

**Minutes of the Town of Johnsborg Regular Board Meeting June 5, 2007
Held at 7:00pm at the Wevertown Community Center, Wevertown, NY and an Executive
Session to Interview Candidates for a Vacancy on the Youth Committee**

Minutes of the Executive Session of the Town Board of the Town of Johnsborg held on Tuesday June 5, 2007 at 6:30pm at the Wevertown Community Center, Wevertown, NY. Supervisor Thomas called the meeting to order at 6:30pm for the purpose of conducting interviews for a vacancy on the Youth Committee.

Roll call showed the following persons present: Supv. William H. Thomas; Town Councilpersons/ Eugene Arsenault, Sterling Goodspeed, Town Clerk/ William Rawson. Councilperson Arnold Stevens was absent.

Also present were Kelly Nettle and Jean Comstock to be interviewed.

Mr. Goodspeed made a motion, with a second from Mr. Arsenault to enter into executive session for the purpose of conducting interviews for a vacancy on the Youth Committee at 6:30pm. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Mrs. VanKeuren made a motion, with a second from Mr. Goodspeed to adjourn the executive session at 6:50pm. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Minutes of the regular meeting of the Town Board of the Town of Johnsborg held on Tuesday June 5, 2007 at 7:00pm at the Wevertown Community Center, Wevertown, NY. Supervisor Thomas called the meeting to order at 7:00pm and the pledge to the flag was led by Councilwoman Alyce VanKeuren.

Roll call showed the following persons present: Supv. William H. Thomas; Town Councilpersons/ Eugene Arsenault, Sterling Goodspeed, and Alyce VanKeuren; Town Clerk/ William Rawson.

Guests: On attached list

RESOLUTION NO. 162

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren to accept the minutes of the May 15, 2007, Regular Town Board Meeting as written. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

BID OPENING:

The Town Clerk read the Legal Notice for the Ford F-250 pickup truck bid as it appeared in the North Creek News-Enterprise of May 19th and 26th. The Clerk noted that two copies of the bids had been sent out. There were no bids received on or prior to June 5, 2007.

CORRESPONDENCE:

1. A letter from Mrs. Marjorie Swan thanking the Town officials and staff, especially the Parks and Recreation employees, for their assistance with the Daughters of the American Revolution ceremony on May 12th.

2. A letter from Mr. Matthew Olden resigning as back-up person for the North Creek Water District effective June 30, 2007.
3. A letter from Mr. Edward Tuttle, Zoning Enforcement Officer, requesting that the Town Board direct Dr. John Rugge, Town Health Officer, to visit three separate properties in the town and take any necessary action regarding the septic systems on the properties.
4. A letter from Ms. Cynthia Johnson-Wing notifying the Town Board of her resignation as buildings cleaner for the Town of Johnsburg effective June 5, 2007.

COMMITTEE REPORTS:

At the request of the Library Board of Trustees Supv. Thomas, Mr. Goodspeed and Mrs. VanKeuren will attend the Board of Trustees meeting on June 6, 2007 to discuss parking lot issues.

Supv. Thomas noted that a letter had been received from the Johnsburg Youth Committee regarding safety concerns for the Summer Youth Program.

OLD BUSINESS:

Supv. Thomas asked if the Town Board wished to take any action regarding the Ford F-250 pickup truck bid upon which there were no bids received. The Town Board requested that Highway Supt. Curt Richards come to the next regular board meeting to discuss what action to take. Mr. Richard Armstrong suggested the use of the state contract; the board believed that this was the probable route to be taken.

Mr. Goodspeed explained that he had received several telephone calls from members of the Chamber of Commerce voicing their displeasure at the Town Board proposal of forming a residents committee to review Occupancy Tax funding applications instead of the Chamber of Commerce. The callers said that advisors needed to be well versed in tourism. Mr. Arsenault wondered why the Chamber of Commerce felt that they were the only group able to handle the advisory function. Supv. Thomas asked Mr. Nicholas Caimano, Warren County Board of Supervisors member, to explain the county method of handling Occupancy Tax funding applications. Mr. Caimano responded that the county used a point system, required all requests to be made by the end of the calendar year prior to the year of the request and reviewed the applications and using the point system the county board of supervisors made the decisions on the applications early in the year. Supv. Thomas said that possibly the Town Board would have to be wholly responsible for the decision.

RESOLUTION NO. 163

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that beginning with the calendar year 2008 (2007 Occupancy Tax Funds) the Town Board will require all Occupancy Tax funding applications to be filed with the Town Board by December 31st of the year prior to the year in which the funds are being requested and that effective immediately the Town Board will review and decide upon funding applications with no additional advisory group involved in the process. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board he had received a request from G & T Logging for permission to install a culvert to allow access to the parcel which the company successfully bid

to log. Supv. Thomas asked the Town Board if they wished to supply some materials, especially an 18" culvert pipe to make the installation permanent.

RESOLUTION NO. 164

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren to allow Highway Supt. Curt Richards to supply material, especially 18" culvert pipe and possibly some rock or gravel, to install a permanent culvert access to parcel #151.-1-12 as this would be an improvement when and if the parcel was put up for sale. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas)
Nays - 0

Supv. Thomas recognized Ms. Andrea McKee of the Ski Bowl Park Committee to discuss projects. Ms. McKee informed the Town Board that the Friends of the Town of Johnsbury Parks has received formal 501c3 status. The Ski Bowl Park Committee requested that the Town Board approve several park improvements in addition to the improvements approved by the Town Board at the May 15, 2007 meeting (Resolution Number 150) and requested that the Town Board transfer the \$6,000.00 committed to the Parks area from Occupancy Tax Funds to the Friends of the Town of Johnsbury Parks; Town Attorney Jordan explained that Occupancy Tax Funds, even if the applicant is the Town, are reimbursement funds and that a contract for expenditure is required including the municipality. Mr. Goodspeed suggested that if the purchasing is done by the Town then the contract is already in place and it would speed up the purchasing process. The Ski Bowl Park Committee also presented plans for a grant application (Stage 2 Proposal) which needs to be filed by the end of June and asked that the Town Board approve this in concept at the June 19, 2007 Town Board meeting. It was noted that the proposed skate board park was not included in this grant application. Mr. Goodspeed noted his concern over the possible financial exposure to the Town in the amount of the matching funds which would be approximately \$100,000.00. The Ski Bowl Park Committee explained that the grant could be extended over five years and that the Ski Bowl Park Committee has several plans to eliminate this possible liability, including volunteer labor, but admitted that the Town would be the last recourse for matching funds. Supv. Thomas asked that the Town Board members of the Ski Bowl Park Committee (Mr. Goodspeed and Mr. Stevens) meet with the Ski Bowl Park Committee to finalize the Stage 2 Proposal items and costs so that the Town board would have firm amounts to make a decision on at the next meeting. Mr. Goodspeed noted that before spending large sums on the Town Beach that he wished to monitor the use over the course of the summer.

RESOLUTION NO. 165

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to approve the following Ski Bowl Park improvements: Paint for picnic tables and hockey (ice rink) skating boards (approximately 60 gallons); Beach Improvements (planters, benches, trash cans at changing house, stain fencing, paint lifeguard chair, waterslide and sprinkler (younger children), picnic tables, horseshoes; Changing Room Upgrades (mirrors, cubbies, hooks, repair boards and sills, power wash interior and repaint, replace doors, add wooden walkways or mats, new signage (rules, gender on doors, lifeguard on/off duty), exterior spigots; disperse picnic tables from pavilion in park; these are in addition to the improvements listed in Resolution Number 150 (\$2,940.00) with the total of all costs in both resolutions not to exceed \$6,000.00 and all purchasing pursuant to this resolution to be coordinated through the

office of the Town Supervisor. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas noted that Town Attorney Jordan had written to inform the Adirondack Park Agency (A.P.A.) that the Town Board consents to a suspension of the time line for the A.P.A. to respond to the Town's submissions in response to the A.P.A. Notice of Incomplete Permit Application II regarding the Front Street Mountain Development project. Supv. Thomas added that this was only a short term time suspension of a few days and also concerns N.Y.S. Department of Environmental Conservation issues. Mr. Goodspeed reiterated his concerns over worker housing.

Supv. Thomas informed the Town Board that the Planning Board had responded regarding the use of James Hutchins and Clough-Harbour and Associates as engineer for the Town on projects before the Planning Board. The Planning Board explained that for smaller projects they would like to use James Hutchins as engineer and for larger scale projects that they would like to use Clough-Harbour and Associates.

RESOLUTION NO. 166

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board authorizes the Town Supervisor to sign the annual engineering contract with Clough-Harbour and Associates. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that the North Creek Railway Depot Museum Committee has been exploring the possibility of working with the Johnsbury Historical Society and Warren County to arrange a plan for the use of the Kellogg Property buildings. The possible plan involves Warren County accepting responsibility for the maintenance of the buildings as well as the North Creek Railway Depot Museum building which is to be deeded over to the county and the museum committee and the Johnsbury Historical Society will place exhibits in the buildings; Supv. Thomas added that a grant may be available for improvements to the Kellogg Property buildings.

Supv. Thomas distributed to the Town Board members an update on the withdrawals and deposits to the account for the North Creek Ski Bowl Grant Fund. These funds are being used by O.R.D.A. to purchase snow guns and a ski lift; as well as administrative costs from Warren County. Mr. Goodspeed noted that the old lift had been removed to be replaced with a triple chair; the Adirondack Park Agency (A.P.A.) has approved the lift installation and it is hoped that the lights and snowmaking will be approved for the winter season. Supv. Thomas thanked Mr. Robert Nettle for his assistance to O.R.D.A. Manager, Mike Pratt, in siting the lift.

Supv. Thomas distributed the New York Municipal Insurance Reciprocal (NYMIR) fiscal year 2006 accounting statement to members of the Town Board.

Supv. Thomas recognized Mrs. Kelly Nettle regarding a Community Fund grant proposal for the Johnsbury Emergency Squad. Mrs. Nettle informed the Town Board that she was assisting the Johnsbury Emergency Squad in the writing of a grant proposal for the purpose of

improving protective gear for the squad; as part of the application letters of support are requested. The Johnsbury Emergency Squad asked that the Town Board issue a letter in support of the grant request.

RESOLUTION NO. 167

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board authorizes the Town Supervisor to issue a letter of support from the Town Board for use in the Johnsbury Emergency Squad grant application for a Community Fund Grant for the purpose of acquiring funding to purchase improved protective gear for the Johnsbury Emergency Squad. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

NEW BUSINESS

Supv. Thomas informed the Town Board that the Adirondack Association of Towns and Villages annual membership meeting would be held at the Hilton in Lake Placid on June 10th and 11th. Mr. Goodspeed said that he would attend at no cost to the Town.

Supv. Thomas informed the Town Board that the Judicial Court Assistance Program 2007 grant application packet had been received and given to Justice French. Supv. Thomas noted that it was his understanding that Justice French was planning to submit an application for this program. New York State has included five million dollars in this fund this year which is up from one million in fiscal year 2006 and it is hoped that the maximum grant will be increased to thirty thousand from twenty thousand.

Supv. Thomas distributed to the Town Board members a report on the vandalism which occurred on or about April 28, and May 12, of 2007 on the Carol Thomas Memorial Walking Trail and at the Town Beach. The Warren County Sheriff Department is conducting an investigation and a \$500.00 reward has been issued from a private source.

Supv. Thomas informed the Town Board that the New York State Legislature has adopted an election calendar for 2007; the legislature has set September 18, 2007 for the primary election. The 2nd regular Town Board meeting for September is scheduled to be September 18, 2007. Supv. Thomas asked if the Town Board would change the date for the September 18, 2007 to September 20, 2007 to resolve the conflict.

RESOLUTION NO. 168

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board authorizes the change in schedule of the September 18, 2007 Regular Town Board meeting to September 20, 2007 to avoid the scheduling conflict with the primary election. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas distributed copies of the property which North Creek Water District and the Highway Department request be disposed of as surplus.

RESOLUTION NO. 169

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board declares the material on attached pages 6a thru 6e (attached) to be scrap and authorizes its sale at the Warren County auction. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that he had received an offer from Northern Car Crushers of \$100.00 per ton if loaded by the Town and \$90.00 per ton if loaded by Northern Car Crushers for the scrap metal resulting from the dismantling of the old T-bar lift in the Ski Bowl Park. In the recent bid of scrap metal removal from the transfer station the only bidder was Northern Car Crushers and they were a successful bidder.

RESOLUTION NO. 170

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board authorizes the Town Supervisor enter into a contract with Northern Car Crushers for the removal of the scrap metal resulting from the dismantling of the old T-bar lift in the Ski Bowl Park at the quoted price of \$100.00 per ton if loaded by the Town and authorize Highway Supt. Curtis Richards to perform the loading with the Town Highway equipment. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that Mr. Edward Tuttle, the recently appointed Zoning Enforcement Officer, was requesting to be allowed to attend a two day seminar on Fire and Building Code Enforcement (ZEO) to be held at Lake George, NY on June 13th and 14th the costs would be \$175.00 for registration and the mileage charge. Supv. Thomas noted that Mr. Tuttle has been available at the Town Hall on Thursdays and is seeking education in the ZEO post. Supv. Thomas asked if the Town board wished to allow this educational opportunity.

RESOLUTION NO. 171

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board authorizes Mr. Edward Tuttle, the recently appointed Zoning Enforcement Officer, to attend a Fire and Building Code Enforcement seminar to be held at Lake George, NY on June 13th and 14th and to approve the payment of \$175.00 for registration and mileage for the two day course. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that the Hudson Headwaters Health Network (HHHN) Advisory Committee Meeting will be held on Monday, June 11th at 4:00pm at the Tannery Pond Community Center; Supv. Thomas said that he would be attending the meeting. Mr. Arsenault asked about the operating loss of the HHHN and if it was something to be concerned over; Supv. Thomas answered that there has been an operating loss every year and it results from their policy of treating all patients without regard to the ability to pay.

Supv. Thomas asked if the Town Board wished to accept the resignation of Mr. Matthew Olden as back-up person for the North Creek Water District effective June 30, 2007 as stated in his letter of June 4, 2007 which was read during the Correspondence portion of the meeting.

RESOLUTION NO. 172

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board accepts the resignation of Mr. Matthew Olden as back-up person for the North Creek Water District effective June 30, 2007. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas distributed the Zoning Enforcement Officer's Monthly Report, for the month of May 2007, sent in by Mr. Edward Tuttle (Z.E.O.) to the Town Board for their review.

Supv. Thomas distributed the Supervisor's Monthly Report, for the month of May 2007, to the members of the Town of Johnsbury Town Board.

Supv. Thomas recognized Ms. Cherie Ferguson to request, that due to the number of proposed projects for the services of the Upward Bound youth group, that the Supervisor's Office co-ordinate the scheduling. The Town board asked Ms. Andrea McKee to work with the Supervisor's Office to facilitate the scheduling of the youth group activities as the group will only be available on one day.

Supv. Thomas distributed the Johnsbury Youth Committee meeting minutes for their meeting of May 24, 2007 to the Town Board for their review.

Supv. Thomas asked if the Town Board wished to accept the resignation of Ms. Cynthia Johnson-Wing as buildings cleaner for the Town of Johnsbury effective June 5, 2007 as stated in his letter of June 5, 2007 which was read during the Correspondence portion of the meeting.

RESOLUTION NO. 173

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board accepts the resignation of Ms. Cynthia Johnson-Wing as buildings cleaner for the Town of Johnsbury effective June 5, 2007. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked if the Town Board, having conducted interviews earlier, wished to act to fill the vacancy on the Youth Committee. Mr. Arsenault, noting that both candidates for the position were good choices, asked if it would be possible to place both on the committee. Town Attorney Jordan will check into the question of increasing the size of the committee.

RESOLUTION NO. 174

Mr. Goodspeed presented the following resolution; with a second from Mr. Arsenault and further subject to approval from the Town Attorney to appoint both Ms. Kelly Nettle and Ms. Jean Comstock to fill a vacancy on the Youth Committee with a term to end on May 10, 2012. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Town Clerk William Rawson noted that the Warren County Health Service was conducting a rabies vaccination clinic on Wednesday, June 20, 2007, at the North Creek Fire House between

the hours of 6:00 and 8:00pm. While no animal will be turned away, the request payment is \$5.00 per animal. All dogs need proof of current rabies vaccination in order to purchase or renew licenses.

RESOLUTION NO. 175

Mr. Goodspeed 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 #11G/Claims #224-245; Highway Fund- Warrant #11H/Claims #102-114; North Creek Water Dist.- Warrant #10W/Claims#43-48; Capital Projects Fund- Warrant #5CPF/ Claim #6. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Mr. Goodspeed asked that the Accounts Clerk be reminded that North Creek Water Dist. - Warrant #10W/Claim number #47 was reimbursable and Tall Timbers should be billed for this payment.

PRIVILEGE OF THE FLOOR

Mr. Richard Armstrong said that, while he was pleased with the job Highway Supt. Curt Richards is doing, the Town needs to upgrade the Highway equipment as well as the roads. Mr. Arsenault explained that the Town Board is concerned about rising costs and that the Highway portion of the budget is approximately ½ of the total Town budget; the Town Board is looking for additional Highway income. Mr. Armstrong suggested leasing equipment or bonding to purchase equipment; he also suggested smaller vehicles (1 ton) for use on some of the narrower roads. Mr. Arsenault said that the Town Board Highway Committee (Mr. Arsenault and Mr. Stevens) has discussed options with the Highway Superintendent. Mr. Goodspeed added that there are some county projects which can be done by the Highway to garner additional income.

Supv. Thomas asked for a motion to enter Executive Session to discuss contract negotiations, personnel issues and Board of Health issues; he noted that there may be resolutions following the executive session.

A motion to enter executive session to discuss contract negotiations, personnel issues and Board of Health issues with the Town attorney was presented by Mr. Arsenault with a second from Mr. Goodspeed at 8:50pm. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

A motion to adjourn the executive session and return to the regular meeting was presented by Mrs. VanKeuren with a second from Mr. Arsenault at 9:20pm. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked if the Town Board wished to act upon the letter from Mr. Edward Tuttle, the Zoning Enforcement Officer, requesting that the Town Board act in its capacity as Board of Health and authorize Dr. John Ruge, the Town of Johnsbury Health Officer, to inspect three properties for possible Health Code violations.

RESOLUTION NO. 176

Mrs. VanKeuren presented the following resolution with a second from Mr. Goodspeed that, at the request of the Town Zoning Enforcement Officer, the Town Board, acting in its capacity as Board of Health, authorizes Dr. John Ruge, the Town of Johnsburg Health Officer, to inspect the following three properties for possible Health Code violations: 165.-1-4, 66.5-1-3 and 2468 State Route 8. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas noted that Ms. Cherie Ferguson had discussed the possibility of being appointed to clean the other Town buildings with the current cleaner for the Tannery Pond Community Center, Ms. JoAnn Smith, and found her receptive to the idea. Supv. Thomas asked if the Town Board wished to appoint Ms. JoAnn Smith as buildings cleaner for the Town of Johnsburg effective immediately. Mr. Arsenault suggested that as there seems to be a steady turnover possibly the Town Board should discuss the pay rate for this position.

RESOLUTION NO. 177

Mrs. VanKeuren presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board appoints Ms. JoAnn Smith as buildings cleaner for the Town of Johnsburg effective immediately. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked if the Town Board wished to advertise and set a date and time for interviews for a back-up person for the North Creek Water District.

RESOLUTION NO. 178

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board authorizes the Town Clerk to advertise to fill a vacancy in the position of Back-up person for the North Creek Water District for two weeks in the North Creek News-Enterprise and that interviews will be held on July 3, 2007 at the Wevertown Community Center, Wevertown, NY at 6:30pm. With 4 members voting in favor the motion is carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays - 0

A motion to adjourn the meeting was presented by Mr. Goodspeed with a second from Mrs. VanKeuren at 9:30pm. All in favor. Motion carried. Meeting Closed.

The next regular Town Board meeting will be held at 7:00pm on June 19, 2007 at the Town Library, North Creek, NY.

Prepared by William Rawson, Town Clerk