

**Minutes of the Town of Johnsbury Regular Board Meeting April 3, 2007
Held at 7:00pm at the Town of Johnsbury Library, North Creek, NY**

Minutes of the regular meeting of the Town Board of the Town of Johnsbury held on Tuesday April 3, 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 Councilman 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. Town Attorney Jordan was also present.

Guests: On attached list

RESOLUTION NO. 106

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed to accept the minutes of the March 20, 2007 regular Town Board Meeting 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 Town Attorney, J. Anthony Jordan explaining the denial of the Gore Mt. Region-Town of Johnsbury Chamber of Commerce Occupancy Tax request based upon 2005 expenditures.
2. A letter from Amy Clute of Warren County Self Insurance informing the Town Board of new legislation regarding workplace violence.
3. A letter from Elise Widlund, Treasurer of the Friends of the Town of Johnsbury Parks Inc., requesting that the Town Board fund the creation of the Friends of the Town of Johnsbury Parks, Inc.
4. A letter from Andrea McKee, President of the North Country Outreach Center, Inc., requesting the 2007 annual disbursement of \$10,000.00 and thanking the Town Board for its support.
5. A letter from Cynthia Needham, Regent of the Jane McCrea Chapter of the Daughters of the American Revolution, inviting members of the Town Board to the Grave Marking Ceremonial for American Revolutionary Soldier, Private Abiram Galusha on May 12, 2007 in Wevertown, NY.
6. A letter from the Gore Mt. Region-Town of Johnsbury Chamber of Commerce discussing the renewal of their lease with the Town of Johnsbury for office space in the Tannery Pond Community Center.

COMMITTEE REPORTS:

OLD BUSINESS:

Supv. Thomas reminded the Town Board that the Gore Mt. Region-Town of Johnsbury Chamber of Commerce contract regarding the Chamber of Commerce use of the Tannery Pond Community Center was due for renewal during April of the current year and asked if the Town Board wished to act upon the contract.

RESOLUTION NO. 107

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board will approve the extension of the Gore Mt. Region-Town of Johnsburg Chamber of Commerce contract with the Town of Johnsburg allowing the Chamber the use of office space in the Tannery Pond Community Center at no charge in return for the Chamber being the official presence in that building. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Mr. Lyle Dye asked what had precipitated the Town Board looking into the possibility of not extending the Chamber contract. Mr. Arsenault explained that the Town Board had received a letter read at the March 6th Town Board meeting making the Town Board aware that the contract was up for renewal; he believed that the letter helped begin a useful dialogue. Mr. Dye noted that the letter was very provocative. Mr. Goodspeed noted that while there is an issue of having available office space in the town hall that the answer was not to move town offices into the Tannery Pond Community Center.

Supv. Thomas asked for comment from the Town Board on the question of the parking situation regarding the parking area north of the Town Hall. Ms. Cherie Ferguson, secretary, noted that the reply from the Warren County Sheriff's office explained that signs in the parking lot are not enforceable without a local law giving the signs validity. There was a question asking if the congestion was caused by regular visitors or by new visitors; Ms. Ferguson answered that it seemed to be a mixture. Several possible solutions were discussed but no action was taken.

Supv. Thomas informed the Town Board that he had spoken with Mr. Peter Baker, a construction supervisor for the Peaceful Valley Townhouses project, who had requested that the Town Board authorize the water district superintendent to turn the water on to the common area so that the residents renting may use the washing machines.

RESOLUTION NO. 108

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren that the Town Board authorizes North Creek Water District Supt. Charles Rawson to reconnect water to the common area only at the Peaceful Valley Townhouses project. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked Town Attorney Jordan the current state of activity with Peaceful Valley Townhouses project (Comlinks) regarding the \$40,000.00 payment due to begin the drilling project being undertaken by the Front Street Mountain Development group. Attorney Jordan explained that he has heard from Mr. George Hezel that he is ready to make a payment of \$20,000.00 but there have been no contacts from any of the other principals involved. Mr. Goodspeed noted that this project has had a myriad of problems and he would like to discuss the other issues at a future meeting.

Supv. Thomas informed the Town Board that the Occupancy Tax funding request from Dollars for Scholars, which had seemed to be in the amount of \$6,354.00 was intended to be in the amount of \$3,000.00. Supv. Thomas asked if the Town Board wished to amend this award in light of the correction in the requested amount.

RESOLUTION NO. 109

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Stevens to amend Resolution Number 97 of 2007 to read an approval of the Occupancy Tax funding request from Dollars for Scholars, in the amount of \$3,000.00 instead of \$6,354.00 as the requested amount was originally understood to be. With all members voting in favor, the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

NEW BUSINESS

Supv. Thomas informed the Town Board that there are newly mandated state requirements for continuing education of Planning Board and Zoning Board of Appeals members. The Adirondack Park Agency may be providing some training which will fulfill the required four (4) hours of training per year. The Planning Board and Zoning Board of Appeals will have a resolution for the Town Board at the next regular meeting to allow the respective chairs to designate qualifying education.

Supv. Thomas informed the Town Board that the 1st year of the Trash Collection contract would end on May 13, 2007 and noted that by terms of the contract that the current collection contract could be extended through May 13, 2008 or that if the Town Board wished that the contract could be bid again. Supv. Thomas asked if the Town Board wished to act upon the Trash Collection contract.

RESOLUTION NO. 110

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed to exercise the option of extending the current Trash Collection contract through May 13, 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 informed the Town Board that he had received an offer from Northern Car Crushers to pay \$50.00 per ton for the scrap metal on the disposal pile at the Town Transfer Station. Supv. Thomas asked if the Town Board wished to act upon the Scrap Metal contract or to put the scrap metal disposal out to bid.

RESOLUTION NO. 111

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mrs. VanKeuren to authorize the Town Clerk to advertise for two weeks on April 14, and April 21, 2007 in the North Creek News Enterprise for the removal of scrap metal from the Town of Johnsburg Transfer Station, with the contract to run from May 2, 2007 through October 31, 2007, with the bids will be publicly opened, read and considered at a regular meeting of the Town Board, to be held at the Town Hall (Library), North Creek, NY at 7:00

pm on May 1, 2007. With all members voting in favor the resolution is declared passed.
Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas informed the Town Board that the well problem at the Wevertown Community Center seems to be improving; the water level has risen from 8" to 4'. There is a problem with the chimney in the same building; the power vent unit needs to be replaced every four years. Buildings Supt. Matt Olden has looked into the cost of a chimney liner to allow the chimney to be used; the cost would be \$4,220.64 for a liner and installation. Buildings Supt. Olden said that there are many problems with that building noting in particular the water that seeps into the basement during the spring. Supv. Thomas asked if the work which was done by Robert Nettle improved the water seepage problem; Supt. Olden explained that it had not and said that the solution to the problem may be involved in the paving which will be done later this summer. Supv. Thomas asked that Water District Supt. Rawson take a water sample for testing prior to allowing general use of the building; Mr. Arsenault wondered if a drilled well might be a good solution. Supv. Thomas suggested having Mr. James Hutchins, public engineer, look over the building and report on its condition. In a related issue it was noted that the heat exchanger of the furnace in the old pavilion at the Ski Bowl Park was faulty and that there was only one chamber still available to repair the furnace or it would need to be replaced. The cost of the heat exchanger was \$1451.00 and the cost of labor to install it would be \$400.00 to \$600.00. Mr. Goodspeed suggested looking into sharing the cost with the winter user of the building, O.R.D.A.

Supv. Thomas asked if the Town Board wished to begin working on a policy regarding workplace violence as the Warren County Self Insurance office had informed the Town Board was required by new state legislation regarding workplace violence. Mr. Stevens suggested requesting a copy of the Warren County policy as a starting point. Supv. Thomas said that he would obtain a copy of the county policy for the Town Board to review.

Supv. Thomas asked Ms. Cherie Ferguson to report on her findings regarding a telephone system for the Town Hall. Ms. Ferguson could not obtain a quote for a switchboard phone system, but was informed that it would not be inexpensive. A voice mail system with 5 sub boxes would cost approximately \$60.00 per month. Mr. Goodspeed noted that most other towns have voice mail. Ms. Andrea McKee suggested looking into a voice over I.P. line which may be an inexpensive solution.

Supv. Thomas asked Ms. Cherie Ferguson to report on vendor interest in the annual Town of Johnsbury 4th of July Celebration. In response to requests for non-resident, not for profit vendors for an application she had drafted an application form and presented it to the Town Board. Town Attorney Jordan suggested looking into further prohibitions of questionable products and will discuss the matter further with secretary, Cherie Ferguson.

Supv. Thomas informed the Town Board that Officer Steve Ovitt of the N.Y.S. Department of Environmental Conservation had requested that the Town Board look into the establishment of a permanent "helipad" site in town due to the number of requests for a temporary helipad site to evacuate seriously injured persons; and there have been problems with the use of the school parking area and this site would not be available when school was in

session. Supv. Thomas noted the probable increase in such requests as a result of development in the area bringing in more people with the possibility of injury. Mrs. VanKeuren suggested the airport. Supv. Thomas questioned whether the owners would want to be involved; Mr. Dave Bulmer, an O.R.D.A. employee, said that he had heard that the owner is in favor of the idea of creating a landing pad at the airport. This solution will be investigated further.

Supv. Thomas asked if the Town Board wished to take action upon the request from the Friends of the Town of Johnsbury Parks Inc., read earlier in the meeting, requesting that the Town Board fund the creation of a 501c(3) entity for the Friends of the Town of Johnsbury Parks, Inc. in the amount of \$400.00.

RESOLUTION NO. 112

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed to approve the payment of \$400.00 from Recreation Funds to the Friends of the Town of Johnsbury Parks, Inc. for the creation of a 501c(3) entity for the purpose of applying for grants to be used in the improvement of the Town Parks. With all members voting in favor the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked Ms. Andrea McKee to present the Ski Bowl Park Committee's recommendations for the park area. The first recommendation was to drain the swimming area which should result in killing the snails and the water snakes would leave as a result of their habitat being made less inviting. If the Town workers could pick up the pump which is available for use for this purpose from N.Y.S. Emergency Services, there would be little further cost to the Town. The second recommendation would be the removal (euthanization) of the geese. The United States Department of Agriculture (U.S.D.A.) has a plan for euthanizing the geese population and will work with the Town on this problem. Mr. Goodspeed said that in many communities that the suggestion of euthanization has been polarizing and asked if any in the audience or on the Town Board wished to discuss this; there were no dissenting views presented. Mr. Stevens suggested moving forward with these recommendations from the Ski Bowl Park Committee.

RESOLUTION NO. 113

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed to move ahead with the United States Department of Agriculture (U.S.D.A.) plan to manage the geese at the Ski Bowl Park swimming area and to obtain the pump available from N.Y.S. Emergency Services and to drain the swimming area and look into paying for the costs of the U.S.D.A. plan from Occupancy Tax funds. 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 he had received a request from member of Congress Kristen Gillibrand for a funding request for the Town of Johnsbury. As time was an issue Supv. Thomas discussed the opportunity with Mr. Goodspeed and passed a request for funding a multi-purpose field at the Ski Bowl Park on the Congresswoman's office. The multi-use field would allow for soccer, ladies' softball, as well as baseball (both adult and Little

League) to be played on the same field (at different times) and it would be lighted for nighttime usage. The funding request would be in the amount of \$220,000.00 to construct the field. Supv. Thomas asked that the Town Board approve this request for funding to construct the lighted multi-use field at the Ski Bowl Park.

RESOLUTION NO. 114

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize Supv. Thomas to follow up on seeking funding with the office of member of Congress Kristen Gillibrand for a lighted multi-use field to be located in the Ski Bowl Park in the amount of approximately \$220,000.00. 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 developers of the Top Ridge project have proposed the following names for the private roads in the Top Ridge development. The developers are requesting that the Town Board acknowledge the following names for the private roads in the Top Ridge development: Top Ridge Drive, Race Fast Lane, Bear Club Drive, Adk Express, Sunway Drive, Jug Handle Lane and Straight Brook Drive.

RESOLUTION NO. 115

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed that the Town Board will acknowledge the names of the private roads in the Top Ridge development to be the following: Top Ridge Drive, Race Fast Lane, Bear Club Drive, Adk Express, Sunway Drive, Jug Handle Lane and Straight Brook Drive.

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

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

Mr. Goodspeed stated that as a result of the Town of Johnsbury having received federal funding (grants) for the Ski Bowl Park area that there is another layer of bureaucratic paperwork which will involve both the Town of Johnsbury and Front Street Mountain Development. As a consequence of this Mr. Goodspeed requests that the Town Board direct Town Attorney Jordan to request a deposit of \$10,000.00 from Front Street Mountain Development as allowed by Local Law #1 of 2007 to cover legal costs generated to the Town of Johnsbury as a result of the action of a developer.

RESOLUTION NO. 116

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to authorize Town Attorney Anthony Jordan to request that Front Street Mountain Development deposit the amount of \$10,000.00 with the Town of Johnsbury to cover legal costs generated to the Town of Johnsbury as a result of the action of a developer as authorized by Local Law #1 of 2007. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

Town Attorney Jordan informed the Town Board that the Adirondack Park Agency has a preferred resolution for the submission of local land use laws. Attorney Jordan has drafted a copy of this resolution and requested that the Town Board pass this resolution to replace Resolution Number 68 passed on February 20, 2007.

RESOLUTION NO. 117

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

WHEREAS, the Town of Johnsburg has developed and administrated a Local Land Use Program for many years, including a Zoning Law and Zoning Map originally enacted on March 2, 1964, a Flood Damage Prevention Local Law enacted on April 14, 1987 [Local Law No. 1 of 1987], and Subdivision Regulations adopted on November 19, 1989, and

WHEREAS, the Town of Johnsburg has prepared a new including a Zoning Law and Zoning Map originally enacted on Comprehensive Plan to guide land use and development within the town and adopted the plan on July 19, 2005, and

WHEREAS, the Town of Johnsburg now desires to implement its new Comprehensive Plan by enacting a new Subdivision Control Law, a new Zoning Law, a new Junk Storage Law, a new On-Site Wastewater Treatment Local Law and adopting a revised Zoning Map, and

WHEREAS, the Town of Johnsburg also desires to submit this new Local Land Use Program to the Adirondack Park Agency for approval pursuant to section 807 of the Adirondack Park Agency Act and Part 586 of the Agency's regulations, and

WHEREAS, upon approval by the Agency of said Local Land Use Program, the Town of Johnsburg intends to administer and enforce the program in accordance with its terms and conditions and to assume project review jurisdiction over class B regional projects and the shoreline restrictions in accordance with sections 806 and 808 of the Adirondack Park Agency Act, and

WHEREAS, the Town of Johnsburg duly advertised and conducted a Public Hearing on the proposed new local laws, commencing on December 13, 2006, at 6 p.m. and continuing on January 11, 2007, with the public comment period left open until 5 p.m. on January 31, 2007, and

WHEREAS, the Town of Johnsburg, having considered all comments by the public and having concluded that no significant changes were made to the proposed Local Land Use Program as a result of the Public Hearing process,

THEREFORE BE IT RESOLVED that the Town of Johnsburg formally submit to the Adirondack Park Agency for review and approval pursuant to section 807 of the Adirondack Park Agency Act the Town's proposed Local Land Use Program comprised of (i) the Town of Johnsburg Comprehensive Plan as adopted on July 19, 2005; (ii) the proposed Local Law #1 of 2007 [Town of Johnsburg Subdivision Control Law]; (iii) the proposed Local Law #2 of 2007 [Town of Johnsburg Zoning Law, dated January 28, 2007]; (iv) the proposed revised Zoning Map, dated December 2006; (v) the proposed Local Law #3 [On-Site Wastewater Treatment Local Law]; (vi) the proposed Local Law #4 of 2007 [Junk Storage Law]; and (vii) the aforementioned Town of Johnsburg Flood Damage Control Local Law, and

BE IT FURTHER RESOLVED that this resolution shall supersede all previous resolutions on this matter and that the Town's submittal to the Agency of the Local Land Use Program described herein shall supersede all previous submittals.

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

RESOLUTION NO. 118

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault to suspend the reading of the warrants due to the crowd noise in the room. With 4 members voting in favor, the resolution is declared carried. Ayes-4 (Arsenault, Goodspeed, Stevens, VanKeuren,) Nays - 0 Supv. Thomas was outside the room in the hallway at that time.

RESOLUTION NO. 119

Mr. Arsenault presented the following resolution and moved its passage with a second from Mr. Goodspeed that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #7G/Claims #136-163; Highway Fund- Warrant #7H/Claims #64-71; North Creek Water Dist.- Warrant #6W/Claims#26-30. With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

PRIVILEGE OF THE FLOOR

Mr. Joel Beaudin asked whether O.R.D.A. would be contributing to the heating system repairs at the pavilion in the park as O.R.D.A. has the use of the building during the heating season. Mr. Dave Bulmer an O.R.D.A. employee suggested that the heating system in one of the buildings at the ski center was being dismantled and that possibly there would be something of use from that project for the heating system at the pavilion.

Mr. Joel Beaudin noted that he has had a power vent installed in his residence for approximately 10 years without a problem.

Mr. Tim Record noted he believes that the Adirondack Community Information Center (A.C.I.C.) in North Creek is the only center currently operating; that it costs nothing to operate and is a nice display. Supv. Thomas said that he hoped that North Creek might be seen as the information center for the Adirondacks.

Mr. James Jones asked about the septic system problem at the Highway Garage; noting that pumping as often as has been done recently was usually an indication of a serious problem. Mr. Jones noted that a septic system requiring more than one pumping usually requires replacement. Supv. Thomas asked Buildings Supt. Matt Olden to look into the problem.

A motion to adjourn the meeting was presented by Mr. Goodspeed with a second from Mr. Arsenault at 9:10pm. All in favor. Motion carried. Meeting Closed.

The next regular Town Board meeting will be held at 7:00pm on April 17, 2007 at the Town Library, North Creek, NY; there will be an executive session at 6:30pm for the purpose of interviewing for the positions of Zoning Enforcement Officer and an alternate member to the Planning Board.

Prepared by William Rawson, Town Clerk