

**Minutes of the Town of Johnsburg Regular Board Meeting November 20, 2007
Held at 7:00pm at the Town of Johnsburg Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsburg held on Tuesday November 20, 2007 at 7:00pm at the Town Library, North Creek, NY Supervisor Thomas called the meeting to order at 7:00pm and the pledge to the flag was led by Councilwoman Sterling Goodspeed.

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

Guests: On attached list

BID OPENING:

The Town Clerk read the Legal Notice for the Propane Bid as it appeared in the North Creek News-Enterprise on October 27, 2007. The Clerk noted that three copies of the bids had sent out. There was one bid for Propane received from Shaw Propane, Inc. prior to 12:00pm on November 20, 2007. The bid was opened and contained all required forms; Shaw Propane, Inc. bid a \$.45 differential over the Terminal Price per gallon of Propane with the contract to run from December 1, 2007 through November 30, 2008

RESOLUTION NO. 305

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to accept the minutes of the October 16, 2007 Regular Town Board Meeting, the October 18, 2007 Special Town Board Meeting for Local Land Use Plan Training, the November 8, 2007 Regular Town Board Meeting and the November 8, 2007 Public Hearing on the 2008 Johnsburg Fire Protection District Contract as written. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

CORRESPONDENCE:

1. A letter from the Upper Hudson Arts & Services Consortium notifying the Town Board that their group will no longer do the Johnsburg Arts and Community Events calendar and that the Gore Mountain Region Chamber of Commerce will be performing this function in the future; the Upper Hudson Arts & Services Consortium will not be seeking any further reimbursement from its Occupancy Tax funding contract.
2. A letter from Mr. William Donovan of Casey's North, Inc. requesting a waiver of the thirty day waiting period for the renewal of the liquor license for Casey's North, Inc.
3. A letter from Ms. Kelly Hayes and Ms. Angela Cugini of AK Northern Enterprises, d.b.a. Kelly O's requesting a waiver of the thirty day waiting period for their liquor license application for the former Casey's North restaurant in North Creek.
4. A letter from Mrs. Sally Heidrich encouraging the Town Board to appoint Mr. Ronald Vanselow to fill the vacant, unexpired term of Sterling Goodspeed on the Town Board.
5. A letter from Ms. Barbara MacNaughton encouraging the Town Board to appoint Mr. Ronald Vanselow to fill the vacant, unexpired term of Sterling Goodspeed on the Town Board.

COMMITTEE REPORTS:**OLD BUSINESS:**

Supv. Thomas asked if the Town Board wished to act upon the letter from Mr. William Donovan requesting a waiver of the thirty day waiting period for the renewal of the liquor license for Casey's North, Inc.

RESOLUTION NO. 306

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board having received a request from Mr. William Donovan of Casey's North, Inc. agrees to waive the thirty day waiting period involved in the renewal of the liquor license application by Casey's North Inc.; the Town Board will have no objection to the renewal application and authorizes the Town Clerk to notify the N.Y.S. Liquor Authority of the Board decision. With 5 members voting in favor, and none opposed the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays-0.

Supv. Thomas asked if the Town Board wished to act upon the letter from Ms. Kelly Hayes and Ms. Angela Cugini of AK Northern Enterprises, d.b.a. Kelly O's request for a waiver of the thirty day waiting period for their liquor license application.

RESOLUTION NO. 307

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board having received a request from Ms. Kelly Hayes and Ms. Angela Cugini of AK Northern Enterprises agrees to waive the thirty day waiting period involved in the application for a liquor license by AK Northern Enterprises d.b.a. Kelly O's ; the Town Board will have no objection to the liquor license application and authorizes the Town Clerk to notify the N.Y.S. Liquor Authority of the Board decision. With 5 members voting in favor, and none opposed the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays-0.

Supv. Thomas introduced Mr. Joseph Martens newly appointed chairman of the O.R.D.A. Board to the Town Board; Mr. Martens explained that he is visiting Town Boards in towns where O.R.D.A. facilities exist. Supv. Thomas congratulated Mr. Martens on his appointment. Mr. Martens told the Town Board that he had toured both the Gore Mt. and the Ski Bowl facilities with O.R.D.A. Manager, Mike Pratt and was impressed with his recent efforts at upgrading the facilities. Supv. Thomas informed Mr. Martens that the Front Street project next to the Ski Bowl Park is waiting for the Department of Environmental Conservation to finish an S.E.Q.R. to finalize their permit. Mr. Goodspeed noted that he was very excited about the new lift, night skiing and the prospect of the Gore Connection; he added that he would like to discuss the possibility of a larger financial contribution from O.R.D.A. to help support the Johnsbury Emergency Squad as this dramatically increases their call load. Mr. William Heidrich noted that he had skied at Gore Mt. for 38 years and felt that Mike Pratt was the best manager in that time. Mr. Robert Nettle asked that any vacancy on the O.R.D.A. Board from Warren County be filled from the Town of Johnsbury; Mr. Martens suggested that the Town Board put in a list of names for consideration. Mr. Mark Bergman endorsed Mr. Goodspeed's request for financial assistance to the Johnsbury Emergency Squad. Ms. Anne Brassel asked if there had ever been a representative from the Town of Johnsbury; Supv. Thomas answered that Mr. George Heim, of

North River, had been the Warren County representative previously and the latest Warren County representative was Jack Ehrhardt; he added that there should be increased local membership on the O.R.D.A. Board. Supv. Thomas thanked Mr. Martens for coming to the meeting.

Supv. Thomas noted possible changes in the Town of Johnsburg budgeted revenues for 2008; an increase of \$15,000.00 in the mortgage tax from \$60,000.00 in the Preliminary Budget to \$75,000.00 in the Final Budget and an increase in the Per capita State Aid from \$11,012.00 in the Preliminary Budget to \$13,607.00 in the Final Budget. Supv. Thomas noted that a reduction of \$20,000.00 in anticipated borrowing from \$120,000.00 in the Preliminary Budget to \$100,000.00 was included in the Final Budget. Finally, the 2008 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District will increase from \$213,236.00 in the Preliminary Budget to \$217,861.00 in the Final Budget. Supv. Thomas noted that the Budget for 2008 will include an 8.38% increase. As the Town Board had held a Public Hearing on the Preliminary Budget for 2008 at 6:30pm, Nov. 8, 2007 at the Wevertown Community Center, Wevertown, NY and continued said hearing to tonight Tuesday 20, 2007; he asked if the Town Board wished to pass the 2008 Budget.

RESOLUTION NO. 308

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to accept the Tentative Budget for 2008 which was filed in the Town Clerk's office on September 27, 2007, the Preliminary Budget on which a Public Hearing was held on November 8, 2007, at 6:30pm, at the Wevertown Community Center, Wevertown, NY:

THEREFORE, the Preliminary Budget, with the following changes:
 an increase of \$15,000.00 in the mortgage tax from \$60,000.00 in the Preliminary Budget to \$75,000.00 in the Final Budget; an increase in the Per capita State Aid from \$11,012.00 in the Preliminary Budget to \$13,607.00 in the Final Budget; a reduction of \$20,000.00 in anticipated borrowing from \$120,000.00 in the Preliminary Budget to \$100,000.00 was included in the Final Budget; the 2008 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District will increase from \$213,236.00 in the Preliminary Budget to \$217,861.00 in the Final Budget; to be accepted as the Final Budget for the Town of Johnsburg for the year to begin January 1, 2008. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas reminded the Town Board that on Thursday, November 8, 2008, at 6:00pm at the Wevertown Community Center, Wevertown, NY; a Public Hearing had been held on the 2008 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District. He noted that the fire companies and the Town Board had agreed to a 5.5% increase over the 2007 amount; Supv. Thomas asked if the Town Board wished to approve the contract.

RESOLUTION NO. 309

Mr. Stevens presented the following resolution with a second from Mrs. VanKeuren that pursuant to a Public Hearing on the 2008 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District having been held on Thursday, November 8, 2008, at 6:00pm at the Wevertown Community Center, Wevertown, NY; the Town Board approves of the 2008 Johnsburg Fire Protection Contract for the Johnsburg Fire Protection District including an increase of 5.5% over the 2007 contract. With 5 members voting in favor and none opposed the

resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas)
Nays - 0

Supv. Thomas informed the Town Board that the recently drilled well at the Wevertown Community Center had been backed into and the shaft had been bent. Currently there have been tires and cones placed around the well for protection. Supv. Thomas requested that the Town Board plan to dress up the area next spring and create a safe space for the well at the same time.

Supv. Thomas informed the Town Board that the highway easement with Top Ridge has been concluded and work is progressing on the installation of the water line along Durkin Road.

Supv. Thomas updated the Town board on the Ski Bowl Road closure to through traffic as authorized by Resolution Number 281 of November 16, 2007. O.R.D.A. Manager, Mike Pratt has closed Ski Bowl Road near the yurt and has planned to reopen the road in the parking area above the yurt to allow circular traffic flow. The two advantages to closing the road to through traffic are to further park development and to prevent vandalism. The Town Highway will open the road behind the tennis courts in the park to allow access to Route 28 for the Highway vehicles.

Supv. Thomas informed the Town Board Mrs. Kelda Nettle has told him that the Johnsbury Emergency Squad has received a grant check in the amount of \$16,000.00 from the Charles R. Wood Foundation for the purchase of a defibrillator.

Supv. Thomas recognizes the Town Clerk to make a request that the Town Board approve a revision to Highway Fund Warrant 21H; claim number 223. The Town Clerk explained that the voucher for claim number 223 of Warrant 21H was in the amount of \$58,659.00; the Town Clerk made a typographical error on the warrant including the amount as \$58,689.00. The Town Clerk asked the Town Board to acknowledge the correction of Warrant 21H.

RESOLUTION NO. 310

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board acknowledges that a typographical error made by the Town Clerk in claim number 223 of Highway Fund Warrant 21H (November 8, 2007) of 2007 where the amount of the claim which is correctly \$58,659.00 was incorrectly typed as \$58,689.00 and is corrected as of November 20, 2007. With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas)
Nays - 0

Supv. Thomas announced that he had received a "Waiver Agreement" from Front Street Mountain Development, LLC on November 19, 2007. Supv. Thomas noted that Town Attorney Jordan is on vacation for the Thanksgiving holiday and has not had a chance to review the agreement. The Town Board will take up the discussion of this issue after the Town Attorney has had the opportunity to review the proposed agreement.

NEW BUSINESS

Supv. Thomas noted that the bid for Propane heating fuel had been opened earlier in the meeting. He also noted that the Town Board had opted to purchase No. 2 Fuel Oil and kerosene

under the Warren County bid per Resolution Number 295 passed on November 8, 2007. Supv. Thomas asked if the Town Board wished to act upon the bid in the amount of a differential of \$.45 per gallon over the Terminal Price which was \$1.70 as of November 16, 2007, placed by Shaw Propane, Inc. and opened earlier in the meeting; Supv. Thomas noted that the bid for 2007 had been in the amount of a differential of \$.345 per gallon over the Terminal Price.

RESOLUTION NO. 311

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board awards the Propane bid to Shaw Propane, Inc., 1470 Rt. 9, Ft. Edward, N.Y. 12828 for a contract for a contract for Propane to run from December 1, 2007 through November 30, 2008, in the amount of a differential of \$.45 per gallon over the Terminal Price which was \$1.70 as of November 16, 2007. With 5 members voting in favor and none opposed the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas).

Supv. Thomas recognized Ms. Catherine Allen, Treasurer of the North River Fire Company to address the Town Board regarding the purchase of a 2007 pumper fire engine by the North River Fire Company. The North River Fire Company requested that the Town board allow the supervisor to sign a Section 147(f) Approval acknowledging that the fire company will be entering into a financial transaction for the purchase; the executing of the approval does not in any way obligate the Town of Johnsburg regarding the purchase. Supv. Thomas asked if the Town Board would allow him to sign the document.

RESOLUTION NO. 312

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board authorizes the supervisor to sign the Section 147(f) Approval acknowledging that the North River Fire Company will be entering into a financial transaction for the purchase of a 2007 pumper fire engine with the statement in the document that the Town of Johnsburg is not in any way obligated financially in the loan transaction. With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas recognized Mr. Goodspeed to speak on the issue of the upcoming Town Board vacancy which will be caused by his resignation as a Council Member of the Town of Johnsburg so that he may be sworn in as the next Supervisor of the Town of Johnsburg. Mr. Goodspeed explained that he had spoken with Town Attorney Jordan and that the vacancy through December 31, 2008 may be filled by a majority vote of the Town Board as constituted on January 1, 2008; the unexpired balance of the term will be filled during the 2008 general election. Mr. Goodspeed expressed his support of Mr. Ronald Vanselow to fill the vacancy, when it occurs, based upon the 2007 general election results. Mr. Stevens expressed his support of Mr. Vanselow following a telephone conversation between the two shortly after the election.

Supv. Thomas requested that the Town Board set dates for opening the bids for Senior Citizen Transport for the year of 2008. After a short discussion the date for opening the bids was set for December 18, 2007, at 7:00pm, at the regular Town Board meeting of the Johnsburg Town Board at the Johnsburg Town Hall (Library), North Creek, NY and the Town Clerk was

directed to advertise for two weeks, in the December 8th and 15th issues of the North Creek News Enterprise to solicit bids.

RESOLUTION NO. 313

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed to authorize the Town Clerk to advertise for two weeks, in the December 8th and 15th 2007 issues of the North Creek News Enterprise to solicit bids for Senior Citizen Transportation from the Town of Johnsbury to Glens Falls and return, one day per week for the year of 2008, with the bids to be opened at 7:00pm at a regular meeting of the Town Board to be held at the Johnsbury Town Hall (Library), North Creek, N.Y. on Tuesday, December 18, 2007. With 5 members voting in favor and none opposed the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas reminded the Town Board members that a vacancy will exist on the Zoning Board of Appeals as of December 31, 2007 and that the vacancy will need to be advertised and a date set for conducting interviews. The term of Mr. Phillip Goodman on the Zoning Board of Appeals will expire on December 31, 2007.

RESOLUTION NO. 314

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to direct the Town Clerk to advertise the vacancy on the Zoning Board of Appeals in the North Creek News-Enterprise and to schedule interviews on December 18, 2007, at 6:30pm, at the regular Town Board meeting of the Johnsbury Town Board at the Johnsbury Town Hall (Library), North Creek, NY. With 5 members voting in favor and none opposed the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas).

Supv. Thomas asked if the Town Board wished to act upon the letter from the Upper Hudson Arts & Services Consortium notifying the Town Board that their group will no longer do the Johnsbury Arts and Community Events calendar and that the Gore Mountain Region Chamber of Commerce will be performing this function in the future; according to their letter the Upper Hudson Arts & Services Consortium will not be seeking any further reimbursement from its Occupancy Tax funding contract. Supv. Thomas asked that the Town Board discontinue the contract and return the funds involved therein to the Occupancy Tax funding pool.

RESOLUTION NO. 315

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren to discontinue the Occupancy Tax funding contract between the Town of Johnsbury and the Upper Hudson Arts & Services Consortium regarding the Johnsbury Arts and Community Events calendar to be published by the Upper Hudson Arts & Services Consortium as according to their letter the consortium will no longer continue the project or ask for further reimbursement for work completed; the balance to be returned to the Occupancy Tax fund pool is \$1560.00. With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Supv. Thomas asked that the Town Board approve an Occupancy Tax funding request from the Town of Johnsbury in the amount of \$3000.00 for the purpose of advertising and promoting

the Town of Johnsbury through the Gore Mt. Region-Town of Johnsbury Chamber of Commerce during the fiscal and calendar year of 2008; Supv. Thomas noted that this funding would be for the budgeted and contracted expense associated with the Gore Mt. Region-Town of Johnsbury Chamber of Commerce.

RESOLUTION NO. 316

Mr. Stevens presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board approves the following Occupancy Tax funding request from the Town of Johnsbury in the amount of \$3000.00 for the purpose of advertising and promoting the Town of Johnsbury through the Gore Mt. Region-Town of Johnsbury Chamber of Commerce during the fiscal and calendar year of 2008. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas announced that Warren County would be dedicating December 3, 2007 in memory of Sergeant Kevin C. Kimmerly; Kevin Kimmerly grew up in town and was killed in action on September 15, 2003 in Baghdad, Iraq. Supv. Thomas asked the Town Board if they wished to pass a resolution in appreciation of Sergeant Kevin C. Kimmerly in recognition of his service to the Town of Johnsbury and his country and to dedicate December 3, 2007 to his memory.

RESOLUTION NO. 317

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that:

Proclamation

The Johnsbury Town Board, does hereby proclaim December 3, 2007 to be dedicated to the memory of a good friend of the Town of Johnsbury

Kevin C. Kimmerly

In recognition of his service to the Town of Johnsbury and his Country

WHEREAS, he was a resident of the Town of Johnsbury for most of his youth, and

WHEREAS, he graduated from Johnsbury Central School as an honored student athlete, and
WHEREAS, he served in the United States Army from August 23, 1991 through his death in action on September 15, 2003 in Baghdad, Iraq, and

WHEREAS, he attained the rank of Staff Sergeant and was a highly decorated combat veteran having served in Bosnia and Kosovo as well as Iraq

Staff Sergeant Kimmerly received the Army Commendation (2), the U. S. Army Achievement Medal (6), the U. S. Army Good Conduct Medal (4), the N.A.T.O. Medal, the Armed Forces Service Medal, the N.C.O. Professional Development Ribbon (2), the U. S. Army Service Ribbon, the Air Assault Badge, the Driver and Mechanic Badge, and posthumously, the Bronze Star, the Purple Heart, and the Meritorious Service Medal.

THEREFORE, be it firmly resolved, that the Town of Johnsbury strongly encourages the public to join Warren County in proclaiming that December 3, 2007 be dedicated to the memory of a good friend and resident of the Town of Johnsbury, Kevin C. Kimmerly

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

Supv. Thomas informed the Town Board of a request from the Johnsbury Historical Society that in consideration of safety concerns to run an extension of the telephone line upstairs to their offices at the Wevertown Community Center. The main reason for the extension line would be to allow the Johnsbury Historical Society to call for help without having to go downstairs in the event of a medical emergency.

Supv. Thomas noted that the Town Hall Offices and the Highway Department will be closed November 22nd and 23rd for the Thanksgiving Holiday. The Transfer Station will be closed November 22nd and open on November 23rd.

PRIVILEGE OF THE FLOOR

Mr. William Heidrich urged the Town Board to appoint Mr. Ronald Vanselow to the vacant seat on the Town Board which will result from the resignation of Mr. Goodspeed to become Town Supervisor. Mr. Arsenault expressed his support for the appointment of Mr. Vanselow; he noted that he had spoken with Mr. Vanselow following the election and felt that the results gave a good indication of the voting public's views and as in Mr. Arsenault's opinion the campaign was an open, honest one that he was confident in supporting Mr. Vanselow. Mr. Vanselow said that he was overwhelmed by the support and would accept the appointment.

Mr. Robert Nettle urged the Town Board to execute the Waiver Agreement with Front Street; he urged moving forward with the process to acquire the best possible site for the Highway Garage when it is moved. Mr. Goodspeed answered that there is a question about the availability of the site. Supv. Thomas said that while the Town Board doesn't want to miss an opportunity that the attorney needs to review the document.

RESOLUTION NO. 318

Mr. Stevens presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #22G/Claims #469-489; Highway Fund- Warrant #22H/Claims #238-249; North Creek Water Dist.- Warrant #21W/Claims#99-109; Capital Projects Fund-Warrant #10CPF/Claim#14; Library Fund-Warrant #11L/Claims#72-78. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

A motion to adjourn the meeting was presented by Mr. Goodspeed with a second from Mrs. VanKeuren at 8:35pm. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0 Meeting Closed.

The next regular Town Board meeting will be held at 7:00pm on December 4, 2007 at the Wevertown Community Center, Wevertown, NY.

Prepared by William Rawson, Town Clerk