

**Minutes of the Town of Johnsburg Regular Board Meeting February 1, 2011
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 February 1, 2011 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 Arnold Stevens.

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

Guests: On attached list

RESOLUTION NO. 26

Mr. Morehouse presented the following resolution and moved its passage with a second from Mr. Stevens to accept the minutes of the January 4, 2011 Organizational Town Board Meeting as written. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

RESOLUTION NO. 27

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse to ratify the payment of the following warrants from January 18, 2011 meeting which was cancelled and the Town Board was polled to allow the payment of the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #2G/Claims #8-45; Highway Fund- Warrant #2H/Claims #9-16; North Creek Water Dist.- Warrant #1W/Claims#1-6; Johnsburg Fire Protection District- Warrant #1JFPD/Claim #1; Library Fund-Warrant #1L/Claims#1-6 With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

CORRESPONDENCE:

1. A notice that a public forum on government transparency will be held on February 9, 2011 at the Chester Municipal Center at 7:00pm; the speaker will be Robert J. Freeman director of the NYS Committee on Open Government.
2. Two Agreements to Expend Highway Funds from Town of Johnsburg Superintendent of Highways Daniel Hitchcock to the Town Board.
3. A letter from NYS Regional Traffic Engineer Mark J. Kennedy acknowledging receipt of a speed limit request for State Route 8, from the Town Board.
4. A letter from Town of Johnsburg Superintendent of Highways Daniel Hitchcock requesting Town Board authorization to purchase an 8' snowplow for the Highway Department.
5. A letter from the Town of Johnsburg Library Board of Trustees requesting that the Town Board approve the slate of candidates for the Library Board of Trustees.

Town Clerk William Rawson acknowledged that he had received the letter of resignation of Ms. Andrea Hogan from the Johnsburg Youth Committee, but that it had been misplaced and that he was waiting for a new letter to arrive from Ms. Hogan.

Supv. Goodspeed said that the snowplow request from Superintendent of Highways Daniel Hitchcock would be placed on the agenda for the next Town Board meeting and that he would review the budget for funding.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed updated the Town Board on the current state of the tourist train contract negotiations. Supv. Goodspeed said that an article was posted in a Glens Falls Post Star blog indicating serious problems in the contract discussions. Supv. Goodspeed said that he expects that the contract will be in good shape by the end of the month and that a vote on the contract will probably occur in March 2011. Questions revolve around the “common carrier” status of the line and a “live line” issue. This contract is very different from previous contracts due to the freight and passenger issues which give rise to the aforementioned “common carrier” status of the line and a “live line” issue. Supv. Goodspeed said that while the contract discussions are very complicated they seem to be going well, but slowly. Supv. Goodspeed said that he expects tourist service this summer. Mr. David Bulmer asked about the operator subsidizing the maintenance of the loading platform at the North Creek Railway Depot Museum; Supv. Goodspeed said that he expects that the operator will help with the rehabilitation of the loading platform/dock.

Supv. Goodspeed informed the Town Board that Town Attorney Jordan has suggested that the Town Board accept a solution to the litigation undertaken by the Town of Johnsbury against Mr. Thomas Denton. Supv. Goodspeed read a letter outlining the solution to the Town Board. Under the terms Mr. Denton would have to complete the cleanup of his property by May 15, 2011; if this is accomplished the accrued fines would be dismissed. Should the cleanup not be completed by May 15, 2011 the fines would remain in force and the Town would be allowed to enter the property to perform a cleanup and bill the property owner; if unpaid the cost of the cleanup would be added to the tax bill as an omitted tax. Mr. Vanselow said that he believed that Assessor Ann Deppe had worked above and beyond on assisting the Town Attorney this issue.

RESOLUTION NO. 28

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Vanselow to authorize the Supervisor to execute, as recommended by the Town Attorney, the agreement to settle the litigation between the Town of Johnsbury and Mr. Thomas Denton regarding the cleanup of the Denton Property. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed explained that he had placed a discussion of the Town Beach on the agenda at the request of Mr. Stevens. Supv. Goodspeed said that despite the best efforts of the Town that following a visitation to the beach by a representative of the NYS Department of Health (DOH) water clarity tests were performed by technicians from the DOH and that department issued a closure order for the beach; Supv. Goodspeed continued that the situation will not change without remediation by the Town. Supv. Goodspeed explained that the Town Board had accepted an offer from Mrs. Kelly Nettle to look into possible solutions; he added that has not spoken with Mrs. Nettle about her research. Supv. Goodspeed said that the DOH will require an engineer certified plan to

either correct the problems or to change the use of the property from a beach to other park usage. Mr. Vanselow said that he has spoken with Mrs. Nettle and one suggestion is to periodically drain the swimming area to kill the plant life by freezing it. Mr. Vanselow suggested a workshop session on the issue to get community ideas. Mr. Arsenaault said that the Town needs to engage some expertise to determine costs for a solution or to close the swimming area. Mr. Vanselow noted that a large portion of the recently adopted Ski Bowl Park use plan revolves around the beach area.

Mr. Peter Heid suggested setting priorities; fixing the stone wall in the park and possibly ending swimming. Mr. Paul Heid added that the weir is in disrepair. Supv. Goodspeed said that the Town is obligated to a trout habitat program through grant funding; he added that it is possible that the funding for the grant has been withdrawn through budget cuts and that he will check on the funding status of the grant. Mr. Peter Heid said that it was difficult to keep the water level up since the loss of the dam in the 1980's. Supv. Goodspeed said that the swimming area lost popularity in the late 1980's or early 1990's due to cold and stagnant water. The Town Board installed the berm to control the water level and to raise the temperature of the swimming area; he added that the water level in the stream does not get high enough to allow the berm to work as designed. Mr. William Moos said that there must be ways to increase the water flow and decrease the stagnation; Supv. Goodspeed noted that as the Army Corps of Engineers and the DOH are both involved agencies and the required permitting will extend the time involved in a corrective operation. Mr. Mark Schmale asked why the Army Corps of Engineers would be involved; Supv. Goodspeed said that any operation which either retains water or changes the flow of water is under their jurisdiction.

Mr. Paul Heid asked if there was time to implement a plan to correct the problems and open the beach this summer; Supv. Goodspeed said that he did not believe that there was time to develop and implement a corrective plan of the level of sophistication which will be required by the DOH. Mr. Vanselow asked if the DOH had set a date for action by the Town; Supv. Goodspeed replied that DOH had not yet done so, however, he expected that the department would do so.

Mr. Stevens suggested that the Town Board ask Delaware Operations to research costs for reinvigorating the beach and closing it as a swimming area; also that the Town Board hold a public forum to discuss the issue when costs have been determined and also that if swimming is not likely to be accessible this summer that the Town Board inform the Youth Committee for their planning for the Summer Youth Program.

Supv. Goodspeed said that he would check on the trout habitation funding; contact Delaware Operations regarding the costs and plans for either remediation or closure of the swimming area; alert the Youth Committee of the probable non-availability of swimming for this summer and schedule a public forum for discussion of this topic.

Supv. Goodspeed informed the Town Board that the Town has now closed on the Kellogg property; he added that he has spoken with Barton Mines Corporation personnel and the planned revenue stream for maintenance is intact. Mr. David Bulmer asked if Barton Mines Corporation would be finished using the property prior to the White Water Derby Weekend; Supv. Goodspeed said that the company would be done using the property prior to that event. Mr. Vanselow asked if the Town now controls the property use; Supv. Goodspeed replied that the Town does. Supv. Goodspeed added that he is in discussions with the Open Space institute regarding the Sullivan's Island property as well,

but noted that the Open Space Institute questions the Town management of the Mill Creek Recreation Area. Mr. Vanselow said that he has spoken with Forest Ranger Steve Ovitt about trails for that area. Mr. David Bulmer asked if the Town could possibly talk with Warren County about the parking area adjacent to the Kellogg property; Supv. Goodspeed said that there may be a willingness at Warren County to give that property to the Town.

Supv. Goodspeed asked if the Town Board wished to approve of the Agreements to Spend Highway Funds (284) submitted by Highway Superintendent Daniel Hitchcock for the purpose of replacing road signage on all Town roads and culvert replacement on numerous town roads and a second (284) Agreement regarding work double chip seal work on Hudson Street, and Collignon Lane and bridge abutment work on Harrington Road.

RESOLUTION NO. 29

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, to approve of the Agreements to Spend Highway Funds (284) submitted by Highway Superintendent Daniel Hitchcock for the purpose of replacing road signage on all Town roads and culvert replacement on numerous town roads and a second (284) Agreement regarding work double chip seal work on Hudson Street, and Collignon Lane and bridge abutment work on Harrington Road. 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 Warren County Personnel office has issues with the Town appointing Ms. Danae Tucker as Zoning Enforcement Officer (ZEO). The Warren County Personnel Office questions ZEO Tucker's experience, credentials and work hours; Accounts Clerk Candace Lomax has discussed this issue with the Warren County Personnel Office and the Warren County Personnel Office has agreed to certify the payroll if ZEO Tucker works under a time limit. ZEO Tucker will accumulate education and experience as she continues in the position. Mr. Stevens asked why the Warren County Personnel Office is involved with the Town payroll; Supv. Goodspeed explained that the Warren County Personnel Office keeps track of hours and that dropping the county office will result in a full audit. Mr. Morehouse asked if it was a question of civil service; Supv. Goodspeed replied that it was a matter of time worked. Supv. Goodspeed said that Accounts Clerk Lomax assured the Warren County Personnel Office that ZEO Tucker worked less than sixteen to twenty hours per week. Mr. Arsenault asked about questions of qualifications; Mr. Vanselow said that the job description is misleading as it refers to building code enforcement which is handled by the county. Supv. Goodspeed added that ZEO Tucker is doing a great job and is willing to do additional training. Mr. Vanselow hopes that NYS will continue to make training available under the new budget.

NEW BUSINESS

Supv. Goodspeed informed the Town Board that following the audit of the tax collection conducted by the Office of the Comptroller in late 2009 it was recommended that the Town Board hire a certified public accountant firm to do a tax collection audit. Supv. Goodspeed said that he will look for an accounting firm to conduct an audit and bring a recommendation back to the Town Board for action.

Supv. Goodspeed asked that the Town Board conduct interviews for bookkeeper and assessor starting at 6:00pm on Tuesday, February 15 at the Town hall in North Creek. Supv. Goodspeed said that there were five or six applicants for the bookkeeper position and one or two for the assessor position; he added that the state requirements are very stern regarding assessors. Supv. Goodspeed said that he believes that NYS is trying to force consolidation through these requirements. Mr. David Bulmer asked if this will allow upgrading of the town systems; Supv. Goodspeed said that he envisions the payroll being outsourced and using the position to work on budget issues.

Supv. Goodspeed noted that there was a presumption of a letter of resignation from Johnsbury Youth Committee member, Andrea Hogan, reported earlier in the meeting by the Town Clerk; Supv. Goodspeed asked that the Town Board the resignation of Ms. Hogan and to advertise for candidates to fill the resulting vacancy.

RESOLUTION NO. 30

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board accepts the resignation of Ms. Andrea Hogan from the Johnsbury Youth Committee as reported by the Town Clerk; and further, that the Town Board authorizes the Town Clerk to advertise for one week in the North Creek News Enterprise for candidates to fill the aforesaid position. 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 Annual Report from the Town Historian, Mrs. Jo Ann Smith, for the year of 2010, was in the Town Board members' packets.

Supv. Goodspeed noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of January 2011, was in the Town Board members' packets.

Supv. Goodspeed noted that the monthly report of the Animal Control Officer, William Mosher, for the month of January 2011, was in the Town Board members' packets.

Supv. Goodspeed distributed the Supervisor's Monthly Report, for the month of January 2011, to the members of the Town of Johnsbury Town Board.

Supv. Goodspeed asked the Town Board members if they wished to act upon the request by the Town of Johnsbury Library Board of Trustees asking that the Town Board authorize the following list of Library Board of Trustees:

Larry Carr	251-0185	Appointed to fill vacancy 11/02-12/06
Denise Conti	251-3911	Appointed to 1 st 3-year term 01/06-12/08
Jeff Fosdick	251-2661	Appointed to fill vacancy 08/12/07
Brendan Hanley	251-2142	Appointed to 1 st 5-year term 01/03-12/07
Anne Morse	494-4094	Appointed to fill vacancy 04/07-12/08
Kate Nightingale	251-2005	Appointed to 1 st 3-year term 01/09-12/11
Steve Tomb	251-3492	Appointed to 1 st 3-year term 01/10-12/12

Peter Gilbertson [251-4327](#) Appointed to 1st 3-year term 01/11-12/13

Susan Therio [251-2099](#) Appointed to 1st 3-year term 01/11-12/1

RESOLUTION NO. 31

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board of the Town of Johnsbury approves the appointment of the following as the Town of Johnsbury Library Board of Trustees:

Larry Carr [251-0185](#) Appointed to fill vacancy 11/02-12/06

Denise Conti [251-3911](#) Appointed to 1st 3-year term 01/06-12/08

Jeff Fosdick [251-2661](#) Appointed to fill vacancy 08/12/07

Brendan Hanley [251-2142](#) Appointed to 1st 5-year term 01/03-12/07

Anne Morse [494-4094](#) Appointed to fill vacancy 04/07-12/08

Kate Nightingale [251-2005](#) Appointed to 1st 3-year term 01/09-12/11

Steve Tomb [251-3492](#) Appointed to 1st 3-year term 01/10-12/12

Peter Gilbertson [251-4327](#) Appointed to 1st 3-year term 01/11-12/13

Susan Therio [251-2099](#) Appointed to 1st 3-year term 01/11-12/1

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

The 2010 cash books of the Town Justice, the Accounts Clerk and the Town Clerk as well as the 2010 Tax Collection records were made available to the Town Board for examination and the Town Board signed the records as proof of their availability for review and examination. Mr. David Bulmer asked if the records are available to the public; Supv. Goodspeed replied that they are all available to the public.

PRIVILEGE OF THE FLOOR

Mr. Paul Heid, upon receipt of a letter from Supv. Goodspeed said that he got a live voice in answer to his telephone call to Supv. Goodspeed's office. Supv. Goodspeed said that he can be found. Mr. Paul Heid said that he would get statements that he left voice messages; he believed that he had left messages and was upset that he had not heard back from Supv. Goodspeed. Supv. Goodspeed said that he had received one message from Secretary Cherie Ferguson that "Mr. Paul Heid had left an irate message about not being responded to". Mr. Peter Heid said that Supv. Goodspeed has never answered the telephone when he has called. Supv. Goodspeed suggested using menu option 4 to contact him; he added that the system is designed to take messages. Mr. Paul Heid said that he believed that there was a communication problem; Supv. Goodspeed replied that it was best to leave messages and he returns calls.

Mr. David Bulmer said that the Town webpage needs to be updated; one half of the page is out of date and many of the links lead nowhere. Supv. Goodspeed said that he will have the website looked into.

Mr. Peter Heid asked why the bank plows snow across Main Street and leaves it on the sidewalk. Mr. James Jones said that the Warren County Department of Public Works crew piles up snow in several spots along Main Street to be picked up at a later time; Mr. David Bulmer agreed with this statement. Mr. Paul Heid said that he had seen a contractor plowing the bank parking lot do as described by his brother. Mr. Arsenault said that if the contractor plowing the bank parking was doing so that it would be stopped.

Mr. William Moos explained that he and his mother were looking into setting up a campground in the Town of Johnsbury and was seeking information on where to begin the permitting process. Supv. Goodspeed said that the first stop should be Zoning Enforcement Officer Danae Tucker; he added that it will be a long road to complete the process. Supv. Goodspeed also said that he would get Mr. Moos the name of an official at the Adirondack Park Agency who can assist with a determination on the legal use of the property. Supv. Goodspeed said that the Town of Johnsbury Planning Board would be involved. Mr. Vanselow noted that the town zoning has provisions for campgrounds; he also suggested contacting the campground operators in Washington County for possible steps to take. Mr. Paul Heid said that it was a great idea; he added that that he has looked into this and that the insurance and the Department of Health regulations are the biggest hurdles and need to be looked into at the start.

Supv. Goodspeed noted that Saturday, February 5, was a great day; the Interconnect between ORDA on Gore Mt. and the Ski Bowl was opened. Supv. Goodspeed said that there were between one hundred twenty five to one hundred fifty people present for the opening ceremony. Supv. Goodspeed said that he was happy to see a number of people drive to the Ski Bowl and shuttle to Gore Mt.; the shuttle seems to be working. Mr. David Bulmer said that there were one hundred seventy six riders on the shuttle one day; he added that the shuttle will face issues with Occupancy Tax funding in the future due to the mandatory decreases in funding. Mr. Vanselow noted that there were shuttle markers being set up to show people which shuttle would be picking up; this is to avoid confusion as ORDA has parking lot shuttles. Supv. Goodspeed said that the funding of the shuttle is a major issue. Mr. Vanselow said that he has relayed to the Town Board some items which should not be subject to the mandatory annual decrease in funding. Mr. David Bulmer said that at Warren County to receive reimbursement an organization needs only to present an invoice, not a paid receipt and cancelled check as the Town of Johnsbury requires; he added that this helps organizations which have limited funding. Supv. Goodspeed asked if these payments are authorized by Paul Dusek; he has repeatedly told the Town officials that the proof of payment is necessary. Supv. Goodspeed said that he will ask Paul Dusek about the requirements for Occupancy Funding payment.

Mr. Vanselow asked about "FOILING" e-mails; Supv. Goodspeed said that the Committee on Open Government site is very accessible; Mr. Peter Heid agreed that the site and the office were very helpful.

RESOLUTION NO. 32

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Morehouse that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #3G/Claims #46-71; Highway Fund- Warrant #3H/Claims #17-28; North Creek Water Dist.- Warrant #2W/Claims#7-8; Capital Projects Fund- Warrant #1CPF/Claims #1-2. 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. Arsenault with a second from Mr. Morehouse at 8:30pm. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The meeting was closed at 7:28pm.

The next regular Town Board meeting will be held at 7:00pm on February 15, 2011 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk