

**Minutes of the Town of Johnsborg Regular Board Meeting January 16, 2007
Held at 7:00pm at the Town of Johnsborg Library, North Creek, NY and an Executive
Session to Interview Candidates for Vacancies on the Planning Board and the Zoning
Board of Appeals**

Minutes of the Executive Session of the Town Board of the Town of Johnsborg held on Tuesday January 16, 2007 at 6:00pm at the Johnsborg Library, North Creek, NY. Supervisor Thomas called the meeting to order at 6:25pm for the purpose of conducting interviews for a vacancy on the Planning Board and the Zoning Board of Appeals.

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

Also present were Roger Smith (Planning Board vacancy) and Catherine Allen (Zoning Board of Appeals vacancy) to be interviewed.

Mr. Arsenault made a motion, with a second from Mr. Goodspeed to enter into executive session for the purpose of conducting interviews for a vacancy on the Planning Board and the Zoning Board of Appeals at 6:25pm. With all members voting in favor the motion is carried.

Mr. Goodspeed made a motion, with a second from Mr. Arsenault to adjourn the executive session at 6:40pm. With 3 members voting in favor the motion is carried. Ayes-3 (Arsenault, Goodspeed, Thomas) Nays - 0

Minutes of the regular meeting of the Town Board of the Town of Johnsborg held on Tuesday January 17, 2006 at 7:00PM at the Town Library, North Creek, NY Supervisor Thomas called the meeting to order at 7:15PM and the pledge to the flag was led by Councilman Eugene Arsenault.

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

Guests: On attached list

RESOLUTION NO. 34

Mr. Arsenault presented the following resolution, with a second from Mr. Goodspeed to accept the minutes of the December 19, 2006 Regular Town Board Meeting the January 2, 2007 Organizational Town Board meeting and the minutes of the January 11, 2007 Public Hearing on Local Laws #1 through 4 of 2006 (Land Use Plan) 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 Mr. Larry Blackhurst requesting the use of a meeting room at the Tannery Pond Community Center from January 31st through April 21st of 2007 for the purpose of practicing acoustic bluegrass music.
2. A letter from Ms. Elizabeth Carbone requesting the use of the Sodom Scout Hall on dates from January through October of 2007 for the purpose of conducting dog obedience training classes; she has agreed to pay \$95.00 per six week session for the use of the building.

3. A letter from Mr. Roger Smith expressing his interest in being appointed to fill the vacancy on the Planning Board.
4. A letter from Mr. Donald Moore stating that while he has enjoyed the challenge of being the Deputy Highway Superintendent since September 2003 and wishes to continue working for the Highway Department, he does not feel that he has the time to dedicate to this position at present.
5. A letter from Warren County Superintendent of Public Works, William Lamy, informing the highway superintendents of the county that any requests for county DPW assistance should be made by February 1, 2007 in order for them to be reviewed and considered for county action.
6. A letter from Gore Mt. Region-Town of Johnsbury Chamber of Commerce president, Patricia Connor, informing the Town Board of the Chamber of Commerce position on the following three Occupancy Tax funding requests: Town of Johnsbury Fireworks display (\$5,000.00) and advertising in the Gore Guide (\$260.00)-recommended approval and the North Creek Railway Depot Preservation Association request (\$5,000.00)-not recommended for approval.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Thomas asked if the Town Board wished to act upon the Tannery Pond Community Center use request from Mr. Larry Blackhurst from January 31st through April 21st of 2007 for the purpose of practicing acoustic bluegrass music. Ms. Cherie Ferguson noted that there was one date in conflict which could be worked out.

RESOLUTION NO. 35

Mr. Goodspeed presented the following resolution; with a second from Mr. Stevens to allow Mr. Larry Blackhurst the use of a meeting room at the Tannery Pond Community Center from January 31st through April 21st of 2007 for the purpose of practicing acoustic bluegrass music. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked if the Town Board wished to act upon the request from Ms. Elizabeth Carbone to use of the Sodom Scout Hall on dates from January through October of 2007 for the purpose of conducting dog obedience training classes; she has agreed to pay \$95.00 per six week session for the use of the building. Ms. Cherie Ferguson noted that there was there were no conflicts involved in the dates of this request.

RESOLUTION NO. 36

Mr. Goodspeed presented the following resolution, with a second from Mr. Arsenault to allow Ms. Elizabeth Carbone to use of the Sodom Scout Hall on dates from January through October of 2007 for the purpose of conducting dog obedience training classes with a payment of \$95.00 per six week session for the use of the building; Ms. Carbone has agreed to pay \$95.00 per six week session for the use of the building. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked if the Town Board having interviewed earlier Mr. Roger Smith wished to act to fill the vacancy on the Planning Board.

RESOLUTION NO. 37

Mr. Goodspeed presented the following resolution; with a second from Mrs. VanKeuren to appoint Mr. Roger Smith to fill a vacancy on the Planning Board with a term to end on February 1, 2014. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked if the Town Board having interviewed earlier Mrs. Catherine Allen wished to act to fill the vacancy on the Zoning Board of Appeals.

RESOLUTION NO. 38

Mr. Goodspeed presented the following resolution; with a second from Mrs. VanKeuren to appoint Mrs. Catherine Allen to fill a vacancy on the Zoning Board of Appeals with a term to end on December 31, 2011. 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 that Highway Supt. Curtis Richards had informed the Town Board in a letter dated January 5, 2007 of his appointment of Raymond Sprague as Deputy Highway Supt. for the year of 2007.

Supv. Thomas informed the Town Board that Highway Supt. Curtis Richards has instituted a new Highway Department Wood Removal Policy. The policy states that brush and small wood will be chipped on site and that larger wood will be transported to the town garage area and be made available for the public or town employees to remove on their own time; also if wood is to be removed from private property the owner will be notified and will retain the right to the wood unless it is requested that the wood be removed. The Town Board suggested that Supt. Richards possibly look into dropping the wood at a site such as the North Country Ministry instead of the town garage area. Mr. Roger Mosher asked to discuss the firewood removal from Oven Mt. Road in November of 2006. Mr. Mosher said that it is illegal to use public funds for private benefit and that he is acting at the request of town residents. Mr. Mosher said that the Town Clerk had taken a telephone call and stopped the wood removal and said that the operation was illegal; the Town Clerk responded that he had not had such a telephone call but that he had taken a telephone call asking about a wood give away program operated by the town and wood removal by town highway employees. The Town Clerk said that he had no knowledge of any such program and that the wood removal allegation should be investigated by Deputy Highway Supt. Donald Moore and that he should be contacted; as the caller was reluctant to make the call the Town Clerk passed on the information to Deputy Highway Supt. Moore and requested that he look into the matter and get in touch with the caller. Mr. Mosher said that he had a tape recorded conversation in which Deputy Highway Supt. Moore said that he had stopped the wood removal. Mr. Mosher said that Highway Dept. employee Mr. Bruce Cleveland had admitted receiving some of the wood in question. Mr. Mosher added that at least \$1000.00 in wood had been taken and requested that the Town Board should investigate the issue and discipline the workers involved. Mr. Goodspeed suggested that the problem be submitted to an investigating authority, for example the county sheriff or the state police as the Town Board is a legislative body; this

was reiterated by Supv. Thomas. Mr. Mosher said that he would report this to the NYS Comptroller. It was further noted that the issues has been forwarded to the current Highway Supt. Curtis Richards and the town attorney for study.

Supv. Thomas distributed to the Town Board copies of the Library Board of Trustees agenda for their meeting of Wednesday, January 3, 2007.

Supv. Thomas distributed the minutes of the Tannery Pond Community Center Association meeting of January 8, 2007.

NEW BUSINESS

Supv. Thomas informed the Town Board that Ms. Penny Goodspeed had resigned her position as cleaner of the Tannery Pond Community Center as of the end of December, 2006; the position has been offered to the current building cleaner who feels that she is not capable of taking on the additional work load. Supv. Thomas asked if the Town Board wished to advertise this position. Mr. Stevens suggested offering the position to the other individual who had applied for the building cleaner position and hire that individual if that person is interested.

Supv. Thomas asked the Town Board for permission to sign the Attachment Agreement with National Grid that the Town of Johnsbury assumes the liability for any decorations attached to the National Grid poles; this refers to the advertising banners which have been affixed to the National Grid poles.

RESOLUTION NO. 39

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board authorizes Supv. Thomas to sign the annual contract with National Grid to the effect that the Town of Johnsbury assumes the liability for any decorations attached to the National Grid poles. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked if the Town Board wished to contract with Innovative Playground Services for maintenance of the playground equipment purchased as a part of the pavilion renovation in 2005. Parks Supt. Matt Olden has repaired some equipment and it was discussed that he could continue the maintenance.

Supv. Thomas distributed the Annual Report from the Town Historian, Mrs. Doris Patton, for the year of 2006, to the members of the Town Board.

Supv. Thomas informed the Town Board that he had received an announcement of a public meeting to be held by the NYS Department of Environmental Conservation at 6:00pm, on Jan. 24, 2007 at the Wells Central School for the purpose of accepting comments on the Unit Management Plan for the Wilcox Lake Forest. The Wilcox Forest includes trails to Crane Mt. and Garnet Lake; one of the items in the plan is the designation of Armstrong Road in the Town of Johnsbury for snowmobile use.

Supv. Thomas informed the Town Board that the Adirondack Park Local Government Day Conference will be held on March 22nd in Lake Placid.

Supv. Thomas noted that the Town Board had received in their packets the following three Occupancy Tax funding requests: Town of Johnsbury for 4th of July fireworks display (\$5,000.00) and advertising in the Gore Guide (\$260.00) and the North Creek Railway Depot Preservation Association request (\$5,000.00). The two requests from the Town of Johnsbury were recommended for funding by the Gore Mt. Region-Town of Johnsbury Chamber of Commerce, the request from the North Creek Railway Depot Preservation Association was not recommended. Supv. Thomas asked if, having received the Occupancy Tax requests, the Town Board wished to act upon these requests. No action was taken on the request not recommended by the Chamber of Commerce.

RESOLUTION NO. 40

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens that the Town Board approves the Town of Johnsbury request in the amount of \$5,000.00 for 4th of July fireworks display and the Town of Johnsbury request in the amount of \$260.00 for an advertisement in the Gore Guide. With 5 members voting in favor and none opposed the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas).

Ms. Cherie Ferguson asked that the Town Board take action on a Tannery Pond Community Center building use conflict. The conflict stems from a request from a non-resident, Aleks Gusav, who has annually been allowed to use the auditorium at the Tannery Pond Community Center and will be paying a \$300.00 use fee; the date requested is March 13th a date booked by the Our Town Theatre Group for play rehearsal as part of an extended use. Ms. Ferguson has attempted to get a response from the theatre group regarding their ability to be moved for a day. The theatre group has not responded during the previous two weeks and Ms. Ferguson requests that the Town Board act upon the request so that she may inform Mr. Gusav as to whether he will be able to use the auditorium. Mr. Goodspeed wanted to note that this was a decision for this specific use; not a policy.

RESOLUTION NO. 41

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board will allow Mr. Aleks Gusav to have the right to use the auditorium at the Tannery Pond Community Center with a use fee charge of \$300.00 on March 13, 2007 between the hours of 7:00pm and 11:00pm. With 5 members voting in favor and none opposed the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas).

Supv. Thomas informed the Town Board that there had been a problem with the power vent (chimney) at the Wevertown Community Center; without the power vent functioning properly the boiler will not function and heat the building. The power vent failed on Saturday, January 13th; Buildings Supt. Matt Olden contacted Barilli Heating Service and heat was restored to the building with a comparable repair part. The correct part is ordered and will be installed and the installed part will be retained for a spare; the part costs approximately \$400.00 and lasts about 4

years in service. Buildings Supt. Matt Olden will research options, such as a chimney liner or building a new chimney and the costs for a long term solution.

Supv. Thomas distributed amendments to the 2007 Town of Johnsburg Budget and requested that the Town Board approve the transfers between and within accounts involving Planning Board fees and Tourism and Occupancy Tax accounts.

RESOLUTION NO. 42

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Stevens that the following budget amendments be added to the 2006 Town of Johnsburg Budget:

Budget Amendments Jan 16, 2007

Increase Appropriations (A960)		Increase Revenues A(510)
Tourism A6410.42	13,299.45	Occupancy Tax A1113
Planning A8020.4	10,000.00	Planning
		Engineering Fees –Front Street
		A2115.2

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 explained at the Peaceful Valley Townhouses project the driving lane was not built wide enough to conform with New York State law; all driving roads must be 20feet wide and without this adjustment to correct the design flaw no Certificate of Occupancy will be issued for the project. The developer, Comlinks, wants a letter from the Town Board stating that the Planning Board will not be addressing this issue again. Mr. Arsenault asked if the Planning Board is in agreement with this position; Mr. Mark Bergman said that in his opinion the Planning Board would probably not challenge the resolution as proposed and Mr. Tim Record agreed with Mr. Bergman. Supv. Thomas noted that this was a timing issue. Mr. Goodspeed wanted to be sure the Planning Board did not see this as their being overridden by the Town Board; Mr. Arsenault agreed with Mr. Goodspeed.

RESOLUTION NO. 43

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

Whereas the original site plan review for the Peaceful Valley Townhouses (a.k.a. Comlinks a.k.a. Affordable Housing Project called for a median to be installed at the entrance to the project, and

Whereas the fire and building code requires for the roadway to be 20 feet wide each lane to allow for emergency access to the site, and

Whereas the current entrance with median does not meet the minimum requirement, and

Whereas removal of the median will bring the project into compliance,

It is hereby resolved that once the median has been removed to comply with fire and building code, the final step necessary to obtain the certificate of occupancy, that there will be no future action by the Planning Board regarding the median issue.

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 that the Ski Bowl Park Committee has requested that their Occupancy Tax contract with the Town of Johnsbury be extended through the end of 2007.

RESOLUTION NO. 44

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board agrees to allow the extension of the contract with the Ski Bowl Committee for Occupancy Tax reimbursement through the end of the year of 2007. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mr. Goodspeed informed the Town Board that he had been contacted by members of the White Water Derby Committee asking if the Town of Johnsbury could cover parts of the liability insurance. Supv. Thomas agreed to have Ms. Cherie Ferguson look into the possibility of obtaining insurance for all or part of the 50th Annual White Water Derby. Mr. Tim Record suggested the use of Occupancy Tax funding since the derby is a tourist draw.

RESOLUTION NO. 45

Mrs. VanKeuren 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 #2G/Claims #11-42; Highway Fund- Warrant #2H/Claims #2-22; North Creek Water Dist.- Warrant #1W/Claims#1-4; Capital Projects Fund- Warrant #1CPF/ Claim #1; Johnsbury Fire Protection District- Warrant #1JFPD/Claim #1; Library Fund-Warrant #1L/Claims#1-6. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mr. Robert Nettle questioned voucher # 23 of General Fund warrant #2G, a reimbursement of the Senior Citizens Holiday Celebration dinners. Supv. Thomas explained that money is set aside in the budget for senior programs and wide latitude is allowed in its use. Mr. Nettle also asked if the Merriam Agency paid for insurance in voucher #39 was a new company; Supv. Thomas explained that they are the agent for NYMIR the insurance carrier for the town.

PRIVILEGE OF THE FLOOR

Mr. Robert Nettle said that he was glad that the Parks & Buildings Department has been able to upgrade to a 2005 truck. Mr. Nettle added that the power vent at the Wevertown Community Center is a problem and suggested that a chimney liner would be the best solution.

Mr. Tim Record asked that the Town board fill the alternate vacancy on the Planning Board as soon as possible as he is recused from the Peaceful Valley Townhouse project and Mark Bergman is recused from the Front Street project the alternate is needed.

Mr. Stevens suggested that the swimming area at the Ski Bowl Park should be discussed on the next regular Town Board meeting.

The Town Board examined the Town Justices and the Town Clerk's fee books for the year 2006.

A motion to adjourn the meeting was presented by Mr. Goodspeed with a second from Mr. Arsenault at 9:15pm. All in favor. Motion carried. Meeting Closed.

The next regular Town Board meeting will be held at 7:00pm on February 6, 2007 at the Wevertown Community Center, Wevertown, NY.

Prepared by William Rawson, Town Clerk