

**Minutes of the Town of Johnsbury Regular Board Meeting May 15, 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 May 15, 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 Arnold Stevens.

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. 147**

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Goodspeed to accept the minutes of the May 1, 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 Mr. Thomas Ordway requesting that the Town Board order the removal of the boulders near the North Creek Little League field in the Ski Bowl Park.
2. A letter from Mr. Thomas Ordway requesting the addition of more little league fields instead of a "skating park" and reminding the Town Board that there is more than one park in the Town.
3. A letter from Mr. Michael Ellis requesting that the Town Board create an independent committee following conflict of interest rules to review Occupancy Tax requests instead of the Gore Mt. Region-Town of Johnsbury Chamber of Commerce which is a competitor for funding.
4. A letter from Planning Board Chairman, Dorothy Osterhout answering the letter to the Planning Board from the North Creek Fire District regarding the Fire District's request to be involved in any Planning Board discussions which may impact fire protection in their district.
5. A letter from Thomas LaBombard, P.E., engineer representing the Town in regard to the Top Ridge wastewater system. Mr. LaBombard gives his recommendations on a reasonable annual cost to be required as part of the formula to determine an amount of collateral for the wastewater system.
6. A letter from Mrs. Karen Smith, local bank branch manager, informing the Town Board that an escrow account under the name of Peaceful Valley Limited Partnership has been opened in the amount of \$40,000.00; any withdrawal requires the signature of Town Supervisor William Thomas.
7. A letter from Ms. Susan Conway, Youth Development/Field Director of the Girl Scouts, announcing that Heather Osowiecki and Cassidy Jay will be recipients of Girl Scout Gold Awards and asking for recognition of their accomplishments.
8. A letter from Mrs. Joann Turner-Morehouse notifying the Town Board of her intent to place a mobile home on her property which is next to a property owned by the Town of Johnsbury.
9. A letter from Mr. Al Grippaldi, Tall Timbers Project Manager, informing the Town Board of their plans regarding the drilling of wells, connecting to the North Creek Water District and the formation of a transportation corporation for wastewater.

**COMMITTEE REPORTS:****OLD BUSINESS:**

Supv. Thomas asked Mr. Goodspeed to inform the Town Board of an apparent error in the Land Use Planning Fee Structures passed in Resolution Number 49 on February 6, 2007. In the Land Use Planning Fee Structures adopted at that time the recreation fee for a 4 or more lot subdivision is \$100.00/lot; Mr. Goodspeed said that this was a typographic error and that the Town Board intended to set this fee at \$200.00/lot as in the previous fee structure. Mr. Goodspeed asked that the Town Board correct this error.

**RESOLUTION NO. 148**

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault to rescind the portion of Resolution Number 49 of 2007 stating that the Town Board sets the fee for a 4 or more lot subdivision at \$100.00/lot and replace it with the corrected, intended amount of \$200.00/lot (Section 1, Subsection c, Part iii of the Land Use Planning Fee Structures) effective immediately (revised schedule follows). With all members voting in favor the resolution is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays – 0

**LAND USE PLANNING FEE STRUCTURES****I. SUBDIVISION FEES**

- a. Sketch Plan Conference Review (Informal): \$0
- b. Subdivision Preliminary Review: \$100
- c. Subdivision Final Approval Prior to signing Mylar:
  - i. All applications \$100
  - ii. Lot fee; 3 or more lot subdivision \$100/lot
  - iii. Recreation Fee; 4 or more lot subdivision \$200/lot

**II. SITE PLAN REVIEW**

- a. 0-2,500 Square Foot Building \$100
- b. 2,501 s.f. - 10,000 Square Foot Building \$250
- c. 10,001 + Square Foot Building \$500

**III. SPECIAL USE PERMIT**

- a. \$50 plus standard Site Plan Review Fees set forth in number II above

**IV. ZONING BOARD OF APPEALS**

- a. Area and Sign Variances \$50
- b. Use Variance \$50

**V. MISCELLANEOUS**

- a. Paper Copy of Land Use Regulations \$20
- b. Copy of Land Use Regulations on C.D. \$10

Supv. Thomas noted that in the letter read into the minutes earlier that Thomas LaBombard, P.E., engineer representing the Town in regard to the Top Ridge wastewater system, agreed with the fees associated with the formula for the collateral for the Top Ridge transportation corporation 1<sup>st</sup> phase (three buildings) of the wastewater system are reasonable. Supv. Thomas asked Town Attorney Jordan regarding the procedure for dealing with the collateral for the Top

Ridge wastewater system; Attorney Jordan asked that the Town Board defer this to an executive session citing attorney-client privilege. The Town Board agreed to deal with this issue later in the meeting.

Supv. Thomas asked Mr. Stevens, one of the Town Board representatives to the Ski Bowl Park Committee, to explain the setting of the boulders to designate parking areas near the little league field in the park. Mr. Stevens explained that the boulders were placed to designate certain areas for parking and to allow for the ground between the little league field and the tennis and basketball courts to be seeded for grass. As the area will not be prepared for seeding during this Little League season it could be possible for the Town Board to authorize Highway Supt. Richards to move the boulders and allow more parking access at the field.

#### RESOLUTION NO. 149

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault authorize Highway Supt. Richards to move whatever boulders would be necessary to allow parking access near the Little League Field for the remainder of the season. With 4 members voting in favor and 1 against, the resolution is declared carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays – 1 (Stevens)

Supv. Thomas noted that he had received the costs of insurance for a skateboard park (\$310.00), a swimming pool (\$1790.00) and an ice hockey rink (\$550.00); also these insurance rates are based on no claims and a staff person in attendance at each venue. A further cost of the possible projects would be ongoing maintenance of structures. A second problem would be the local match for a grant. Supv. Thomas asked Mr. Goodspeed to explain that one suggested source of matching funds had been the use of prior grants (from Congressman Sweeney); this source will probably be exhausted prior to the grant time for park grants. Supv. Thomas and Mr. Goodspeed expressed worry about both maintenance and personnel costs associated with additional buildings. Supv. Thomas asked Ms. Andrea McKee, chairman of the Ski Bowl Park Committee, for an update on the park committee. Ms. McKee noted that the committee was conducting a meeting on May 20, 2007 at the Johnsbury Central School and she was hopeful that a five year plan would result which would then be presented to the Town Board for conceptual approval. Mr. Tim Record suggested that the cost of a hockey rink would be substantially more than forecast. Mr. Richard Armstrong asked about control of various pests at the beach area. Supv. Thomas noted that there are plans underway to solve the goose problem which contributes to the duck itch problem. Ms. McKee added that she has been unable to track down any reports of snakes being sighted in the water and few on land. Town Board action to approve several items for the town beach is being requested by the Ski Bowl Park Committee:

Activity Dock	\$9,000.00
Beach Volleyball	\$420.00
Tether Ball	\$140.00
Beautification	\$500.00
Cigarette Urns (2)	\$80.00
Child Slide	\$800.00
Shed for Hot Dog Cart	\$500.00
Advertising for Summer Extravaganza	\$500.00

Total \$11,940.00

Supv. Thomas noted that there was \$6,000.00 set aside from Occupancy Tax Funds for improvements at the beach; discussion took place regarding the depth of water and size of the proposed activity dock. Mr. Goodspeed said that this year should be seen as a study for future plans for the beach.

#### RESOLUTION NO. 150

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the following items are reasonable and appropriate improvements at the beach at the current time to see if there is an increase in beach usage:

Beach Volleyball	\$420.00
Tether Ball	\$140.00
Beautification	\$500.00
Cigarette Urns (2)	\$80.00
Child Slide	\$800.00
Shed for Hot Dog Cart	\$500.00
Advertising for Summer	\$500.00
Extravaganza	
Total	\$2,940.00

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 to update the Town Board on his review of the Town of Johnsburg Procurement Policy which was requested at the previous Town Board meeting. Attorney Jordan explained that the policy conforms to the intent of the state law regarding purchasing.

Supv. Thomas asked Town Attorney Jordan to report on the review of the Workplace Violence Program which he had been asked to perform. Attorney Jordan asked if the policy was available at the Town Hall for general review; Supv. Thomas answered that it was. Attorney Jordan asked if the Town was prepared to move forward with the issuing of I.D. badges as proposed in the program; Supv. Thomas answered yes. Attorney Jordan noted that there may be some questions regarding the “main door” to be open in some buildings. Attorney Jordan noted that a local law prohibiting the possession of weapons on town property would be required to enact the policy and he would look into this. Attorney Jordan suggested the naming of an office (position) as the administrator not a specific person as Warren County does. The Town board named the Buildings and Grounds Superintendent.

#### RESOLUTION NO. 151

Mr. Stevens presented the following resolution and moved its passage with a second from Mr. Arsenault that the Town Board agrees in concept with the Workplace Violence Prevention Program for the Town as presented including the issuance of I. D. badges to authorized personnel, the policy to be reviewed annually by the Town Board, the Building and Grounds Superintendent is to be named as the administrator and Town Attorney Jordan is authorized to begin working on a local law to prohibit weapons on Town Property. 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 letter from Ms. Holly Kneeshaw, Assistant Director of Regulatory Programs at the Adirondack Park Agency, informing the Town that there will be an extension through June 1, 2007 to complete the review process of the Front Street Mountain Development project in North Creek, NY.

#### NEW BUSINESS

Supv. Thomas reminded the Town Board of the letter from Tall Timbers read earlier during the correspondence portion of the meeting and added that he and Mr. Goodspeed had attended a meeting with Tall Timbers representatives, North Creek Water District Supt. Charles Rawson, Engineer James Hutchins and Kirby VanVleet who had surveyed for water sources in the town. Mr. Goodspeed noted that the wells appear to be capable of producing approximately twice the capacity required by the Tall Timbers project; the additional water was a benefit as well as the fact that the source of water for these wells is a different aquifer than other town wells.

#### RESOLUTION NO. 152

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

Whereas, the Town of Johnsbury has been advised that two (2) certain wells located at the Tall timbers project site are of significant levels of production, namely 80, 000 gallons per day peak capacity, a usage rate of 43,000 gallons per day, and

Whereas, final water quality tests are as yet unavailable, and

Whereas, acceptance of the wells into the North Creek Water District is in the best interests of the District since the wells provide an additional water source and would be an alternative source of water if other district wells in a different aquifer were to become contaminated,

Now it is hereby resolved, that the afore described wells be accepted into the North Creek Water District on the following two (2) conditions:

1. Wells are to be in conformity with all New York State Department of Health requirements
2. Wells are to be in conformity of all requirements of whatever kind to be imposed by the engineer for the North Creek Water District

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

Supv. Thomas noted that as a result of the point raised by Mr. Michael Ellis at the previous Town Board meeting and reiterated again in his letter read earlier at this meeting a concerned individual had provided him with a list of residents who could be asked to be on a committee to review Occupancy Tax requests instead of the Gore Mountain Region Town of Johnsbury Chamber of Commerce. The people on the list would be individuals who would not be involved in requesting Occupancy Tax funds. Mr. Philip Santasiero noted that there seemed to be a perception of conflict of interest in the Gore Mountain Region Town of Johnsbury Chamber of Commerce both reviewing and placing requests for Occupancy Tax Funds. Ms. Laurie Arnheiter asked if there was a municipal law regarding conflict of interest; Attorney Jordan replied that since the Chamber of Commerce acts only in an advisory capacity and is not voting on the actual awarding of funds there is no conflict of interest law for the procedure. Mr. Arsenault said that at the beginning of the Occupancy Tax funding the Town Board was seeking the assistance

regarding the appropriateness of requests for the Occupancy Tax funds; he added that it may now be time to change the advisory group as a result of the controversy raised at the previous meeting. Supv. Thomas will write to the Gore Mountain Region Town of Johnsburg Chamber of Commerce thanking them for their assistance in reviewing Occupancy Tax requests and advising the Chamber of Commerce that a committee will be created to review requests and advise the Town Board.

Supv. Thomas requested that the Town Board advertise to fill a vacancy on the Johnsburg Youth Commission and set a date to interview candidates for the position. Mrs. Cindy Morse is not interested in returning as she has numerous additional commitments.

#### RESOLUTION NO. 153

Mr. Arsenault presented the following resolution and moved its passage with a second from Mrs. VanKeuren to authorize the Town Clerk to advertise in the North Creek News Enterprise for two weeks for candidates to fill the term to May 5, 2012 on the Johnsburg Youth Committee; the member is not planning to return to the Youth Committee and to set the time for interviews at 6:30pm on June 5, 2007 at the Wevertown Community Center, Wevertown, N.Y. With all members voting in favor the resolution is declared passed. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

Supv. Thomas asked Mr. Goodspeed to explain to the Town Board the request for a youth service project. Mr. Goodspeed explained that a youth group was coming to the area and would be rafting with the Beaver Brook Outfitters; this group was seeking a civic improvement project to be done in the Town of Johnsburg. Several projects were mentioned including brushing out the Schafer Trail, painting fire hydrants for the North Creek Water District or brushing out and straightening up cemeteries in town.

Supv. Thomas informed the Town Board of a letter from Marv Lemery, Fire Code Enforcement officer, as part a committee to select possible locations for cell phone tower sites in the Town of Johnsburg as well as other towns in the county. Supv. Thomas suggested a site near the transfer station which had been studied in an earlier survey. Mrs. Kelly Nettle said that anything not park-like should not be added to the area surrounding the Ski Bowl Park. Ms. Laurie Arnheiter said that a cell phone tower is a benefit to the town and should be considered. Supv. Thomas also suggested a site near the North Creek Firehouse.

Supv. Thomas informed the Town Board that he had been asked by Mr. Neil Shaw, owner of the property adjacent to the Town Hall, about a joint effort to improve the area which is between the two buildings (Town Hall and Mr. Shaw's). There was an impression that the Town owned the abandoned road between the properties; according to the survey the road is the property of Mr. Shaw and it appears that if Mr. Shaw wishes to beautify the roadway that it would be his responsibility.

Supv. Thomas distributed copies of the Gore Mountain Region Town of Johnsburg Chamber of Commerce April meeting minutes to the members of the Town Board.

Supv. Thomas asked the Town Board if they wished to pass resolutions in appreciation of Town of Johnsburg residents Cassidy Jay and Heather Osowiecki for there in creating work a

Toddler's Garden for the North Country Ministries Center; a beneficial civic project to fulfill the final requirement for the Girl Scout Gold Award.

RESOLUTION NO. 154

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

Proclamation in recognition of Cassidy Jay

Whereas, Cassidy Jay is a Town of Johnsbury resident and a member of Girl Scouts of the Adirondack Council, and

Whereas, Cassidy needed to complete a beneficial civic project in order to fulfill the final requirement for the Girl Scout Gold Award, and

Whereas, Cassidy has, with the aid of Heather Osowiecki created a Toddler's Garden for the North Country Ministries Center in the Town of Johnsbury, and

Be It Firmly Resolved, that the Town Board of the Town of Johnsbury recognizes the hard work and dedication that Town of Johnsbury resident Cassidy Jay has shown in her years as a Girl Scout and in conceiving and carrying out this beneficial civic project, and

Be It Further Resolved, that the Board wishes to express their pride in this young woman, along with her family which supported and encouraged her, and

Be It Known that the Town Board wishes her the best of luck as she moves into the future; it is a true honor for the Town of Johnsbury to have Girl Scout Gold Award recipient, Cassidy Jay as a member of our community.

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

RESOLUTION NO. 155

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

Proclamation in recognition of Heather Osowiecki

Whereas, Heather Osowiecki is a Town of Johnsbury resident and a member of Girl Scouts of the Adirondack Council, and

Whereas, Heather needed to complete a beneficial civic project in order to fulfill the final requirement for the Girl Scout Gold Award, and

Whereas, Heather has, with the aid of Cassidy Jay created a Toddler's Garden for the North Country Ministries Center in the Town of Johnsbury, and

Be It Firmly Resolved, that the Town Board of the Town of Johnsbury recognizes the hard work and dedication that Town of Johnsbury resident Heather Osowiecki has shown in her years as a Girl Scout and in conceiving and carrying out this beneficial civic project, and

Be It Further Resolved, that the Board wishes to express their pride in this young woman, along with her family which supported and encouraged her, and

Be It Known that the Town Board wishes her the best of luck as she moves into the future; it is a true honor for the Town of Johnsbury to have Girl Scout Gold Award recipient, Heather Osowiecki as a member of our community.

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

Supv. Thomas distributed amendments to the 2007 Town of Johnsbury Budget and requested that the Town Board approve the appropriations and expenses involving Capital Projects accounts related to the extension of the library air conditioning throughout the rest of the Town Hall building.

#### RESOLUTION NO. 156

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

Budget Amendment  
Cap. Projects

May 15, 2007

Appropriated Fund Balance	Appropriations
H599 \$4,622.00	H960 \$4,622.00

Buildings H1620.22 Town Hall Air Conditioning

To establish an account per resolution #144 and record the expense of installing A/C in Town Hall portion of the building.

Appropriations (decrease)	Appropriated Fund Balance
H960 \$1,177.00	H599 \$1,177.00

Wevertown Renovations

Appliance H1620.242	312.00
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Materials, Delivery & Installation	775.00
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Town Hall-Parking

Lighting-Municipal Parking Lot H1620.26	90.00
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To record the completion of projects and close out associated accounts.

Appropriations (decrease)	Appropriated Fund Balance
H960 \$1,100.00	H599 \$1,100.00

Rescue Squad H4540.2

To close equipment account.

With 4 members voting in favor and 1 against, the resolution is declared carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays – 1 (Stevens)

#### RESOLUTION NO. 157

Mr. Goodspeed presented the following resolution and moved its passage with a second from Mr. Arsenault that the following certified bills which have been reviewed by the board members be paid: General Fund- Warrant #10G/Claims #199-223; Highway Fund- Warrant #10H/Claims #93-101; North Creek Water Dist.- Warrant #9W/Claims#39-42; Capital Project Funds-Warrant #4CPF/Claim #5; Library Fund-Warrant #5L/Claims#31-39. With 4 members voting in favor and 1 against, the resolution is declared carried. Ayes-4 (Arsenault, Goodspeed, VanKeuren, Thomas) Nays – 1 (Stevens)

Mr. Stevens wanted it noted that his objection was to Capital Project Funds-Warrant #4CPF/Claim #5 and not the other warrants.

Supv. Thomas noted that there will be a short Executive Session for the purpose conducting an attorney-client privilege discussion on the Top Ridge transportation corporation following the Privilege of the Floor. Supv. Thomas noted that there may be resolutions as a result of the executive session.

#### PRIVILEGE OF THE FLOOR

Mrs. Kelly Nettle asked for an update on the vandalism at the beach and on the Carol Thomas Memorial Walking Trail and asked if the Town board was investigating the matter. Supv. Thomas answered that the incident had been reported to the Warren County Sheriff and that the Town was working with the D.A.R.E. officer (Sheriff Deputy) at the Johnsborg Central School; the Town Board is not, however, actively involved in an investigation of the incident.

Supv. Thomas asked Mr. Nettle if he remembered about a \$10,000.00 set-aside from the Hudson River White Water Derby, Inc., for the purpose of creating a canoe access site near the Kellogg Property in North Creek. Mr. Nettle said that he had not heard of this plan.

Mrs. Nettle asked about the recreation fees collected; Mr. Goodspeed explained that they are placed in a segregated account and that subject to Town Board approval they may be spent on projects in any of the town recreation areas. It was noted that the recreation funds could be used in support of the additional Little League fields requested in one of the letters from Tom Ordway. It was noted that the current balance in the recreation fee account is approximately \$16,000.00.

Mrs. Nettle asked if it was true that Mr. James Morris, the recently appointed alternate member to the Planning Board, was a real estate agent as she had been informed; Mrs. Nettle added that she was strongly opposed to real estate agents being appointed to the Planning Board or the Zoning Board of Appeals. Supv. Thomas answered that he was a banker, not a real estate agent and added that sometimes there is only one applicant for an open position.

Mrs. Nettle informed the Town Board that the Johnsborg Emergency Squad had received two gifts. A gift of \$11,000.00 was secured by N.Y.S. Senator Elizabeth (Betty) Little and a gift of \$10,000.00 was secured by N.Y.S. Assemblywoman Theresa Sayward for the purchasing of personal protective gear.

Mr. Richard Armstrong asked about the possibility of paving any town roads this year. Supv. Thomas replied that the town was short of money to pave any roads this year; other towns receive money from the county for plowing county roads and this can help with funding for paving. Mr. Armstrong reminded the Town Board that the town roads keep deteriorating.

Mr. Robert Nettle suggested installing water meters on all new hookups as at some time in the future meters will be needed.

Mr. Nettle asked for an update on the timber sale from the parcel near The Glen. Supv. Thomas replied that he had left a message for Mr. Richard Cipperly, the forester overseeing the operation, and he expected to have a report at the next regular meeting. Mr. Nettle requested that the proceeds from the timber sale be placed in a capital project fund. Mr. Stevens answered that while this had been discussed it had not yet been decided.

Mr. Tim Record said that in his opinion that the Planning Board response to the North Creek Fire Department letter was not appropriate. He did not think that the Fire Chief should have to sit through meetings unless there was a specific issue regarding the district.

A motion to enter executive session was presented by Mrs. VanKeuren with a second from Mr. Goodspeed for the purpose conducting an attorney-client privilege discussion on the Top Ridge transportation corporation at 9:20pm. With all members voting in favor the motion is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0

A motion to adjourn the executive session and return to the regular meeting was presented by Mr. Arsenault with a second from Mr. Stevens at 9:32pm. With all members voting in favor the motion is declared carried. Ayes-5 (Arsenault, Goodspeed, Stevens, VanKeuren, Thomas) Nays - 0. The executive session was closed at 9:32pm.

Supv. Thomas asked Town Attorney Jordan to assist the Town Board in working their way through the Top Ridge transportation corporation (sewer works corporation). The Town Board completed the short form State Environmental Quality Review (SEQR) regarding the Top Ridge project. This resulted in a determination of no adverse impact.

#### RESOLUTION NO. 158

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

We, the members of the Town board of the Town of Johnsbury, New York, hereby consent to the formation of a sewer-works corporation under the provisions of the Transportation Corporations Law, for the purpose of supplying the development to be known as Top Ridge Homeowners Association, Inc. located on Claude Straight Road in the town of Johnsbury, Warren County, New York with a sewer system, and we consent to the filing of the annexed certificate of incorporation of the Top Ridge Sewer Co., Inc., upon the condition that the Town shall have the irrevocable option to purchase or acquire by condemnation the sewer works system from the Top Ridge Sewer Co., Inc.

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

#### RESOLUTION NO. 159

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

#### RESOLUTION TO CONSENT FORMATION OF TRANSPORTATION CORPORATION

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Town Board of the Town of Johnsbury in a regular meeting duly convened does hereby authorize Top Ridge Transportation Corp. to create a sewer transportation corporation in the Town of Johnsbury, in the County of Warren, State of New York at property it owns off of Claude Straight Road.

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

#### RESOLUTION NO. 160

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

RESOLUTION TO CONSENT TO ACCEPTANCE OF LETTER OF CREDIT AS  
GUARANTY FOR COST TO COMPLETE

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Town Board of the Town of Johnsbury in a regular meeting duly convened does hereby authorize Top Ridge Transportation Corp. to create a sewer transportation corporation in the Town of Johnsbury, in the County of Warren, State of New York at property it owns off of Claude Straight Road and to provide to the Town of Johnsbury a Letter of Credit in an amount equal to the cost to complete as adequate Guaranty for the Cost to Complete.

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

RESOLUTION NO. 161

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

RESOLUTION TO CONSENT TO ACCEPTANCE OF LETTER OF CREDIT OR  
CASH COLLATERAL AS GUARANTY FOR COST TO OPERATE

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Town Board of the Town of Johnsbury in a regular meeting duly convened does hereby authorize Top Ridge Transportation Corp. to create a sewer transportation corporation in the Town of Johnsbury, in the County of Warren, State of New York at property it owns off of Claude Straight Road and to provide to the Town of Johnsbury a Letter of Credit or cash collateral in an amount equal to the twice the estimated annual cost to operate the Transportation Corporation.

RESOLUTION TO CONSENT TO ACCEPTANCE OF LETTER OF CREDIT AS  
GUARANTY FOR COST TO COMPLETE

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

A motion to adjourn the meeting was presented by Mrs. VanKeuren with a second from Mr. Goodspeed at 9:45pm. All in favor. Motion carried. Meeting Closed.

The next regular Town Board meeting will be held at 7:00pm on June 5, 2007 at the Wevertown Community Center, Wevertown, NY. At 6:30pm the Town Board will interview any candidate(s) for the vacancy on the Youth Committee in executive session.

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Prepared by William Rawson, Town Clerk