

**Minutes of the Town of Johnsbury Regular Board Meeting December 6, 2011
Held at the Wevertown Community Center, Wevertown, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday, December 6, 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 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. 239

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to accept the minutes of the November 17, 2011 regular Town Board meeting as written with the following correction: the Resolution Number 227 vote should have been recorded as being Ayes- 4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 0 Abstained - 1 (Stevens). With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

CORRESPONDENCE:

1. A notification of a liquor license application from Mr. Donald Preuninger for the Garnet Hill Lodge on Thirteenth Lake Road North River.
2. A letter from the Department of Agriculture and Markets notifying the Town of Johnsbury of a renewed focus on Article 7 municipal shelter compliance.
3. A letter from Mrs. Kelly Nessel explaining her request for a \$2000.00 reimbursement of payment for the cost of heavy equipment work on the water pipeline project at the Ski Bowl Park.
4. A request from the Adirondack Mountain Club that the Town Board allow camping at the Ski Bowl Park near the pond for their Fall Outing September 28-30, 2012.
5. A letter from Ms. Candace Lomax asking that the Town Board remove her as a signer on the Town bank accounts on which she is a signatory and requesting that the Town Board
6. A request from Ms. Kate Hartley to use the Wevertown Community Center to offer a mosaics class on Thursday evenings from January 12 through March 1, 2012; the Town is to receive 10% of the class fee of \$25.00 per pupil. The class will increase the number of trained adults to assist in the Main Street mosaic project.
7. A request from AFLAC to have the Town Supervisor sign a form allowing the weekly payroll deduction from employees enrolled in their insurance program.
8. A press release from the New York State Department of Environmental Conservation informing the Town that the ban on disposing of rechargeable batteries goes into effect today, December 5, 2011.
9. A letter from the Town of Johnsbury Planning Board requesting that the Town Board appoint Mr. Roger Smith as the vice chairman of the Planning Board to fill the vacancy

created when Mr. Timothy Record resigned as the vice chairman of the Planning Board.

10. A letter from Mr. Scott Cleveland, Town Highway employee, requesting that the Town Board authorize an unpaid leave of absence once his sick leave time is expired per the terms of the current contract.

Supv. Goodspeed informed the Town Board that he had researched the request from Mr. Scott Cleveland and found it consistent with historical practices of the Town; he asked the Town Board members if they wished to act upon the request.

RESOLUTION NO. 240

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault, that the Town Board will grant a leave of absence of 90 days for Mr. Scott Cleveland, Town Highway employee to commence on the day following the use of his last available leave credit and with health care coverage continuing up to six months from the date of the disability (11/17/2011) per the Highway contract. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked if the Town Board wished to act upon the Planning Board request to appoint Mr. Roger Smith as the vice chairman of the Planning Board. Mr. Vanselow said that the purpose of a vice chairman is to have an individual present to assist the public by signing maps if the chairman is out of town. Mr. Arsenault asked if the vice chairman would automatically become the chairman if the chairman should resign; Mr. Vanselow said that the appointment of a chairman was a Town Board appointment. Supv. Goodspeed said that he has had a number of concerns expressed about the Planning Board actions, but he believed that it was important to have a vice chairman to assist the public; Mr. Vanselow agreed that the concerns were not about the vice chairman but about Planning Board actions.

RESOLUTION NO. 241

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse, to appoint Mr. Roger Smith as the vice chairman of the Planning Board. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Vanselow, Goodspeed) Nays - 1 (Stevens)

Supv. Goodspeed said that he would sign the AFLAC authorization to allow payroll deductions for Town employees, as the signing was authorized at the previous meeting.

Supv. Goodspeed asked if the Town Board would act to grant the request of Ms. Kate Hartley to use the Wevertown Community Center to offer a mosaics class on Thursday evenings from January 12 through March 1, 2012 as the Town is to receive 10% of the class fee of \$25.00 per pupil and it will increase the number of trained adults to assist in the Main Street mosaic project.

RESOLUTION NO. 242

Mr. Morehouse presented the following resolution, and moved its passage with a second from Mr. Stevens to allow Ms. Kate Hartley to use the Wevertown Community Center to offer a mosaics class on Thursday evenings from January 12 through March 1, 2012 as the Town is to receive 10% of the class fee of \$25.00 per pupil and it will increase the number of trained adults

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

Supv. Goodspeed said that the request by Ms. Candace Lomax asking that the Town Board remove her as a signer on the Town bank accounts on which she is a signatory is an appropriate, but not necessarily immediate request; he suggested that Ms. Lomax should continue as signatory through December 31, 2011 and that bookkeeper Sherry Williams should be appointed by the Town Board following the start of the year.

RESOLUTION NO. 243

Mr. Stevens presented the following resolution, and moved its passage with a second from Mr. Arsenault to remove Ms. Candace Lomax as a signatory on Town banking accounts as of December 20, 2011 and that she should be replaced with bookkeeper Ms. Sherry Williams as signatory of Town banking accounts as of January 1, 2012. 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 there was a New York State Comptroller's Office auditor in the Town Hall yesterday to look at the tax cap numbers and both he and Ms. Candace Lomax had asked that the Comptroller's Office perform an audit of the Town's finances following the close of the year; Mr. Donald Greene had said that an audit was not necessary. Supv. Goodspeed said that he did not believe that any action on that part of the letter was warranted at this time.

Supv. Goodspeed asked if the Town Board wished to act upon the Adirondack Mountain Club request that the Town Board allow camping at the Ski Bowl Park near the pond for their Fall Outing September 28-30, 2012. Mr. Vanselow said that he believes that 5 to 20 tents are excessive; he asked that the request be referred to the Ski Bowl Park committee for clarification of campsite limitations and regulations. Supv. Goodspeed said that he would forward it to the Ski Bowl Park Committee and ask them to return it so that the Town Board can take action at the next Town Board meeting.

Supv. Goodspeed asked for Town Board comment of the request from Mrs. Kelly Nettle for a \$2000.00 reimbursement of payment for the cost of heavy equipment work on the water pipeline project at the Ski Bowl Park. Mr. Arsenault asked if there was an amount to date of costs spent by the Town Board on the pipeline project; Supv. Goodspeed said that he was not sure of exact numbers. Mr. Arsenault asked for the exact amount. Mr. Arsenault asked if Mrs. Kelly Nettle's interpretation of the facts seemed to be correct; Mr. Morehouse said that he believed that it was correct and that the Town Board should reimburse her for the project costs. Mr. Arsenault agreed with Mr. Morehouse that the Town Board had agreed to an amount of funding in the range of \$3500.00 to \$4000.00. Mr. Vanselow asked the status of the raffle which was to assist in paying for the pipeline project; Mr. Peter Olesheski said that the money was returned as only a few tickets were sold.

RESOLUTION NO. 244

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Stevens to approve of the reimbursement of Mrs. Kelly Nettle for her expenses incurred in

the payment of Mr. Thomas Goodman with a review of the monies spent to keep the total at or below \$3500.00 This resolution was withdrawn by Mr. Arsenault prior to a vote.

Mr. Vanselow noted that part of the funding was to be through grant funds; he asked if there was any way to use this in the grant reimbursement. Mr. Robert Nettle said that he did not believe that it could be counted toward the grant. Mr. Morehouse said that he was not sure of the \$3500.00 total as there were some additional costs to the Town. Supv. Goodspeed said that he could get an exact amount from expenses in the capital project or parks funds. Mr. Arsenault said that he wanted specific numbers, but that the Nessles should be made whole for their expenses on the project. Supv. Goodspeed said that he would proceed on the assumption that the Nessles will be made whole.

RESOLUTION NO. 245

Mr. Arsenault presented the following resolution, and moved its passage with a second from Mr. Morehouse that the Town Board authorizes payment in the amount of \$2000.00 to make whole as requested by Mrs. Kelly Nettle and further, that the Town Board authorizes the supervisor and bookkeeper to determine the appropriate budget line for the payment. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Morehouse, Stevens, Goodspeed) Nays - 1 (Vanselow)

Mr. Arsenault asked Mr. Nettle if the pipeline project is complete; Mr. Nettle replied that there was more to be done, but the New York State Department of Health stoppage has ended work at this time. Mr. Arsenault asked what was left to be done; Mr. Nettle said that one length of pipe needed to be removed to put the pipe above the water level to create aeration and some cleanup. Mr. Nettle added that there was no expense to the Town. Mr. Vanselow asked if there was any additional work at the entrance to the pipeline; Mr. Nettle said that he did not think at that end. Mr. Arsenault asked if Mr. Nettle thought that the pipeline was working as expected; Mr. Nettle said that he was satisfied with the operation and that the incoming water is sustaining a workable level. Mr. Nettle added that the flooding from storms brought in a lot of silt and that he believed that if the exchange pipes were partially closed off it would stop some of the back flooding.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Goodspeed invited Mr. Robert Nettle to present an update on his project for the Town of Johnsburg to obtain a right of way property from New York State to allow the Town to harvest more sand and to groom the area. Mr. Nettle explained that he had spoken with New York State Department of Transportation Region 5 representatives and that they are willing to complete the process. Mr. Nettle said that a State Environmental Quality Review (SEQR). Mr. Arsenault asked if NYS was willing to deed the land to the Town for no compensation; Mr. Nettle replied possibly a \$1.00 fee. Mr. Arsenault said that Highway Superintendent Hitchcock and Engineer Thomas Suozzo had said that NYS would not entertain the issue as a mining operation and that the lack of a mining operation that the land could not be reshaped. Supv. Goodspeed said that he was in favor of the project, but that it was a significant mistake for the Town Board to review a SEQR without either the Town Attorney or an engineer. Mr. Arsenault

said that the Town Board should receive the SEQR and turn it over to the professionals for review. Supv. Goodspeed said that he would deliver the SEQR to the engineer tomorrow and arrange to get Mr. Nettle together with Cedarwood Engineering to discuss the SEQR. Mr. Nettle said that he would like to do the SEQR tonight. Mr. Arsenault asked if there was an urgency which would not allow a review by the professionals and action at the next Town Board meeting; Mr. Nettle said that it could be done at that time. Mr. Stevens asked that Cedarwood Engineering be informed that the Town Board would like to move forward at the next Town Board meeting; Supv. Goodspeed agreed.

Mr. Nettle showed the Town Board a map of the area and noted that a survey of the area would also be required. The Town Board reviewed the map and discussed Mr. Nettle's suggested reshaping of the area. Mr. Nettle said that he had contacted a surveyor and that an estimated cost for the survey was \$4500.00. Supv. Goodspeed said that the estimate seemed reasonable. Mr. Vanselow asked the amount of sand expected to be harvested if mining is allowed. Mr. Nettle said he estimated about 100,000 yards of sand. Mr. Stevens said that Highway Superintendent Hitchcock had said that he was expecting to have about one year's worth of sand remaining; Mr. Arsenault said possibly two years' worth of sand.

Supv. Goodspeed reminded the Town Board that at the previous Town Board meeting that Secretary Cherie Ferguson had presented information on the Warren County recycling bids and noted that the Town Board had been polled to determine the method which was to be adopted and asked that the Town Board retroactively approve the blended recycling option in which the Town of Johnsbury pays \$173.75 per trip for hauling fees for recyclables and will receive a rebate of \$98.50 per ton (blended rate) with glass being transported to Tony Pit in Warrensburg at the recycling hauling fee and no rebate or disposal fee and further, not to include scrap metal which the Town Board plans to put out to bid.

RESOLUTION NO. 246

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board elects to be included under the Warren County bid pricing for blended rate recycling at \$98.50 per ton for magazines, cardboard, newspaper, plastic and metal cans and further, that the recyclable glass is to be transported to Tony pit in Warrensburg which will incur a transport cost, but no disposal fee and further, that the Town of Johnsbury will continue to bid out the scrap metal collection in-house. With 5 members voting in favor, the resolution is declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed asked that the Town Board pass a resolution to move forward on a bid for Construction Debris once a set of bid specifications can be constructed for the bid packet and at that time the dates for bid opening will be set.

RESOLUTION NO. 247

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board will move forward with a bid for Construction Debris (C&D) disposal once a set of bid specifications is created and further, that the Town Board expects to set a date for opening the bid following the creation of a set of bid specifications and this is expected to be at the next Town Board meeting. With 5 members voting in favor, the resolution is

declared carried. Ayes -5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0

Supv. Goodspeed explained that in addition to the resolution to approve the in house health saving accounts for Town employees who are not eligible to have health savings accounts and/or deposits made to them for the following reasons: two employees are not allowed to have health savings accounts due to having been or having spouses who were members of the military (Alvin Russell and Candace Lomax) and one whose age (Eugene Arsenault) being over 65 does not allow a deposit to be made in his health savings account.

RESOLUTION NO. 248

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Morehouse that the Town Board authorizes the Town Supervisor to continue to manage health insurance policy reimbursement funds for the two employees (Alvin Russell and Candace Lomax) who are not eligible for a health savings account in the same amounts as would have been approved if they had been able to have health savings accounts created for them and further, that the Town Supervisor is authorized to create and manage a third health insurance policy for an additional employee (Eugene Arsenault) reimbursement fund in the same amounts as would have been approved if he had been able to have health savings account deposit. With 4 members voting in favor the resolution is declared carried. Ayes-4 (Morehouse, Stevens, Vanselow, Goodspeed) Nays – 0 Abstained -1 (Arsenault)

Supv. Goodspeed explained that Parks and Building Superintendent Matt Olden had obtained two quotes for the fabrication and installation of a pedestal mounted electrical service disconnect for the transfer station to allow the connection of the temporary trailer for the workers to standard electrical service. The two quotes were from Panther Mountain Electric & Home Maintenance (Paul Logue) for \$4154.79 and D. Pierson Electric for \$6772.50; a third quote was requested from John MacAlonen who said that he could not spare the time for the quote or the work.

RESOLUTION NO. 249

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to award fabrication and installation of a pedestal mounted electrical service disconnect for the transfer station to allow the connection of the temporary trailer for the workers to standard electrical service to Panther Mountain Electric & Home Maintenance (Paul Logue) for \$4154.79. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

NEW BUSINESS:

Supv. Goodspeed informed the Town Board that the term of Mrs. Catherine O. Allen on the Zoning Board of Appeals will expire as of December 31, 2011 and Mrs. Allen is willing to be reappointed to the position. Supv. Goodspeed added that without her position being filled the Zoning Board of Appeals will not have a quorum; he asked if the Town Board wished to reappoint Mrs. Allen to a term to expire on December 31, 2016.

RESOLUTION NO. 250

Mr. Vanselow presented the following resolution and moved its passage with a second from Mr. Arsenault to reappointment Catherine O. Allen to the Zoning Board of Appeals for a term

ending December 31, 2016. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that an online presentation of accounting software had been done last week; he added that there has been an ongoing discussion over keeping the payroll in house or contracting with a payroll service. The software would also do comprehensive budget work resulting in time savings and more detail being available. The program is approved by New York State to allow an easier delivery of reports to the offices of the Comptroller and the Retirement department. There will be a learning curve which will cause immediate slowdowns but should over time increase productivity. The program which was reviewed costs about \$8200.00 and there is some ongoing procurement policy criteria which need to be met. Supv. Goodspeed is hoping to be able to begin payroll at the start of the New Year and then move to the budget applications. A new laser printer and new checks will be needed to allow the operation to begin. Mr. Vanselow said that he would be looking into storage alternatives and added that the company explained that it would provide periodical online backup. Mr. Arsenault asked about funding for the purchase; Supv. Goodspeed replied that the funding could possibly come from capital accounts or possibly from the contingency account. Mr. Arsenault asked about grant funding; Supv. Goodspeed replied there was none available.

Supv. Goodspeed noted that the monthly report of the Zoning Enforcement Officer, Danae Tucker, for the month of November 2011, was not yet available and is expected to be made available at the next Town Board meeting.

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

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

Supv. Goodspeed noted that he had received an insurance binder from the Merriam Agency for the fiscal year of 2012 and added that the amount of increase over 2011 is approximately \$90.00; the total is \$40,345.45 this includes the addition of new equipment and the property on Railroad Place (Kellogg Property); he asked that the Town Board accept the binder authorize him to sign it.

RESOLUTION NO. 251

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to accept the liability and property insurance quote from NYMIR, through the Merriam Agency for the fiscal year of 2012 and to authorize the Town Supervisor to sign the 2012 insurance binder in the amount of \$40,345.45. With 5 members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

PRIVILEGE OF THE FLOOR

None

RESOLUTION NO. 252

Mr. Arsenault 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 #21G/Claims #445-469; Highway Fund- Warrant #21H/Claims #253-266; North Creek Water Dist.- Warrant #20W/Claim#91. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

Supv. Goodspeed explained that the possibility of an executive session to discuss a contract negotiation was on the agenda and that as some relevant information had not been made available that discussion would not take place.

A motion to adjourn the meeting was presented by Mr. Stevens with a second from Mr. Arsenault at 8:40pm. With 5 members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Morehouse, Stevens, Vanselow, Goodspeed) Nays - 0

The next regular Town Board meeting will be held at 7:00pm on December 20, 2011 at the Town Hall (Library), North Creek, NY.

Prepared by William Rawson, Town Clerk