board authorize the appointment of Accounts Clerk Candace Lomax to the position.

#### RESOLUTION NO. 25

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. More house that the Town Board authorizes and acknowledges the appointment of Accounts Clerk Candace Lomax as the Town of Johnsbury Petty Cash Officer for the year of 2008. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

#### PRIVILEGE OF THE FLOOR

Mr. Edward Milner announced that on March 8<sup>th</sup> there will be over 1000 Canadian visitors coming to the area and asked that everyone make them feel welcome; Mrs. Kelda Nettle added that they are coming for a week long race.

Mr. James Jones asked why the Town of Johnsbury did not receive a larger amount in State Tax payments with the large amount of State Land; Town Attorney Jordan noted that payments

were dependent upon land classification and that some of the State Land in the Town of Johnsburg is classified as non-taxable. Mr. Vanselow requested that a suggestion be made to our State Representatives for the area that rectifying this situation be made a priority.

Mrs. Kelda Nessel suggested that the Town look to architectural interns for designs to expand the Town Hall which is short of space and also look to low cost loans. Supv. Goodspeed said that it would be a challenge to tackle this with the other issues all at once; he agreed that it may be time to start planning these costs as there is a definite problem. Mrs. Nessel suggested using the budget committee for this purpose; Supv. Goodspeed said that he preferred to keep such advisory committees to a short term.

Mrs. Nessel suggested using the Town website to combat rumors in the community; Supv. Goodspeed agreed that there seem to be fractures in the community and disinformation is a problem.

#### RESOLUTION NO. 26

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Vanselow that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #2G/Claims #5-38; Highway Fund- Warrant #2H/Claims #6-24; North Creek Water Dist.- Warrant #2W/Claims#2-6; Johnsburg Fire Protection District- Warrant #1JFPD/Claim #1; Library Fund-Warrant #1L/Claims#1-8. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The Town Board examined the Town Justices' books, the Town Clerk's fee books and the Town Accounts Clerk cash books for the year 2007.

Mr. Stevens presented a motion and moved its passage with a second from Mr. Morehouse that the Town Board enters executive session for the purpose of discussing an Employee Work History personnel issue at 9:18pm. 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 at 10:00. 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. Stevens at 10:00pm. 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 February 7, 2008 at the Wevertown Community Center, Wevertown, NY.

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Prepared by William Rawson, Town Clerk